

**TOWNSHIP OF WOOLWICH
COUNCIL MINUTES
AUGUST 9, 2011**

Woolwich Township Council met in Closed Session at 5:30 p.m. in the Councillor's Office, and in Regular Session at 7:00 p.m. in Council Chambers, on the above date with the following members present:

Mayor Cowan
Councillor Bauman
Councillor Bryant
Councillor Herteis
Councillor Poffenroth

Mayor Cowan opened the meeting with a moment of silence.

DISCLOSURES OF PECUNIARY INTEREST

None.

RESOLUTIONS TO COME FORWARD FROM CLOSED SESSION

MOVED BY Councillor Bryant

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich approves the selection of Coldwell Banker Peter Benninger Realty to serve as realtor for the Township of the disposition of properties at 69 Arthur Street South, Elmira and 1924 Sawmill Road, Conestogo.

...CARRIED

MOVED BY Councillor Herteis

SECONDED BY Councillor Bryant

THAT the Council of Woolwich approves the reserve transfer of \$9,750 from the development administration reserve and \$3,250 funded equally between the water and sewer reserves, a total of \$13,000 to be transferred to operating for the funding of staff resources in the Engineering & Planning Department.

...CARRIED

MINUTES

MOVED BY Councillor Herteis

SECONDED BY Councillor Bauman

THAT the following minutes be adopted:

- | | |
|----------------------------------|----------------|
| - Council Minutes | June 28, 2011 |
| - Committee of the Whole Minutes | August 2, 2011 |

...CARRIED

PROCLAMATIONS

None.

CORRESPONDENCE

None.

PRESENTATIONS

None.

DELEGATIONS**C40-2011: Elmira Legion Sign Variance Request**

Clayton Ash, Royal Canadian Legion, Elmira Branch

Mr. Ash referred outlined that the Legion is asking Council to deal directly with a variance to the Sign By-law and is also asking to be relieved entirely for the fee involved in the sign variance.

MOVED BY Councillor Bauman

SECONDED BY Councillor Herteis

THAT the Council of the Township of Woolwich directs the Elmira Legion to apply to the Committee of Adjustment for approval of a sign variance for a proposed new pylon sign at 5 First Street East in Elmira;

AND FURTHER THAT Council directs staff to charge 50% of the standard Sign Variance Application Fee of \$485 to cover costs.

...CARRIED

E61-2011: Hunder Gravel Pit Application

Dan Kennaley, Director of Engineering & Planning Services, explained the framework that the application is based on.

Keri Martin Vrbanac, President of the Conestogo Winterbourne Resident's Association (CWRA)

Ms. Martin Vrbanac addressed Council and made a presentation on behalf of the Conestogo Winterbourne Resident's Association outlining why the CWRA is in opposition of the proposed gravel pit. Ms. Martin Vrbanac concluded that the CWRA believes that both the Zone Change and Official Plan Amendment applications should be rejected.

Warren Sorenson

Mr. Sorenson, a Land Use Planning Consultant hired by the Conestogo Winterbourne Residents Association addressed Council and provided an explanation of the review work done and outlined the reasons why he has determined the proposed gravel pit should be denied.

Bob Hunsberger, Hunder Developments Ltd.

Mr. Hunsberger provided correspondence to Council and summarized the contents. Mr. Hunsberger asked that the recommendation not be adopted until the Hunder consulting team responds to the report.

Councillor Bauman and Councillor Bryant both noted they were not in favour of postponing a decision on staff's recommendation.

MOVED BY Councillor Herteis

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich takes the position before the Ontario Municipal Board that Official Plan Amendment application 1/2011 and Zone Change Application 8/2009 by C.G. Snyder Limited and Ronon Farms Inc. for the proposed Hunder Gravel Pit should be denied for the reasons outlined in this report, E61-2011.

... CARRIED

E63-2011: Proposed Biogas Power Generation Facility Woolwich Bio-en Inc. Part of Part 9, Plan 58R-14363

Dan Kennaley, Director of Engineering & Planning Services introduced and presented the report. In response to an inquiry by Council, Fire Chief Rick Pedersen confirmed that the annual fire inspection is a requirement under the Fire Code.

Chuck Martin, Bio-en Power Inc.

Mr. Martin addressed Council and raised concerns with the recommendation included in the report. Mr. Martin asked that a specific list of the reports that the Township would like peer reviewed be provided to Bio-en Power Inc. Mr. Martin concluded that he believes the company has gone to great lengths to meet or exceed recommendations.

Sebastian Siebel-Achenbach, Elmira Bio-Fuel Citizens Committee

Mr. Siebel-Achenbach addressed Council and provided correspondence outlining recommendations for inclusion in Township comments to be submitted to the Ministry of Environment.

Councillor Bauman explained that if the decision was in the hands on the municipality there would be requirements for public input, and noted that he believes the Ministry of Environment needs to host a public meeting in Elmira regarding this application.

MOVED BY Councillor Bauman

SECONDED BY Councillor Bryant

THAT Council of the Township of Woolwich submits the following comments to the Ministry of the Environment as formal comments under the Environmental Bill of Rights (EBR # 011-3923, Ministry Reference Number 6970-8E5ME7) in respect to the Woolwich Bio-En Inc. biogas power generation facility proposed for Elmira.

1. That the Ministry be advised that the proposed facility does not conform to the Township of Woolwich Official Plan or the Township of Woolwich Zoning By-law.
2. That the Township requests and recommends that the Ministry review the suitability of the location for such a facility which should include reference to MOE industrial separation distance guidelines.
3. That the Ministry provides for a peer review of reports associated with the proposal.

4. That the Ministry ensures transportation impacts related to increased truck traffic on the downtown of Elmira are assessed and considered.
5. That the Township requests that the Ministry post the following on the Ministry's website:
 - a. comments raised by the public and how the comments have been addressed; and
 - b. the proposed decision and operational standards.
6. That the Ministry and the applicant be advised, that the applicant must provide the Township of Woolwich a Letter of Credit and make application for a Road Work permit for all works within the road allowance, and all to the satisfaction of the Township of Woolwich.
7. That should the Ministry approve the application that it will:
 - a. Ensure that the fertilizer by-product:
 - i. is not stored outdoors,
 - ii. does not remain on site, and
 - iii. is utilized/disposed of appropriately;
 - b. Ensure the following items are addressed in the approval:
 - i. that the applicant/owner be required to annually inspect and maintain all onsite fire reservoir and storm water facilities and provide a record of inspection, in a form acceptable to Township, to the Township of Woolwich;
 - ii. that the applicant/owner provide written confirmation from a professional engineer that the site has been developed in accordance with the site plan, grading and drainage plans and site servicing plans (drawings C1-1 to C4-1 by the Walter Fedy Partnership dated January 15, 2010);
 - iii. that the site is maintained in accordance with these plans noted in c) above; and
 - iv. that the owner/applicant is responsible for the proposed access road/driveway, sanitary sewer and watermain which traverse a small portion of the Township's land, which abuts the westerly lot line with the subject lands, and it will be the responsibility of the owner/applicant of the subject lands to maintain this access road.
 - c. establish maximum noise, air and odour standards for the operation.
 - d. establish detailed procedures including standards relating to how quickly complaints will be investigated for enforcement of noise, odour, and air standards, and implications for non-compliance with the above noted standards including implications for repetitive and prolonged non-compliance.

...CARRIED

E65-2011: Zone Change 13/2008 (D & J Lockhart Excavators Ltd. on behalf of Ivan Martin and Grant Bauman) – “Martin Pit” Referred to as “Middlebrook Road Gravel Pit”

Councillor Bauman noted appreciation that the applicant is working with the Township to avoid an OMB hearing.

Bob Gibson, Gibson Consulting

Bob Gibson addressed Council on behalf of the applicant and noted that the applicant is receptive to the recommendation and that both the vertical zoning and sunset clause have been agreed to, acknowledging that these items could be appealed.

Lynne Hare

Lynne Hare, a resident of Tallwood Drive in West Montrose addressed Council regarding reasons as to why she believes that Council should approve the application after removing the “sunset clause”.

In response to inquiries by Council, staff member Dan Kennaley emphasized that Township staff are recommending approval of the application, subject to these conditions, as they believe that a sunset clause helps mitigate and reduce impacts of gravel pits and provides an assurance that the aggregate operation will end.

Councillor Herteis suggested removing the sunset clause from the conditions of the application, Councillor Bauman and Councillor Poffenroth agreed.

MOVED BY Councillor Bryant

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich approves Zone Change Application 13/2008 for D & J Lockhart Excavators Ltd. on behalf of Ivan Martin and Grant Bauman for the two parcels of land municipally known as German Company Tract Part Lot 73 – 6225 Middlebrook Road and German Company Tract Part Lot 72 – Middlebrook Road, to change the zoning from Agricultural (A) to Extractive (E) with site specific provisions to permit a 9.73 ha expansion (for a total of 14.73 hectares) above water table mineral aggregate extraction operation (gravel pit), subject to:

- The amending By-law be in accordance with the proposed By-law attached as Appendix 'C' to Report E65-2011;

AND FURTHER THAT Council advise the Ministry of Natural Resources (MNR) and the Ministry of Municipal Affairs and Housing of this decision to approve the zoning.

AND FURTHER THAT Council advise the Ministry of Natural Resources that the Township maintains its objection under the Aggregate Resources Act until such time as the term of the license is established as 20 years, to the satisfaction of the Township of Woolwich.

...DEFEATED

MOVED BY Councillor Bauman
SECONDED BY Councillor Herteis

THAT the Council of the Township of Woolwich approves Zone Change Application 13/2008 for D & J Lockhart Excavators Ltd. on behalf of Ivan Martin and Grant Bauman for the two parcels of land municipally known as German Company Tract Part Lot 73 – 6225 Middlebrook Road and German Company Tract Part Lot 72 – Middlebrook Road, to change the zoning from Agricultural (A) to Extractive (E) with site specific provisions to permit a 9.73 ha expansion (for a total of 14.73 hectares) above water table mineral aggregate extraction operation (gravel pit), subject to:

1. The amending By-law be in accordance with the proposed By-law attached as Appendix 'C' to Report E65-2011;

AND FURTHER THAT Council advise the Ministry of Natural Resources (MNR) and the Ministry of Municipal Affairs and Housing of this decision to approve the zoning.

...CARRIED

UNFINISHED BUSINESS

None.

INTRODUCTION OF BY-LAWS

MOVED BY Councillor Bryant
SECONDED BY Councillor Herteis

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

- A By-law to further amend Zoning By-law 55-86 of the Township of Woolwich A By-law to further amend Zoning By-law 55-86, of the Township of Woolwich (1066626 Ontario Ltd./Marhome Farms Ltd.)
- A By-law to further amend Zoning By-law 55-86, of the Township of Woolwich (Ryan McCall Stroh)
- A By-law to further amend Zoning By-law 55-86, of the Township of Woolwich (D&J Lockhart Excavators – Ivan Martin and Grant Bauman)
- A By-law to authorize the execution of a subdivider's agreement with Thomasfield Homes Limited
- A By-law to authorize the execution of a development agreement – Lots with Thomasfield Homes Limited
- A By-law to amend By-law 58-2008 and 3-2011, being a By-law to provide for the appointment of licensing officers (Amanda Fusco & Cynthia Lean)
- Being a provisional By-law for the construction of the Northside Drive Municipal Drain

- A By-law to confirm all actions and proceedings of the Council (June 28, 2011) ...CARRIED

COMMITTEE OF THE WHOLE

MOVED BY Councillor Herteis
SECONDED BY Councillor Bryant
THAT Council convenes into the Committee of the Whole.

...CARRIED

Recommendations from Committee of the Whole

MOVED BY Councillor Bauman
SECONDED BY Councillor Herteis
THAT the Summary of Recommendations of the Committee of the Whole dated August 2, 2011 be adopted as follows:

1. WHEREAS the Township of Woolwich received a "Petition for Municipal Drainage Works" on April 7, 2010 signed by the owners of the following properties situated on the west side of Northside Drive North in St. Jacobs:

74 Northside Drive North
92 Northside Drive North
96 Northside Drive North
102 Northside Drive North
106 Northside Drive North

AND WHEREAS in November of 2010 Council appointed Dietrich Engineering of Waterloo as the engineer responsible for the project which is now identified as the "Northside Drive Municipal Drain Project";

AND WHEREAS Council has given to any person who signed the petition an opportunity to withdraw from it by putting a withdrawal in writing it, signing it and filing it with the Clerk;

AND WHEREAS Council provided an opportunity at the August 2, 2011 Committee of the Whole meeting for any person to remove their name from or add their name to the petition;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

THAT Council receives the Engineer's Report prepared by Dietrich Engineering attached as Schedule "A" to Report C36-2011 and dated June 16, 2011 for the Northside Drive Municipal Drain Project;

AND FURTHER THAT Council approves the Report and directs staff to bring a Provisional By-law forward to the August 9, 2011 Council meeting for the first and second reading;

AND FURTHER THAT a Court of Revision meeting be held at 5:00 p.m. on Tuesday, August 30, 2011 in Council Chambers to hear from any property owner that wishes to have

Council review their drainage assessment as shown in the Assessment Schedule on page 9 of the Engineer's Report.

2. THAT the Council of the Township of Woolwich approves Zone Change Application 3/2011 (Ryan McCall Stroh) to rezone an approximate 2.2 hectare portion of a property designated Urban Area and located at 5044 Crowsfoot Road in the Crowsfoot Corners Settlement Area from Agricultural (A) to Settlement Residential (R-1) (i.e. approximate 2.02-hectares) and Open Space (O-2) (approximate 0.16 hectares), with a site-specific provision to recognize the minimum lot area of the retained farm parcel within the Rural Land Use Area, subject to the following:
 1. That the amending By-law be in accordance with the proposed By-law attached as Appendix 'A' to Report E60-2011;
 2. That this Zone Change be deemed to be in compliance with the Official Plan of the Township of Woolwich
3. THAT the Council of the Township of Woolwich approves the Elmira Business Improvement Area's 2011 Budget as approved by the BIA membership on April 21, 2011 and as presented to and amended by Council on August 2, 2011.

4. THAT the Council of the Township of Woolwich accepts Report A07-2011, Information Report – Grand River Transit Route 21 Public Open House – June 7, 2011 for information;

THAT Council provides direction to Staff regarding the contents of a recommendation report to be presented at the August 30, 2011 Committee of the Whole meeting;

AND THAT Council provides direction to Township Staff regarding the provision of comments to the Region regarding GRT Bus Route 21 prior to their September 9, 2011 deadline.

5. THAT the Council of the Township of Woolwich approves a request for an exemption to Noise By-law #19-2002 (Section 3) for the Aviation Expo & Air Show at 4881 Fountain Street North in Breslau to be held on Saturday August 20 and Sunday August 21, 2011 from 9:00 a.m. to 5:00 p.m. daily, subject to the following conditions:
 1. That prior to the event the organizers meet all conditions imposed by the Alcohol and Gaming Commission as well as the Building and Fire Departments;
 2. That all outdoor speakers face downwards
6. THAT the Council of the Township of Woolwich approves the request from the Elmira BIA for a Noise By-law Exemption to allow the use of amplified sound at Freiburger's parking lot in Elmira on August 5th, 2011 commencing at 9:00 p.m. and ending at 11:00 p.m., subject to the condition that any outdoor speakers face downwards.

AND FURTHER THAT amplified noise at the Elmira Street Dance on Saturday August 6, 2011.

AND FURTHER THAT Council waive the \$25.00 Noise By-law Exemption Fee because the Elmira BIA is a committee of Council.

7. THAT the Council of the Township of Woolwich approves Zone Change Application 8/2011 to extend the Temporary Use By-law for an additional three years concerning a portion of two properties at 790 and 800 King Street North, adjacent to Arthur Street South, to allow the continued use of a golf driving range on a 1.2 hectare portion of land owned by Marhome Farms Ltd. and zoned Agricultural (A) and the continued use of farming on a 1.6 hectare portion of land owned by 1066626 Ontario Ltd. and zoned Stockyards Industrial/Commercial Area (C08), 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 E56-2011;
8. THAT the Council of the Township of Woolwich receives Report R03-2011 as information regarding the consultant selection for the structural engineering/architectural analysis and evaluation of the Maryhill Fire Station.

...CARRIED

Staff Reports

E64-2011: Performance Acceptance for Surface Works in Conestogo Country Club Estates, Phase 2, Registered Plan 58M-315, Conestogo

Councillor Bauman asked to see tree planting specifications included in the landscaping plans.

MOVED BY Councillor Bryant

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich authorizes the issuance of a Performance Acceptance Certificate for the start of the two year maintenance and guarantee period for surface works on roads within phase 2 of the Conestogo Country Club Estates residential subdivision, Registered Plans 58M-315 in Conestogo;

AND FURTHER THAT the date of commencement for start of the two year maintenance and guarantee period on the surface works for Phase 2 is concurrent with Council approval.

...CARRIED

E66-2011: Request to Delay Weber/King Street Regional Road Works

MOVED BY Councillor Bauman

SECONDED BY Councillor Herteis

THAT the Council of the Township of Woolwich formally requests the Regional Municipality of Waterloo to delay the design and construction of the Weber Street North and King Street North road improvements within the Woolwich Stockyards Industrial/Commercial Area, which is being reviewed and considered through an Environmental Assessment (EA) process, until the start of 2014, with construction occurring in 2015, in order for the Township of undertake and complete a Secondary Plan for the Stockyards Industrial/Commercial and Power Centre Commercial Area, which will address the servicing issues related to properties outside the existing servicing limits as identified in the Township's Official Plan and the current Cross Border Servicing Agreement with the City of Waterloo.

...CARRIED

E69-2011: Plan of Subdivision 30T-05701 Subdivider's Agreement Hopewell Heights Stage 4 (Thomasfield Homes Limited)

MOVED BY Councillor Herteis

SECONDED BY Councillor Bauman

THAT the Council of the Township of Woolwich authorizes the Mayor and Clerk, by By-law, to sign the Subdivider's Agreement attached as Appendix 'A' to Report E69-2011 with Thomasfield Homes Limited to satisfy all requirements, financially or otherwise, for the provision of a road and the installation of services, facilities, drainage works and any other matters deemed necessary by the Township for the development of Plan of Subdivision Application 30T-05701 (Hopewell Heights – Stage 4), in an orderly and proper manner, subject to:

1. The Subdivider executing the Subdivider's Agreement.

AND FURTHER THAT the Council of the Township of Woolwich authorizes the Mayor and Clerk, by By-law, to sign the Development Agreement attached as Appendix 'B' to Report E69-2011 with Thomasfield Homes Limited to satisfy all requirements, financially or otherwise, for the appropriate development and ongoing maintenance of the individual lots/block within Plan of Subdivision Application 30T-05701 (Hopewell Heights – Stage 4), subject to:

1. The Subdivider executing the Development Agreement.

...CARRIED

Other Business

Regional Matters

Mayor Cowan advised that the advanced green light at the intersection of First Street & Arthur Street has been implemented.

Council Reports / Updates

Tree Maintenance

Councillor Bauman advised that numerous trees in 2-5 year range throughout the Township have died in the drought this year, and noted that tree maintenance was cut from the budget last year. He encouraged Council to direct staff to put funds for tree maintenance in the budget for 2012. Council agreed to direct staff to put this item in the budget deliberations.

MOVED BY Councillor Bryant

SECONDED BY Councillor Herteis

THAT the Council of the Township of Woolwich directs staff to consider the inclusion of additional funding for tree maintenance, which will be part of the 2012 budget deliberations.

...CARRIED

Chemtura Public Advisory Committee (CPAC)

Mayor Cowan advised that CPAC is reviewing their priority list and moving forward with gathering information on various issues.

Resolutions Regarding Closed Meetings

None.

Outstanding Council Activity List as of August 5, 2011

None.

Items from Green Pink Sheets as of August 5, 2011

In response to inquiries by Council, Larry Devitt, Director of Recreation and Facilities Department advised that staff are still working to resolve some accounting issues with software, which accounts for some of the higher numbers included in the Recreation and Facilities financial numbers.

Second Reading of the By-laws

MOVED BY Councillor Poffenroth
SECONDED BY Councillor Bryant
THAT the by-laws in the hands of the Clerk be read a second time.

... CARRIED

ADOPTION OF PROCEEDINGS OF THE COMMITTEE OF THE WHOLE

MOVED BY Councillor Bryant
SECONDED BY Councillor Poffenroth
THAT the Committee of the Whole rise and report to Council.

... CARRIED

MOVED BY Councillor Poffenroth
SECONDED BY Councillor Bryant
THAT Council confirms and adopts the proceedings of the Committee of the Whole.

... CARRIED

FINAL PASSAGE OF BY-LAWS

The Provisional By-law for the Northside Drive Municipal Drain will not receive third reading until after the Court of Revision.

MOVED BY Councillor Herteis
SECONDED BY Councillor Poffenroth
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 49-2011 to 55-2011, and that they be signed by the Mayor and Clerk and sealed with the corporate seal.

... CARRIED

PUBLIC NOTICE

None.

NOTICE OF MOTION

None.

ADJOURNMENT

MOVED BY Councillor Poffenroth

SECONDED BY Councillor Bryant

THAT the meeting adjourns to meet again in regular session on Tuesday September 6th, 2011.

... CARRIED



Mayor



Clerk



Chairman, Committee of the Whole