

Council Meeting Minutes**Regular Council Meeting**

June 27, 2022, 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: Director of Parks, Facilities, and Recreation Services, S. Jackson
Director of Public Works and Engineering, J. Molenhuis
Director of Corporate Services/Treasurer, P. Kelly
Supervisor of IT, K. Jeffreys
Manager of Planning/EDO, A. Martin
Chief Administrative Officer, S. Chambers
ILS Program Manager, C. Tarling
Municipal Clerk, A. Flach

1. MOTION TO CONVENE INTO CLOSED MEETING

J. Molenhuis, Director of Public Works and Engineering, and S. Chambers, Chief Administrative Officer, responded to the question regarding why this item was being considered in the Closed meeting this date stating discussion of proposed land acquisition is permitted under the Open Meeting exemptions as per Section 239 (2) (c) of the Municipal Act.

Resolution No. 2022- 154

Moved by: Councillor J. Pfenning

Seconded by: Councillor B. Fisher

THAT a Closed Meeting of Council be held on June 27, 2022 at 6:00 p.m. in accordance with Section 239 (2) (c) of the Municipal Act, 2001, to consider the following:

1. Operational Needs Analysis - Section 239 (2) (c) - Land Acquisition/Disposition.

Motion Carried

2. MOTION TO RECONVENE IN OPEN MEETING

Resolution No. 2022- 155

Moved by: Councillor J. Pfenning

Seconded by: Councillor B. Fisher

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

Motion Carried

3. MOMENT OF REFLECTION

Mayor L. Armstrong recognized that July 1st is Canada Day. He stated that Canada Day provides an opportunity for us to acknowledge and appreciate the beautiful country we live in.

On this day, he asked everyone to reflect on the tremendous opportunities and freedoms we each enjoy as Canadians, and encouraged everyone to learn more about, and honour the shared history, diversity, and values that have created this great nation.

Whether you are looking ahead to a summer of firing up the barbeque, camping outdoors or heading to the beach, this is a chance to reflect on where we are today, and where we are headed. This year let's celebrate the hope we share for an even stronger and more inclusive Canada.

On behalf of Council, the Mayor wished everyone a safe and happy Canada Day.

4. TERRITORIAL ACKNOWLEDGEMENT

Councillor J. Pfenning read the Territorial Acknowledgement.

5. ADDITIONS TO THE AGENDA - NONE

6. ADOPTION OF THE AGENDA

Resolution No. 2022- 156

Moved by: Councillor A. Hallman

Seconded by: Councillor J. Pfenning

That the Agenda as presented for June 27, 2022 be adopted.

Motion Carried

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

There were no declarations of Pecuniary Interest under the Municipal Conflict of Interest Act.

8. MINUTES OF PREVIOUS MEETINGS

Resolution No. 2022- 157

Moved by: Councillor B. Fisher

Seconded by: Councillor J. Gerber

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

- June 13, 2022 Regular Council Meeting.

Motion Carried

9. PUBLIC MEETINGS - NONE

10. PRESENTATIONS - NONE

11. CONSENT AGENDA

Moved by: Councillor J. Pfenning

Seconded by: Councillor A. Hallman

That the recommendations for Consent Items 11.1 to 11.3 be approved.

Motion Carried

11.1 PFRS-2022-31 - Parks Rental Fees – Full Moon Ceremony

Resolution No. 2022- 158

THAT Council authorize the free use-of-space for an Indigenous full moon ceremony event planned for July 16, 2022, in New Hamburg; and further,

THAT the park rental fees and insurance be funded from the Council Special Events operating budget line.

Motion Carried

11.2 ILS-2022-18 - Noise By-law Exemption – Shawna Sanchez

Resolution No. 2022- 159

THAT a Noise By-law Exemption be granted for Shawna Sanchez, New Hamburg on August 20, 2022 between the hours of 7-11pm.

Motion Carried

11.3 ILS-2022-19 - Noise By-law Exemption – Bel Air Excavating & Grading Ltd.

Resolution No. 2022- 160

THAT a Noise By-law Exemption be granted to Bel Air Excavating & Grading Ltd to allow for surface asphalt paving on Snyder's Road E between Whiting Way and Gingerich Road, Baden, August 13-14, 2022 from 7am to 9pm (August 20-21, 2022 from 7am to 9pm, rain date) to allow for the completion of normal paving operations while minimizing business and resident disruption and access to Snyder's Road.

Motion Carried

12. REPORTS

12.1 PFRS-2022-26 - Nith River Promenade Final Design

S. Jackson, Director of Parks, Facilities and Recreation Services, provided an overview with respect to the Nith River Promenade final design as well as the public consultation that took place. She noted the summary of responses is contained in Appendix B of staff's report. She highlighted the fact that staff met with residents regarding the removal of trees and the consultant has incorporated those suggestions into the final design.

S. Jackson confirmed that flood mitigation measures are the responsibility of the Grand River Conservation Authority (GRCA) and this project is not intended to address flood concerns. A. Martin, Manager of Planning, added this project will enable erosion control and while the design will not mitigate existing flood concerns, it will not worsen it. He stated an artist

rendering of the final design would not show an appreciable difference to the previous design but confirmed the GRCA has seen the final drawings.

Resolution No. 2022- 161

Moved by: Councillor J. Pfenning

Seconded by: Councillor B. Fisher

THAT staff be directed to proceed with tendering the construction of the Nith River Promenade based on the updated final design included within Report PFRS 2022-026.

Motion Carried

12.2 PWE-2022-31 - Award of Contract for RFP 2022-28 - Combination Sewer Flusher/Hydro Excavation Truck

J. Molenhuis, Director of Public Works and Engineering, summarized the staff report and provided the reasons for the timing for this procurement and the expected delivery date for the vehicle.

Resolution No. 2022- 162

Moved by: Councillor J. Gerber

Seconded by: Councillor C. Gordijk

THAT RFP 2022-28 be awarded to FST Canada Inc. o/a Joe Johnson Equipment to supply and deliver one (1) new Combination Sewer Flusher / Hydro Excavation Truck as per their proposal dated May 30, 2022, in the base amount of \$637,203.00 plus HST; and further

THAT \$650,000 be incorporated within the 2023 Capital program, with proportional funding allocations from Development Charges and Infrastructure Reserve Funds.

Motion Carried

12.3 PWE-2022-27 - Bridge Street Bridge 34B/T-9 Replacement

J. Molenhuis, Director of Public Works and Engineering, stated that, further to Council's previous direction, staff has moved forward with detailed designs for this project. He outlined staff's approach to the project as well as the need for temporary storage of components of the bridge since staff is looking at the possibility of repurposing some the bridge components.

Resolution No. 2022- 163

Moved by: Councillor J. Gerber

Seconded by: Councillor J. Pfenning

THAT Council award RFT 2022-06, Bridge Street Bridge 34B/T-9 Replacement to Sierra Bridge Inc. of Woodstock, Ontario as per their tender submission on June 7, 2022, in the amount of \$4,782,267.90, plus HST, and,

THAT Council provide authorization to K. Smart & Associates to proceed with the Contract Administration & Project Management for the bridge replacement project with an additional fee of \$100,400 for construction activities, plus HST, and,

THAT Council authorize the expenditure of up to \$93,000, plus HST, for Geotechnical Investigations and Environmental Works as required during the bridge replacement project, and,

THAT Council authorize the Mayor and Clerk to enter into an agreement with the owner of 1210918 ONTARIO INC. for access to lands for construction management and temporary structure storage; and

THAT Council direct staff to proceed with demolition of the structure after December 31, 2022 in the event suitable funding and donations cannot be found.

Motion Carried

13. CORRESPONDENCE

- 13.1 Municipal Engineers Association - Letter regarding Retention of Professional Engineers at Ontario Municipalities

14. BY-LAWS - NONE

15. NOTICES OF MOTION

- 15.1 Minister's Zoning Orders

A Point of Order was raised concerning whether the required notice was provided. Staff responded saying the Notice of Motion was provided to Clerks staff more than the minimum number of required days and published on the agenda which constitutes notice under the Township's Procedural By-law (Section 7.12.2).

Mayor L. Armstrong called upon the delegation to speak on the motion.

K. Thomason indicated his support of the motion and the need for the Province to reconsider its use of Minister's Zoning Orders as they by-pass community engagement as well as the proper notice and planning processes.

Resolution No. 2022- 164

Moved by: Councillor A. Hallman

Seconded by: Councillor C. Gordijk

WHEREAS Minister's Zoning Orders (MZOs) are being misused and overused by the Ontario Provincial Government in a way that damages the environment, threatens our safety, and saddles municipalities with ill-considered development that could have significant negative long-term consequences;

WHEREAS there are very rare emergencies that warrant speeding up the approval process and the Ontario Provincial Government has changed the laws to let the Minister issue MZOs that could otherwise be unlawful because they violate fundamental planning rules or even create hazardous situations;

WHEREAS municipalities cannot fairly deal with MZOs on a case-by-case basis because there is no transparent or coherent MZO process;

WHEREAS the Ontario Provincial Government has just as haphazardly created the new Enhanced MZO and Community Infrastructure and Housing Accelerator (CIHA) without even the legally required public consultation and Environmental Registry of Ontario process;

WHEREAS an MZO could be requested and issued arbitrarily by the Minister before a municipality and Council even hear about it, or in the case of the new Enhanced MZO or eMZO, the municipality completely bypassed altogether;

WHEREAS Wilmot Township Council must be proactive in protecting our community from these dangerous types of MZOs by developing a proper, transparent process that:

- 1) Tells MZO applicants that any request must meet strict and transparent criteria,

- 2) Asks the Province not to issue any MZO that fails to meet such criteria,

3) Asks the Ontario Legislature to prohibit MZO's that do not meet those criteria.

THEREFORE BE IT RESOLVED that the Township of Wilmot will not make a request or indicate its approval for any MZO, Enhanced MZO's, and Community Infrastructure and Housing Accelerator (CIHA) order applicable to land within the Township of Wilmot, excepting Orders:

- a. which are limited to addressing an extraordinary and emergent circumstance that is a matter of provincial interest, and,
- b. which are limited to measures which the Township of Wilmot could not otherwise bring into force in a time to adequately address the relevant extraordinary and emergent circumstance, and,
- c. which are consistent with the Official Plan, Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe and s. 24, s. 2, s. 3 of the Planning Act, and,
- d. which do not authorize urbanization outside of settlement area boundaries, and,
- e. which do not authorize development that would destroy, damage or displace a Provincially Significant Woodland, Provincially Significant Valley Lands, Provincially Significant Wildlife Habitat, Coastal Wetlands, Areas of Natural and Scientific Interest, Greenbelt lands, farmland, or lands within the Protected Countryside or Environmentally Sensitive Landscapes of Waterloo Region, and,
- f. which are framed geographically or in their wording so as to not limit any power that a Conservation Authority would otherwise have, and,
- g. which are supported by the Minister's comprehensive, written, and publicly disclosed reasons for determining that the above criteria have been met;

THEREFORE BE IT FURTHER RESOLVED that the Township of Wilmot request the Government of Ontario, including the Minister of Municipal Affairs and Housing place an immediate and permanent moratorium on the issuance of Ministerial Zoning Orders (MZOs), Enhanced MZO's, and Community Infrastructure and Housing Accelerator (CIHA) orders applicable to land within the Township of Wilmot, excepting Orders:

- a. which are limited to addressing an extraordinary and emergent circumstance that is a matter of provincial interest, and,

- b. which are limited to measures which the Township of Wilmot could not otherwise bring into force in a time to adequately address the relevant extraordinary and emergent circumstance, and,
- c. which are consistent with the Official Plan, Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe and s. 24, s. 2, s. 3 of the Planning Act, and,
- d. which do not authorize urbanization outside of settlement area boundaries, and,
- e. which do not authorize development that would destroy, damage or displace a Provincially Significant Woodland, Provincially Significant Valley Lands, Provincially Significant Wildlife Habitat, Coastal Wetlands, Areas of Natural and Scientific Interest, Greenbelt lands, farmland, or lands within the Protected Countryside or Environmentally Sensitive Landscapes of Waterloo Region, and,
- f. which are supported by the Minister's comprehensive, written, and publicly disclosed reasons for determining that the above criteria have been met, and,
- g. whose issuance is expressly requested through a lawfully adopted motion of the Township of Wilmot;

THEREFORE BE IT FINALLY RESOLVED that the Township of Wilmot request the Government of Ontario and the Ontario Legislative Assembly to amend the Planning Act, to prohibit the issuance of Ministerial Zoning Orders (MZOs), Enhanced MZO's, and Community Infrastructure and Housing Accelerator (CIHA) orders applicable to land within the boundaries of any municipality in Ontario, excepting Orders:

- a. which are limited to addressing an extraordinary and emergent circumstance that is a matter of provincial interest, and,
- b. which are limited to measures which the Township of Wilmot could not otherwise bring into force in a time to adequately address the relevant extraordinary and emergent circumstance, and,
- c. which are consistent with the Official Plan, Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe and s. 24, s. 2, s. 3 of the Planning Act, and,
- d. which do not authorize urbanization outside of settlement area boundaries, and,

- e. which don not authorize development that would destroy, damage or displace a Provincially Significant Woodland, Provincially Significant Valley Lands, Provincially Significant Wildlife Habitat, Coastal Wetlands, Areas of Natural and Scientific Interest, Greenbelt lands, farmland or lands within the Protected Countryside or Environmentally Sensitive Landscapes of Waterloo Region, and,
- f. which are supported by the Minister's comprehensive, written, and publicly disclosed reasons for determining that the above criteria have been met, and,
- g. whose issuance is expressly requested through a lawfully adopted motion of the Township of Wilmot;
- h. whose issuance is expressly requested through a lawfully adopted motion of the municipal government(s) to whose territory the Order pertains.

Motion Carried

16. ANNOUNCEMENTS

Councillor A. Hallman congratulated the students of local schools who just graduated. She reminded residents there will be a return to in-person Canada Day festivities on July 1 in Wilmot Township and encouraged everyone to come out to enjoy the various events and activities which will wrap up with a special fire works display at the end of the day. To mark the 40th anniversary of former Prime Minister Joe Clark's visit to Punkydoodles Corners in 1982 when a post office was opened for one day to issue commemorative stamps, Councillor Hallman announced that organizers have worked alongside Indigenous leaders to plan various events at Norm Hill Park. She thanked all the contributors to the various Canada Day events.

17. BUSINESS ARISING FROM CLOSED SESSION

18. CONFIRMATORY BY-LAW

Resolution No. 2022- 165

Moved by: Councillor C. Gordijk

Seconded by: Councillor B. Fisher

THAT By-law No. 2022-30 be read a first, second and third time and finally passed in Open Council.

Motion Carried

19. ADJOURNMENT

Resolution No. 2022- 166

Moved by: Councillor B. Fisher

Seconded by: Councillor J. Gerber

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

Motion Carried