



# TOWNSHIP OF WILMOT

## **Council Meeting Minutes**

**Monday, February 24, 2020**

**Regular Council Meeting**

**Council Chambers**

**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, Fire Chief R. Leeson, Director of Finance / Treasurer P. Kelly, Director / Curator Castle Kilbride T. Loch, Manager of Information and Legislative Services T. Murray

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

**7.1 Council Meeting Minutes February 10, 2020**

**Resolution No. 2020-34**

**Moved by: Councillor C. Gordijk**

**Seconded by: Councillor J. Pfenning**

THAT the minutes of the following meeting be deferred:

Council Meeting February 10, 2020.

CARRIED, AS AMENDED.

Councillor C. Gordijk requested that the approval of the minutes from February 10, 2020 be deferred, and requested that Council receive the audio of that meeting for confirmation of a motion raised that was not captured. The Director of Information and Legislative Services advised that the audio recordings of Council Meetings are used only for preparation of the minutes and are not kept.

Councillor J. Gerber noted that he remembers a request for a motion; however, believes that it was not voted on.

Councillor A. Hallman noted that she had seconded Councillor C. Gordijk's motion. The Director of Information and Legislative Services advised that not voting on the motion raised was a parliamentary error and the audio was not saved.

Councillor J. Gerber concurred that the motion was made and seconded and that deferral of approval of the minutes is appropriate for the minutes to accurately reflect that portion of the proceedings.

## **8. PUBLIC MEETINGS**

### **8.1 REPORT NO. ILS 2020-006**

#### **Draft Procedural By-law Amendments and Public Meeting**

#### **Resolution No. 2020-35**

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

THAT the Information and Legislative Services staff be directed to prepare proposed amendments to the Procedural By-law and report having regard for the comments received in conjunction with the Public Meeting held at the Regular Council Meeting on February 24, 2020.

CARRIED.

Mayor Armstrong declared the public meeting open and stated that Council would hear all interested parties who wished to speak. 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 Director of Information and Legislative Services / Municipal Clerk outlined the report.

Mayor L. Armstrong asked if anyone wished to address Council. In the absence of any comments, Mayor L. Armstrong declared the meeting closed.

Councillor C. Gordijk noted that she had requested at the February 10, 2020 Council meeting that the Procedural By-law be reviewed by the Township solicitor. Councillor C. Gordijk noted that she had consulted with area Mayors and Clerks within the Region and they advised they seek legal counsel on the Procedural By-law.

Councillor C. Gordijk requested that staff proceed with legal review of the Procedural By-law. And that Section 7.11.1 be amended to read as follows:

"All By-laws shall be considered by Council after being reviewed by the Township Solicitor and prior to them being produced and received and receiving first, second and third reading by motion"

The Director of Information and Legislative Services acknowledged a misunderstanding on the scope of legal counsel intended from the February 10, 2020 Council Meeting.

Councillor A. Hallman asked Councillor C. Gordijk if the legal counsel being requested is specific to the Procedural By-law. Councillor C. Gordijk confirmed her request is specific to the Procedural By-law.

Councillor A. Hallman asked that during review if staff reached out to other municipalities to clarify the range that they seek legal counsel. The Director of Information and Legislative Services noted that larger municipalities tend to have in house legal staff therefore there is no additional cost for review; however, noted that for Procedural By-laws, most municipalities would have legal review.

Councillor J. Gerber noted that the motion has not yet been voted on and suggested that be done to allow for an amendment to the motion.

The Director of Information and Legislative Services noted that this is a feedback process and that a request to have legal counsel sought can be a direction to staff.

Councillor C. Gordijk noted that it was not intended to be a motion rather a direction to staff to seek legal advice.

Councillor A. Hallman noted that page 3 of the Procedural By-law, that the word individual be included under presentation, noting that it would then read:

“Presentations made to Council by individuals or an advisory or other Committee.”

Councillor A. Hallman noted that page 9 of the Procedural By-law, under Inaugural Meetings that she is in favour that it be amended to read as follows:

The order of proceedings at the first meeting of Council after the regular election shall be as follows: Processional, National Anthem, Land Acknowledgment, Moment of Silence, Declarations of office, (i) Mayor, (ii) Members of Council in order of wards, Inaugural Address by the Mayor and followed by each elected seat of council, Appointment of committee, passing of confirming By-Law.

Councillor A. Hallman noted that she was in support of Councillor J. Pfenning’s comment of the following:

"The Inaugural ceremony and all other ceremonies of Council shall be devoid of all specific religious text, reference or prayer so as to ensure a neutral space in which all residents of our community can feel welcome and included."

Councillor A. Hallman asked for clarification on what would be considered a Report under Separate Cover and the Director of Information and Legislative Services noted that information can be provided.

Councillor C. Gordijk noted that there are extensive documents that Council and the public would require time to review and seek clarification, having Reports under Separate Cover may not allow for that time, Councillor C. Gordijk asked how staff would monitor to allow for adequate review time. The Director of Information and Legislative Services noted that Reports under Separate Cover would be used to avoid a delay in the release of the entire Council package and the delayed report or presentation would be received the next day.

Mayor L. Armstrong also noted that staff would be cognizant of not including lengthy reports as Reports Under Separate Cover.

Councillor J. Gerber asked for clarification that Report under separate cover would not apply to public meetings as they have their own legislative requirements. The Director of Information and Legislative Services concurred that any report relative to legislated public meetings would not be permitted as Reports Under Separate Cover.

Councillor C. Gordijk requested that the By-law provide additional clarification on what reports can be deferred to a future meeting. Mayor L. Armstrong noted that any report can be deferred.

Councillor J. Pfenning suggested it would be useful to include a comment noting the exception of documents pertaining to a public meeting would not be allowed under separate cover.

Councillor B. Fisher noted that on Page 27, 16-3 if quarterly or bi-annual reports from committees of Council can be included and the Director of Information and Legislative Services noted that will be included.

Councillor A. Hallman on page 18 of the Procedural By-law and Section 7.7.1 regarding presentations and that a time limit be included and that if more time is required then Council would be required to come to a consensus permitting an extension.

Councillor J. Gerber asked for clarification on policy changes that may not work as some presentations are beneficial to be longer in length. Councillor J. Gerber noted that presentations do not preclude everyone being heard.

Mayor L. Armstrong noted that providing a time limit allows for presenters to prepare ahead of time; however, there is opportunity to allow for longer presentations should that be beneficial.

Councillor J. Pfenning noted there is value in a time limit to allow for presenters to have an idea of what an appropriate time is; however, adding in verbiage that states unless otherwise arranged ahead of time.

Councillor J. Gerber noted that the legal review may address this.

The Director of Information and Legislative Services noted that staff will take all feedback into consideration and will consult with the other Department Heads, review peer practices and submit for legal review. The Director of Information and Legislative Services noted that when presenters and delegations are registering the Procedural By-law requirements and options are outlined for them.

Councillor J. Pfenning noted that the inaugural meeting section, proposes including wording that the inaugural meeting be a neutral space that is inclusive to all and similar to what the Director of Information and Legislative Services has suggested.

Councillor A. Hallman noted that she supports Councillor J. Pfenning's suggestion.

Councillor A. Hallman noted on Page 18, section 7.8.2 in regards to delegations that if a report is delayed Council members have not had time to review, can delegations be provided a delay as well, the Director of Information and Legislative Services noted that delegations can provide delegation materials to staff up to one hour prior to the meeting.

Councillor A. Hallman noted that Procedural By-law Section 7.8.5 requested that the wording “replace leave of the Mayor” be changed to consensus of Council. The Director of Information and Legislative Services noted that section was worded that way previously and was changed when the Procedural By-law was amended in 2019 at the request of the public.

Councillor A. Hallman noted that Procedural By-law Section 7.9.4, Consent Agenda suggesting that the following amendment be made:

A member of Council may speak to an item on the Consent Agenda prior to the consideration of the adoption of the matters listed on the Consent Agenda. However, if a Council member wishes to amend the recommendations of an item on the Consent Agenda the member shall request the items(s) be removed from the Consent Agenda for consideration and debate.”

Councillor A. Hallman noted this is similar to other Procedural By-laws that she has reviewed. The Director of Information and Legislative Services noted that particular section was also being reviewed by staff.

Councillor A. Hallman suggested that the following also be included:

“The Clerk may list the following items as consent items on the Agenda.”

- a. Staff appointments
- b. Committee appointments
- c. Reports provided for information only that will return at the next meeting of council
- d. Tenders
- e. Administration Information
- f. Reports

Councillor A. Hallman noted that these are the common items that are on other Procedural By-laws.

Councillor J. Pfenning suggested that if an item is removed from the consent agenda that it be considered following the approval of the consent agenda to avoid confusion. Mayor L. Armstrong noted that once the items are removed from the consent agenda they become staff reports. Councillor J. Gerber agreed that it was confusing to follow. The Director of Information and Legislative Services noted that either way is procedurally acceptable and Council may decide. Councillor C. Gordijk noted that maintaining the order in which the reports are in the Council package will allow for a clearer understanding.

Councillor A. Hallman suggested that Section 7.10.2, in regards to Petitions be amended to read:

Any person who signs a petition must be made aware by the person filing the petition that their names, signatures, and contact information, as included on the petition, may be included in the Council Agenda and made available to the public including publication on the Township website. It is recommended that the public use our prescribed form of petition.

Councillor A. Hallman suggested under Section 7.12.2 be amended to read:

A notice of motion is a written introduction of intent to Council to consider a motion at its next meeting. A notice of motion presented verbally at a Council meeting will then be introduced by motion at the next regular Council meeting for consideration by all of Council. Notice shall also be deemed duly given if the same is provided in writing to the Clerk no later than six days prior to a regular Council meeting and included in the next regular Council Agenda. The right to move a notice of motion shall be deemed to be that of the Councillor who introduced the Notice.

Councillor C. Gordijk asked that under Section 7.12.2 have the word shall be changed to may. The Director of Information and Legislative Services noted that the providing a Notice of Motion in writing is required and Council can decide if the word may should be used.

Councillor J. Pfenning noted that it should be Notices of Motions.

Councillor A. Hallman noted that under section 13.11 should have more clarity and suggested it read:

The manner of determining the decision of Council shall be by show of hands, except when a recorded vote is requested.

Councillor A. Hallman asked that the Procedural By-law include that the audio records are kept until the passing of the minutes.

## **9. PRESENTATIONS/DELEGATIONS**

### **9.1 Jim Rodger, Co-Coordinator Prime Ministers Path**

Mr. J. Rodger provided an update on the Prime Ministers Path. He advised that there will be a new installation this year. He noted that the feedback received on the existing sculptures has been positive and it is becoming an increasingly popular tourist destination. Mr. Rodger thanked the 100 Women Who Care organization for their

donation last year and they have been using that donation to help promote the Path. He noted this year is going to focus on the years 1891 to 1896 and showcase the four Prime Ministers of that time as a grouping, the sculpture refers to this sculpture as the Unfortunate Four. Mr. Rodger noted that the interaction ability of the sculpture will be in line with the theme of the existing sculptures.

Mr. Rodger noted that on June 19 and 20, the first Prime Minister's symposium will occur. Mr. John English is assisting with the symposium. The first day is focused on academics and the second day is designed for public education leading up to the unveiling the new installation.

Councillor A. Hallman thanked Mr. Rodger for his presentation and noted that the Path is a valuable asset.

Mayor L. Armstrong noted the educational component is valuable and thanked Mr. Rodger for his presentation.

## **10. CONSENT AGENDA**

## **11. REPORTS**

### **11.1 Information and Legislative Services**

#### **11.1.1 REPORT NO. 2020-07**

#### **Resolution No. 2020-36**

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

THAT Report No. ILS 2020-07 be received for information; and further,

THAT Governance Policy GP 20-005, Proclamation be endorsed; and further,

THAT Administrative Directive AD 20-001 Flag Standards and Criteria be received for information purposes.

**CARRIED.**

The Director of Information and Legislative Services outlined the report.

Councillor C. Gordijk noted that she is in support of the report; however, noted that there were two proclamations declared last year and asked for clarification on the procedure. The Director of Information and Legislative Services acknowledged the proclamations made, and noted that during that time the Proclamation Policy was approved by the Senior Management Team and the review of the Governance Policy Program has now identified proclamations as being approved by Council.

Councillor A. Hallman noted she supports staff recommendation and that Council members maintain the opportunity to acknowledge during the announcements section.

Councillor C. Gordijk noted that she is not in agreement with the Flag Standards and asked that staff review the guidelines that the Province and Federal governments use. The Director of Information and Legislative Services acknowledged the request; however, noted that this is an Administrative Directive and flying a flag that is not governmental, is essentially a proclamation.

Councillor J. Pfenning asked how many flags the Provincial and Federal governments fly and to follow what those levels of government are doing would be appropriate.

The Director of Information and Legislative Services noted that there are only four flag poles and additional poles would be a capital cost.

Councillor J. Gerber noted that he agrees that if the Township is not doing proclamations, then the flying of a variety of flags would not be appropriate and he noted that having flag policy that is that of other levels of government may bind us to potentially something we are not supportive of.

Councillor A. Hallman disagreed with Councillor J. Gerber and noted that she had discussions with other government officials on this matter. She requested that the First Nation Flags and the Pride flag be included under flag definition.

Councillor A. Hallman also asked that the following additions be included under the lowering of the flags:

- August 9th Peacekeepers Day
- Second Sunday in September for Fire Fighters National Memorial Day
- Last Sunday in September National Police and Peace Officers' Memorial Day
- October 4th National Day for missing and murdered Indigenous Women and Girls
- December 6th Ecole Polytechnique Massacre

The Director of Information and Legislative Services noted that the Township does lower the flags for several if not all of those dates and noted that this is an Administrative Directive and if members of Council would like to request additional lowering of the flags dates they can do so by request to the Senior Management Team.

Councillor B. Fisher noted he was in agreement with the staff recommendation.

## **12. CORRESPONDENCE**

### **12.1 Annual Report 2019**

#### **Township of Wilmot Integrity Commissioner**

#### **Resolution No. 2020-37**

**Moved by: Councillor B. Fisher**

**Seconded by: Councillor C. Gordijk**

THAT the Correspondence 12.1 be received for information.

CARRIED.

## **13. BY-LAWS**

## **14. NOTICE OF MOTIONS**

## **15. ANNOUNCEMENTS**

**15.1** Councillor B. Fisher noted that the Heritage Day was successful and 302 people were in attendance.

**15.2** Councillor C. Gordijk noted the Coldest Night of the Year was very successful and raised over \$24,000

**15.3** Councillor C. Gordijk reminded everyone of Pancake Tuesday celebrations tomorrow.

**15.4** March 2, 2020 Council Meeting

**Moved by: Councillor C. Gordijk**

**Seconded by: Councillor J. Pfenning**

THAT the Regular Council Meeting scheduled for March 2, 2020 be cancelled.

CARRIED.

16. BUSINESS ARISING FROM CLOSED SESSION

17. **CONFIRMATORY BY-LAW**

17.1 **By-law No. 2020-09**

**Resolution No. 2020-38**

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

THAT By-law No. 2020-09 to Confirm the Proceedings of Council at its Meeting held on February 24, 2020 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

18. **ADJOURNMENT (8:37PM)**

**Resolution No. 2020-39**

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

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

CARRIED.