

Township of Woolwich

Council Minutes

**Tuesday, January 15, 2019
6:00 p.m.
Council Chambers, 2nd Floor
24 Church Street West, Elmira**

Present: Mayor Shantz,
Councillor Martin,
Councillor McMillan,
Councillor Merlihan,
Councillor Redekop,
Councillor Shantz

Present from Staff: David Brenneman, Chief Administrative Officer;
Val Hummel, Council and Information Services/Clerk;
Richard Petherick, Director of Finance/Treasurer;
Ann McArthur, Director of Recreation and Facilities Services;
Dan Kennaley, Director of Engineering and Planning Services;
Sarah Goldrup, Council/Committee Coordinator.

Moment of Silence

Mayor Shantz asked for a moment of silence.

Disclosures of Pecuniary Interest

None.

Adoption of Minutes

Moved by Councillor McMillan

Seconded by Councillor Redekop

That the following minutes be adopted as amended:

- Council Minutes – December 18, 2018
- Committee of the Whole Minutes – January 10, 2019

...Carried

Public Meeting - Cannabis Retail Locations in the Township of Woolwich

Mayor Shantz read the following statement to open the Cannabis Public meeting:

The purpose of this public meeting is for Council to hear from members of the public or other interested parties before considering opting-in or opting-out of allowing cannabis retail locations in the Township of Woolwich.

On October 17, 2018, recreational cannabis was legalized across Canada. The provincial Cannabis License Act creates the framework around the retail and consumption of cannabis, which includes permitting of private retail cannabis stores and gives municipalities until January 22, 2019, to either opt-in (permit) or opt-out (prohibit) such stores. Tonight, Council will consider a staff report with a recommendation on this matter.

All those in attendance will be given an opportunity to speak. Interested parties are invited to sign the appropriate sign-up sheet in the lobby if they wish further notification with respect to this matter. Individuals are requested to submit a written outline of any oral submissions made at the Public Meeting to the Township Clerk.

Mayor Shantz declared the Cannabis Public Meeting to be open and asked staff to review the report.

David Brenneman, Chief Administrative Officer, reviewed the report and stated that staff recommended the Township opt-in to retail cannabis locations. In response to questions from Council, Dan Kennaley, Director of Engineering and Planning Services, discussed the land use issues, the required buffer zones around schools, and expressed concern about the lack of buffer required from residential locations.

Bob Jonkman

Mr. Jonkman expressed his support for opting-in for cannabis retail locations due to the potential economic development and agricultural opportunities.

Jonathan Brubacher

Mr. Brubacher enquired about the Township's ability to opt-in to the program later, once developments in other municipalities had been observed. Staff explained that this was a possible, but provincial funding for factors such as enforcement would be reduced. Mr. Brubacher expressed concern on the impact of access to cannabis on local youths.

Willum Jonkman,

Mr. Jonkman discussed drug use in local youths as well as the benefits of opting-in such as controlled access and safe supply.

No one else in the gallery requested to speak regarding the application. Mayor Shantz declared this portion of the Cannabis Public Meeting to be closed.

Presentations

None.

Delegations

Agriculture in Waterloo Region

Jeff Stager and Nick Weber, Waterloo Federation of Agriculture

Mr. Stager presented to Council on agriculture in Waterloo Region, including the number, sizes, and types of farms as well as the economic development in the Region.

Unfinished Business

None.

Consent Items

Items for Approval

Moved by Councillor Martin

Seconded by Councillor McMillan

That the following items be approved:

- C06-2019: Appointment of Engineer - Zettel Municipal Drain
- E05-2019: Part Lot Control Exemption – Emerald Homes, Lot 84 Plan 58M-592
- F03-2019: Interim Tax Levy for 2019
- Alert Waterloo Region (Alert WR): Execution of Agreement

...Carried

Items for Information

Moved by Councillor Martin

Seconded by Councillor McMillan

That the following items be received for information:

- Woolwich Heritage Committee Minutes - December 5, 2018
- Elmira BIA Minutes - November 14, 2018
- Committee of Adjustment Notice of Hearing - February 4, 2019

...Carried

Committee of the Whole

Moved by Councillor Shantz

Seconded by Councillor Martin

That Council convenes into the Committee of the Whole.

...Carried

Recommendations from Committee of the Whole – January 10, 2019

Moved by Councillor Redekop

Seconded by Councillor Merlihan

That the Council of the Township of Woolwich adopts the Summary of Recommendations of the Committee of the Whole, dated January 10, 2019, as follows:

1. That the Council of the Township of Woolwich, in accordance with Report E01-2019, awards the Breslau East Connector Road Environmental Assessment (“EA”) Project for engineering and design services to Associated Engineering (Ont.) Ltd. at a total cost of \$341,916.65 after H.S.T. rebate;

And further that the Mayor and Clerk of the Township of Woolwich be authorized to sign the Consultant Agreement.

...Carried

Staff Reports and Memos**C03-2019: Grand River Accessibility Advisory Committee (GRAAC) Appointments (2019 – 2022)**

Moved by Councillor Martin

Seconded by Councillor Shantz

That the Council of the Township of Woolwich appoints Brenda Robinson, Donna Hartzler, and Rob Bender to the Grand River Accessibility Advisory Committee for a four-year term ending December 31, 2022.

...Carried

C04-2019: Township of Woolwich Environmental Enhancement Committee (TWEEC) Appointments (2019 – 2022)

Moved by Councillor Redekop

Seconded by Councillor Merlihan

That the Council of the Township of Woolwich appoints the following individuals to the Township of Woolwich Environmental Enhancement Committee (TWEEC) for a term ending December 31, 2022:

- Susan Bryant
- Matthew Hilbert
- Dennis Martin
- John Mathers
- Adrian Miltenberg
- Kaitlin Powers
- Inga Rinne
- Chris Snyder
- Gloria Yeung

And further that Council appoints Councillor Redekop to the Township of Woolwich Environmental Enhancement Committee for the 2019 - 2022 term.sd

...Carried

C05-2019: Committee of Adjustment Appointments (2019 – 2022)

Moved by Councillor Shantz

Seconded by Councillor McMillan

That the Council of the Township of Woolwich appoints Jim Brearley, Tim Cronin, Linda Dickson, Hans Pottkamper and Charles Zeidler to the Committee of Adjustment for a term ending December 31, 2022.

...Carried

F02-2019: Draft 2019 Water and Wastewater Budget

Council discussed the water metre replacement program as well as remote readings and the costs and efficiencies they create.

Moved by Councillor Shantz

Seconded by Councillor McMillan

That considering Report F02-2019 respecting the Draft 2019 Water and Wastewater Budgets, the Council of the Township of Woolwich:

1. Approves the Draft 2019 Water and Wastewater Budgets attached to report F02-2019 as Appendix "A" and Appendix "B", respectively;
1. Adopts the Draft amended Water and Wastewater Fees & Charges By-law attached as Appendix "C" and Appendix "D", respectively; and
2. Directs staff to bring the 2019 Water and Wastewater Budgets forward for final Council approval on February 12, 2019.

...Carried

Adoption of proceedings of the Committee of the Whole

Moved by Councillor McMillan

Seconded by Councillor Shantz

That the Committee of the Whole rises and reports to Council.

...Carried

Planning Public

Val Hummel, Municipal Clerk, read the following statement to open the Planning Public meeting:

This meeting constitutes the formal public meeting required under Section 17 and 34 of the Planning Act. The meeting is for information purposes only and no decisions will be made at this time. The application will be brought forward at a future meeting of the Committee of the Whole when staff has had an opportunity to review all submissions and prepare recommendations. All

those in attendance will be given an opportunity to speak. Interested parties are invited to sign the appropriate sign-up sheet in the lobby if they wish further notification with respect to the application. Individuals are requested to submit a written outline of any oral submissions made at the Public Meeting to the Township Clerk.

Zoning and Official Plan Amendments

If a person or public body would otherwise have an ability to appeal the decision of the Township of Woolwich to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Woolwich prior to approval/refusal of a proposal, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Woolwich prior to approval/refusal of a proposal, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Mayor Shantz declared the Public Planning Meeting to be open and asked staff to review the applications as follows:

E06-2019: Zone Change Application 15/2018 Rudy and Maria Briski, 5070 Fountain Street North, Breslau

Staff reviewed the application and noted they would prepare a recommendation for Council once all perspectives are known and included in a future report. No one else in the gallery requested to speak regarding the application. Mayor Shantz declared this portion of the Planning Public Meeting to be closed.

E07-2019: Zone Change Application 16/ 2018 Elmer and Karen Zettel, 195 St. Charles Street West

Staff reviewed the application and noted they would prepare a recommendation for Council once all perspectives are known and included in a future report. No one else in the gallery requested to speak regarding the application. Mayor Shantz declared this portion of the Planning Public Meeting to be closed.

E08-2019: Zone Change Application 17/2018 Allen Sauder, 1172 New Jerusalem Road

Staff reviewed the application and noted they would prepare a recommendation for Council once all perspectives are known and included in a future report. No one else in the gallery requested to speak regarding the application. No one else in the gallery requested to speak regarding the application. Mayor Shantz declared the Planning Public Meeting to be closed and Council moved on to regular reports.

A01-2019: Retail Cannabis Stores in the Township of Woolwich

Waterloo Region Police Chief Larkin appeared before Council to recommend the Township opt-in to cannabis retail locations to support a consistent approach across the Region, to promote safe supply, and to limit illegal dispensaries. CAO David Brenneman and Chief Larkin spoke in support of youth engagement strategies and early prevention. Council discussed the negative aspects of cannabis use and how the Township might use cannabis funds to benefit the community.

Moved by Councillor McMillan

Seconded by Councillor Redekop

That the Council of the Township of Woolwich, considering Report A01-2019 respecting Retail Cannabis Stores in the Township of Woolwich:

1. opt-in for allowing retail cannabis stores in the Township of Woolwich;
2. adopt the Cannabis Retail Store Policy Statement as outlined in report A01-2019;
3. delegate commenting authority to the Alcohol and Gaming Commission of Ontario (AGCO) to the Director of Engineering & Planning Services on proposed locations; and
4. request that the Provincial Government amend legislation to allow Municipalities to distinguish in their zoning by-law between retail locations and Cannabis retail locations to ensure that the location of Cannabis retail locations are appropriate, particularly in regard to nearby residential uses.

...Carried

Bill 66- Restoring Ontario's Competitiveness Act, 2018

Bob Jonkman, KW Peace

Council heard a delegation from Mr. Jonkman stating his support of Council passing a resolution in opposition to Bill 66.

Council and staff discussed the lack of comment from the provincial government, resolutions from other Councils, planning implications, the historical contamination of Elmira's groundwater supply, and wording for the Township's resolution.

Moved by Councillor Merlihan

Seconded by Councillor Shantz

Whereas a Bill 66 "Open-for-Business" planning by-law proposes to encourage economic development by eliminating many approval processes and regulations for a major employment use,

And whereas Bill 66 would allow for "Open-for-Business" planning by-laws to override important water, agricultural, and environmental protections contained in the Clean Water Act, the Places to Grow Act, The Great Lakes Protection Act, other provincial legislation and our Official Plans,

And whereas no public notice or hearing is required prior to the passing of an "Open-for-Business" planning by-law,

And whereas a Bill 66 "Open-for-Business" by-law cannot be appealed,

And whereas in light of the historical contamination of the Town of Elmira's water supply, Council understands the importance of the continued protection of our groundwater, surface water and waterways is vitally important for the health of the residents of our community,

And whereas the protection and integrity of our agricultural areas, Protected Countryside, Countryside Line, Environmentally Sensitive Protected Areas, and Environmentally Sensitive Landscapes and natural heritage areas are a paramount concern for our residents,

Now therefore be it resolved that the Council of the Township of Woolwich opposes planned changes to the Planning Act proposed in Bill 66 that may allow for an "Open-for-Business" by-law;

Be it further resolved that notwithstanding the future adoption of Bill 66, the Township of Woolwich would not consider passing a Bill 66 "Open-for-Business" by-law unless it provides for the following to the highest standards:

- protection of drinking water quality and quantity and other water resources;
- protection of agricultural resources;
- protection of natural heritage features and hazard lands;
- conservation of cultural heritage resources;
- orderly development of safe and healthy communities;
- provision of land use compatibility;
- provision of appropriate water and wastewater servicing;
- adequate provision of employment opportunities;
- adequate provision of housing, including affordable housing;
- appropriate location of growth and development;
- promotion of development that is designed to be sustainable, that supports public transit, and that supports active transportation;
- provision of proper upper-tier municipality and agency consultation; and
- provision of adequate public notice, engagement, and consultation;

Be it further resolved that Bill 66 needs to be revised to provide:

- 1) Clarification, acceptable to the Township of Woolwich, around the issues of how the number of employees would be ensured over time, whether there would be a distinction between full and part-time employees, what mechanisms would be in place to ensure jobs continue to meet thresholds over time, and what would happen if an employer is bought out, forced to lay off employees or goes bankrupt;
- 2) That a major employment use would not be defined as including any residential or commercial (including retail use); and
- 3) Proper notice, consultation, engagement, and appeal;

Be it further resolved that the Township of Woolwich reaffirms it will continue to appropriately manage growth in a way that protects drinking water resources and sensitive natural areas, and that includes meaningful public consultation, consistent with the policies of our community's Official Plan; and

Be it further resolved that this resolution be forwarded to the Ministry of Municipal Affairs and Housing as the Township of Woolwich's comments with regards to Bill 66 and that this resolution

also be sent to the Association of Municipalities of Ontario, the Premier, Provincial Cabinet Ministers, all Members of Provincial Parliament, and area Members of Parliament.

...Carried

E09-2019: Empire Developments Request to Apply for a Minor Variance (Riverland Area 2 Subdivision in Breslau)

Mr. Kennaley explained recent changes to the Planning Act which required that the Council review requests to make applications to the Committee of Adjustment for a Minor Variance to previously approved subdivision plans.

Vimal Lad and Jason Shapardanis, Empire Communities

Vimal Lad presented to Council on behalf of Empire Communities and described the minor variance application.

Moved by Councillor McMillan

Seconded by Councillor Shantz

That the Council of the Township of Woolwich permits Empire Developments (Riverland Area 2 Subdivision in Breslau) to make application to the Committee of Adjustment for a Minor Variance, pursuant to Section 45 (1.4) of the Planning Act, only for the purposes of considering a reduction in the exterior sideyard setback for townhouse blocks zoned R-7A within the Riverland Area 2 development.

...Carried

Committee of the Whole

Moved by Councillor Shantz

Seconded by Councillor Redekop

That Council convenes into the Committee of the Whole.

...Carried

Other Business

Mayor's Report on Regional Matters

Mayor Shantz provided an update on the Regional budget review.

Council Reports/ Updates

Members of Council noted they will be participating in an upcoming fundraising walk on February 23, 2019 in support of Woolwich Community Services.

Outstanding Council Activity List as of December 14, 2018

In response to Council discussion, Mr. Kennaley stated that a report on Top Soil Standards would be brought to Council in May.

First and Second Reading of the By-laws

Moved by Councillor Shantz

Seconded by Councillor McMillan

That the following by-laws be introduced and read a first and second time:

- A By-law to Appoint an Acting Clerk Pro Tempore (Robyn Koutrouliotis)
- A By-law to provide for an Interim Tax Levy and to provide for the payment of Taxes by Installments
- A By-law to exempt certain lots from Part Lot Control Lot 84 Plan 58M-592 – Emerald Homes Ltd.
- A by-law to authorize the execution of an agreement for emergency notification system “Alert Waterloo Region” with the Regional Municipality of Waterloo (2019-2023)
- A By-Law to Confirm all Actions and Proceedings of the Council (January 15, 2019)

...Carried

Adoption of proceedings of the Committee of the Whole

Moved by Councillor McMillan

Seconded by Councillor Redekop

That the Committee of the Whole rises and reports to Council.

...Carried

Moved by Councillor Martin

Seconded by Councillor Merlihan

That Council confirms and adopts the proceedings of the Committee of the Whole.

...Carried

Correspondence

South Western Integrated Fibre Technology - Voice Your Support: Increase Equal Access to CRTC Broadband Funding

Council and staff discussed their support of the South Western Integrated Fibre Technology's appeal to the CRTC to address concerns about equal access to broadband funding for rural underserved areas.

Moved by Councillor Shantz

Seconded by Councillor Merlihan

That the Council of the Township of Woolwich supports South Western Integrated Fibre Technology in their request of a review of the CRTC Broadband Fund's eligibility criteria to increase equal access to broadband funding for rural underserved areas.

...Carried

Public Notice

None.

Notice of Closed Meetings

None.

Notice of Motion

None.

Final Passage of By-laws

Moved by Councillor Martin

Seconded by Councillor Shantz

That the following by-laws in the hands of the Clerk be read a third time and finally passed, that they be numbered as By-law numbers 01-2019 to 05-2019, and that they be signed by the Mayor and Clerk and sealed with the corporate seal:

- A By-law to Appoint an Acting Clerk Pro Tempore (Robyn Koutrouliotis)
- A By-law to provide for an Interim Tax Levy and to provide for the payment of Taxes by Installments
- A By-law to exempt certain lots from Part Lot Control Lot 84 Plan 58M-592 – Emerald Homes Ltd.
- A by-law to authorize the execution of an agreement for emergency notification system “Alert Waterloo Region” with the Regional Municipality of Waterloo (2019-2023)
- A By-Law to Confirm all Actions and Proceedings of the Council (January 15, 2019)

...Carried

Adjournment

Moved by Councillor Shantz

Seconded by Councillor McMillan

That the meeting adjourns to meet again in regular session on February 12, 2019.

...Carried

Sandy Shantz

Sandy Shantz, Mayor

Val Hummel

Val Hummel, Clerk