



TOWNSHIP OF WILMOT

Council Meeting Agenda

Monday, October 5, 2020

Regular Council Meeting

Virtual

7:00 P.M.

This meeting is open to the public and is available through an online platform. Please subscribe to the [Township of Wilmot You Tube Channel](#) to watch the live stream or view after the meeting.

Delegations must register with the [Information and Legislative Services Department](#). The only matters being discussed at this meeting will be those on the Agenda.

- 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**
- 7. MINUTES OF PREVIOUS MEETINGS**

7.1 Council Meeting Minutes September 28, 2020

RECOMMENDATION

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

Council Meeting September 28, 2020.

8. PUBLIC MEETINGS

8.1 Zone Change Application 07/20

Caiden-Keller Homes Inc. /

Dryden, Smith & Head Planning Consultants

Part of Lot 27-28, Plan 532A

18 Hincks Street, New Hamburg

RECOMMENDATION

THAT Report DS 2020-022 be received for information.

Registered Delegations

Craig Nichols

Cindy Moser

Rodney Schwartzenruber

Mark and Gloria Rathbone

9. PRESENTATIONS/DELEGATIONS

10. CONSENT AGENDA

11. REPORTS

11.1 INFORMATION AND LEGISLATIVE SERVICES

11.1.1 REPORT NO. ILS 2020-26

Procedural By-law Amendment

Electronic Participation

RECOMMENDATION

THAT Report Number ILS 2020-26 be received for information; and,

THAT By-law Number 2020-36 be endorsed.

11.1.2REPORT NO. ILS 2020-27**Supplementary Agreement with Createscape Waterloo Region****RECOMMENDATION**

THAT the Mayor and Clerk be directed to execute the Supplementary Agreement with Createscape Waterloo Region.

11.2 PARKS, FACILITIES AND RECREATION SERVICES**11.2.1REPORT NO. PFR 2020-11****RFP Award Constitution Park Playground****RECOMMENDATION**

THAT RFP 2020-22 be awarded to Play Power LT Canada, Inc., for the design, supply and installation of phase two of the playground replacement at Constitution Park, New Hamburg, as per their proposal dated September 23, 2020, in the amount of \$47,336 including HST.

11.2.2REPORT NO. PFR 2020-12**RFP Award Youth Optimist Park Playground****RECOMMENDATION**

THAT RFP 2020-23 be awarded to Open Space Solutions Inc. for the design, supply and installation and the removal of the existing playground equipment at Youth Optimist Park, New Hamburg, as per their proposal dated September 23, 2020, in the amount of \$98,168 including HST.

12. CORRESPONDENCE**12.1 Letter from Robert Roth****RECOMMENDATION**

THAT Item 12.1 be received for information.

13. BY-LAWS**13.1 BY-LAW NO. 2020-36****To Amend the Rules of Order and Procedure****13.2 BY-LAW NO. 2020-37****Authorize the Execution of a Supplemental Agreement – Createscape Waterloo Region****RECOMMENDATION**

THAT By-law Nos. 2020-36 and 2020-37 be read a first, second, and third time and finally passed in Open Council.

14. NOTICE OF MOTIONS**15. ANNOUNCEMENTS****16. BUSINESS ARISING FROM CLOSED SESSION****17. CONFIRMATORY BY-LAW****17.1 By-law No. 2020-38****RECOMMENDATION**

THAT By-law No. 2020-38 to Confirm the Proceedings of Council at its Meeting held on October 5, 2020 be introduced, read a first, second, and third time and finally passed in Open Council.

18. ADJOURNMENT**RECOMMENDATION**

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



TOWNSHIP OF WILMOT

Council Meeting Minutes **Monday, September 28, 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 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**

- 4.1** Councillor J. Pfenning read the Land Acknowledgement and reminded everyone that September 30, 2020 is Orange Shirt Day in recognition of the children taken into the Residential Schools and the ongoing effects of the residential school system.

5. ADDITIONS TO THE AGENDA

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

None declared.

7. MINUTES OF PREVIOUS MEETINGS

7.1 Council Meeting Minutes September 14, 2020

Resolution No. 2020-143

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

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

Council Meeting September 14, 2020.

CARRIED.

8. PUBLIC MEETINGS

9. PRESENTATIONS/DELEGATIONS

10. CONSENT AGENDA

10.1 REPORT NO. ILS 2020-22

Receipt of Petition for Drainage Works

**Waterloo Common Element Condo Plan #355, Summers Field Lane,
1662 Erbs Road, St. Agatha**

Township of Wilmot

10.2 REPORT NO. ILS 2020-23

Receipt of Notice for Drain Improvements

Karen Wagler

Nicklas Drain, Part Lot 32, Concession 3, Block B

Township of Wilmot

10.3 REPORT NO. ILS 2020-24

Receipt of Request for Drain Improvement

Karen Wagler

Delton-Reibling Drain, Part Lot 32, Concession 3, Block B

Township of Wilmot

10.4 REPORT NO. COR 2020-33

Drain Maintenance Levies

Resolution No. 2020-144

Moved by: Councillor J. Gerber

Seconded by: Councillor B. Fisher

THAT Report Nos. ILS 2020-22, ILS 2020-23, ILS 2020-24 and COR 2020-33 be approved.

CARRIED.

11. REPORTS

11.1 INFORMATION AND LEGISLATIVE SERVICES

11.1.1 REPORT NO. ILS 2020-25

Procedural By-law Amendment Notice

Electronic Participation

Resolution No. 2020-145

Moved by: Councillor J. Pfenning

Seconded by: Councillor B. Fisher

THAT Report Number ILS 2020-25 be received for information; and,

THAT amendments to the Township's Procedural By-law concerning electronic participation be added to the October 5, 2020 Council Meeting Agenda.

CARRIED.

The Director of Information and Legislative Services outlined the report.

Councillor B. Fisher asked for clarification on streaming Council meetings to the public once we are back into regular meetings. The Director of Information and Legislative Services advised that staff are meeting to discuss the options for streaming platforms once in person meetings resume.

11.2 CORPORATE SERVICES

11.2.1 REPORT NO. COR 2020-34

Development Charges Deferral Payment and Interest Rate Policy

Resolution No. 2020-146

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

THAT Report COR 2020-034 be received for information purposes; and further,

THAT Council approve the Governance Policy on Development Charges Deferral Payment and Interest Rates.

CARRIED.

The Director of Corporate Services / Treasurer outlined the report.

12. CORRESPONDENCE

12.1 AODA Website Compliance Extension Request – Town of Amherstburg

Resolution No. 2020-147

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

WHEREAS Section 14(4) of O.Reg 191/11 under the Accessibility for Ontarians with Disabilities Act requires designated public sector organizations to conform to WCAG 2.0 Level AA by January 1, 2021;

AND WHEREAS the Township remains committed to the provision of accessible goods and services;

AND WHEREAS the Township provides accommodations to meet any stated accessibility need, where possible;

AND WHEREAS the declared pandemic, COVID-19, has impacted the finances and other resources of the Township;

AND WHEREAS the Accessibility for Ontarians with Disabilities Act contemplates the need to consider the technical or economic considerations in the implementation of Accessibility Standards;

BE IT THEREFORE RESOLVED THAT the Township requests that the Province of Ontario extend the compliance deadline stated in Section 14(4) of O.Reg 191/11 to require designated public sector organizations to meet the compliance standards, by a minimum of one (1) year to at least January 1, 2022; AND,

BE IT THEREFORE RESOLVED THAT the Township requests that the Province of Ontario consider providing funding support and training resources to meet these compliance standards.

CARRIED.

13. BY-LAWS

13.1 BY-LAW NO. 2020-34 Drain Maintenance Levy

Resolution No. 2020-148

Moved by: Councillor B. Fisher

Seconded by: Councillor J. Pfenning

THAT By-law No. 2020-34 be read a first, second, and third time and finally passed in Open Council.

CARRIED.

14. NOTICE OF MOTIONS

15. ANNOUNCEMENTS

15.1 Councillor C. Gordijk thanked the area schools for taking part in the National Terry Fox Run this week amidst the challenges of the pandemic.

15.2 Councillor C. Gordijk thanked the participants in this year's Terry Fox Run, noting that \$39,600 has been raised to date and with two scheduled events coming up the goal of \$40,000 is possible.

- 15.3** Councillor A. Hallman noted this past weekend was the Wellesley Idol and Chiara Heard from New Dundee, won this year.
- 15.4** Councillor A. Hallman advised that the New Dundee Optimist Fishing Derby for youth under 12 is this weekend. She noted COVID-19 safety protocols will be in place.
- 15.5** Councillor A. Hallman expressed condolences to the family of Mr. Glen Lichty. Mr. Lichty was a volunteer Fire Fighter for over 40 years at the Baden Station, as well as a member of the Wilmot Heritage Fire Brigades.
- 15.6** Councillor A. Hallman noted that September 30, 2020 is Orange Shirt Day, advising that the day was initiated by Ms. Phyllis Webstad, to recognize the children that attended residential schools.
- 15.7** Councillor J. Gerber thanked Councillors Pfenning and Hallman for raising the awareness for Orange Shirt Day.
- 15.8** Councillor J. Gerber congratulated the Wilmot Terry Fox Run Committee for adapting the event and remaining successful despite the challenges of the COVID-19 pandemic.
- 15.9** Councillor J. Gerber congratulated the Wilmot Family Resource Center on their successful adaption of the Poor Boys Luncheon this year.
- 15.10** Mayor L. Armstrong provided a progress report update on his personal journey regarding anti-racism education. He advised that he continues with reading, attending workshops and watching videos on the subject matter. Councillor J. Pfenning asked Mayor L. Armstrong to share some of the resources he has been using in case others wanted to further their own education as well. Mayor L. Armstrong listed a small sample of educational videos, readings and workshops he has taken part in, the entire list is noted as Appendix A. Mayor L. Armstrong noted that it is clear that everyone has a lot of work ahead that will not be easy and he encouraged everyone to participate to help end racism.
- 15.11** Mayor L. Armstrong advised that the Region of Waterloo is looking for residents to apply to sit on the Anti-Racism Working Group through engagewr.ca/antiracism

16. BUSINESS ARISING FROM CLOSED SESSION

17. CONFIRMATORY BY-LAW

17.1 By-law No. 2020-35

Resolution No. 2020-149

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT By-law No. 2020-35 to Confirm the Proceedings of Council at its Meeting held on September 28, 2020 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

18. ADJOURNMENT (7:32 PM)

Resolution No. 2020-150

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.

Mayor L. Armstrong – Quarterly Update on Racism Education

List of Resources

1. KWCF – Video Seminar – BLM & Indigenous Concerns
2. Justice in June – Who Gets To Be Afraid In America
3. America's Racial Contract Is Killing Us
4. 'Your Body Being Used.' – Where Prisoners Who Can't Vote Fill Voting Districts
5. Peggy McIntosh -How Studying Privilege Systems Can Strengthen Compassion
6. Melanie Funchess – Implicit Bias and How It Affects Us And How We Push Through
7. Valerie Alexander – How to Outsmart Your Own Unconscious Bias
8. James A. White Sr. – 50 Years of Racism – Why Silence Isn't the Answer
9. Anthony Peterson – What I Am Learning from My White Grandchildren
10. Mena Fombo – No You Cannot Touch My Hair
11. When Civility Is Used as a Cudgel Against People of Colour
12. Mega Ming Francis – Let's Get to The Roof of Racial Injustice
13. Anyssa Bohanan – Black in Bend: Being an Extreme Minority in Suburbia
14. Khadija Gbla – Boran A Girl in The Wrong Place
15. Jane Landers – The Missing Centry of Black History in The Americas



REPORT NO: DS 2020-022

TO: COUNCIL

SUBMITTED BY: Harold O’Krafka, MCIP RPP
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP
Manager of Planning/EDO

REVIEWED BY: Grant Whittington, CAO

DATE: October 5, 2020

SUBJECT: Zone Change Application 07/20
Caiden-Keller Homes Inc. /
Dryden, Smith & Head Planning Consultants
Part of Lot 27-28, Plan 532A
18 Hincks Street, New Hamburg

RECOMMENDATION:

THAT Report DS 2020-022 be received for information.

SUMMARY:

This application proposes to amend the zoning of the subject property by introducing setback and lot area reductions to permit redevelopment of the property with a semi-detached dwelling (with additional dwelling units) and the severance of a new residential lot to be developed with a single detached dwelling.

This report summarizes the request made and the public process up to the holding of the Public Meeting.

BACKGROUND:

Notice of a Public Meeting was given to property owners within 120 metres of the subject lands on September 3, 2020. The following is a summary of comments received prior to the Public Meeting.

Public (complete written comments included as Attachment B):

Rodney Schwartzentruber, Hincks Street: concerned with traffic, parking, the type of proposed housing, snow storage, and property values.

Leslie Radford, Hincks Street: concerned with sanitary sewer infrastructure, potential damage to the swimming pool on the abutting property, parking, and impact on property value, but supporting either two single family dwellings, or a 4-unit building with sufficient parking.

Gondi Rashid, Hincks Street: concerned with safety as a result increased traffic and parking

Agencies: GRCA – no comments

Kitchener-Wilmot Hydro – no comments

Region of Waterloo – requesting the completion of a noise vibration study prior to approval (or placement of the property in a holding zone until a noise and vibration study has been completed and any mitigation measures addressed).

WCDSB – no comments or concerns

WRDSB – no comments or concerns

REPORT:

The subject lands are designated Urban Residential in the Township Official Plan, and are presently zoned Zone 3 (Residential) which permits a dwelling containing up to four units.

The applicant proposes to remove the existing dwelling and replace it with a four unit dwelling (a semi-detached dwelling with each side containing an additional dwelling unit). The applicant also proposes to establish regulations to permit a future severance to create an additional lot for a single detached dwelling.

To facilitate this proposed redevelopment, the following amendments are requested and are illustrated on Attachment A:

1. To reduce the front yard setback and rear yard setback for the semi-detached dwelling from 7.6m and 7.5m to 4.5m and 4.77m respectively,
2. To reduce the lot area required for a lot containing a semi-detached dwelling from 560m² to 528.17m²,
3. To reduce the front and left side yard setback for a two storey single detached dwelling from 7.6m and 2.0m to 6.0m and 1.0m respectively,

4. To reduce the lot area for a single detached dwelling from 500m² to 430.28m², and
5. To reduce the lot frontage and width for a single detached dwelling from 12m and 15m to 11.31m.

In support of this application, a planning justification report, functional servicing report, stormwater management report and proposed grading and servicing plans were provided.

At the time of writing this report, the engineering submission was still under review. As well, the Region of Waterloo has indicated that, in the absence of comments to the contrary from CN, a noise and vibration study is required.

After receiving any additional comments through the Public Meeting and when outstanding comments and additional reports are received, staff will return to Council with a detailed report and recommendation on the application that will include further discussion and responses to any concerns or comments received.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Holding public meetings to gain input on planning matters promotes an engaged community.

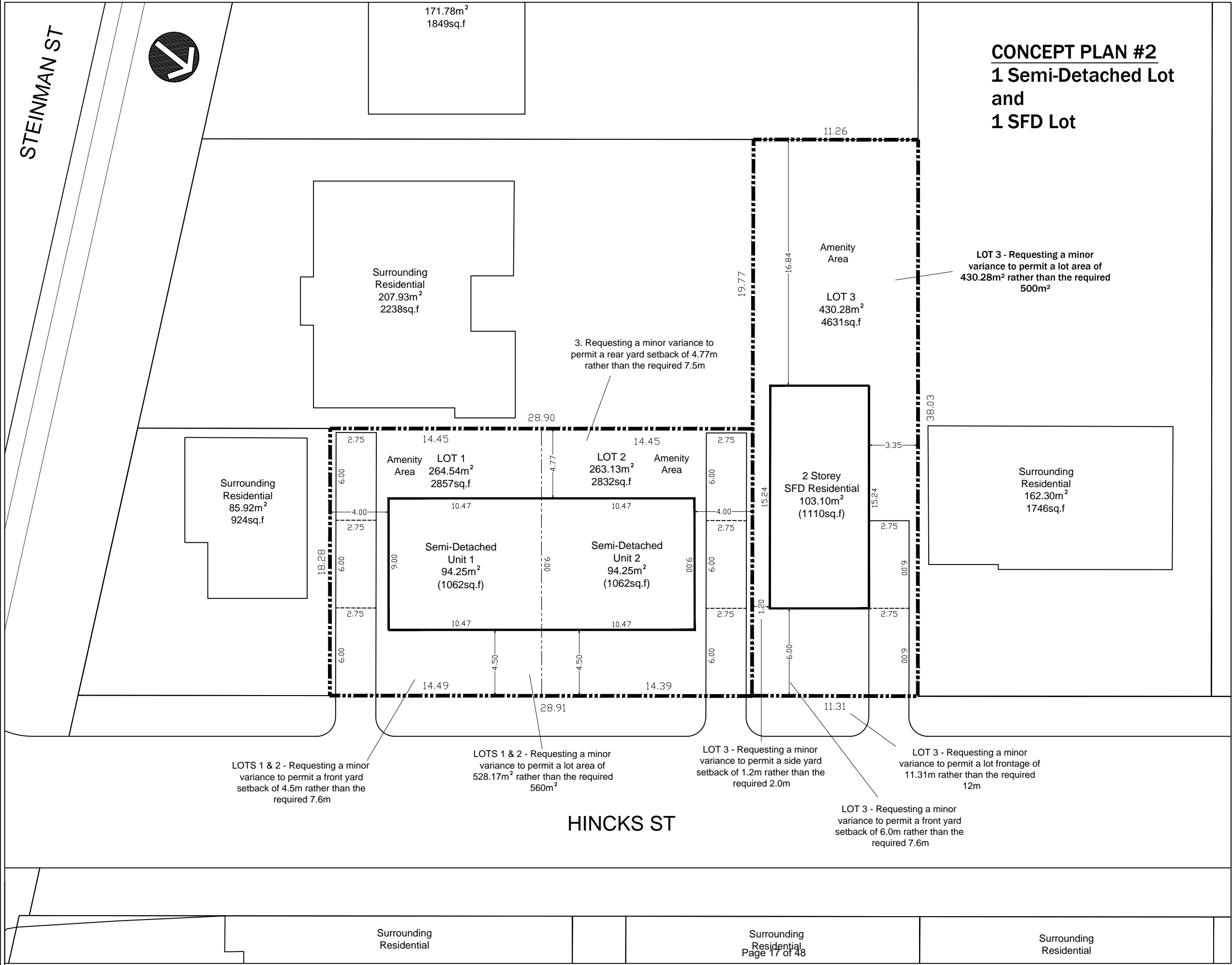
FINANCIAL CONSIDERATIONS:

The application fees, established by the Township of Wilmot Fees and Charges By-law, were collected at the time of application.

ATTACHMENTS:

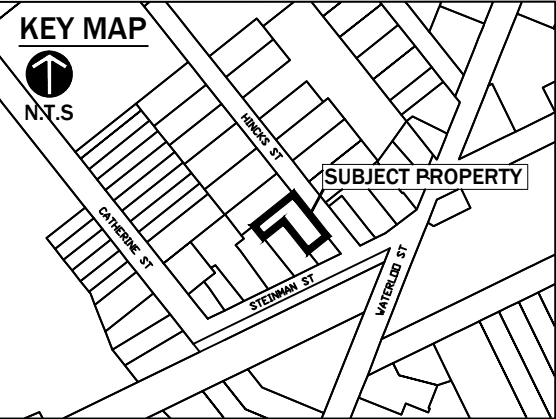
Attachment A	Concept plan
Attachment B	Public comments

ATTACHMENT A: Concept plan



CONCEPT SITE PLAN

PART OF LOT 27
PLAN 532A
18 HINCKS ST
TOWN OF NEW HAMBURG
REGION OF WATERLOO

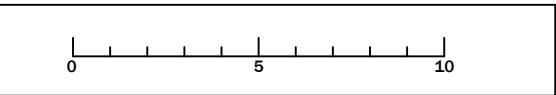


PROPOSED DWELLINGS
IN THE TOWNSHIP OF WILMOT
(RESIDENTIAL ZONE 3)

Semi-Detached - Whole Lot			
	REQUIRED	PROVIDED	VARIANCE
LOT AREA	560m ²	528.17m ²	31.83m ²
LOT WIDTH	18m	18.28m	
SIDEYARD	2.0m	4.0m	
REARYARD	7.5m	4.77m	2.73m
FRONTYARD	6.0m	4.5m	1.5m
LOT FRONTAGE	18.0m	28.91m	

Single Family Detached (SFD)			
	REQUIRED	PROVIDED	VARIANCE
LOT AREA	560m ²	430.28m ²	129.72m ²
LOT WIDTH	18m	30.83m	
SIDEYARD	2.0m	1.2m	0.8m
REARYARD	7.5m	16.84m	
FRONTYARD	6.0m	5.0m	
LOT FRONTAGE	12.0m	11.31m	0.69m

SITE STATISTICS
ZONING: RESIDENTIAL ZONE 3
LOT 1 AREA: 264.54m²
LOT 2 AREA: 263.13m²
LOT 3 AREA: 430.28m²



**DRYDEN
& SMITH
HEAD**
Planning Consultants Ltd.

REVISION: JANUARY 23, 2020
JANUARY 24, 2020
MARCH 10, 2020
SEPTEMBER 3, 2020

DATE: JANUARY 24, 2020
SCALE:
ACAD DWG FILE: Hincks St Concept
JOB NO: 15810
FILE NO: 15810

ATTACHMENT B: Public comments

Andrew Martin

From: LESLIE RADFORD
Sent: Sunday, September 20, 2020 10:19 AM
To: Planning
Subject: Zone Change Application - 18 Hincks Street New Hamburg

From
Leslie Radford
New Hamburg ON

Re: Zone Change Application 07/20 Caiden-Keller Homes Inc. / Dryden, Smith & Head Planning Consultants Part of Lot 27-28, Plan 532A 18 Hincks Street, New Hamburg

Good morning,
Please consider my input, concerns, and suggestions in regards to the development application for the property at 18 Hincks St.
Please also notify me of the decision of the Township of Wilmot on the proposed zoning by-law amendment.

In reference to **Planning Justification Report:**

C1 - Sanitary Sewer

It states 'If possible the existing sanitary to the existing house will be used to connect the new semi-detached.'
I believe it is unreasonable to try to assume that sanitary system flow constructed for use by one home, can accommodate the needs of proposed 4 units in the new semi-detached, as well as proposed future single family home on this property. The infrastructure on Hincks Street is several decades old, and will likely need extensive review and remediation if it is going to increase the number of households on this section of sewer system.

Appendix B : Maps

Map 2 Aerial View

- The aerial image shows abutting residential property at back of proposed property is directly next to a concrete pad for swimming pool of property on Steinman St. This concrete pad butts right against the back edge of foundation of the existing building which is proposed for demolition. My concern is, in the demolition of existing house, what will happen to the concrete pad, it's integrity, and required safety fencing surrounding the pool during construction? Please provide proposed plans to maintain integrity and safety of swimming pool area.

F1 - Proposed Zoning

States, 'On site parking will be provided for the units.'

Please see concept plan which illustrates an apparent lack of suitable parking for the units. The plan appears to provide for three vehicles to be parked up each side of the building, with one car parked behind the other in single file. There will be a situation of multiple car owners having to move their vehicles frequently in order to get in and out of the driveway. Additionally, there is no parking any time on this side of Hincks St. If tenants get tired of car-jockeying in the driveway, they will be tempted to either park illegally on the designated 'No Parking' side of Hincks St., or will be tempted

to move their vehicles to opposite side of Hincks St. where single family homes currently use that space for themselves for street parking.

As a resident of Hincks Street, and living near the nealy built semi-detached homes at 57 and 59 Hincks, I have witnessed situations of insufficient parking for these units, especially if just one of the households has guests. I've also seen cars belonging to 59 Hincks St. parked illegally on Hincks St. during the winter season, causing issues for the snow plows.

I support the idea of the urban area to serve the needs of population growth. However the proposed severance of this property being used to cram in as many residences as can fit in the existing property will lead to over-population on this lot, traffic and parking headaches for the area, and will reduce the value of property and appeal of this section of Hincks Street for those who are single-family home owners.

I suggest to not sever the property, and instead to build either two smaller single family homes on the existing lot, or a 4-unit semi-detached building that will have sufficent parking.

My thanks and regards,

Leslie Radford, home-owner

Andrew Martin

From: gondi rashid
Sent: Wednesday, September 23, 2020 10:33 PM
To: Planning
Subject: Gondi from hincks st

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize the sender and know the content is safe.

Hello to who this may concern my home is [REDACTED] right across 18 hincks st my street is already busy with people from lower hincks street racing up now I see the city is making people like me with young kids move away by bring 5 more families to this street making it not a safe road for my kids I have 4 kids I wanted to build my home here I love upper hincks no one has ever bothered us we have had problem with lower hincks people driving like it's a race track and the city put In the. No left turn on the railroad but I see now there making the street even busier where's are all the visitors going to park most likely In front of my home where my kids can't see cars coming if they ever cross I am not for this . This is a family street let them go find another property to flip there so much more to be said but my family's safety first Thank you Gondi Rashid Sent from my iPhone

September 20, 2020

To: Andrew Martin, Manager of Planning
Development Service Department
Township of Wilmot
60 Snyder's Road West, Baden, ON N3A 1A1

Re: Zone Change Application 07/20
Caiden-Keller Homes Inc./Dryden, Smith & Head Planning Consultants
Part of Lot 27-28, Plan 532A
18 Hincks Street, New Hamburg

Dear Mr. Martin:

I am writing to express my opposition to the proposed rezoning application 07/20, 18 Hincks Street, New Hamburg.
I live at UPPER Hincks Street and my home is situated directly across from the proposed development.

Upper Hincks Street is comprised mainly of single family residences; unlike lower Hincks Street which is mainly rental complexes. The majority of home owners in upper Hincks are young families. There is a large number of children within the immediate area. Additionally there is a daycare located directly across from the proposed development. To increase the number of residences on 18 Hincks Street will only exacerbate an already congested area and pose greater safety issues for all pedestrians.

The immediate location of the proposed development is already heavily burdened with traffic. A traffic and parking study should be conducted as part of the rezoning process. Presently there are parking issues. By increasing the number of residence on such a small footprint in an already congested Upper Hincks is unreasonable. A parking study will clearly highlight those issues.

Noteworthy: If owners of the 4 units and the proposed separate residence have just one visitor, where will they park? street parking is already a big issue, with such a high traffic area it causes a significant safety risk for everyone in the area.

Secondly, there is an issue with snow storage. I raise the question and concerns about locating snow during the winter season? In review of the proposed project lot plan, there is just no space for snow; or parking.

My third concern is the matter of property value. Property values for Upper Hincks are likely to go down if multi-family dwellings are built into a single family home neighbourhood. It would be advantageous to the local residence if data can be

provided that demonstrates how this multi-family dwelling will be an asset to the neighbourhood property market values.

In closing, 18 Hincks Street was never designed to accommodate a 4-plex and a single family home. The rezoning/variance application in-and-of itself is evident. Unlike Lower Hincks Street, Upper Hincks Street was never intended to be populated with multi-unit complexes.

I urge you to consider carefully the issues outlined and disapprove Zone Change Application 07/20 .

My opinions are shared by many.

Thank you for your continued service and support to our communities.
Best regards,

Rodney Schwartzentruber



TOWNSHIP OF WILMOT

INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2020-26

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director Information and Legislative Services
/ Municipal Clerk

PREPARED BY: Dawn Mittelholtz, Director Information and Legislative Services
/ Municipal Clerk

REVIEWED BY: Grant Whittington, CAO

DATE: October 5, 2020

SUBJECT: Procedural By-law Amendment
Electronic Participation

RECOMMENDATION:

THAT Report Number ILS 2020-26 be received for information; and,

THAT By-law Number 2020-36 be endorsed.

SUMMARY:

The rules and procedures for all Council and Committee meetings are set by the Township's Procedural By-law. These amendments are to allow for Council or Committee members to continue meeting through an electronic medium after the emergency declaration is lifted.

BACKGROUND:

On March 25, 2020, Council endorsed amendments to the Procedural By-law allowing for electronic participation in Council Meetings during the declared emergency. These amendments were made possible through Bill 187 and its amendments to the Municipal Act, 2001, which previously did not allow for Members participating electronically to be counted towards quorum. The physical distancing recommendations and emergency ordered office

This information is available in accessible formats upon request

closures throughout the province necessitated these changes in how Council Meetings were held.

At the September 28, 2020 Council Meeting, Council and the public received notice of the proposed amendments to the Procedural By-law that would permit electronic participation at Council and Committee Meetings in the absence of an emergency declaration under the Emergency Management and Civil Protection Act.

REPORT:

On July 21, 2020, Bill 197, was given Royal Assent and included further amendments to the Municipal Act, 2001 concerning electronic participation in Council and Committee meetings and allowing for proxy voting in meetings.

Subsection 238 (3.1) of the Municipal Act was repealed and substituted with the following:

The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

Subsection 238 (3.3) of the Municipal Act was repealed and substituted with the following:

The applicable procedure by-law may provide that,

- (a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and*
- (b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.*

It is staff's recommendation to make amendments to the Procedural By-law that permit ongoing electronic participation for both open and closed Council and Committee Meetings. For Council Meetings, the Chair must be physically present and 48 hours notice must be provided, unless during a declared emergency.

Having the Chair of Council physically present is a requirement many municipalities established early on in the pandemic. In the absence of an emergency, having the Chair physically present better establishes and enforces the statutory requirement of the Chair presiding over the meeting, it also allows staff to better support the Chair in their chairing duties.

Requiring 48 hours notice, other than during an emergency, allows the Clerk to make appropriate preparations for the procedural modifications sometimes needed with electronic participation to maintain the same level of accountability and transparency as provided through in-person meetings. The notice also provides the Township's IT staff with sufficient notice to

ensure required infrastructure is in place and working properly to enable the electronic participation.

Prior to Bill 197, section 243 of the Municipal Act was a one-line section of the Act, with no subsections, simply stating that each member of Council is entitled to one vote, unless otherwise provided. The amendments under Bill 197 have greatly expanded this section by including the ability to amend a Procedural By-law to include proxy voting, subject to several rules, as follows:

The following rules apply with respect to the appointment of another member of council to act as a proxy under subsection (1):

- 1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.*
- 2. A member shall not act as a proxy for more than one member of council at any one time.*
- 3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.*
- 4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.*
- 5. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.*
- 6. Where a recorded vote is requested under section 246, the clerk shall record the name of each proxyholder, the name of the member of council for whom the proxyholder is voting and the vote cast on behalf of that member.*
- 7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 259 (1) (c).*

The amendments under Bill 197 further define proxy voting rules to include provisions for conflicts of interest by either the member appointing the proxy or the proxyholder in a variety of discovery circumstances.

Whereas staff feel proxy voting would have a place in the procedural by-law prior to Bill 187, electronic participation with the inclusion of the quorum provision and being able to cast a vote, proxy voting may now be a redundant provision for municipalities who have adopted electronic participation and embrace its opportunities. Although the legislation does provide certain accountability and transparency safeguards, which would be further enhanced through the process established by the Clerk, electronic participation is the more accountable and transparent process for continued participation without being present in-person. A significant factor in staff not recommending proxy voting is that Members of Council would not be privy to all delegations, Council discussion, and additions prior to casting their vote.

Prior to Bill 187, the Municipal Act did not allow for a Procedural By-law to permit electronic participation in meetings that were closed to public, it did not allow for members participating electronically to be counted towards quorum, nor did it allow for proxy voting at Council or Committee Meetings. Bill 187 allowed for procedural by-law amendments during declared emergencies for electronic participation in closed meetings and for electronic participation in closed meetings but did not include proxy voting. Bill 197 has allowed these procedural amendments to be permitted under the Procedural By-law at any time. The amendments to the Wilmot Procedural By-law being proposed have been prepared not only with the immediate 2019 Novel Coronavirus pandemic recovery or subsequent “waves” in mind, but also for times of “normalcy” when members of Council may be physically absent for any number of reasons but wish to continue participating in Council Meetings.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This By-law amendment is a core service required as the result of an emergency. It aligns with the Strategic Plan by communicating municipal matters while ensuring people’s safety.

FINANCIAL CONSIDERATIONS:

None.

**THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2020-36
BEING A BY-LAW TO AMEND THE RULES OF ORDER AND PROCEDURE
FOR THE MUNICIPAL COUNCIL OF
THE CORPORATION OF THE TOWNSHIP OF WILMOT**

WHEREAS Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the “***Municipal Act, 2001***”), requires that every Council and local board shall adopt a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS section 238(3.1) of the *Municipal Act, 2001* allows for a municipality’s procedural by-law to permit a member of Council, of a local board or a committee of either of them, to participate electronically in a meeting to the extent and in the manner set out in the by-law;

AND WHEREAS section 238(3.3) of the *Municipal Act, 2001* allows the procedural by-law to provide that,

- (a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. **THAT** the definition of “Participate Electronically”, as set out in section 1A.3 of the Procedural By-law (Township By-law 2019-25) be deleted and replaced with the following:

1A.3 “**Participate Electronically**” means that Members of Council are present at the Council Meeting through an online or telecommunications medium that allows for audio and/or video interactions for the purposes of participating in a Council Meeting and such participation includes voting.

2. **THAT** Section 4A.1 of the Procedural By-law (Township By-law 2019-25) is hereby deleted and replaced with the following:

4A.1 PARTICIPATING ELECTRONICALLY

- 4A.1.1 Notwithstanding any other provision of this By-law, a Member of Council may Participate Electronically in any Council Meeting, which is either open or closed to the public, and may be counted in determining whether or not a quorum of members is present at any point in time, subject to Sections 4A.1.2 and 4A.1.3 of this By-law.
- 4A.1.2 The Chair of a Meeting of Council shall not be permitted to Participate Electronically in a Meeting of Council, except during a Declared Emergency.
- 4A.1.3 In the absence of a Declared Emergency, where a Council Member wishes to Participate Electronically at any Council Meeting, such Council Member shall provide the Clerk with a minimum of 48 hours’ notice, in writing.

3. This by-law shall come into force and effect on the date of its passage.

READ a first and second time on the 5th day of October, 2020.

READ a third time and passed in open Council on the 5th day of October, 2020.

Mayor

Clerk



TOWNSHIP OF WILMOT

INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2020-27

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director Information and Legislative Services
/ Municipal Clerk

PREPARED BY: Dawn Mittelholtz, Director Information and Legislative Services
/ Municipal Clerk

REVIEWED BY: Grant Whittington, CAO

DATE: October 5, 2020

SUBJECT: Supplementary Agreement with Createscape Waterloo Region

RECOMMENDATION:

THAT the Mayor and Clerk be directed to execute the Supplementary Agreement with Createscape Waterloo Region.

SUMMARY:

The “pause” in the expansion or investment in the Prime Ministers Path required the Township to enter into discussions with Createscape Waterloo Region regarding a grouping of statues already commissioned and nearing completion. This supplementary agreement addresses the legal obligations of the Township and Createscape Waterloo Region concerning “The Unfortunate Four” statue grouping.

REPORT:

On July 27, 2020, Council endorsed a Notice of Motion that included direction to staff “to immediately pause any further investment and expansion of the Prime Ministers Path until a sufficient, thorough, respectful and transparent consultation process is completed with accountability that adheres to the calls to action set out in the Truth and Reconciliation

Commission of Canada's Principles of Reconciliation." Whereas the Notice of Motion included additional directions, for the purpose of this report, it is the "pause" direction staff is acting upon through this agreement.

The February 4, 2020 Council Meeting announced the Unfortunate Four statue grouping that was intended to come to the Prime Ministers Path and that an artist was commissioned to complete the works. An unveiling was planned for June 20, 2020 including a symposium series on the Prime Ministers. Due to the 2019 Novel Coronavirus pandemic these plans were delayed until a proper unveiling could be planned and executed.

As work was underway for the statues, Createscape Waterloo Region and the Township, with the assistance of the Township solicitor, entered into discussions on a fair and equitable supplemental agreement that upholds the tenets of the original agreement while reflecting the will of Council and not placing an undue burden on the artist or Createscape Waterloo Region.

By receiving ownership of the statues, the Township is upholding their legal obligation to Createscape Waterloo Region. By placing the statues in storage during the consultation process, the Township is following the July 27, 2020 Motion approved by Council, allowing the consultations to take place without additional promotion of the Prime Ministers Path, and directly reflects the following principles of Truth and Reconciliation¹ⁱ:

3. Reconciliation is a process of healing of relationships that requires public truth sharing, apology, and commemoration that acknowledge and redress past harms.
4. Reconciliation requires constructive action on addressing the ongoing legacies of colonialism that have had destructive impacts on Aboriginal peoples' education, cultures and languages, health, child welfare, the administration of justice, and economic opportunities and prosperity.
6. All Canadians, as Treaty peoples, share responsibility for establishing and maintaining mutually respectful relationships.
9. Reconciliation requires political will, joint leadership, trust building, accountability, and transparency, as well as a substantial investment of resources.

The attached agreement, prepared by the Township solicitor, has been reviewed and agreed to by Createscape Waterloo Region.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This report is part of the ongoing communication of municipal matters.

FINANCIAL CONSIDERATIONS:

Legal fees associated with the preparation and review of this agreement will be incorporated within the 2021 Capital Budget for Prime Ministers Path Consultation. Subsequent to the

results of the current RFP for Consulting Services, a justification sheet and funding allocation will be included within the 2021 Municipal Budget process.

For the purposes of this report and financial and resource planning, staff is operating with unknown variables, including the continuation of the Prime Ministers Path and the installation of the Unfortunate Four following the consultations outlined in the July 27, 2020 Notice of Motion. Presuming the Unfortunate Four statues will be shipped to the Prime Ministers Path for installation at some point in 2021, transportation costs would be an additional \$400.00.

ATTACHMENTS:

1. Supplemental Agreement with Createscape Waterloo Region
2. 2016 Agreement Between Createscape Waterloo Region and the Township

ⁱ The Truth and Reconciliation Commission of Canada, *What We Have Learned: Principles of Truth and Reconciliation*, <http://www.trc.ca/assets/pdf/Principles%20of%20Truth%20and%20Reconciliation.pdf>

SUPPLEMENTARY AGREEMENT

BETWEEN:

CREATESCAPE WATERLOO REGION,

a corporation without share capital incorporated under the *Corporations Act* (Ontario)

(hereinafter “**Createscape**”)

and

THE CORPORATION OF THE TOWNSHIP OF WILMOT,

a municipal government established under the laws of Ontario

(hereinafter, the “**Township**”)

RECITALS:

- 1) This agreement supplements the original agreement executed by the parties in May 2016 (the “**Original Agreement**”) and relates solely to the statues of Sir John Abbott, Sir John Thompson, Sir Mackenzie Bowell and Sir Charles Tupper (the “**Unfortunate Four Statues**”); and,
- 2) Further to section 5 of the Original Agreement, this agreement is being entered into to address specific details not provided for in the Original Agreement, as there are unique requirements for the Unfortunate Four Statues;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

A. Transfer of the Unfortunate Four Statues

1. Notwithstanding any other provision of the Original Agreement, Createscape hereby agrees to transfer ownership and title of the Unfortunate Four Statues and associated research, intellectual property and other assets, to the Township and the Township agrees to accept the transfer of ownership and title of the Unfortunate Four Statues and associated research, intellectual property and other assets upon its completion by the artist (Nathan Scott), subject to the following conditions:
 - (a) once the Unfortunate Four Statues are delivered to the Township, the Township shall solely own all interests in the Unfortunate Four Statues and associated research, intellectual property and other assets associated with the Unfortunate Four Statues and the Township shall be entitled to use such interests as the sole owner and holder of such interests;
 - (b) Createscape agrees to, at its sole cost, deliver the Unfortunate Four Statues, upon their completion by the artist, to a location specified by the Township;
 - (c) if and when the Township decides to install the Unfortunate Four Statues at the Prime Ministers’ Path area in Baden, Ontario, at the Township’s sole and absolute discretion, Createscape agrees that it shall, at its sole cost, install the Unfortunate Four Statues in accordance with its proposal to the Township, subject to any changes requested by the Township; and,

- (d) notwithstanding sections 1(b) and 1(c) of this supplementary agreement, if Createscape incurs costs for the delivery or installation of the Unfortunate Four Statues that it otherwise would not have incurred had it delivered them directly to the Prime Minister's Path area in Baden, Ontario instead of to a location specified by the Township and then, potentially, having to take the Unfortunate Four Statues from that location to the Prime Minister's Path area in Baden, Ontario, the Township agrees that it will be responsible for paying that limited differential in cost.

B. General Provisions

2. Time is of the essence for this supplementary agreement.
3. This supplementary agreement and any other documents and instruments given pursuant thereto shall enure to the benefit of and be binding upon the Parties and the respective heirs, executors, administrators, successors and permitted assigns, as the case may be.
4. The Parties shall from time to time execute and deliver all such other and further deeds, documents, instruments and assurances as may be necessary or required to carry into force and effect the purpose and intent of this supplementary agreement.

For: **The Corporation of the Township of Wilmot**

Signature: _____ Date: _____

Name/Title: Les Armstrong, Mayor

Signature: _____ Date: _____

Name/Title: Dawn Mittelholtz, Director of Information and Legislative Services/Municipal Clerk

"We have authority to bind the Corporation."

For: **Createscape Waterloo Region**

Signature: _____ Date: _____

Name: _____

"I have the authority to bind Createscape."

AGREEMENT

BETWEEN

Createscape Waterloo Region, a corporation without
share capital incorporated under the *Corporations Act* (Ontario)

and

The Corporation of The Township of Wilmot, a municipal government
established under the laws of Ontario

RECITALS

- 1) The PM Statues Project was initiated by residents of Waterloo Region with a view to creating statues of each Prime Minister of Canada as part of Canada's celebration of the 150th anniversary of Confederation.
- 2) Createscape Waterloo Region is a registered charity (898783758RR0001) with objectives to promote arts and culture and the creative sector in Waterloo Region for purposes of public benefit.
- 3) Createscape Waterloo Region has adopted The PM Statues Project as a charitable activity within its objectives and as such, has accepted and will accept gifts or donations to support this charitable activity and has commissioned and will commission from artists statues that meet the criteria of The PM Statues Project.
- 4) The Corporation of The Township of Wilmot is a municipal government established under the laws of Ontario and, as such, is a qualified donee for purposes of the *Income Tax Act* (Canada).
- 5) Createscape Waterloo Region is interested in transferring the statues and associated research, intellectual property and other assets to The Corporation of The Township of Wilmot as the sole recipient so that the public benefit in these assets may be optimized.
- 6) The Corporation of The Township of Wilmot is interested in accepting the transfer of the statues and associated research, intellectual property and other assets from Createscape Waterloo Region so that the public benefit in these assets may be optimized by The Corporation of The Township of Wilmot.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

A. Transfer of The PM Statues Project Assets

1. Createscape Waterloo Region (Createscape) hereby agrees to transfer ownership and title of the PM Statues and associated research, intellectual property and other assets to The Corporation of The Township of Wilmot (the Township) and the Township agrees to accept the Statues as follows:
 - a) in the case of the Sir John A. Macdonald 'A Canadian Conversation' statue created by Ruth Abernethy, and which is owned by Wilfrid Laurier University ("WLU"), Createscape shall support the Township in its request that WLU transfer the statue and related intellectual property to the Township on or before July 1, 2016,in the case of the other PM Statues, upon completion of each statue and after the payment of any commission fees or similar charges payable by Createscape to the

2. The Township hereby agrees to accept the transfer of ownership and title of the statues and associated research, intellectual property and other assets as noted in clause 1. It is understood and agreed that the intention of the parties is that (i) Createscape shall transfer all of its interests in the PM Statues and associated research, intellectual property and other assets, and (ii) the Township will be able to use such interests as the sole owner and holder of such interests.
3. In furtherance of this objective, Createscape shall consult with the Township on the written agreement that is to be used with artists as part of the commissioning process with a view to incorporating in the written agreement such terms as the Township may reasonably require to be included, provided that any such term does not have a materially negative impact on the commissioning of appropriate artists. The written agreement to be used for the commissioning of the PM statues is expected to include all intellectual property rights and any other such rights as the Township may require for its ownership and maintenance and to optimize the benefit of the PM statues at the Township.
4. Following transfer of a PM statue to the Township it shall own all interests in the PM Statue and associated research, intellectual property and any other assets associated with the statue. The Township acknowledges that appropriate organizations in other communities in Canada may be interested in obtaining a copy of a PM Statue that is relevant to a specific community at the expense of the requesting organization. The Township shall consider any requests, but has no obligation to consent to a copy of a statue being obtained by another organization and shall incur no costs associated with such requests. Factors that would be considered by the Township include the organization making the request, geographic location of the organization, connection of the PM to the location, and whether or not consent to produce a copy/copies has previously been provided by the Township for a specific statue.
5. Createscape and the Township shall co-operate with respect to the delivery and installation of the PM Statues and the transfer and receipt of the associated research, intellectual property and other assets. If required, further written agreements may be executed to address any specific details not provided for in this agreement or where there may be unique requirements for a statue.

B. Installation of The PM Statues

6. Createscape shall, at its cost, install the PM Statues in accordance with its proposal to the Township, subject to any changes that are mutually acceptable during the term of this agreement. Createscape shall acknowledge, and be responsible for the costs of any such acknowledgements or activities, of the project benefactors, funding partners and donors.
7. The Township shall oversee the development and ongoing operation of an educational program that is accessible to the public with respect to the PM Statues and the history of the prime ministers depicted in the PM Statues, their importance to Canada and their times, that is of a quality that meets public expectations. The Township will not be obligated to assume any costs incurred by other parties that may be involved in or contributing to the content or platform for the educational programming.

C. Statue Design Principles and Design and Curatorial Process

Createscape shall establish a design and curatorial advisory committee to establish design standards (e.g. materials, dimensions) which will form guidelines for advice to Createscape on the PM Statue Project. The standards will facilitate consistency and maintain the integrity of the collection of statues.

8. Heritage Wilmot Advisory Committee and Castle Kilbride Advisory Committee shall nominate two (2) members to the advisory committee, who have interest or expertise in Canadian history, art, or such other expertise that Wilmot considers appropriate. Createscape shall appoint the nominees to the committee and such other members as Createscape considers appropriate to advance the objectives of the PM Statues Project. Dave Caputo and Jim Rodger, as Founders of the PM Statues Project shall be members of the committee. Don Bourgeois shall be a member of the Committee.

The design and curatorial advisory committee shall provide advice on the following matters:

- a) draft "artistic vision" for the PM Statue Project which will be used as a fundamental document in the procurement and commissioning process;
 - b) technical specifications and standards for the PM Statues, including such matters as materials, production or manufacturing techniques, finishing, installation and such other matters that are relevant to ensure that the Statues are suitable for an outdoor installation with reasonable maintenance requirements for an intended minimum lifespan of 100 years;
 - c) the commissioning process, including the documentation to be used in the process, such as any request for proposal or similar process and documents;
 - d) the selection of artists to carry out the commission for further Statues
 - e) the criteria for selection of the artists or artist, it being recognized that the advisory committee may advise that the artistic vision and integrity of the PM Statue Project could result in only one artist or a small roster of artists to carry out the commissions; the historical and community criteria to be used in determining the scheduling of the prime ministers, subject to the ability to raise funds for such statue;
 - f) advise Createscape on the process to achieve the optimal results for both Createscape and the Township, including the more detailed terms of reference for an advisory committee which will provide oversight and recommendations on the long-term preservation and exhibits to enhance the success of the statute project; and
 - g) such other matters as the advisory committee considers appropriate.
9. The parties recognize that the advisory committee is to provide advice to Createscape but that Createscape is lawfully obliged to make decisions with respect to the PM Statues Project and the retention of artists, both for purposes of the law of charity, the Income Tax Act and contract law. Createscape shall, however, consider the advice of the advisory committee in good faith and consult with the committee where it has concerns or questions with the committee's recommendations.
 10. The Township recognizes that the advisory committee is intended to be advisory in nature to Createscape and Createscape recognizes that the Township has full authority over its property and legitimate interests including those related to reputational risk related to the statue project.

over its property and legitimate interests including those related to reputational risk related to the statue project.

B. Fundraising

11. Createscape anticipates raising the funds to pay for The PM Statue Project through public and private donations, grants from governments and their agencies, sponsorships and similar sources of revenue.

E. Governance and Dispute Resolution

12. The parties recognize that:

- a) the PM Statues Project was initially developed by the Founders, Mr. Dave Caputo and Mr. Jim Rodger, and others who have provided advice and assistance. The Founders will continue to have a role in the PM Statues Project to ensure that the vision that they developed in consultation with others is respected,
- b) Createscape adopted the PM Statues Project as a charitable activity and has lawful obligations as a registered charity, and
- c) The Township, as a municipal government, is a qualified donee under the Income Tax Act and has lawful obligations, as well as reputational requirements that need to be considered in any decision-making by Createscape relating to the PM Statue project.

13. Createscape will make decisions with respect to the commissioning of the PM Statues and, in doing so, will take into account in good faith the advice that it receives from the advisory committee, the Founders and the Township. Createscape further recognizes that success of the PM Statues Project is dependent upon a collaborative approach on the part of all individuals and institutions involved in the Project.

14. Once the statue(s) are transferred to the Township, it has sole ownership of the statue(s). The Township will make decisions with respect to the preservation and curating of the PM Statues taking into account the good faith advice it receives from the advisory committee, the Founders and Createscape. The Township further recognizes that success of the PM Statues Project is dependent upon a collaborative approach on the part of all individuals and institutions involved in the Project.

15. If a dispute arises with respect to the PM Statues Project under this agreement, Createscape and the Township agree to attempt to resolve such dispute through the design advisory committee. If the dispute cannot be resolved at the committee level, the chair of the board of directors of Createscape and the Mayor, CAO and or their designates of the Township shall attempt to resolve such dispute. If the dispute is not resolved after the consideration by these individuals, either Createscape or the Township may refer the dispute to a mediator for assistance in reaching a mutually agreed upon resolution. The party requesting mediation shall provide a list of three possible mediators to the other party who will choose a mediator from the list. In the event that the dispute cannot be resolved through mediation, the parties will consider whether continued cooperation on the PM Statues project is possible.

F. Term

16. This Agreement shall come into effect on the day of signing. It shall remain in effect until such time as the PM Statues Project is deemed complete by the mutual agreement of both parties.

Either party reserves the right to terminate the contract without cause, in whole or in part, upon giving ninety (90) days written notice.

G. General


17. Time is of the essence of the Agreement.

18. The Agreement, and any other documents and instruments given pursuant thereto shall enure to the benefit of and be binding upon the Parties and the respective heirs, executors, administrators, successors and permitted assigns, as the case may be.


19. The Parties shall from time to time execute and deliver all such other and further deeds, documents, instruments and assurances as may be necessary or required to carry into force and effect the purpose and intent of this Agreement.

For: The Corporation of The Township of Wilmot

Signature:  Date: MAY 5, 2016
Name: Les Armstrong, Mayor

Signature:  Date: MAY 5, 2016
Name: Barbara McLeod, Director of Clerk's Services
"We have authority to bind the Corporation"

For: Createscape Waterloo Region

Signature:  Date: 16/05/09
Name: DONALD BOUWMEESTER
"I have the authority to bind Createscape"

Signatures redacted to avoid duplication.



TOWNSHIP OF WILMOT

PARKS, FACILITIES & RECREATION SERVICES *Staff Report*

REPORT NO: PFRS 2020-11

TO: Council

SUBMITTED BY: Sandy Jackson, Director of Parks, Facilities & Recreation Services

PREPARED BY: Sandy Jackson, Director of Parks, Facilities & Recreation Services

REVIEWED BY: Grant Whittington, CAO

DATE: October 5, 2020

SUBJECT: RFP Award Constitution Park Playground

RECOMMENDATION:

That RFP 2020-22 be awarded to Play Power LT Canada, Inc., for the design, supply and installation of phase two of the playground replacement at Constitution Park, New Hamburg, as per their proposal dated September 23, 2020, in the amount of \$47,336 including HST.

SUMMARY:

An RFP was issued for the design, supply and construction of additional playground equipment at Constitution Park. Four (4) bids were received when the RFP closed. This report recommends the contract be awarded to Play Power LT Canada, Inc.

BACKGROUND:

Constitution Park, located on Hincks Street, New Hamburg, ON has a playground that reached its useful life and is being replaced in two stages. Most of the aged playground equipment was replaced in 2019. However, due to very poor drainage conditions at the site, a larger percentage of the budget than anticipated was spent on underground works. As a result of feedback from

the public following the completion of the project in 2019, additional play features were proposed for 2020 through the capital budget process.

REPORT:

The 2020 Capital budget includes a project to increase the quantity of features installed in 2019 to improve the play value. A drainage layer and an engineered wood fiber surface will also be installed under the additional equipment to match the surface installed in 2019.

On September 8, 2020, the RFP was made available online through the Township's e-bidding site. A non-mandatory site meeting was held on August 31, 2020 at Constitution Park, which four (4) contractors attended.

A total of seven (7) plan takers resulted in a total of four (4) proposals received at time of RFP close on September 23, 2020 as outlined below:

Bidder	Location
Play Power LT Canada Inc.	Paris, ON
S.F. Scott Mfg. Co. Ltd. (Blue Imp)	Medicine Hat, AB
Henderson Recreation Equipment Ltd.	Simcoe, ON
Openspace Solutions Inc.	Wellesley, ON

The proposal submissions were evaluated based upon the following four (4) criteria with weighting allocated to each as outlined below:

- Understanding & Approach – 30%
- Experience & References – 25%
- Quality / Play Value – 30%
- Cost Proposal – 15%

Play Power LT scored the highest by the independent scoring across the selection committee, while remaining within the budget allocation. The total available budget of \$42,000 was provided to the contractors as part of the RFP process. The overall play value and quality of their proposal received more points through the scoring process. Therefore, Play Power LT was selected as the preferred supplier/installer. The proposed design is attached as Appendix "A".

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The design and installation of a new playground at Constitution Park is aligned with our Strategic Plan goals by enhancing *Quality of Life, maintaining infrastructure and ensuring peoples safety.*

FINANCIAL CONSIDERATIONS:

The approved Capital budget for this project is outlined below:

Funding Source	Amount
Infrastructure Reserve Fund (Facilities)	\$42,000
Total Budget	\$42,000

Staff have reviewed the bids submitted for completeness and creativity and have worked with the Play Power in the past and have no concerns awarding this contract.

The full cost of the Power Play LT proposal including taxes is \$47,336. The total cost, net of HST rebate is \$42,628, and aligned with the budget allocation.

ATTACHMENTS:

Appendix A: Playground Design Proposal Play Power LT Canada Inc.



Appendix A - Playground Design Proposal Play Power LT Canada



PlayPower
70 Years Serving Canada

CAN200270A - View 1
RFP2020-22 Township of Wilmot
Constitution Park Playground

Little Tikes **COMMERCIAL**
Play Structures



PlayPower
70 Years Serving Canada

CAN200270A - View 2
RFP2020-22 Township of Wilmot
Constitution Park Playground

Little Tikes **COMMERCIAL**
Play Structures



TOWNSHIP OF WILMOT

PARKS, FACILITIES & RECREATION SERVICES *Staff Report*

REPORT NO: PFRS 2020-12

TO: Council

SUBMITTED BY: Sandy Jackson, Director of Parks, Facilities & Recreation Services

PREPARED BY: Sandy Jackson, Director of Parks, Facilities & Recreation Services

REVIEWED BY: Grant Whittington, CAO

DATE: October 5, 2020

SUBJECT: RFP Award Youth Optimist Park Playground

RECOMMENDATION:

That RFP 2020-23 be awarded to Open Space Solutions Inc. for the design, supply and installation and the removal of the existing playground equipment at Youth Optimist Park, New Hamburg, as per their proposal dated September 23, 2020, in the amount of \$98,168 including HST.

SUMMARY:

An RFP was issued to remove existing aged playground equipment, and design and install new equipment on the same site at Youth Optimist Park, New Hamburg. Four (4) bids were received when the RFP closed. This report recommends the contract be awarded to the Open Space Solutions Inc.

BACKGROUND:

Youth Optimist Park, located on Theodore Schuler Boulevard, New Hamburg, has a playground that has reached its useful life and is scheduled to be replaced in 2020. The replacement was approved in the 2020 budget process. Equipment includes climbing apparatus, swings, platforms, tactile play and other sensory components, as well as AODA compliant features. Site

This information is available in accessible formats upon request

conditions will also be improved by incorporating drainage and industry standard engineered wood fiber surfacing to replace the existing pea stone surface.

REPORT:

This 2020 Capital project includes funds to replace the existing playground at Youth Optimist Park which is intended to improve the play value, update aged equipment, replace the surface material and add drainage to the play space.

On September 8, 2020 an RFP was made available online through the Township's e-bidding site to receive proposals for the removal of existing playground equipment, and design, supply and install new playground equipment. A non-mandatory site meeting was held on August 31, 2020 at Youth Optimist Park, which four (4) contractors attended.

A total of seven (7) plan takers resulted in four (4) proposals received at time of RFP close on September 23, 2020 as outlined below:

Bidder	Location
Openspace Solutions Inc.	Wellesley, ON
PlayPower LT Canada Inc.	Paris, ON
Kay Scott Holdings Inc.	Brantford, ON
Henderson Recreation Equipment Ltd.	Simcoe, ON

The proposal submissions were evaluated based upon the following four (4) criteria with weighting allocated to each as outlined below:

- Understanding & Approach – 30%
- Experience & References – 25%
- Quality / Play Value – 30%
- Cost Proposal – 15%

Openspace Solutions Inc. scored highest in terms of play value and the quality of their proposal received more points through the independent scoring process, while remaining within the budget allocation. The total available budget of \$88,000 was provided to the contractors as part of the RFP process.

Therefore, Openspace Solutions Inc. was selected as the preferred supplier/installer. The proposed design is attached as Appendix "A".

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The design and installation of a new playground at Youth Optimist Park is aligned with our Strategic Plan goals by enhancing *Quality of Life, maintaining infrastructure and ensuring peoples safety*.

FINANCIAL CONSIDERATIONS:

The approved Capital budget for this project is outlined below:

Funding Source	Amount
Infrastructure Reserve Fund (Facilities)	\$88,000
Total Budget	\$88,000

Staff have reviewed the bids submitted for completeness and creativity and have worked with Open Space in the past and have no concerns awarding this contract.

The full cost of the Openspace proposal, including taxes is \$98,168. The cost impact, net of HST rebate is \$88,403, and aligned with the funding provided in the 2020 budget.

ATTACHMENTS:

Appendix A: Playground Design Proposal Open Space Solutions Inc.



Appendix A - Playground Proposal



Township of Wilmot - Youth Optimist Park



Township of Wilmot - Youth Optimist Park



Sept. 25, 2020

To Wilmot Township Mayor Les Armstrong, Chief Administrative Officer Grant Whittington, Clerk Dawn Mittelholtz and Deputy Clerk Tracy Murray, with copies to Councillors Angie Hallman, Barry Fisher, Cheryl Gordijk, Jeff Gerber and Jennifer Pfenning.

Dear Sirs and Madams:

As someone who has deep, generational roots in the Wilmot community and has made presentations to council on the matter of the Prime Ministers Path, I wish to comment on the motion passed on July 27, 2020, calling for “consultation” about said Path. To put it bluntly, any consultation process containing terms of reference based on this motion would be grievously ill-founded. I would ask township staff – whom I know to be honourable and professional – to avoid becoming unwitting accomplices to a sham when preparing draft terms of reference for council’s consideration. In the interests of fairness and accountability, it is imperative that any consultation process be open to all – not just a select few based primarily on race or ethnicity. My concerns are as follows:

1. The motion was created in haste during a council meeting. Consequently, it rambles uncontrollably and is full of contradictions, inconsistencies and inaccuracies. The motion is structurally flawed. For example, it ends with a “Whereas” clause when a “whereas” is typically followed by a “Therefore” in a motion (as is the case in the first part of the motion). This dangling “whereas” gives the impression something was left out and simply adds to the other incoherent aspects of the motion.
2. The motion calls for a “pause” in the development of the Prime Ministers Path, but also calls for the removal (since carried out) of the Macdonald statue from its existing location. A step backwards is not a “pause.” It is profoundly contradictory to remove a statue and then consult with people after the fact as to whether statues should be removed. Moreover, it would be financially irresponsible to remove a statue and pay to put it into storage only to take it back out of storage a few months later and pay again to have it re-installed on the property. Consequently, there is legitimate apprehension that some councillors have no intention of being open to returning the statue to the site, thereby relegating the “consultation” process to nothing more than a costly facade erected to cover up the true structure of intransigence behind the anti-statues movement.
3. The second “whereas” clause in the motion makes fleeting reference to “all stakeholders and partners of the Prime Ministers Path Project,” but only insofar as their “responsibility” to support “all peoples who have, and continue to experience oppression and marginalization.” The motion then grows silent about the populace – especially **its** rights – by limiting access to the process. The

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motion instructs staff to “meet” with “the consultant and Indigenous groups of the community and other identified marginalized groups and a member of the Prime Ministers Path Project Committee.” (The motion also requires the consultant to be Indigenous.) The motion does not require staff to meet with, or listen to, anyone else. Since able-bodied, self-sufficient, white people are not considered “marginalized,” the net effect of the motion, as written, is to exclude the vast majority of Wilmot residents from the process.

4. The motion makes continuing reference to adhering to the principles of the Truth and Reconciliation Commission but, in fact, violates the very spirit of that Royal Commission. The motion instructs township staff to “immediately relocate the statue of Sir John A. Macdonald” because it is allegedly offensive to indigenous people. (The removal was subsequently carried out.) However, the Truth and Reconciliation Commission does not advocate the removal of statues. In fact, the former chair of the Truth and Reconciliation Commission, Senator Murray Sinclair, has been widely quoted as saying that pulling down statues is “counterproductive” to the reconciliation process.

“The problem I have with the overall approach to tearing down statues and buildings” says Sinclair, “is that it is counterproductive to ... reconciliation because it almost smacks of revenge or smacks of acts of anger, but in reality, what we are trying to do, is we are trying to create more balance in the relationship.”

In other words, the motion shamelessly misappropriates the Truth and Reconciliation Commission report by implicitly and erroneously citing it as a justification for statue removal. This is only one of the false premises on which the motion has been concocted.

5. The motion also cites as a false premise “the unbalanced historical representation within the Prime Ministers Path, and specifically the Sir John A. Macdonald statue located on Wilmot Township property.” But council has already been told by those associated with the Path and other delegates that Indigenous history will be incorporated into the Path project as soon as the Covid-19 outbreak allows the project to continue. Historical balance is one of the key goals of the Prime Ministers Path. The township should follow suit by engaging in more education and less eradication.
6. The motion orders that “reports from the University of Wilfrid Laurier and the City of Kitchener will be entered as relevant material for inclusion in the final report.” Notably missing is any reference to the City of Kingston report, produced by an Indigenous consulting group, which recommended keeping that city’s statues. The availability of this Kingston study was publicly known prior to passage of the motion and, therefore, its omission can be seen as one more stark indication of the blatant bias that contaminates the entire motion and the illegitimate consultation process to which it gives birth.

7. Another nail of skepticism is driven into the coffin of credibility when the motion calls for the “consultation” process to include “transcripts of Indigenous delegates’ presentations to council during the July 13, 2020 Township of Wilmot Council Meeting and all presentations from Createscape Waterloo Region.” What of other representations made by Wilmot taxpayers and others who favour keeping and maintaining the Prime Ministers Path? Again, these alternative viewpoints are noticeably absent, serving to add even more muck to the landslide of error, omission and insincerity that has buried any pretense to objectivity in this motion. Also, Don Bourgeois of Createscape has recently informed me and others, in writing, that “Createscape Waterloo Region has never done a presentation to Wilmot Council.” Therefore, a commitment to include such presentations rings hollow. I assume the motion is referring to presentations made by the Path’s founders, who naturally have a working connection to Createscape. This needs to be clarified, though.
8. The motion further requires that “all Indigenous groups who accept the invitation will be provided an honorarium for contributing their expertise to the resulting report.” Once again, the vast majority of citizens have been excluded based on their race. Many questions arise: Which select Indigenous groups will receive an “invitation” to contribute to the report – only those who oppose statues? Again, I must note the precedent set by the motion’s lamentable omission of the aforementioned City of Kingston study, even though that study was produced by one of the most well-respected and knowledgeable Indigenous groups in Canada – the First Peoples Group. This bias by omission gives credence to the understandable fear that such “invitations” will likewise turn out to be as skewed as loaded dice at a casino. Also, who decides which groups have real “expertise” in history? Or does one get paid an “honorarium” for simply showing up? Who will be conducting the racial purity test? Will people have to produce native status cards or DNA samples? Such race-based access to what should be an unfettered public process is, frankly, repugnant and a preposterous invitation to abuse. Ironically, it will be carried out at the expense of Wilmot taxpayers, almost all of whom are being denied not only an “honorarium” but full access, itself, to this misguided, perverted process. The fair approach is to invite all stakeholders to appear voluntarily, as a public service, regardless of race, creed, colour or any of the other noted categories in the Canadian Charter of Rights and Freedoms.

In short, the motion is ill-conceived, ill-crafted and ill-advised. It is based on false assumptions and is profoundly discriminatory by effectively disenfranchising the vast majority of Wilmot Township taxpayers. Honourable elected officials would correct this glaring affront to decency and democracy by rescinding such a motion immediately.

Sincerely

Robert Roth
(6th generation of local, pioneer Roths)

WHEREAS the Indigenous Peoples of Canada's emotional toll brought to light by the unbalanced historical representation within the Prime Ministers Path, and specifically the Sir John A. Macdonald statue located on Wilmot Township property on the lands of the traditional territory of the Neutral, Anishnaabeg, Haudenosaunee and Mississauga peoples, requires an open and transparent dialogue to address concerns, generational suffering and factual historical omissions.

AND WHEREAS all stakeholders and partners of the Prime Ministers Path Project, and specifically the Sir John A. Macdonald statue have a collective responsibility to uphold the Township's commitment to stand with all peoples who have, and continue to experience oppression and marginalization as per the Township's unified anti-racism statement issued in a Township newsletter on July 2, 2020 and a media release on June 23, 2020.

NOW THEREFORE the Council of the Township of Wilmot hereby directs staff of the Township of Wilmot to immediately pause any further investment and expansion of the Prime Ministers Path until a sufficient, thorough, respectful and transparent consultation process is completed with accountability that adheres to the calls to action set out in the Truth and Reconciliation Commission of Canada's Principles of Reconciliation. The consultation process must create a safe place for all to have constructive discussions that do not infringe upon anyone's rights stipulated in The Canadian Charter of Rights and Freedoms.

THEREFORE BE IT RESOLVED that staff be directed to immediately relocate the statue of Sir John A Macdonald from the front lawn of Wilmot Township to a location that does not harm any members of the Indigenous community.

BE IT FURTHER RESOLVED that staff discuss appropriate locations with the Indigenous community and report back on a relocation strategy that includes Wilmot Townships commitment to the calls to action set out in the Truth & Reconciliation.

WHEREAS given the responsibility we have as elected officials, in the Township of Wilmot to listen and respect all residents, and specifically Indigenous peoples on this matter to demonstrate an unwavering commitment to remedy past wrongs and to dutifully commit to a path of reconciliation, be it resolved that an Indigenous consultant, who will be provided an honorarium for contributing their expertise to this report, will be contracted and two(2) members of Wilmot Council will be part of the Indigenous consultant appointment process.

AND, Wilmot Township staff will meet as required with the consultant and Indigenous groups of the community and other identified marginalized group and a member of the Prime Ministers Path Project Committee in a transparent consultation process that is implemented with accountability and where all members have equal rights, privileges, and obligations to have a beneficial dialogue to discuss concerns, generational suffering and factual historical omissions.

AND, to efficiently aid the process and to prevent further trauma to the Indigenous community who previously provided input on these statues, the comments and reports from the University

of Wilfrid Laurier and the City of Kitchener will be entered as relevant material for inclusion in the final report along with transcripts of Indigenous delegates' presentations to council during the July 13, 2020 Township of Wilmot Council Meeting and all presentations from Createscape Waterloo Region.

AND FURTHER that all Wilmot Township data gathered from Prime Ministers Path school group post-visit surveys tracking usage and educational value, tourism impact surveys assessing benefits to local businesses, donated-land asset financial reports ensuring continued return on investment to Wilmot Township's residents as well as overall tourism and educational benefits cited as the fundamental basis for installing the Prime Ministers Path Project, and specifically the Sir John A. Macdonald statue be submitted as relevant material for inclusion in the Indigenous consultant's presentation and staff's final report to council.

FURTHER, that all Indigenous groups who accept the invitation will be provided an honorarium for contributing their expertise to the resulting report.

AND WHEREAS, the Indigenous consultant will conduct and carry out sufficient research, then present their findings in open council outlining any recommendations at the March 1, 2021 Council meeting, unless council is notified in advance of the need for an extension, that includes following the Truth and Reconciliation Commission of Canada's Principles of Reconciliation upon which staff will be directed to produce a report for council's consideration for action.

THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2020-37

**BY-LAW TO AUTHORIZE THE EXECUTION OF A SUPPLEMENTAL
AGREEMENT WITH CREATESCAPE WATERLOO REGION**

WHEREAS the Municipal Council of the Corporation of the Township of Wilmot is desirous of entering into an Agreement, which forms Schedule "A" to this By-law.

**THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF
THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:**

1. That the Agreement which forms Schedule "A" to this By-law is hereby accepted as approved.

2. That the Mayor and Clerk are hereby authorized to execute under seal the said Agreement and all other documents and papers relating to this transaction.

READ a first and second time this 5TH day of October, 2020.

READ a third time and finally passed in Open Council this 5TH day of October, 2020.

Mayor

Clerk