



# TOWNSHIP OF WILMOT

## **Council Meeting Minutes** **Monday, December 7, 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, Fire Chief R. Leeson, Director / Curator Castle Kilbride T. Loch, Manager of Information and Legislative Services / Deputy Clerk T. Murray, Manager of Planning / EDO A. Martin, Manager of Customer Service and Community Development M. Jones, Manager of Finance / Deputy Treasurer A. Romany

### **1. MOTION TO CONVENE INTO CLOSED SESSION**

#### **Resolution No. 2020-199**

**Moved by: Councillor C. Gordijk**

**Seconded by: Councillor J. Pfenning**

THAT a Closed Meeting of Council be held on Monday, December 7, 2020 at 5:00 p.m. in accordance with Section 239(2) of the Municipal Act, 2001, for the purposes of:

- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

CARRIED

**2. MOTION TO RECONVENE IN OPEN SESSION**

**Resolution No. 2020-200**

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

THAT Council reconvenes in Open Session at 7:00 p.m.

CARRIED.

**3. MOMENT OF SILENCE**

**4. LAND ACKNOWLEDGEMENT**

4.1 Councillor C. Gordijk read the Land Acknowledgement.

**5. ADDITIONS TO THE AGENDA**

**6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL  
CONFLICT OF INTEREST ACT**

6.1 None Disclosed

**7. MINUTES OF PREVIOUS MEETINGS**

7.1 **Council Meeting Minutes November 16, 2020**

**Resolution No. 2020-201**

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

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

Council Meeting November 16, 2020.

CARRIED.

It was noted that in regard to the inclusion of the Code of Conduct in the discussion on the Information and Legislative Services Work Plan, Council had directed that the process of revising the document begin prior to the next term of Council. The Director of Information and Legislative Services advised that staff will review the November 16, 2020 Council meeting to verify the direction.

**8. PUBLIC MEETINGS**

**8.1 REPORT NO. DS 2020-026**

**Zone Change Application 09/20**

**Tom and Tracey Mensch**

**Lot 5, Plan 58M-203**

**31 Laschinger Boulevard, New Hamburg**

**Resolution No. 2020-202**

**Moved by: Councillor B. Fisher**

**Seconded by: Councillor J. Gerber**

THAT Council approve Zone Change Application 09/20 made by Tom and Tracey Mensch affecting Lot 5, Plan 58M-205 to reduce the rear yard setback on the subject property from 15m to 11m.

CARRIED.

The Manager of Planning / EDO outlined the report.

The Manager of Planning / EDO confirmed that the Region of Waterloo does not intend to replant trees in the woodlot and advised that the healthy trees will naturally reseed and ensure long term regeneration of the woodlands.

**9. PRESENTATIONS/DELEGATIONS**

**9.1 REPORT NO. FD 2020-05**

**Fire Master Plan Report**

**Resolution No. 2020-203**

**Moved by: Councillor C. Gordijk**

**Seconded by: Councillor J. Pfenning**

THAT as per the recommendation from the Fire Master Plan Committee, the Fire Master Plan dated December 7, 2020, be endorsed,

THAT the 10-year Capital Forecast and annual operating budget be updated to include recommendations under the approved Fire Master Plan,

THAT the planning, development and design for the construction of a new Station 3 for New Hamburg, as indicated in recommendation 17, be included in the 10-year Capital Forecast for construction to be completed within 7 years, and;

THAT identification of an interim alternate location, as noted in recommendation 18, occur within the next year.

CARRIED. AS AMENDED.

The Fire Chief outlined the report.

Council raised concern on long term capital considerations for both Baden and New Hamburg stations and if there had been consideration for consolidation into one station. The Fire Chief advised that had been considered but is not feasible.

The Fire Chief clarified that every municipality has varying call volumes due to a variety of factors such as age demographics, numbers of highways and other geographical considerations.

Council asked that the replacement of Station 3 be moved up to the near term of 1 to 3 years with a hopeful completion date of 7 years. The Director of Corporate Services / Treasurer advised that this would be considered more of a budget process through the 10-Year Capital Plan rather than through the Fire Master Plan.

Council also asked that the proposed additional staff be moved forward for consideration in the 2022 budget process.

Council asked that the back-up plan for the New Hamburg Fire Hall be done within 1 year as opposed to the 3-year time frame.

Council endorsed an amendment to the recommendation that includes the adjustments of timing of the replacement of Station 3 and the identification of the back-up plan for the New Hamburg Station.

The Fire Chief confirmed that the amended resolution will be included in the Fire Services Work Program as directed by Council.

**9.2 CITIZEN OF THE YEAR – Mike Schout  
Mayor Les Armstrong**

Mayor L. Armstrong presented the Citizen of the Year Award for 2020 to Mr. Mike Schout.

**10. CONSENT AGENDA**

**11. REPORTS**

**11.1 PARKS, FACILITIES AND RECREATION SERVICES**

**11.1.1 REPORT NO. PFRS 2020-016**

**Major Ice Users COVID-19 RED ZONE Fee Reduction**

**Resolution No. 2020-204**

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

THAT an additional 50% rate reduction to the New Hamburg Hockey Association, the Wilmot Girls Hockey Association and the New Hamburg Skating Club ice rental rates, while the Region of Waterloo is in the COVID-19 Stage 2 - Red Category, be approved.

CARRIED.

The Director of Parks, Facilities and Recreation Services outlined the report.

**11.1.2 REPORT NO. PFRS 2020-018**

**Sandhills Road Multi-Use Trail and Trails Trust Fund Update**

**Resolution No. 2020-205**

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

THAT Council endorse use of the remaining Trails Trust Fund and Schout Corporation donation for the completion of the Sandhills Road Multi-Use Trail; and further,

THAT the Trails Trust Fund be formally closed, effective December 31, 2020, in accordance with By-Law 2016-44, with any remaining funds at that time being allocated to a deferred revenue account for use on trail developments as referenced in Report PFRS 2020-18.

CARRIED.

The Manager of Planning / EDO outlined the report.

Council requested that signage be installed to indicate the difficulty level of this particular trail to ensure that users are informed.

**11.2 CORPORATE SERVICES**

**11.2.1 REPORT NO. COR 2020-38**

**Wilmot Water Financial Plan**

**Resolution No. 2020-206**

**Moved by: Councillor B. Fisher**

**Seconded by: Councillor J. Pfenning**

THAT Report COR 2020-038 regarding the Wilmot Township Water and Wastewater Financial Plan, prepared by the Manager of Finance / Deputy Treasurer, be approved.

CARRIED.

The Manager of Finance / Deputy Treasurer outlined the report.

**11.3 DEVELOPMENT SERVICES**

**11.3.1 REPORT NO. DS 2020-027**

**Billboard Sign Renewals**

**Resolution No. 2020-207**

**Moved by: Councillor J. Gerber**

**Seconded by: Councillor J. Pfenning**

THAT Report No. DS 2020-027 be endorsed.

CARRIED.

The Manager of Planning / EDO outlined the report.

**11.4 FIRE SERVICES**

**11.4.1 REPORT FD 2020-07**

**Fire Department ¾ Ton Pickups**

**Resolution No. 2020-208**

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

THAT RFP FD2020-27 be awarded to BARRY CULLEN CHEVROLET CADILLAC LTD.to supply and deliver two (2) 2021 – Chevrolet Silverado 2500 4x4 Crew Cab Pickup Trucks as per their proposal dated November 6, 2020, in the amount of \$83,810.00 plus HST.

CARRIED.

The Fire Chief outlined the report.

The Fire Chief confirmed that the selling estimate of the decommissioned truck is a suggested estimate the truck may receive through the auction process.

**11.5 INFORMATION AND LEGISLATIVE SERVICES****11.5.1 REPORT NO. ILS 2020-37****Consideration of Drainage Engineer's Report****For the Glen Shantz Drain 2020****South Part of Lot 28 and 29****Concession 2, Block A****Township of Wilmot****Resolution No. 2020-209**

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

THAT the Drainage Engineer's Report dated October 21, 2020 for the Glen Shantz Drain 2020 requiring drainage involving the installation of closed pipe drain for Branch A and incorporation of closed pipe drain for Branch B for South Part of Lot 28 and 29, Concession 2, Block A, Township of Wilmot, Regional Municipality of Waterloo, be adopted; and further,

THAT the Provisional By-law be given first and second reading; and further,

THAT the date for the Court of Revision be scheduled for Monday, January 11, 2020 at 7:00 pm and that Mayor L. Armstrong, and Councillors A. Hallman, C. Gordijk and J. Gerber (as alternate member), be appointed to the Court of Revision.

CARRIED.

The Director of Information and Legislative Services outlined the report.

Mr. Curtis MacIntrye, Engineer with K. Smart Associates provided an overview of the report.

Mr. Gary Roth appeared as a delegation in support of the Municipal Drain.

Ms. Gloria Robinson appeared as a delegation in support of the Municipal Drain.

### **11.5.2 REPORT NO. ILS 2020-38**

#### **Award of Contract – Prime Ministers Path Consultation**

##### **Resolution No. 2020-210**

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

THAT the award of contract to National FPG Inc. ("First Peoples Group), for the Prime Ministers Path Stakeholder Consultation, for the upset limit of \$45,000, plus HST, be approved; and further,

THAT funding for these works be included within the 2021 Capital Budget and 10-Year Capital Forecast; and further,

THAT the March 1<sup>st</sup>, 2021 deadline approved by Council on July 27, 2020 for the presentation of the Consultant's recommendations in Resolution Number 2020-104 be extended to July 31, 2021.

CARRIED.

The Director of Information and Legislative Services outlined the report.

Mayor L. Armstrong stepped down from his role as the meeting Chair. Councillor B. Fisher, Acting Mayor for December, 2020 in accordance with By-law 2018-55, assumed the role of meeting Chair for Agenda Item 11.5.3.

### **11.5.3 REPORT NO. ILS 2020-39**

#### **Integrity Commissioner Report**

##### **Resolution No. 2020-211**



**Moved by: Councillor J. Gerber**

**Seconded by: Councillor J. Pfenning**

THAT the report prepared by the Integrity Commissioner be received and that Council pass a subsequent Resolution regarding the recommendations contained within the report.

CARRIED.

The Director of Information and Legislative Services outlined the report, it was noted that public comments have been received and are attached as Appendix A.

Mr. Nigel Gordijk appeared as a delegation. His prepared statement is attached as Appendix B.

Mr. John Bailey appeared as a delegation. His prepared statement is attached as Appendix C.

Mr. David Atkinson appeared as a delegation and expressed his concerns over the reputation of the Township as a result of this matter and ongoing discussion. Mr. Atkinson expressed his views on the allegations that have been made by social media posts. He noted his support for Mayor L. Armstrong and his public apologies.

Mayor L. Armstrong addressed Council, stating that he accepts the Integrity Commissioner report and stands by his statement that he released on Friday December 4, 2020.

Council asked the Integrity Commissioner for clarification regarding the complaint process and he noted that the process is laid out in the Municipal Act, 2001, and the Code of Conduct for the Township. The Integrity Commissioner noted that all complaints are maintained in a confidential process and that all complaints that were received were from members of the public. The Integrity Commissioner noted the process was complicated due to complaints being received at the Township and at the Region.

The Integrity Commissioner clarified the available disciplinary options are for a reprimand and / or suspension of remuneration for up to 90 days.

The Integrity Commissioner confirmed that the statement released on Friday December 4, 2020 also include it be read aloud into the record should Council feel that is appropriate.

The Integrity Commissioner clarified that the recommendations in the report are for Council to decide the appropriateness.

Mayor L. Armstrong read his apology that was released on December 4, 2020. It is attached as Appendix D.

Councillor J. Gerber suggested the option of creation of an Indigenous, Black, People of Colour Community Relations Advisory Committee.

Members of Council provided individual statements reflecting on their thoughts.

Chair B. Fisher stated that the dedication, commitment and leadership Mayor L. Armstrong has displayed is honourable; however, does not condone his actions.

Councillor J. Pfenning stated that she does not endorse the actions of Mayor L. Armstrong and noted that she has not had a person of colour ask her to accept the apology on their behalf. Councillor J. Pfenning acknowledged that Mayor L. Armstrong is a compassionate person and she noted she does not believe he meant harm. She noted that Council must lead in proving that racism has no place in the Township. Councillor J. Pfenning acknowledged the apology and that Mayor L. Armstrong recognizes that he has not suffered the way the People of Colour and other communities have.

Councillor C. Gordijk noted that she appreciated that Mayor L. Armstrong released his apology; however, expressed that the forced apology through the recommendations is not genuine. Councillor C. Gordijk advised that she is willing to move forward as the community needs to heal and asked for a better apology directed towards the people that are still hurt.

Councillor A. Hallman thanked Mayor L. Armstrong for acknowledging his white privilege and noted she is hopeful for more deep reflection and asked Mayor L. Armstrong to share something that he learned through reflection. Mayor L. Armstrong shared that he learned through his readings and observations that he does not have to fear driving down the street and being stopped because he is not a person of colour or the sound of doors locking as he walks by and he expressed again he understands what his white privilege means and he acknowledged that there is a lot of work in understanding and acceptance.

Councillor A. Hallman read a potential motion, suggesting continuing training for members of Council.

Councillor J. Gerber noted that equity is individual stories, the community you live in and the systems in place; however, continuing to have training and implementation of an advisory committee will allow for those voices to be closer to the decision-making table.

Councillor C. Gordijk asked that future quarterly reports from Mayor L. Armstrong be listed on the Council agendas moving forward and the Director of Information and Legislative Services advised that moving forward it will be listed on the agenda.

The Director of Information and Legislative Services provided a draft motion for Council consideration. Council agreed that any further training would not be expensed through the Township budget.

### **Resolution No. 2020-212**

**Moved by: Councillor J. Gerber Seconded by: Councillor A. Hallman**

THAT Mayor Les Armstrong provide an apology within sixty days as required in the Integrity Commissioners Report IC2020-01 dated November 27, 2020,

THAT Mayor Les Armstrong's Quarterly Updates on Racism Education, as directed by Council through Resolution 2020-88, continue to the end of the current term of Council, November 14, 2022,

THAT staff prepare Terms of Reference to bring Indigenous, Black, People of Colour voices to the table permanently that will establish a Indigenous, Black, People of Colour Community Relations Advisory Committee, and;

THAT staff research and facilitate Anti-Racism and equity training for all Members of Council.

CARRIED.

## **12. CORRESPONDENCE**

### **12.1 Grand River Conservation Authority**

**Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)**

### **Resolution No. 2020-213**

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

Whereas the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act – Schedule 6 – Conservation Authorities Act;

Whereas the Legislation introduces a number of substantial changes and new sections that will remove and/or significantly hinder the conservation authorities' role to manage watershed natural resources and ensure people and property are safe from natural hazards;

And Whereas municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value and rely on the conservation authorities' critical role to mitigate the serious risks that natural hazards like flooding pose to people's lives and property; and municipalities value and rely on the conservation authorities' essential work to ensure safe drinking water.

Therefore Be It Resolved;

- That the Province of Ontario work with conservation authorities and municipalities to address these concerns by repealing and/or amending Schedule 6 of Bill 229 and the changes to the *Conservation Authorities Act* and the *Planning Act* to address these concerns;
- That the Province of Ontario delay enactment of clauses affecting municipal concerns and provide at minimum an 18-24 month transition period so that changes can be appropriately incorporated into both municipal and conservation authority budgets;
- That the Province respect the conservation authority/municipal relationships;
- That the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their important watershed management role;
- And That this resolution and a copy of the Grand River Conservation Authority Report (GM-11-85) Proposed Amendments to the Conservation Authorities Act through Bill 229 be forwarded to the Premier, the Ministers of Environment, Conservation and Parks, Natural Resources and Forestry, Municipal Affairs and Housing, and Finance, the Association of Municipalities of Ontario and the Rural Ontario Municipal Association.

CARRIED.

The Director of Development Services advised that the Region of Waterloo and the GRCA have been clear they are opposed to the Legislative changes.

### **13. BY-LAWS**

- 13.1 By-law No. 2020-44      Zone Change Application 09/20**  
**Tom and Tracey Mensch**  
**Lot 5, Plan 58M-203**  
**31 Laschinger Boulevard, New Hamburg**

#### **Resolution No. 2020-214**

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

THAT By-law No. 2020-44 be introduced, read a first, second and third time and finally passed in Open Council.

CARRIED.

### **14. NOTICE OF MOTIONS**

### **15. ANNOUNCEMENTS**

- 15.1** Councillor B. Fisher noted that a Food Drive was held over the weekend throughout the Township in partnership with the Optimist Clubs collecting donations.
- 15.2** Councillor B. Fisher expressed his sympathy for the loss of former Councillor Mark Murray.
- 15.3** Councillor J. Gerber also expressed his sympathy for the loss of former Councillor Mark Murray and thanked Mr. Murray for his service to the community.
- 15.4** Councillor A. Hallman thanked Mayor L. Armstrong for the Moment of Silence in remembrance of the massacre at Ecole Polytechnique 31 years ago.

- 15.5 Councillor A. Hallman thanked Councillors and staff for their participation in the New Dundee Christmas Parade.
- 15.6 Councillor A. Hallman also acknowledged the loss of Mark Murray as well as expressing condolences to the Cressman Family, the Freed Family and the Higher Family for their recent losses.
- 15.7 Councillor A. Hallman encouraged local shopping for the holiday season to help small businesses.
- 15.8 Councillor C. Gordijk also expressed thanks to those that helped with the Food Drive.
- 15.9 Councillor C. Gordijk welcomed the Elder that has been recently hired by the Wilmot Family Resource Centre.
- 15.10 Councillor C. Gordijk noted that there are supports within the community should anyone be needing mental health support.
- 15.11 Councillor J. Pfenning also acknowledged the comments and thoughts of members of Council and offered condolences to all residents that have suffered loss and encouraged residents to reach out to community supports should they need them.
- 15.12 Mayor L. Armstrong recognized Township staff that are celebrating years of service milestones, as well as thanking staff for their continued dedication through the pandemic.
- 15.13 Mayor L. Armstrong provided his quarterly report to Council, noting he is continuing to read materials, watch videos and attending training session. The list of materials is attached as Appendix E.
- 15.14 Councillor C. Gordijk asked if staff could post the slide from the Indigenous Training session and the Director of Information and Legislative Services advised that she will ensure there are no copyright or privacy concerns prior to posting the information.

## **16. BUSINESS ARISING FROM CLOSED SESSION**

### **Recommendation No. 2020-215**

**Moved by: Councillor J. Pfenning**

**Seconded by: Councillor B. Fisher**

THAT Council accept the generous donation from Viola Erb of 2.6m of land across the frontage of 2781 Sandhills Road and that staff be authorized to proceed with obtaining the necessary reference plan and completing the land transfer.

CARRIED.

**17. CONFIRMATORY BY-LAW**

**17.1 By-law No. 2020-45**

**Resolution No. 2020-16**

**Moved by: Councillor C. Gordijk**

**Seconded by: Councillor J. Pfenning**

THAT By-law No. 2020-45 to Confirm the Proceedings of Council at its Meeting held on December 7, 2020 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

**18. ADJOURNMENT (10:49 PM)**

**Resolution No. 2020-17**

**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.