

**TOWNSHIP OF WOOLWICH
COMMITTEE OF THE WHOLE MINUTES
June 21, 2011**

The Committee of the Whole met in Closed Session at 4:30 p.m. in the Councillor's office and in Regular Session at 6:00 p.m. in Council Chambers on the above date. Present: Mayor Cowan and Councillors Bauman, Bryant, Herteis and Poffenroth.

CLOSED SESSION

MOVED BY Councillor Bryant

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich convene in closed session in accordance with Section 239 (2) (b) of the Municipal Act, 2001, as amended with respect to personal matters about an identifiable individual including municipal or local board employees; and (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

...CARRIED

MOVED BY Councillor Bauman

SECONDED BY Councillor Herteis

THAT Council reconvene in Regular Session.

...CARRIED

DISCLOSURES OF PECUNIARY INTEREST

None.

RESOLUTIONS TO COME FORWARD FROM CLOSED SESSION

MOVED BY Councillor Bauman

SECONDED BY Councillor Poffenroth

THAT the Council of the Township of Woolwich appoints Sebastian Siebel-Achenbach to the Chemtura Public Advisory Committee (CPAC) until May 31, 2015.

...CARRIED

MOVED BY Councillor Bryant

SECONDED BY Councillor Poffenroth

WHEREAS Councillor Herteis, as the current Chair of the Chemtura Public Advisory Committee currently has other responsibilities and time commitments;

AND FURTHER THAT Mayor Cowan has an interest in being more involved in the Chemtura Public Advisory Committee;

NOW THEREFORE be it resolved that the Council of the Township of Woolwich appoints Mayor Cowan as Chair of the Chemtura Public Advisory Committee on a temporary basis until November 30, 2012;

...CARRIED

DELEGATIONS**Rob Gondosch – Request for Temporary Top Soil Screening Permit**

Mr. Gondosch addressed Council regarding the property at 3061 University Avenue which he advised is on the border of Waterloo and Woolwich. Mr. Gondosch provided background information on the top soil pile located on the property and asked Council for a temporary use permit until the end of December 2012 to allow for the screening of the soil until the piles are depleted.

Christine Broughton, Director of Council and Information Services / Clerk advised that the Township is currently involved in legal proceedings which gives Council limitations on their questions and comments.

Councillor Bauman asked what the proposed end use for the property is, Mr. Gondosch advised that he is currently in discussions with a firm in Elmira who is interested in buying the property to build a house.

Dan Kennaley, Director of Engineering and Planning Services, advised that there is no temporary use permit available in this situation however the property owner could apply for a temporary use Zoning By-law amendment. Mr. Kennaley advised that although the property owner can make the application, due to the planning policy framework it would likely be difficult for staff to support a temporary use Zoning By-law amendment under the circumstances. Mr. Kennaley also suggested that the property owner could remove enough of the soil by a particular date and spread the rest over the property.

Mayor Cowan questioned the amount spent by the Township at this point regarding legal proceedings, Ms. Broughton advised that the Township has spent approximately \$3,500.00 on the case thus far and the next date is scheduled in November. Ms. Broughton advised that the main goal of the legal proceedings has been to have the soil removed, and the court date has been extended to accommodate that.

MOVED BY Mayor Cowan

SECONDED BY Councillor Poffenroth

THAT the Council of the Township of Woolwich hears the unregistered delegation of Harold Schluter.

...CARRIED

Harold Schlueter

Mr. Schlueter addressed Council and provided background information on the top soil pile located on the property. Mr. Schlueter raised concerns that he was informed that there was a concern with truck traffic in April, however the only truck traffic would have been in November and he believes he should have been notified prior to April.

Presentation of Waterloo Regional Heritage Foundation Awards of Excellence

Councillor Herteis advised that the Waterloo Regional Heritage Foundation has awarded the Award of Excellence to the Township of Woolwich for maintaining the bridges in Woolwich.

Councillor Herteis also congratulated and presented an Award of Excellence to Richard Sigurdson, Manager of Engineering Operations from the Waterloo Regional Heritage Foundation for the work done on the Glasgow Street South bridge.

STAFF REPORTS

C30-2011: Encroachment Policy Review

Christine Broughton, Director of Council and Information Services / Clerk presented and summarized the report while outlining the changes made to the encroachment policy.

Councillor Bauman commented that information should be provided to residents of Woolwich to educate them on the importance of long grass around ponds, as there are concerns with property owners mowing grass around storm water management ponds when they should be naturalized.

Mayor Cowan advised that he has received complaints from residents regarding the long grass on ditch banks and asked for confirmation on who is to maintain these ditches, Mr. Kennaley advised that the Township is responsible for Township owned roads and the Region of Waterloo is responsible for Regional Roads. Mr. Kennaley confirmed that he will follow up with Operations staff regarding the areas of concern.

MOVED BY Mayor Cowan

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich adopts the amended Encroachment Policy attached as appendix 'B' to report C30-2011.

...CARRIED

C31-2011: Menkveld Encroachment and Land Use Agreements

Christine Broughton, Director of Council and Information Services / Clerk presented and summarized the report. Ms. Broughton advised that the Menkvelds are support the agreements, however have concerns with the costs involved for legal and surveying costs.

Councillor Bauman raised concerns with allowing storage on a right of way due to property standard issues and suggested that demarcation take place surrounding the right of way for the sake of By-law Enforcement staff. Councillor Bauman also suggested that only licensed vehicles be allowed to park on the right of way. Councillor Bryant asked that property standards be enforced with this property.

MOVED BY Councillor Bryant

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich authorizes the Mayor and Clerk to enter into an encroachment agreement, as amended with Heidi and Bert Menkveld residing at 8 Victoria Glen for the encroachment of their storage shed onto Township property;

AND FURTHER THAT Council also authorizes the Mayor and Clerk to enter into a land use agreement, as amended for the use of the Township right of way outlined on the survey attached as appendix 'A' to report C31-2011 for parking and storage;

AND FURTHER THAT these agreements be amended to clearly identify clauses that include the completion of demarcation of the right of way, that only licensed vehicles be allowed to park on the right of way and that the use of the right of way is conditional on the property owner of 8 Victoria Glen adhering to the Property Standards By-law;

AND FURTHER THAT all legal and surveying costs necessary to register on title the encroachment and land use agreements be the responsibility of Mr. and Mrs. Menkveld.

...CARRIED

C34-2011: Appointment of Court of Revision for Municipal Drain Project 2-2010 (Weber-Brubacher Municipal Drain)

Christine Broughton, Director of Council and Information Services / Clerk presented the report and provided background information on the procedures of the Court of Revision.

MOVED BY Councillor Poffenroth

SECONDED BY Mayor Cowan

THAT the Council of the Township of Woolwich appoints all members of Council as the members of the Court of Revision for Municipal Drain Projects for the purpose of hearing from any landowner who has been assessed costs under a project and who wishes to challenge their drainage assessment;

AND FURTHER THAT the Court of Revision Hearing for Municipal Drain Project 2-2010 involving a repair and improvement to the Weber-Brubacher Municipal Drain in the settlement of Winterbourne be held at 6:00 p.m. on Tuesday, June 28, 2011 in Council Chambers at 24 Church Street West in Elmira.

...CARRIED

E45-2011: Tender Award for Mockingbird Drive Reconstruction

Dan Kennaley, Director of Engineering and Planning Services introduced Richard Sigurdson and advised that he has been hired as the Manager of Engineering.

Richard Sigurdson, Manager of Engineering addressed Council and summarized the report. Mr. Sigurdson outlined the stages of construction and advised that construction is anticipated to commence on July 4, 2011. In response to an inquiry by Mayor Cowan, Mr. Sigurdson outlined ways that are used to ensure that these types of projects are kept on time and on budget. Mr. Sigurdson informed Council that although Haggerty Construction Inc. was the lowest bid received by a significant amount, Township staff have reviewed references and details contained in the tender and are comfortable with the recommendation.

In response to questions raised by Councillor Poffenroth, Mr. Sigurdson explained the reasoning for the type of work to be completed and advised that through this project the Township is trying to ensure that all infrastructure will withstand for a significant period of time.

MOVED BY Councillor Poffenroth

SECONDED BY Mayor Cowan

THAT the Council of the Township of Woolwich awards contract 2011-04 for the reconstruction of Mockingbird Drive in Elmira to Haggerty Construction Inc. at a total cost of \$1,084,071.25 after H.S.T. rebate;

AND FURTHER THAT the Mayor and Clerk be authorized to sign the contract documents;

AND FURTHER THAT Meritech Engineering be retained for the contract administration at a total cost of \$66,220.93 after H.S.T. rebate.

...CARRIED

E46-2011: Engineering Consultant Selection for Floradale Road Bridge Structure #050106

Richard Sigurdson, Manager of Engineering presented and summarized the report.

MOVED BY Councillor Bauman

SECONDED BY Councillor Bryant

THAT the Council of the Township of Woolwich awards the contract for engineering design services for the Floradale Road Structure #050106 as shown on Appendix "A" to Report E46-2011 to AECOM Canada Limited at a total cost of \$36,769.96 after HST rebate;

AND FURTHER THAT the Mayor and Clerk of the Township of Woolwich be authorized to sign the contract documents.

...CARRIED

PLANNING PUBLIC MEETING – 7:00 p.m.

Councillor Herteis read the following introduction to the Planning Public Meeting: *This meeting constitutes the formal public meeting required under Section(s) 17 & 34 of the Planning Act. The meeting is for information purposes only and no decisions will be made at this time. The applications 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 applications. Individuals are requested to submit a written outline of any oral submissions made at the Public Meeting to the Township Clerk.*

Zoning Amendment & Official Plan Amendment

If a person or public body that files an appeal of a decision of the Council of the Township of Woolwich in respect of the proposed zoning by-laws does not make oral submissions at a public meeting or make written submissions to the Council of the Township of Woolwich before the proposed zoning by-law and Official Plan amendments are passed:

- a) *the person or public body is not entitled to appeal the decision of the Township of Woolwich to the Ontario Municipal Board; and*

- b) *the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.*

Councillor Herteis declared the public meeting to be open and asked staff to review the first application.

E47-2011: Zone Change 9/2011 – Joan Kron

Dan Kennaley, Director of Engineering & Planning Services presented the report and explained the purpose of the report is to amend the Agricultural zoning with a site-specific amendment through a Temporary Use By-law to allow a mobile home (garden suite) to be located on the property for a ten year period. Mr. Kennaley advised that comments have been received and staff will prepare a recommendation for Council's consideration once all representations have been known and considered. In response to an inquiry by Councillor Poffenroth, Mr. Kennaley advised that there are provisions in the Official Plan to ensure that should Mrs. Kron vacate the mobile home, the homeowner's could not rent the home to anyone other than immediate family.

Karen Kron

Ms. Kron addressed Council and advised that she is the daughter in law of Joan Kron and that the purpose of this application is to give independence without taking her away from her family.

Since there was nothing further, Councillor Herteis declared this portion of the public meeting to be closed.

E48-2011: Official Plan Amendment 3/2011 – Township of Woolwich

Dan Kennaley, Director of Engineering and Planning Services presented and summarized the report. Mr. Kennaley advised that a recommendation report will be submitted for Council's consideration once all representations have been known and considered.

Councillor Bryant referred to section 12.7.3.1 'Review of Development Applications' and asked that the word 'may' be amended to ensure that all applications will require the proponent to provide a Cultural Heritage Landscape Impact Assessment. Mr. Kennaley advised that there are certain development applications that may be of minor development nature and requiring this assessment could be unnecessary.

Councillor Bauman noted that he would like to see the boundary of the CHL extended, and Mr. Kennaley advised that this perspective will be taken into account when an Official Plan Amendment is recommended. In response to an inquiry by Mayor Cowan, Mr. Kennaley advised that there have been discussions on the need for additional detail to be added to the Cultural Heritage Landscape.

Richard Siebel, Vice President of The Murray Group Limited

Mr. Seibel referred to correspondence received from legal counsel representing The Murray Group Limited noting conflicting information in regards to the West Montrose Cultural Heritage Landscape Study report that was posted online at different times in early 2011. Due to these inconsistencies, Mr. Seibel questioned the ability to rely on the report.

Hans Pottkamper

Mr. Pottkamper, resident of River's Edge Drive encouraged Council to reinforce the direction to staff to utilize all resources to ensure that the proposed CHL is as robust as possible.

Pat Cosgrove

Mr. Cosgrove, a resident of Jigs Hollow Road asked for a copy of the letter provided to Council by the legal representation of The Murray Group. CAO David Brenneman advised that it is not unusual for the municipality to receive correspondence regarding a particular report on the day of the meeting for circulation.

Tony Dowling

Mr. Dowling, a resident of River's Edge Drive commended the Township on the work that has been done to date on the Cultural Heritage Landscape and provided the recommendations as follows for inclusion in the Official Plan Amendment (OPA) that have been provided on the advice of legal and planning consultants for the Bridgekeepers:

- More time and resources dedicated to producing in more detail the OPA
- OPA should include more extensive discussion on the cultural heritage qualities of the landscape that provides the basis of the significant features identified
- OPA should include more developed policy regarding conservation
- OPA should include identification of significant features through mapping
- OPA should include that a Cultural Heritage Landscape Impact Assessment be mandatory for all development within 120m of significant features in the Cultural Heritage Landscape

Lynne Hare

Ms. Hare, a resident of Tallwood Drive addressed Council and expressed her support the CHL designation and the recommendations previously mentioned. Ms. Hare raised concerns that in section 12.7.1 of the OPA draft, under Transportation she believes the terminology 'rural roads and trailways' should be added, she noted that specifically she believes Jigs Hollow Road and Letson Drive should be identified as roads that need to be preserved. Ms. Hare also asked that Council allocate funds to have the draft OPA properly reviewed by a legal advisor to confirm that the correct additions and language are used to ensure it will withstand any legal challenges.

Kim Cuddington

Ms. Cuddington, a resident of Letson Drive advised that she believes the woodlands and wetlands contribute to the Cultural Heritage Landscape and should be included in the list of significant features as to not see these recognized is to probably ensure their disappearance. Ms. Cuddington also voiced concerns over the phrasing that impact assessments "may" be required" and suggested the implementation of riders to describe the type of development that would require an assessment.

In response to an inquiry by Mayor Cowan, Mr. Kennaley advised it was planned to have the Cultural Heritage Landscape reviewed by legal counsel. Councillor Bryant advised that the items listed through the CHL study have been handed to the Region to be catalogued for protection.

Since there was nothing further, Councillor Herteis declared the public meeting closed.

STAFF REPORTS (continued)

E49-2011: Development Agreement Severance Applications B7/2010 through B10/2010, 250 Arthur Street South (Emerald Homes)

Dan Kennaley, Director of Engineering and Planning Services introduced and summarized the report. In response to Mayor Cowan, Mr. Kennaley advised that there is currently one existing lot on the property which has allowed the builder to proceed with the construction of a new dwelling at this time.

MOVED BY Councillor Bryant

SECONDED BY Councillor Bauman

THAT the Mayor and Clerk be authorized, by By-law, to sign the Subdivision Agreements (attached as Appendix 'A' and 'B' to Report E49-2011) with Emerald Homes Ltd. to provide for the development of 5 single detached lots in Elmira, at 250 Arthur St S and along Oriole Parkway West, subject to the Subdivider signing the Agreements.

AND FURTHER THAT Council of the Township of Woolwich allocate 4 residential units from the infilling sanitary sewage reserve associated with the Elmira Settlement Area to the proposed lots created through Consent Applications B7/2010, B8/2010, B9/2010 and B10/2010.

...CARRIED

E59-2011: Zone Change 4/2011 – Dragoslav Kovasevic

Dan Kennaley, Director of Engineering and Planning introduced and summarized the report. In response to an inquiry by Councillor Bauman, Mr. Kennaley confirmed that there have been no concerns regarding traffic increases in relation to this application received.

MOVED BY Councillor Bryant

SECONDED BY Councillor Poffenroth

THAT the Council of the Township of Woolwich approves Zone Change Application 4/2011 (Dragoslav Kovasevic) to rezone the property at 46 Joseph Street from Settlement Residential (R-1) to Residential Mixed High Density with Design Guidelines (R-5A) with site-specific provisions to recognize a reduced rear yard setback from 7.5 metres to approximately 3.35 metres for the existing dwelling located on the proposed retained lands (site-specific provision), subject to:

1. The amending By-law be in accordance with the proposed By-law attached as Appendix C to Report E59-2011.

AND FURTHER THAT Council of the Township of Woolwich allocates 5 residential units from the infilling sanitary sewage reserve assigned to the Breslau Settlement Area to the lands at 46 Joseph Street.

...CARRIED

F13-2011: Cancellations, Reductions and Refunds of Taxes

Richard Petherick, Director of Finance / Treasurer introduced and summarized the report. In response to inquiries by Council, Mr. Petherick advised that clerical errors could happen at the Municipal Property Assessment Corporation resulting in the wrong assessment amount being conveyed to the Township for tax purposes. Mr. Petherick also advised that these requests often go back several years, as the process for these applications often take time.

MOVED BY Councillor Poffenroth

SECONDED BY Mayor Cowan

THAT the Council of the Township of Woolwich approves the cancellations, reductions and refund of 2008, 2009 and 2010 taxes for a total amount of \$22,530.37, as attached in Appendix "A" to report F13-2011.

...CARRIED

CORRESPONDENCE

None.

OTHER BUSINESSCPAC Chair Discussion

Previously brought forward from Closed session.

Waterloo Regional Heritage Planning Advisory Committee (HPAC) Appointment

Christine Broughton, Director of Council and Information Services / Clerk presented and summarized the memo. Both Councillor Bryant and Councillor Poffenroth conveyed their interest in the Committee and asked for further details on the time commitment involved.

Regional Matters

None.

Council Reports and Updates*Queensway Drive*

Councillor Bauman thanked Mr. Kennaley and Engineering staff for the work done on Queensway Drive.

Test of the Elmira Siren

Councillor Bauman confirmed that he received notification that the town siren was activated during the test.

OUTSTANDING ACTIVITY LIST, as of June 17, 2011*Sign By-law*

In response to an inquiry by Mayor Cowan, Ms. Broughton confirmed that a report regarding the terms of reference for the Sign Committee will be coming forward at next week's Council meeting.

Grand River Transit (GRT) Route 21

Mayor Cowan noted that the public meeting regarding the GRT Route 21 was a success. CAO David Brenneman advised that the meeting was well attended by many residents in support of the route and improvements to the route. Mr. Brenneman advised that it is staff's intention to consolidate the comments received and bring forward an information report to the Committee of the Whole meeting on August 2, 2011. Councillor Bryant asked for an hourly breakdown of ridership numbers.

GREEN AND PINK ITEMS, as of June 17, 2011

In response to an inquiry by Councillor Poffenroth, Mr. Kennaley confirmed that should Council have comments to make regarding consent applications they should be made at this time prior to the Committee of Adjustment making a decision on the application. Councillor Poffenroth asked for clarification on the tax rate being charged to the property for application A14/2011, Mr. Petherick advised that he has confirmed that the appropriate tax rate has been attached to the property.

PUBLIC NOTICE

None.

NOTICE REGARDING CLOSED MEETINGS

None.

ADJOURNMENT

MOVED BY Mayor Cowan
SECONDED BY Councillor Bauman
THAT the meeting be adjourned.

...CARRIED

Submitted by,
Julie-Anne Herteis
Chair