



TOWNSHIP OF WILMOT

Council Meeting Minutes **Monday, July 13, 2020** **Council Meeting** **Electronic Online Participation** **7:00 P.M.**

Members Present: Mayor L. Armstrong, Councillors A. Hallman, C. Gordijk, B. Fisher, J. Gerber and J. Pfenning

Staff Present: Chief Administrative Officer G. Whittington, Director of Information and Legislative Services D. Mittelholtz, Director of Public Works J. Molenhuis, Director of Parks, Facilities and Recreation S. Jackson, Director of Development Services H. O’Krafka, Director of Corporate Services / Treasurer P. Kelly, Director / Curator Castle Kilbride T. Loch, Manager of Information and Legislative Services T. Murray

1. **MOTION TO CONVENE INTO CLOSED SESSION (IF NECESSARY)**
2. **MOTION TO RECONVENE IN OPEN SESSION (IF NECESSARY)**
3. **MOMENT OF SILENCE**
4. **LAND ACKNOWLEDGEMENT**
5. **ADDITIONS TO THE AGENDA**
6. **DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

None disclosed.

7. MINUTES OF PREVIOUS MEETINGS

- 7.1 **Council Meeting Minutes June 22, 2020 and Special Council Meeting Minutes June 25, 2020**

RESOLUTION NO. 2020-87

This information is available in accessible formats upon request

Moved by: Councillor J. Pfenning Seconded by: Councillor B. Fisher

THAT the minutes of the following meetings be adopted as presented:

Council Meeting June 22, 2020 and Special Council Meeting June 26, 2020.

CARRIED. AS AMENDED.

The Manager of Information and Legislative Services advised that feedback was received by two delegations that spoke at the June 26, 2020 Special Council Meeting and it was advised that the minutes would be amended to include the delegates full written statements as appendices.

8. PUBLIC MEETINGS

8.1 REPORT NO. DS 2020-011

Zone Change Application 04/20

**Miller Boys Inc. / Dryden, Smith & Head Planning Consultants
Ltd.**

142 Snyder's Road West, Baden

RESOLUTION NO. 2020-88

Moved by: Councillor B. Fisher Seconded by: Councillor J. Gerber

THAT Report DS 2020-011 be received for information.

CARRIED.

Mayor Armstrong declared the public meeting open and stated that Council would hear all interested parties who wished to speak. He indicated that if the decision of Council is appealed to the Local Planning Appeal Tribunal, the Tribunal has the power to dismiss an appeal if individuals do not speak at the public meeting or make written submissions before the by-law is passed.

Mayor Armstrong stated that persons attending as delegations at this meeting are required to leave their names and addresses which will become part of the public record and advised that this information may be posted on the Township's official website along with email addresses, if provided.

The Manager of Planning / EDO outlined the report.

Mr. Ethan Miller, Miller & Miller Auctions Ltd. Addressed Council with an overview of the proposed project.

Mr. Ed van der Maarel, a+ Link Architecture Inc., addressed Council as the architect for the proposed development. Mr. van der Maarel acknowledged the reduced parking space; it was noted that the size of the development did not allow for underground parking; however, advised that a snow removal plan will be incorporated as part of the project.

John Klassen,

Mr. John Klassen appeared as a delegation advising of his concerns, noting that although he was not opposed to the site being developed, consideration should be taken into account regarding the proposed location of the buildings on the site and the affect they will have on his neighbouring property.

Mayor L. Armstrong asked if anyone else wished to address Council on this matter. There were none and the public meeting was declared closed.

The Manager of Planning / EDO clarified that the setbacks vary by neighbourhoods and staff take several factors into account and concerns that have been raised will be reviewed for potential incorporation into the development.

8.2 REPORT NO. DS 2020-012

Zone Change Application 05/20

Miller and Miller Auctions Ltd. / Dryden, Smith & Head

Planning Consultants Ltd.

59 Webster Street, New Hamburg

RESOLUTION NO. 2020-89

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT Report DS 2020-012 be received for information.

CARRIED.

Mayor Armstrong declared the public meeting open and stated that Council would hear all interested parties who wished to speak. He indicated that if the decision of Council is

appealed to the Local Planning Appeal Tribunal, the Tribunal has the power to dismiss an appeal if individuals do not speak at the public meeting or make written submissions before the by-law is passed.

Mayor Armstrong stated that persons attending as delegations at this meeting are required to leave their names and addresses which will become part of the public record and advised that this information may be posted on the Township's official website along with email addresses, if provided.

The Manager of Planning / EDO outlined the report.

The Manager of Planning / EDO clarified that the increased parking that is being proposed and based on the floor plan of the building the calculations based on potential occupancy would comply with the zoning on the property. He noted that the temporary use application will determine if that is indeed the situation or if it needs to be revisited.

Mayor L. Armstrong asked if anyone else wished to address Council on this matter. There were none and the public meeting was declared closed.

Mayor L. Armstrong requested a change in the agenda and move to Item 14.1 then 14.2 following. Councillor J. Gerber asked for clarification on the change and Mayor L. Armstrong advised that the number of delegates registered to speak then that will allow for everyone to have a chance to speak.

9. NOTICE OF MOTIONS

9.1 PRIDE FLAG

Resolution No. 2020-90

Moved by: Councillor J. Pfenning

Seconded by: Councillor J. Gerber

WHEREAS we stand in solidarity with all residents whose rights have been disrespected, and;

WHEREAS it is a simple gesture that communicates that support and solidarity, and;

THEREFORE, BE IT RESOLVED THAT the Pride flag shall be flown on all Township of Wilmot facility flagpoles for the month of June each year.

CARRIED. UNANIMOUSLY.

Councillor J. Pfenning provided an overview of the rationale behind the Motion she brought forward.

Ms. Barb von Hausen appeared as a delegation and spoke of personal experiences associated with identifying as part of the LGBTQ+ Community and the importance of the Pride Flag being flown at the Township facility.

Ms. Trisha Robinson and Ms. Jala Vicario Robinson appeared as delegations and spoke on their support for the Pride Flag being flown. Ms. Vicario Robinson noted that the Pride Flag sticker on facilities identifies the space as welcoming to the LGBTQ+ Community. Ms. Vicario Robinson and Ms. Robinson both shared personal experiences associated with identifying as part of and supporting the LGBTQ+ Community.

Councillor B. Fisher noted his support of Pride. He spoke of his daughters struggles with identifying as part of the LGBTQ+ Community.

Mr. John Bailey appeared as a delegation advising of his support for the Motion. He noted his disappointment that this Motion has been voted down previously.

All Members of Council thanked the delegations for their presentations.

Councillor J. Pfenning read her Notice of Motion.

Councillor J. Gerber advised he received the following statement from a resident that he shared. "I chose to live in Wilmot Township and have witnessed people being friendly, kind and generous. I believe Wilmot is a wonderful place to live and grow. I do know it is not easy for people who are LGBTQ2+ because I have listened. Living in a small rural community compared to a large urban centre is challenging. That is why many LGBTQ2+ students graduate and leave our area. They do not feel accepted here. I believe it matters to fly the pride flag as a way to provide a visual and symbolic acknowledgement to members of the LGBTQ2+ community that they are accepted, welcome and equal right here, right now, where we live; where *they* live."

Councillor A. Hallman asked that staff support this initiative through social media and by installing Pride stickers on Municipal buildings to show support.

Councillor J. Pfenning provided a background overview of why she brought this motion forward as a way of supporting the community.

Mayor L. Armstrong noted that he supports this and agrees it is long overdue.

Councillor J. Pfenning noted that although it is the middle of July, she is hopeful the Pride Flag will be flown for the remainder of the month at the Administrative Office.

The Director of Information and Legislative Services / Municipal Clerk asked for Council consensus for staff direction to have the flag flown through the end of July, the social media filters be adjusted and the Pride stickers installed on municipal facilities. All Members of Council were in favour of that direction.

9.2 PRIME MINISTERS PATH

Resolution No. 2020-91

Moved by: Councillor A. Hallman Seconded by: Councillor C. Gordijk

THAT we pause any further investment and expansion of the Prime Ministers Path immediately until we consult with First Nations groups and Friendship Centers in Waterloo Region and any other impacted groups until a sufficient, respectful and transparent consultation process is completed with accountability;

FURTHER, I ask that this conversation include at least two members of council be part of this ongoing process and discussion.

DEFERRED.

Mayor L. Armstrong asked Councillor A. Hallman to introduce her Motion.

Councillor A. Hallman asked to hear from the delegations prior to reading her Notice of Motion.

Ms. Cheyanne Thorpe appeared as a delegation and referenced the documents that were included as part of the Council information package on working with Indigenous Peoples and Calls to Action from the Truth and Reconciliation Commission of Canada. Ms. Thorpe provided an overview of the importance to take action by following the action across the globe of the removal of statues of leaders and the preservation of history while being respectful to Indigenous Peoples. Ms. Thorpe thanked those supporters of the movement and thanked Council for allowing her to speak.

Mr. Jim Rodger appeared as a delegation. His prepared written statement was provided and is attached as Appendix A.

Ms. Lori Campbell appeared as a delegation. Her prepared written statement was provided and is attached as Appendix B.

Mr. James Spencer appeared as a delegation. His prepared written statement was provided and is attached as Appendix C.

Ms. Trisha Robinson appeared as a delegation. and provided an overview of her white heritage and her grandson whom is Metis. She provided insight into risks of loss of heritage for her grandson and to all. Ms. Robinson advised that the Prime Ministers Path with the limited educational value does not represent the Country as it should and expressed her support for pausing the project; however, does not support any further consultation with Council involvement.

Mr. John Bailey appeared as a delegation. His prepared written statement was provided and is attached as Appendix D.

Councillor J. Gerber responded and thanked Mr. Bailey for his comments and questions noting that the process whereby the statues came to Wilmot in 2016, noting it was done at a public Council meeting. Councillor J. Gerber acknowledged that it was well known at the time that Wilmot Council was considering the acceptance of the statues. He noted that members of Council have attended unveilings but also acknowledged the work that is to be done to move forward. Councillor J. Gerber provided an overview of historical facts of various Canadian leaders that were involved with Indigenous Peoples, noting that he is not absolving anyone rather implicating everyone at the Federal level. Councillor J. Gerber advised that he was satisfied with the information that was provided at the time to make the decision for the approval of the Prime Ministers Path.

The Director of Information and Legislative Services advised that the website is updated by staff and it was deemed appropriate to include the events surrounding the Sir John A. Macdonald statue on the website and to allow for information on his legacy with Indigenous Peoples to be easily available for those that are interested.

Councillor J. Pfenning noted that she was not at any of the unveilings of any of the statues.

Councillor A. Hallman noted that she has not participated in an unveiling and noted that there is a lot of work that is needed to occupy the land together.

Ms. Rachel Gordon appeared as a delegation. Her prepared written statement was provided and is attached as Appendix E.

Ms. Kate Laing appeared as a delegation and provided an overview of her experiences with issues of racial inequality. She noted that her professional experience in brain research in relation to intergenerational trauma show that statues, such as Sir John A. Macdonald, have an effect on people. She provided an example of a personal experience with trauma that she stills struggles with and noted there are many that still have these traumatic memories as a result of the residential schools. Ms. Laing noted that moving the statue indoors would allow for proper reflection on history.

Mr. Dave Caputo appeared as a delegation. His prepared written statement was provided and is attached as Appendix F.

Mr. Dennis and Mrs. Pat Mighton appeared as delegations. Their prepared written statement was provided and is attached as Appendix G.

Councillor A. Hallman noted she feels it is time to have further conversations with the community.

Ms. Gail Spencer appeared as a delegation. Her prepared written statement was provided and is attached as Appendix H.

Mr. Glen Mathers appeared as a delegation and noted that this matter is important and needs to have analysis for making a decision. He questioned what the effects are on the artists, the donors, and questioned if contributions would have to be repaid. Mr. Mathers asked if there was an agreement on keeping the statues in perpetuity.

Councillor J. Pfenning recognized that those questions do need to be considered and noted that she has considered those questions and there is a lot to consider. Mr. Mathers asked if there has been any consideration of the financial impact and Councillor J. Pfenning noted that the conversations have just begun and those questions among others need to be considered.

Mayor L. Armstrong noted there is a process he wants to have and it needs to happen.

Mayor L. Armstrong noted that there were some delegations that requested to address Council again. Councillor A. Hallman noted that Ms. Thorpe, Mr. Spencer and Ms. Campbell have requested to speak again.

The Director of Information and Legislative Services noted that the 11:00 pm curfew is approaching as well as the presentation from the Auditor. It was also noted that the

Procedural By-law outlines delegation have a limit of 10 minutes to speak and asked if Council was wanting to deviate from that.

Councillor A. Hallman noted she is in support of the delegations returning to have a follow-up statement. Mayor L. Armstrong asked if all of Council was in support and they were.

Ms. Cheyanne Thorpe addressed Council again and expressed her thoughts on the consultation process that has occurred and that a request in pausing the project is minor. Ms Thorpe also noted that she wonders how far the \$800,000 that was donated for the statues could have gone towards reconciliation.

Mr. James Spencer addressed Council again and thanked for the opportunity to speak again. He noted that he feels for the artists that have made these works and they have done what was provided to them in the outlines provided; he questioned those limits noting there are many different ways to design the works. He questioned the project and lack of foresight. He noted that the Indigenous community should be asked how they feel.

Ms. Lori Campbell addressed Council again, she noted that the Prime Ministers Path was not installed with the idea of getting the learning out there because if it were there would not have been so many noting their need to learn. She advised that with genocide still occurring in Canada, Indigenous children do not see a country where they can be anything they want. Ms. Campbell noted that she feels that her contribution of her delegation is all she is going to contribute at this time. She noted that the education was not occurring before this and asked to consider that.

Councillor A. Hallman read the Motion and asked that it be a recorded vote.

The Director of Information and Legislative Services / Municipal Clerk asked Councillor Hallman for clarification on the Motion, noting that the agenda listed the Motion with an additional paragraph and Councillor A. Hallman confirmed that it is correct as listed on the Agenda.

Councillor J. Pfenning advised on her position noting there is still work and learning to do and the conversation is an import one for everyone. She noted that listening to the Indigenous Community needs to continue and that Council needs to let them lead the way.

Councillor C. Gordijk noted that it has been hard to hear some of the things that have been said but that it is important to hear it and listen.

The Director of Information and Legislative Services / Municipal Clerk noted that Council has the ability to suspend some items on the agenda and approve going past 11:00 pm.

RESOLUTION NO. 2020-92

Moved by: Councillor A. Hallman Seconded by: Councillor C. Gordijk

THAT Council proceed beyond 11:00 PM.

CARRIED.

Councillor C. Gordijk continued and noted that she had concerns surrounding the guidelines and questioned why other communities were not consulted and as such, they are now deemed a failure of history. She advised that she has raised the cost factor previously among other issues that indicate a need to pause the project.

Councillor J. Gerber acknowledged the contributions the delegations have made to educating Members of Council and others and moving forward. He noted that it is important to get this right. He acknowledged the need to listen, the need to develop a process or procedure. He noted that he is not sure the Motion is the best way to get Council to where they want to go. He noted the contractual relationship with Createscape and he fears that a Motion directing a pause in the project could open the Township up to liability, acknowledging that he respects that the Township wants to move forward and given the current situation that is unlikely to happen. He noted the common goals of listening and getting this right.

Councillor B. Fisher noted that with the last Council, the decision to bring the Path was done with the best intentions and apologized for offending and hurting people by doing that. He noted that he agreed that having Councillors involved during the second half of the Motion. He suggested it should have an end date.

Councillor C. Gordijk, in speaking to the issue Councillor J. Gerber raised regarding a legal and cost implication, she noted that a pause is not a cancellation. She too noted that the decision should not be up to Council, and updates to Council are more appropriate and that there needs to be a timeline for consultation.

Councillor J. Pfenning also acknowledged Councillor J. Gerber's comments and that aspirational goals tend to not provide any significant action. She noted that officially recognizing taking a pause is an important message for reconciliation. Councillor J. Pfenning noted she would like the Motion amended to include a timeline and that the reference to including 2 members of Council are appointed for selecting the consultant.

Councillor J. Gerber noted that there are Advisory Committees that are open to listen and with the intention of inviting the local Indigenous Communities, that is another opportunity before Council.

Councillor A. Hallman read the proposed amendment.

THAT we pause any further investment and expansion in the Prime Ministers Path immediately until we follow the Truth and Reconciliation Commission of Canada's principals of reconciliation.

2. Conduct and carry out significant research with Indigenous People with prepared documentation as a report to Council outlining the productive conversation and any recommendations. they will meet as required in a respective and transparent constitution process with accountability. This summary will be provided to Council at the March 1, meeting 2021 and if an extension is required Council will be notified.

The Director of Information and Legislative Services / Municipal Clerk asked that Councillor A. Hallman forward the amended Motion to staff.

The Director of Information and Legislative Services / Municipal Clerk also noted the Motion was not seconded; however, Councillor C. Gordijk did second the Motion it was not called.

Councillor B. Fisher asked for clarification on the amended Motion, that the second part of the Motion has been removed.

Councillor A. Hallman confirmed that was removed.

Councillor A. Hallman advised that as everyone processes the discussion, it is important to get this right, noting that she does not support doing nothing, but would like the correct modifications and asked that the amendments be deferred to the next Council meeting. She also asked that the members of the Sister Nation be open to reviewing the Motion prior to the next Council meeting as a step forward in reconciliation.

RESOLUTION NO. 2020-93

Moved by: Councillor A. Hallman Seconded by: Councillor J. Pfenning

THAT the Notice of Motion be deferred to the next Council meeting.

CARRIED.

10. PRESENTATIONS/DELEGATIONS

10.1 2019 Audited Financial Statements Presentation

Mike Arndt CPA, CA – Graham Mathew Professional Corporation

Mr. Mike Arndt provided an overview of the Audited Financial Statements. Mr. Arndt noted that the audit did start a little later than normal due to COVID-19; however, the completion of the audit was done with the assistance of staff. He noted that the financial information and data that Council receives is accurate and the audit is clean. He noted the Township continues to be a leader in the area of Financial reporting. He outlined the way the statements read, highlighting the 6-year financial review and that the Township is in a strong financial position, as of December 31st, 2019.

Councillor J. Gerber thanked the delegation for the work they have done on the audit.

Councillor J. Pfenning also thanked the delegation for their patience.

10.2 REPORT NO. COR 2020-030

2019 Audited Financial Statements

RESOLUTION NO. 2020-94

Moved by: Councillor C. Gordijk Seconded by: Councillor B. Fisher

THAT Report COR 2020-030 regarding the 2019 Annual Financial Report be received for information purposes.

CARRIED.

The Director of Corporate Services / Treasurer outlined the report.

11. CONSENT AGENDA

11.1 REPORT NO. PW 2020-13

**Q1 and Q2 Department Activity Report
January – June 2020**

11.2 REPORT NO. CK 2020-003

Quarterly Activity Report – April, May & June 2020

11.3 REPORT NO. FRS 2020-008

**Parks, Facilities & Recreation Services Second Quarter Activity
Reports**

11.4 REPORT NO. DS 2020-014

2nd Quarter 2020 Building Statistics Summary

RECOMMENDATION

THAT Report Nos. PW 2020-13, CK 2020-003, FRS 2020-008 AND DS 2020-014 be received for information purposes.

DEFERRED.

12. REPORTS

12.1 CORPORATE SERVICES

12.1.1 REPORT NO. COR 2020-027

Statement of Operations as of June 30, 2020 (un-audited)

RECOMMEDATION

THAT report COR 2020-027, Statement of Operations (un-audited) as of June 30, 2020, as prepared by the Manager of Finance / Deputy Treasurer, be received for information purposes.

DEFERRED.

12.1.2 REPORT NO. COR 2020-028

Capital Program Review as of June 30, 2020 (un-audited)**RECOMMENDATION**

THAT Report FIN 2020-028, Capital Program Review as of June 30, 2020 (un-audited), as prepared by the Manager of Finance / Deputy Treasurer, be received for information purposes.

DEFERRED.

12.1.3 REPORT NO. COR 2020-29**Financial Impact Analysis (COVID-19) Update II****RESOLUTION NO. 2020-95**

Moved by: Councillor C. Gordijk Seconded by: Councillor J. Pfenning

THAT Report COR 2020-29, outlining the Financial Impact resulting from the COVID-19 pandemic be received, for information purposes; and further

THAT the Township of Wilmot continue to support requests to the Provincial and Federal governments for emergency financial assistance to municipalities to help offset the negative financial impacts of the COVID-19 pandemic, as describe in Report COR 2020-029, dated July 13, 2020.

CARRIED.

The Director of Corporate Services / Treasurer outlined the report. The Manager of Finance / Deputy Treasurer advised that the increase in building permits issued were not analyzed for this report as they are not levy based, he noted that the aquatics revenues have not been analyzed either. The Director of Development Services noted that there have been projects that have been delayed due to the pandemic and that impacts are yet to be determined. The Director of Corporate Services / Treasurer acknowledged the suggestion of a colour code structure to illustrate the implications of the pandemic on budget documents.

12.2 DEVELOPMENT SERVICES**12.2.1 REPORT NO. DS 2020-015**

**Master Licensing Agreement with RMOW Outdoor Patios
on/within Regional Road Allowances**

RESOLUTION NO. 2020-96

Moved by: Councillor J. Gerber

Seconded by: Councillor C. Gordijk

THAT Report DS 2020-015 be received for information; and,

THAT the Mayor and Clerk be authorized to enter into a Master Licensing Agreement with the Region of Waterloo; and,

THAT in order to expedite and streamline the approvals process for temporary patios with Regional Road allowances the implementation and administration of the Master Licensing Agreement be delegated to the Director of Development Services.

CARRIED.

The Director of Development Services outlined the report.

He confirmed that this will allow for expansion onto the street for patios and that any adjustments would be that the road patios utilize existing on-street parking spaces and that all businesses within the area would be consulted with prior to approvals.

13. CORRESPONDENCE

13.1 Email from a resident Ron Kennell with a request to have his statement at the next council meeting.

RECOMMENDATION

THAT Correspondence 12.1 be received for information.

DEFERRED.

14. BY-LAWS

**14.1 BY-LAW NO. 2020-22 Establish A Business License to Permit a
Patio or Pop-Up Patio for A Restaurant, Bar
or Similar Commercial Establishment**

RESOLUTION NO. 2002-97

Moved by: Councillor B. Fisher Seconded by: Councillor A. Hallman

THAT By-law No. 2020-22 be read a first, second, and third time and finally passed in Open Council.

CARRIED.

15. ANNOUNCEMENTS

16. BUSINESS ARISING FROM CLOSED SESSION

17. CONFIRMATORY BY-LAW

17.1 By-law No. 2020-23

RESOLUTION NO. 2020-98

Moved by: Councillor B. Fisher Seconded by: Councillor J. Pfenning

THAT By-law No. 2020-23 to Confirm the Proceedings of Council at its Meeting held on July 13, 2020 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

18. ADJOURNMENT (11:48 pm)

RESOLUTION NO. 2020-99

Moved by: Councillor J. Gerber Seconded by: Councillor J. Pfenning

THAT we do now adjourn to meet again at the call of the Mayor.CARRIED.