

**TOWNSHIP OF WOOLWICH
COMMITTEE OF THE WHOLE MINUTES
November 1, 2011**

The Committee of the Whole met in Closed Session at 5:30 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 Bauman

SECONDED BY Councillor Bryant

THAT the Council of the Township of Woolwich convene in closed session in accordance with Section 239 (2) (c) of the Municipal Act, R.S.O. 2001, as amended for the purpose of personal matters about an identifiable individual, including municipal or local board employees.

...CARRIED

MOVED BY Councillor Bryant

SECONDED BY Councillor Poffenroth

THAT the Council of the Township of Woolwich reconvenes in open session.

...CARRIED

DISCLOSURES OF PECUNIARY INTEREST

Councillor Poffenroth declared pecuniary interest with the Planning Public portion of the meeting regarding the proposed Zone Change and Official Plan for Sobeys Capital Incorporated.

RESOLUTIONS COMING FORWARD FROM CLOSED SESSION

None.

DELEGATIONS

Introduction of Karen Makela

CAO David Brenneman introduced Karen Makela, the new Director of Recreation and Facilities Services.

Mark Yantzi & Russ Kelly

Re: Request for Proclamation – Restorative Justice Week

Mark Yantzi addressed Council and asked that Council declare the week of November 13th to 20th, 2011 as Restorative Justice Week. Russell Kelly addressed Council and provided background information on the restorative justice program in Canada. Mr. Kelly advised that he was an offender in "The Elmira Case" which was the first case in Canada where the legal system undertook restorative justice.

MOVED BY Mayor Cowan

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich declares the week of November 13, 2011 until November 20, 2011 as Restorative Justice Week.

...CARRIED

E81-2011: Nightingale Crescent Sidewalk Extension

Richard Sigurdson, Manager of Engineering, introduced the report and spoke of a petition that was received from residents of Nightingale Crescent in opposition of the expansion of sidewalk. He provided information on why staff are proposing sidewalks on both sides of the reconstructed street. In response to an inquiry by Councillor Bryant, Mr. Sigurdson advised that Provincial accessibility legislation does not require dual sidewalks, but does promote them.

Chris & Kan Chhatwal & John Mosley-Williams

Kan Chhatwal addressed Council on behalf of their neighbours in opposition of the recommendation and made a presentation outlining reasons for their opposition. Chris Chhatwal addressed Council and outlined aesthetic and environmental concerns with the building of the sidewalk. John Mosley-Williams addressed Council and summarized reasons why the residents are 98% unanimous against the sidewalk.

Deanna & Scott Smith

Scott Smith addressed Council in opposition of the recommendation and supported the presentation previously made. Mr. Smith advised that he believes the sidewalk expansion is not a cost effective solution.

Darrell & Florence Jantzi

Mr. Jantzi addressed Council in opposition of the recommendation and supported the presentation previously made. Mr. Jantzi noted that he doesn't believe there have been safety concerns resulting from only one sidewalk, and raised concerns with the economics and maintenance of the sidewalk.

Don Buddo

Mr. Buddo addressed Council in opposition of the recommendation and supported the opposition previously mentioned.

Cheryl & Alex Coffey

Mr. Coffey addressed Council in opposition of the recommendation and supported the opposition previously mentioned.

Larry Hammond

Mr. Hammond addressed Council in opposition of the recommendation and supported the opposition previously mentioned. Mr. Hammond advised that there is currently an issue with

trespassers using their property to gain access to Oriole Parkway, and raised concerns that this sidewalk would result in increase invasion of their property.

Ted Green

Mr. Green addressed Council in opposition of the recommendation and supported the opposition previously mentioned. Mr. Green raised concerns that the look and feel of Nightingale Crescent will be affected by the proposed sidewalk and it will have dramatic negative impact on the street.

Bruce Miller

Mr. Miller addressed Council in opposition of the recommendation. Mr. Miller advised that he has previously worked as the principal at Park Manor school and does not see a safety concern with having sidewalk on only one side of Nightingale Crescent.

In response to inquiries raised by Council, Mr. Sigurdson advised that typically usage studies are not completed for sidewalks and that vehicle collision data records are only maintained for a period of seven years, however advised that the available data can be provided if requested.

Councillor Herteis suggested building a wider bike path, opposed to a sidewalk or possibly widening the existing sidewalk. Mr. Sigurdson advised that the Provincial standards have changed regarding sidewalks and that the existing sidewalk will be widened, however the bike path is not a viable option for this project.

Councillor Bauman advised that he believes that when all existing sidewalks have been upgraded to meet the Provincial standard, then the need for dual sidewalks within the Township should be looked at.

MOVED BY Councillor Bauman

SECONDED BY Mayor Cowan

THAT the Council of the Township of Woolwich does not support the recommendation as outlined in staff report E81-2011 for the establishment of a new sidewalk on the east and north side of Nightingale Crescent;

AND FURTHER THAT the existing sidewalk be widened to 1.5 metres to meet the current standard.

...CARRIED

Ron Campbell & Dr. Dan Holt, Chemtura Public Advisory Committee (CPAC)

MOVED BY Mayor Cowan

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich hears the unregistered delegations of Ron Campbell and Dan Holt of CPAC.

...CARRIED

Ron Campbell addressed Council and made a request for financial funding of \$8,000 for CPAC to obtain the services of Dr. Gail Krantzberg to assist in educating and consulting the new members of CPAC to allow the committee to move forward in their duties. Dr. Dan Holt addressed Council and affirmed the committee's need for additional assistance in obtaining knowledge. Dr. Holt advised that Dr. Krantzberg is an internationally recognized authority and that the cost of the service required is \$9,100 including HST.

Mayor Cowan reiterated the need for assistance from experts for CPAC to move forward and advised that he believes that looking to the Ministry of the Environment and Chemtura to fund this assistance is not a possibility.

CAO David Brenneman suggested that Council direct staff to come back with options for the source of this funding and have Council preview this proposal prior to making a decision.

Councillor Bryant asked that this funding be included with budget proceedings. Councillor Bauman noted that although he understands the urgency of the proposal, he would like to see further information on the proposal prior to making a decision.

MOVED BY Mayor Cowan

SECONDED BY Councillor Herteis

THAT the Council of the Township of Woolwich supports the Chemtura Public Advisory Committee for one-time funding of \$9,100 including HST to engage the services of Dr. Gail Krantzberg .

TIE VOTE....THE CHAIR BROKE THE TIE...CARRIED

Councillor Poffenroth left the Chair.

Councillor Bauman entered the Chair.

PLANNING PUBLIC

Councillor Bauman read the following introduction:

This meeting constitutes the formal public meeting required under Sections 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 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 Bauman then declared the public meeting to be open and asked staff to review the applications.

E89-2011: OPA 5/2011 and ZC 15/2011 – Sobeys Capital Incorporated – 315 Arthur Street South

Dan Kennaley, Director of Engineering and Planning Services, introduced and summarized the report.

Hugh Handy, GSP Group

Mr. Handy made a high level detailed presentation outlining site context, proposed development, planning framework, requested amendments, market study findings and next steps.

In response to questions by Council, Christine Yee of Sobeys advised that the proposed expansion of the food store would be strictly for food sales. Mr. Handy confirmed that the market studies found that there would be no detrimental impacts to other retailers in the town through this proposal.

Krista McBay, Elmira Home Hardware & Chair of BIA

Ms. McBay raised concerns that the proposed expansions will pull from the amount of allowable grocery space in Elmira, which could affect the possibility of re-establishing a grocery store in the core of Elmira. Mr. Kennaley confirmed that this concern will be looked at through the peer review process. Ms. McBay also raised concerns with moving the Beer Store and LCBO to the south end of town, as this will have an effect on the traffic in the core area.

Since there was nothing further with respect to this matter, Councillor Bauman declared the public meeting to be closed.

Councillor Bauman left the Chair.

Councillor Poffenroth entered the Chair.

STAFF REPORTS

C42-2011: Exemption from the Animal Control By-law Re: Use of Therapy Dog (Ken and Irene Meuhling)

MOVED BY Mayor Cowan

SECONDED BY Councillor Bryant

THAT the Council of the Township of Woolwich grant an exemption to Section M, clause 2 of the Animal Control By-law #75-2006 to allow a temporary provision for the ownership of 6 dogs at 1764 Sawmill Road in Conestogo, the Muehling residence for medical requirements;

AND FURTHER THAT the Council of the Township of Woolwich allow the exemption under the following conditions:

1. No additional dogs can reside on this property and each dog shall be micro-chipped or tattooed for identification purposes;
2. The identification of each dog will be registered with the Township;
3. A dog tag will be purchased for each dog every new calendar year;
4. That Township Enforcement Staff will complete an annual inspection to review the number of dogs residing at the Muehling residence;
5. All complaints relating to the dogs must be resolved to the satisfaction of the Township. Failing to satisfy the Enforcement Officer, the agreement with Muehling's will become null and void; the number of dogs will need to be brought into compliance with the Animal Control Bylaw #75-2006 by the end of the fiscal year.

...CARRED

C49-2011: Closed Meeting Investigator

MOVED BY Mayor Cowan

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich discontinues the appointment of Local Authority Services Limited (LAS) as its Closed Meeting Investigator pursuant to Section 239.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*;

AND FURTHER THAT Council direct staff to bring the LAS appointment by-law forward for repeal;

AND FURTHER THAT Council allows the role of Closed Meeting Investigator to default to the Ombudsman's Office of Ontario.

...CARRIED

E84-2011: Zone Change Application 10/2011 – Martin's Family Fruit Farm
Temporary Use By-law Extension for Farm Help

MOVED BY Mayor Cowan

SECONDED BY Councillor Bryant

THAT the Council of the Township of Woolwich approve Zone Change Application 10/2011 to extend the Temporary Use By-law for an additional three years concerning lands located at 1420 Lobsinger Line, to allow an existing mobile home to remain on the property, subject to the following conditions:

1. That the amending By-law be in accordance with the proposed By-law attached as Appendix A to Report E84-2011.

...CARRIED

E86-2011: Development Agreement Severance applications B7 and B8 2011
Elizabeth Brohman (Brohman Enterprises)

MOVED BY Councillor Bauman

SECONDED BY Councillor Herteis

THAT the Mayor and Clerk be authorized, by By-law, to sign the Subdivision Agreements (attached as Appendix 'A' and 'B' to Report E86-2011) with Brohman Enterprises Ltd. to provide for the development of 3 single detached lots in Breslau, at on Horseshoe Crescent, subject to:

1. the agreements being finalized;
2. the Subdivider signing the Agreements.

AND FURTHER THAT Council of the Township of Woolwich allocate 2 residential units from the infilling sanitary sewage reserve associated with Breslau to the proposed lots created through Consent Applications B7/2011 and B8/2011.

...CARRIED

F17-2011: Cancellations, Reductions and Refunds of Taxes

MOVED BY Mayor Cowan

SECONDED BY Councillor Bryant

THAT the Council of the Township of Woolwich approves the cancellations, reductions, and refund of 2009, 2010 and 2011 taxes under the provisions of Sections 357 and 358 for a total amount of **(\$971.15)**, as attached in Appendix "A" to report F17-2011.

...CARRIED

CORRESPONDENCE

None.

OTHER BUSINESS

Heritage Advisory Committee

Councillor Bryant requested the support of Council to implement a Heritage Advisory Committee within the Township of Woolwich. Councillor Bauman advised that he supports the initiative and would like to see Terms of Reference for this committee for clarification on the powers of the committee.

MOVED BY Councillor Herteis

SECONDED BY Mayor Cowan

THAT the Council of the Township of Woolwich supports the establishment of a Heritage Advisory Committee;

AND FURTHER THAT staff be directed to report back to Council regarding terms of reference to establish the Committee.

...CARRIED

Ontario Municipal Board Appeals Financial Information

Councillor Bauman asked for Council's support in requesting quarterly financial information on the costs associated with Ontario Municipal Board appeals.

MOVED BY Councillor Bauman

SECONDED BY Councillor Bryant

THAT the Council of the Township of Woolwich directs staff to include a breakdown of costs associated with Ontario Municipal Board hearings in the quarterly reports presented to Council.

...CARRIED

OUTSTANDING ACTIVITY LIST, as of October 28, 2011

None.

GREEN AND PINK ITEMS, as of October 28, 2011

None.

PUBLIC NOTICE

None.

NOTICE REGARDING CLOSED MEETINGS

None.

ADJOURNMENT

MOVED BY Councillor Bryant

SECONDED BY Mayor Cowan

THAT the meeting be adjourned.

...CARRIED

Submitted by,
Allan Poffenroth
Chair