

Regular Council Meeting

Minutes

December 6, 2021, 7:00 P.M.

Virtual Location

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

Staff Present: Chief Administrative Officer S. Chambers
Director of Information and Legislative Services/Municipal Clerk
D. Mittelholtz
Manager of Information and Legislative Services/Deputy Clerk T.
Murray
Director of Public Works and Engineering J. Molenhuis
Fire Chief R. Leeson
Director of Corporate Services/Treasurer P. Kelly
Director of Development Services H. O'Krafka
Director/Curator Castle Kilbride T. Loch
Manager of Planning and Economic Development A. Martin

1. MOTION TO CONVENE INTO CLOSED MEETING

Moved by:

Seconded by:

THAT a Closed Meeting of Council be held on Monday, December 6, 2021, at 4:45 P.M. in accordance with Section 239(2), for the purposes of:

(c) a proposed or pending acquisition or disposition of land by the municipality or local board;

f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried.

2. MOTION TO RECONVENE IN OPEN MEETING

Moved by: Councillor A. Hallman

Seconded by: Councillor C. Gordijk

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

Carried.

3. MOMENT OF SILENCE

4. TERRITORIAL ACKNOWLEDGEMENT

5. ADDITIONS TO THE AGENDA

6. ADOPTION OF THE AGENDA

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

That the Agenda as presented for December 6, 2021 be adopted.

Carried.

7. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

None Disclosed.

8. MINUTES OF PREVIOUS MEETINGS

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

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

Regular Council Meeting November 22, 2021

Carried.

9. PUBLIC MEETINGS

9.1 REPORT NO. DS 2021-032

The Manager of Planning outlined the report and advised traffic studies would include looking at the entire scope of the traffic flows and those details will be provided in a subsequent report.

Kevin Muir, GSP Group and Zac Zehr, Zehr Group, appeared as delegations and provided an overview of the development, noting that the plan is a mixed townhouse condominium development and outlined the specific designs of the development. Mr. Muir noted there is a variety of housing options in this development. Mr. Muir noted this is a work in progress and is always being refined based on market conditions and feedback from the public and Council.

In response to a question, Mr. Muir advised that they are not in the detailed design stage; however, they are committed to considering accessible units and net zero ready units within the property.

Mr. Zehr advised that Skyline is looking to relocate the photovoltaic that are currently on the property.

Mr. Muir noted that traffic mitigation is being considered throughout the design.

Mr. Muir advised that preliminary elevations have been designed and Mr. Zehr advised that they are looking to have development that fits the neighbourhood while also being impressively designed, including such things as ability for people to work from home, creating bright open spaces.

Mr. Mike Lucas appeared as a delegation, he advised of an email that was sent with his concerns for his privacy in his backyard. He noted that he would like consideration of a 2-storey development to better reflect the neighbourhood. Mr. Lucas noted that doing a traffic study during the current working from home conditions due to COVID could not provide an accurate reflection of the traffic volume.

Moved by: Councillor B. Fisher

Seconded by: Councillor J. Pfenning

THAT Report DS 2021-032 be received for information.

Carried.

10. PRESENTATIONS

10.1 Project Grand River

The Director of Corporate Services outlined the report and introduced Jerry Van Ooteghem and Jim Phillips.

Mr. Jim Phillips and Mr. Jerry Van Ooteghem outlined the proposed merger. The presentation is attached as Appendix A.

Mr. Van Ooteghem advised that the comments received were in relation to the difference in rates, which was expected, noting that the proposed merger includes harmonized rates for a 20 year period which would see separate rates for Kitchener-Wilmot Hydro residents and Waterloo North Hydro customers.

10.1.1 REPORT NO. COR 2021-041

Moved by: Councillor J. Pfenning

Seconded by: Councillor J. Gerber

WHEREAS on October 4, 2021 Council of The Corporation of the Township of Wilmot approved the Memorandum of Understanding (MOU) between The Corporation of the Township of Wilmot, The Corporation of the City of Kitchener, The Corporation of the City of Waterloo, The Corporation of the Township of Woolwich, The Corporation of the Township of Wellesley, Kitchener Power Corp. (KPC), and Waterloo North Hydro Holding Corporation (WNH), regarding the proposed merger between Kitchener Power Corp. and Waterloo North Hydro Holding Corporation and their subsidiaries Kitchener-Wilmot Hydro Inc. and Waterloo North Hydro Inc.;

AND WHEREAS The Corporation of the Township of Wilmot is the beneficial and registered owner of 7.75% of the issued and outstanding shares in the capital of KPC and The Corporation of the City of Kitchener is the beneficial and registered owner of 92.25% of the issued and outstanding shares in the capital of KPC;

AND WHEREAS the Corporation of the City of Waterloo is the beneficial and registered owner of 73.2% of the issued and outstanding shares in the capital of WNH, the Corporation of the Township of Woolwich is the beneficial and registered owner of 20.2% of the issued and outstanding shares in the capital of WNH,

and The Corporation of the Township of Wellesley is the beneficial and registered owner of 6.6% of the issued and outstanding shares in the capital of WNH;

AND WHEREAS KPC owns all of the issued and outstanding shares in the capital of Kitchener-Wilmot Hydro Inc. ("KWHI") (an OEB-regulated electricity distributor) and Kitchener Energy Services Inc. ("KESI"), and has minority interest in Grand River Energy Solutions Inc.;

AND WHEREAS WNH owns all of the issued and outstanding shares in the capital of Waterloo North Hydro Inc. ("WNHI") (an OEB-regulated electricity distributor) and Alliance Metering Solutions Inc. ("AMS"), and has a minority interest in Grand River Energy Solutions Inc. and Eyedro Green Solutions Inc.;

AND WHEREAS the conditions set out in the MOU have been satisfied and incorporated into a more detailed "Merger Participation Agreement" (MPA), to be signed by all parties;

AND WHEREAS KPC and WNH recently completed a public input process related to the proposed merger, referred to as "Connecting Local Power", with no major concerns being raised by members of the public that would prevent the parties from proceeding with the proposed transaction;

AND WHEREAS all parties agree that it is beneficial for KPC and WNH to proceed with a proposed merger to amalgamate KPC and WNH and related subsidiaries under a new municipally owned corporation (Amalco Holdco) with municipal ownership share as follows (rounded):

- City of Kitchener 53.4%
- City of Waterloo 30.8%
- Township of Woolwich 8.5%
- Township of Wilmot 4.5%
- Township of Wellesley 2.8%

AND WHEREAS a Unanimous Shareholders' Agreement (USA) has been prepared, to be signed by all parties after the merger has been approved by the Ontario Energy Board, that outlines governance and other corporate considerations for the newly formed entity;

NOW THEREFORE IT BE RESOLVED that the Council of The Corporation of the Township of Wilmot hereby grants its approval as Shareholder, to proceed with the proposed merger between Kitchener Power Corp. and Waterloo North Hydro Holding Corporation and their subsidiaries Kitchener-Wilmot Hydro Inc. and Waterloo North Hydro Inc.; in accordance with the provisions of the MPA and USA Agreements; and further,

THAT the Mayor and Clerk be authorized to execute the MPA and USA agreements as well as any incidental documentation determined to be necessary, by their Legal Counsel in consultation with the Township's Director of Corporate Services / Treasurer, to complete this merger; said agreements /documentation to be to the satisfaction of the Township Solicitor; and further,

THAT an application (MAADs application) under the Ontario Energy Board Act 1998 be submitted jointly by KWHI and WNHI to seek approval of the merger and related relief from the Ontario Energy Board.

Carried.

10.1.2 Appendix A

10.2 Shop Local Bingo

The Director of Development Services outlined the report and introduced Lillianne Dunstall and Stephanie Goertz. They provided a presentation attached as Appendix B.

10.2.1 REPORT NO. DS 2021-037

Moved by: Councillor C. Gordijk

Seconded by: Councillor A. Hallman

THAT Report DS 2021-037 be received for information.

Carried.

10.2.2 Appendix B

11. CONSENT AGENDA

11.1 REPORT NO. DS 2021-035

Moved by: Councillor J. Pfenning

Seconded by: Councillor J. Gerber

THAT Report No. DS 2021-035 be approved.

Carried.

12. REPORTS

12.1 DEVELOPMENT SERVICES

12.1.1 REPORT NO. DS 2021-033

The Manager of Planning outlined the report.

The Manager of Planning confirmed that the building code requires that accessibility is incorporated in the design and the Director of Information and Legislative Services advised that Grand River Accessibility Advisory Committee only comments on municipal projects and not private development.

The Manager of Planning advised that .6 meters is the minimum for parking setbacks.

Andrea Sinclair, MHBC appeared as a delegation and outlined the proposed development. She noted that there will be accessible units, including accessible sidewalks. Ms. Sinclair also noted that the building will be designed for efficiency in heating and cooling to ensure sustainability. She noted that the parking lot will include fencing along the property lines for added privacy to neighbouring properties.

Jen Zielman appeared as a delegation and addressed her concerns in regards to the size of the building and the reduced setback of the parking. She expressed her desire that the 2 large trees on the property remain. The Manager of Planning noted that the final site

plan has not been completed and at this time the status of the large trees is unknown. Ms. Sinclair advised that all efforts will be made to retain the trees.

Leslie Fagan appeared as a delegation and raised concern over the density on the number of units and parking. Ms. Fagan expressed concerns for any potential additional ball diamond at Sir Adam Beck Park and the Director of Parks, Facilities and Recreation advised there are no future expansion plans.

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

THAT Council approve Zone Change Application 06/21 made by Concept Development Group Inc. / MHBC, affecting Part of Lot 14, Concession North of Snyder's Road being Parts 1 and 2, Plan 58R-1966, to:

1. permit multiple residential units without a commercial use on the main floor,
2. reduce the parking ratio for apartment units from 1.5 spaces per unit to 1.2 spaces per unit,
3. reduce the minimum rear yard setback for the building from 7.5m to 4.6m, and
4. reduce the exterior side yard setback for the building from 6.0m to 5.2m.

Carried.

12.1.2 REPORT NO. DS 2021-034

The Manager of Planning outlined the report.

The Manager of Planning confirmed that current locations would not allow for additional beautification; however, allowing for this for future locations would provide benefits to landowners. He clarified that Township current standards are not the same as the surrounding cities but those standards can be revised.

The Director of Development Services confirmed that these are treated as a site plan and will add an internal process to include beautification considerations and to also ensure that the Ward Councillor is circulated on the process.

Moved by: Councillor J. Gerber

Seconded by: Councillor J. Pfenning

THAT Report DS 2021-034 be received for information.

Carried.

12.1.3 REPORT NO. DS 2021-30

The Director of Development Services outlined the report.

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

THAT Report DS 2021-030 be received for information; and,

THAT staff be directed to initiate discussions with Metrolinx to discuss both short term and long term opportunities for the residents of the Township of Wilmot to conveniently access GO train service, ideally within the future development corridor between Baden and New Hamburg.

Carried.

12.2 PARKS, FACILITIES AND RECREATION SERVICES

12.2.1 REPORT NO. PFRS 2021-18

The Director of Parks, Facilities and Recreation Services outlined the report and noted that the timing of the third rink would be dependent on the priorities and funding availability of Council.

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT the Third Ice Pad Public Consultation Summary Report be received;

AND FURTHER THAT staff be directed to proceed with a conceptual design and order of magnitude costing for a third ice pad at the Wilmot Recreation Complex site as recommended by consultants Monteith Brown Planning Consultants Ltd. and supported by public consultation;

AND FURTHER THAT staff be directed to present the conceptual design and order of magnitude costing to Council in Q1 of 2022.

Carried.

12.3 FIRE SERVICES

12.3.1 REPORT NO. FR 2021-06

The Fire Chief outlined the report.

Moved by: Councillor B. Fisher

Seconded by: Councillor J. Pfenning

THAT Council approve the updated Emergency Response By-law;
AND FURTHER THAT Council adopts both the new IMS
Emergency Response Plan and the Emergency Management
Program Committee Terms of Reference attached.

Carried.

13. **CORRESPONDENCE**

13.1 Integrity Commissioner Report Nos. IC-2021-03 and IC-2021-07

Moved by: Councillor C. Gordijk

Seconded by: Councillor B. Fisher

That Correspondence Item No. 13.1 be received for information.

Carried.

14. **BY-LAWS**

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

THAT By-law Nos. 2021-57 and 2021-58 be read a first, second and third time
and finally passed in Open Council.

Carried.

14.1 By-law No. 2021-57

14.2 By-law No. 2021-58

15. **NOTICE OF MOTIONS**

16. ANNOUNCEMENTS

16.1 - Councillor C. Gordijk - Advised that Saturday December 11, 2021 the Wilmot Terry Fox will be doing an online reading of a Christmas Carole. Asking viewers to give a donation to the Terry Fox Foundation - facebook.com/wilmotterryfoxfrun

16.2 - Councillor C. Gordijk recognized the anniversary of the Montreal Macassar. She noted that this is the National Day of Remembrance and thanked the Women's Crisis Services of Waterloo Region for their support locally.

16.3 - Councillor A. Hallman also acknowledge the National Day of Remembrance and suggested that men reflect on their comments towards women and noted that women deserve the same fairness and equity as everyone else.

16.4 - Councillor A. Hallman thanked the community for coming out last Saturday for the Reverse Santa Claus Parade and thanked the New Dundee Optimist and the volunteers for the support

16.5 - Councillor A. Hallman advised of the dinner on Friday that is being hosted by the New Dundee Optimist Club.

16.6 - Councillor A. Hallman advised that the Township is in need of a Crossing Guard for New Dundee, interested parties are encouraged to apply.

16.7 - Councillor B. Fisher noted that the Baden Optimist Santa Claus parade was this past Saturday and thanked the community for their donations to the foodbank.

16.8 - Councillor B. Fisher thanked the Baden Chamber of Commerce for the light display in Baden.

16.9 - Councillor J. Pfenning thanked Councillor Gordijk for sharing the video and noted that violence against women happens in our community and that the community can speak up to stop the violence.

16.10 - Councillor J. Pfenning acknowledged that there are various seasonal celebrations throughout December and noted that no matter what celebrations people are having, there can be pressure and encouraged everyone to give people space if they need it or encourage them to participate.

16.9 - Mayor L. Armstrong hope that sooner than later that everyone gets involved to help put an end to violence.

16.10 - Mayor L. Armstrong advised that the Elf on the Shelf has received both of his shots and is double vaccinated making it safe to be in your house.

17. BUSINESS ARISING FROM CLOSED SESSION

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Gerber

THAT Report DS2021-031 be received for information; and further,

THAT Council acknowledges the offer of a generous donation of approximately 14.1 acres of land from Mike Ulmer facilitated by Louis Veenstra; and further,

THAT Council only accepts the donation providing the following conditions are met:

1. the configuration of the transfer ensures that a width of 3.0m, or greater, if necessary, is included within the transfer in the area between the lands to be retained and the property to the south; and further,
2. the Township be provided with a structural analysis of the dam structure on the property, and agrees to the structural repair plans or removal of the structure being facilitated by Louis; and further,
3. the Township receive a final inspection report from a Professional Engineer that the dam has been restored (or removed) to provide for long term safe public access; and further,

THAT, should the Township accept the donation of land, a tax receipt be provided for the land donation in an amount determined by an independent certified appraisal; and a tax receipt in the amount, verified by receipts, for the cost of any engineering review and reporting along with permit fees and construction costs, related to restoration of the dam.

Carried.

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

THAT Confidential Report DS 2021-036 be received for information;

THAT Council accept the generous donation of lands from Tri-County Mennonite Homes (TCMH) with the costs of surveying, preparing and registering being borne by the proponents;

THAT if requested, the Township provide a tax receipt in the amount determined by an independent certified appraisal of the value of the lands donated by Tri-County Mennonite Homes (TCMH). The cost of the independent certified appraisal, and any review by the Township solicitor, would be borne by the Township of Wilmot;

THAT, Tri-County Mennonite Homes (TCMH) acknowledge in writing that they understand that this donation of lands does not constitute satisfying the parkland dedication/cash-in-lieu of parkland dedication requirements to be imposed as a condition of Site Plan Approval for the future apartment site fronting Nevills Street created by this donation; and,

THAT Tri-County Mennonite Homes (TCMH) acknowledge in writing that they understand that this donation of lands does not constitute satisfying the Township requirements for acceptable maintenance access, infrastructure access and right of drainage to the southerly storm water management pond from the intersection of Victoria Street / Boullee Street which was identified as part of the conveyance of the former Victoria Street Road allowance, and which is to be addressed as part of the

Section 41 Site Plan Approval process prior to the development of those lands.

Carried.

18. CONFIRMATORY BY-LAW

Moved by: Councillor J. Pfenning

Seconded by: Councillor B. Fisher

THAT By-law No. 2021-59 be introduced, read a first, second, and third time and finally passed in Open Council.

Carried.

19. ADJOURNMENT

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

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

Carried.