

**Council Meeting Minutes
August 12, 2024**

Mayor Foxtan was in the Chair. Also, present at the meeting were Councillor Rolleman, Councillor Ostner, Councillor Wilms, and Councillor Tilley.

Staff Present: Andrew McNeely, Chief Administrative Officer
Cynthia Hislop, Acting Clerk
Christina Brox, Treasurer/Director of Corporate Services
Rob Raycroft, Director of Engineering and Public Works
Shannon Black, Director of Development Services / Chief Building Official
Karen Winter, Director of Community Services
Michael Campos, Manager of Planning
Christina Blazinovic, Planner I/GIS Technician

Convene: 6:00 p.m.

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

C-247-24 Moved by Councillor Rolleman
Seconded by Councillor Wilms

THAT Council adopt the August 12, 2024 Council Meeting Agenda with the following addendum:

- Add #12.2.1d) REEP Green Solutions Events.
- Add to #13.2.3 BYLAW Report 11-2024 Fence By-law Exemption – 152 Mitchell Street: response letter from Paul and Cheryl Hanley.
- Add to #14.1 Councillor Tilley Re: Complaint Concerning Cow Manure: further communication received.

CARRIED

3. INDIGENOUS TERRITORY ACKNOWLEDGEMENT

Mayor Foxtan led the Indigenous Territory Acknowledgement.

4. MOMENT OF REFLECTION

Council and staff paused for a moment of reflection.

5. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

No disclosure of pecuniary interest was reported.

6. ADOPTION OF COUNCIL MINUTES

C-248-24 Moved by Councillor Ostner
Seconded by Councillor Tilley

THAT Council approve the following meeting minutes:

6.1 Council Meeting Minutes – July 8, 2024
CARRIED

7. COMMITTEE OF ADJUSTMENT

C-249-24 Moved by Councillor Wilms
Seconded by Councillor Rolleman

THAT the Council meeting be adjourned at 6:03 p.m. to sit as Committee of Adjustment for the purposes of holding public meetings pursuant to the provisions of the *Planning Act*.

CARRIED

Council Reconvened at 6:24 p.m.

8. PUBLIC MEETINGS AND HEARINGS – COUNCIL

None.

9. PRESENTATIONS

A Council member asked if the surplus increase is unique to the Township of North Dumfries. Ms. Smith indicated that the increase in interest rates assisted with having a surplus and that most municipalities have a surplus in cash.

C-250-24 Moved by Councillor Ostner
Seconded by Councillor Tilley

THAT the presentation from Traci Smith, Partner at BDO LLP Canada about the 2023 Audited Financial Statements be received with thanks.

CARRIED

10. DELEGATIONS/PETITIONS

C-251-24 Moved by Councillor Wilms
Seconded by Councillor Rolleman

THAT the delegation from Kevin Thomason of the Waterloo Climate Collaborative be received with thanks.

CARRIED

11. REQUEST(S) TO LIFT CONSENT AGENDA ITEM(S) FOR SEPARATE CONSIDERATION/PUBLIC SPEAKER IDENTIFICATION

Agenda items 12.2.1 b and c were lifted from the Consent Agenda for separate consideration.

12. CONSENT AGENDA

C-252-24 Moved by Councillor Tilley
Seconded by Councillor Ostner

THAT the following Reports as listed on the August 12, 2024, Consent Agenda be received, and the recommendations contained therein be approved and acted upon:

12.1.1 FD-09-2024 - July 2024 Incident Response Summary

12.1.2 FIN-16-2024 – Waterloo Region Community Foundation Grant Award

AND THAT the following Information Items as listed on the August 12, 2024 Consent Agenda be received:

12.2.1 COMMUNICATIONS / CORRESPONDENCE

a) Email from Watson & Associates Economists Ltd. - Development Charges Regulation Changes

~~b) Email from Enbridge Gas – Ontario Energy Board Notice of Application~~

~~c) Letter from MPP Catherine Fife – Greenbelt Motion~~

d) REEP Green Solutions Events (**added as an addendum**)

12.2.3 EXTERNAL PUBLIC AGENCIES

a) Region of Waterloo Council Meeting Minutes – May 22, 2024

b) Region of Waterloo Library Meeting Minutes – June 4, 2024

c) GRCA Meeting Minutes – May 24, 2024

CARRIED

13. ITEMS FOR DISCUSSION

13.1 ITEMS LIFTED FROM CONSENT AGENDA

13.1.1 Email from Enbridge Gas - Ontario Energy Board Notice of Application
Staff provided context related to the OEB Notice of Application.

C-253-24 Moved by: Councillor Tilley
Seconded by: Councillor Wilms

THAT the Email from Enbridge Gas - Ontario Energy Board Notice of Application be received for information.

CARRIED

13.1.2 Letter from MPP Catherine Fife – Greenbelt Motion

Staff provided background information to Council members about the MPP's motion.

C-254-24 Moved by: Councillor Wilms
Seconded by: Councillor Tilley

THAT the letter from MPP Catherine Fife – Greenbelt Motion be received for information.

CARRIED

13.2 REPORTS

13.2.1 FIN-14-2024 2023 Audited Financial Statements

C-255-24 Moved by Councillor Rolleman
Seconded by Councillor Wilms

THAT FIN Report No. 14-2024 be received;

AND THAT Council approve the 2023 Audited Financial Statements for the Township of North Dumfries, presented as Attachment No. 1 to this Report;

AND THAT Council authorize that the 2023 Audited Financial Statements be finalized and published.

CARRIED

13.2.2 FIN-15-2024 2023 Reserve Allocations:

A Council Member asked if there is a better way to forecast the surplus to avoid increasing taxes. Staff indicated that no one could have predicted interest rates would increase so rapidly. Another contributing factor to the surplus was due to some expenditures that did not occur in 2023.

C-256-24 Moved by Councillor Ostner
Seconded by Councillor Tilley

THAT Report FIN 15-2024 be received;

AND THAT Council approve the following transfers to Reserves for 2024 from the 2023 year end surplus in the amount of \$1,232,833 as follows:

- a. Allocation of \$350,000 to Infrastructure Reserve;
- b. Allocation of \$435,500 to Facilities Reserve;
- c. Allocation of \$75,000 to Pay Equity / Payroll Reserve;
- d. Allocation of \$70,000 to Winter / Major Storm Reserve;
- e. Allocation of \$100,000 to Land Reserve;
- f. Allocation of \$202,333 to the Working Reserve.

CARRIED

13.2.3 BYLAW Report 11-2024 Fence By-law Exemption – 152 Mitchell Street

Paul Hanley registered to speak and provided additional information relating to the matter.

A Council Member had concerns about the following:

- Raised land under the fence. Staff indicated the Fence By-law only speaks to grade.
- Outdoor structures near the fence. Staff noted that By-law Enforcement Officers investigated and there is no violation related to the proximity of the structures to the fence.
- Height of flora and fauna in the front yard. Staff responded that Township By-laws do not regulate height of hedges or trees in the front yard. Council indicated that this needs to be addressed in Township By-laws to define a hedge as a type of fence.

A Council Member asked about the level of sound from outdoor entertainment devices. Staff indicated that By-law Enforcement Officers investigated noise-related complaints and deemed the noise to be reasonable and not a nuisance for that time of day. The noise did not violate the provisions in the Township Noise By-law.

- C-257-24** Moved by Councillor Wilms
Seconded by Councillor Rolleman

THAT BYLAW Report No. 11-2024 be received.

AND THAT Council grant a partial variance to Fence By-law 3473-24 to allow 2.44 m high acoustical / privacy fence extending from the rear lot line along the existing fence located on the east property line at 152 Mitchell Street measured at average grade;

CARRIED

- 13.2.4** PD Report 37-2024 - ZC-03/24 – 19 Rockland Road

- C-258-24** Moved by Councillor Tilley
Seconded by Councillor Ostner

THAT PD Report No. 37-2024 be received;

AND THAT By-law No. 3499-24, being a By-law to remove the Holding (H) Symbol from the property located at 19 Rockland Road (Part 5 of Schedule A), zoned Z.9 (-h) and subject to site-specific exemption 20.1.333, be enacted.

CARRIED

- 13.2.5** PD Report 38-2024 – SP-03/24 – 1346 Clyde Road

- C-259-24** Moved by Councillor Rolleman
Seconded by Councillor Wilms

THAT Report No. PD-38-2024 be received;

AND THAT approve By-law No. 3498-24, being a By-law to further amend By-law No. 2105-05 [Site Plan Control Bylaw] to exempt the lands municipally addressed as 1346 Clyde Road from the Site Plan Control Process for the purpose of erecting a 313.5 m² (3,375 ft²) building to store golf carts and equipment.

CARRIED

- 13.2.6** PD Report 39-24 – 1807 Cheese Factory Heritage

A Council member noted that any additions to Heritage properties must be subordinate to the existing structure; that and addition should be smaller, not larger than the main building. The key is to keep it within the historic condition of the time period in which it was made to preserve the heritage of the existing home. Prior to a decision by Council, this should be reviewed by the Heritage Advisory Committee.

C-260-24 Moved by Councillor Ostner
Seconded by Councillor Tilley
THAT PD Report No. 39-2024 be received;

AND THAT the Cultural Heritage Impact Assessment Report, completed by Spencer R. Higgins, Architect Incorporated, dated June 6th 2024, be accepted;

AND THAT Council approve the proposed design indicating the alterations and changes that will be made to the designated property;

AND THAT direction is provided to the Chief Building Official that there are no concerns with the issuance of a Demolition Permit for the removal of the detached woodshed structure and the sunroom attached to the residential building located at 1807 Cheese Factory Road;

AND THAT the Owner be permitted to construct a future garage/coach house building without the requirement of further heritage approvals, provided that plans are complimentary to the existing residence and are to the satisfaction of the Township of North Dumfries.

DEFERRED

13.2.7 PD Report 40-2024 – 20 McRae Street, Plan 552

C-261-24 Moved by Councillor Wilms
Seconded by Councillor Rolleman
THAT PD Report No. 40-2024 be received;

AND THAT Council recognize PLAN 552 as a registered plan of subdivision for the purpose of splitting the existing Property Identification Number (PIN) to create two separately conveyable parcels of land at 20 McRae Street.

CARRIED

13.2.8 PW Report 14-2024 – NDCC Twin Pad Design & Class B Cost Estimate

Michael Pley registered to speak to this item on behalf of the Centre for the Community Group (CCG). The CCG approves the recommendations in the Staff report.

Councillor Wilms asked Staff:

- How much debt can the Township carry to fund the project? Staff indicated that the Township's current debt financing and repayment will require a one-year tax increase to cover the costs.
- Are there other grants that can be used to supplement the GICB program? Staff responded that if the Township is successful in securing the federal grant through AMO, the overall debt financing that the Township would incur would be \$6.6M in 2025 dollars. There is no other grant available at this time, however other grants could become available.

Councillor Tilley asked Staff:

- Is the timeline feasible for the Construction Management process? Staff noted that it is feasible as much of the work has been done and it is a technical issue at this point.

C-262-24 Moved by Councillor Tilley
Seconded by Councillor Ostner

THAT PW Report No. 14-2024 be received;

AND THAT Council adopt the functional layout and design of the Twin Pad project included as Attachment No. 1 to this Report;

AND THAT Council authorize Staff to amend the scope of work for the proposed Twin Pad Project to incorporate an expanded listing of green energy components to align with the eligibility requirements of the *Green and Inclusive Community Buildings (GICB) Program*;

AND THAT Council authorize the Treasurer to fund an additional \$25,000 (plus HST) to retain professional services to revise the architectural submission package / letter of attestation for green energy components to align with the eligibility requirements of the *Green and Inclusive Community Buildings (GICB) Program* as administered through the Federation of Canadian Municipalities on behalf of the Government of Canada;

AND THAT the additional allocation of funds to complete the tasks as summarized in Recommendation #4 be drawn from the Energy Plus Reserve Account;

AND THAT Council adopt a revised Project Budget for the Twin Pad Project in an amount of \$20,606,463 for 2025 with an inflation escalator of 5% for each year that follows if the project is delayed to later years;

AND THAT Staff be authorized to submit a Grant Application through the *Green and Inclusive Community Buildings (GICB) Program* for a total project expenditure of \$20,606,463 (2025 \$) and if applicable based upon timing / eligibility requirements for a total project expenditure of \$21,636,786 (2026 \$);

AND THAT the Ten Year Capital Forecast (2025 – 2034) for the Twin Pad Project be amended to reflect the revised Project Budget, timelines and Grant Eligibility amount as summarized in this Report;

AND THAT Staff return to Council with a Report in September 2024 on a framework for Fundraising Program in support of the Twin Pad Project;

AND THAT Council adopt a Construction Management form of undertaking for the construction of the Twin Pad Project when a future Request for Tender document is submitted to the open marketplace to bid on the completion of this Project.

CARRIED

13.2.9 PW Report 15-2024 – Jim Schmidt Memorial Park Drainage Improvements

C-263-24 Moved by Councillor Rolleman
Seconded by Councillor Wilms

THAT PW Report No. 15-2024 be received;

AND THAT Council award the Jim Schmidt Memorial Park Drainage Improvements to C.O. Construction Ltd. in the amount of \$58,570 (plus HST);

AND THAT Council approve a contingency for the drainage improvements of \$5,000 inclusive of net HST;

AND THAT the Treasurer be authorized to fund the project from the Energy Plus Reserve Account.

CARRIED

13.2.10 PW Report 16-2024 - ND-2024-C4, C5-RFQ – Footbridge and Piper Street Bridge Assessment and Design:

C-264-24 Moved by Councillor Ostner
Seconded by Councillor Tilley

THAT PW Report No. 16-2024 be received;

AND THAT Council approve the award of contract ND-2024-C4, C5-RFQ for Footbridge and Piper Street Bridge Assessment and Design in the amount of \$97,000 (plus HST) to SAFFA Engineering Inc.;

AND THAT a project contingency of \$22,392.80 (net of HST rebate) be established;

AND THAT the Mayor and Clerk be authorized to execute any necessary documents to facilitate the completion of this project.

CARRIED

13.2.11 REC Report 18-2024 – Former Ayr Tennis Club Donation:

C-265-24 Moved by Councillor Wilms
Seconded by Councillor Rolleman

THAT Council receives REC Report No. 18-2024;

AND THAT Council accept the cash donation of \$4,350.45 (minus any bank account deduction fees) from the former Ayr Tennis Club, to be allocated towards providing tennis lessons, clinics and/or workshops to the North Dumfries youth in 2025;

AND THAT the Treasurer be directed to set up a temporary Reserve Account to recognize the donation of the former Ayr Tennis Club with the intent that the funds be introduced into the 2025 Operating Budget for the purposes offering free or subsidized delivery of tennis instruction for the Township's youth;

AND THAT a letter of thanks for the donation be forwarded to the Executive of the former Ayr Tennis Club from the Mayor.

CARRIED

13.2.12 BLDG Report 01-2024 – Sign Variance for 1125 Rife Road:

C-266-24 Moved by Councillor Tilley
Seconded by Councillor Ostner

THAT BLDG Report 01-2024 be received;

AND THAT Council grant a variance under Sign By-law No. 2491-12 for 1125 Rife Road for the following:

- i) to allow for a setback reduction from 3m to a minimum of 1 metre (9.8 feet to 3.2 feet) from lot lines;
- ii) to allow an increased height of the sign to 10.67 metre (35 ft) from the permitted allowance of 7.5 metre (24.6 ft); and,
- iii) to allow an increase in the area of the sign to 21 m² (226 sq.ft.) from the permitted allowance of 10 m² (107.6 sq.ft.)

CARRIED

13.2.13 FIN Report 17-2024 – Policy for the Benevity Fund:

C-267-24 Moved by Councillor Rolleman
Seconded by Councillor Wilms

THAT FIN Report No. 17-2024 be received;

AND THAT Council approve the utilization of the Benevity Cause Portal to support the North Dumfries Pump Track project, and specifically the fundraising aspect of the project;

AND THAT Council authorizes the Chief Administrative Officer and the Treasurer / Director of Corporate Services to approve the utilization of similar requests in the future subject to the following principles:

- a. Only request from organizations that have a Memorandum of Understanding containing a fundraising component of Township assets will be considered;
- b. All fees for service are paid from funds raised;
- c. Control over the website/service and content will be maintained by Township Staff.

CARRIED

13.2.14 CAO Report 15-2024 – Township Transit Strategy:

C-268-24 Moved by Councillor Ostner
Seconded by Councillor Tilley

THAT CAO Report No. 15-2024 be received for the purposes of information.

CARRIED

13.3 CORRESPONDENCE ITEMS FOR ACTION

13.3.1 Letter from AMO – Call to Action - Social and Economic Prosperity Review

C-269-24 Moved by Councillor Wilms
Seconded by Councillor Rolleman

THAT the letter from AMO – Call to Action - Social and Economic Prosperity Review be received for the purposes of information.

CARRIED

14. MAYOR & COUNCILLOR REPORT ITEMS

14.1 Councillor Tilley Re: Complaint Concerning Cow Manure

C-270-24 Moved by Councillor Tilley
Seconded by Councillor Ostner

THAT the email chain of August 7, 2024 and earlier from Dinis Cabral concerning manure from grazing cattle and other matters be received for the purposes of information.

CARRIED

15. CLOSED SESSION

C-271-24 Moved by Councillor Rolleman
Seconded by Councillor Wilms

THAT Council move into a Closed Meeting Session at 9:14 p.m. pursuant to the Municipal Act Section s. 239(2)(b) to discuss:

15.1 CAO Report 16-2024

“Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board” (*Municipal Act*, Section 239 (2)(e)), and, “advice that is subject to solicitor-client privilege, including communications necessary for that purpose” (*Municipal Act*, Section 239 (2)(f)), and, “personal matters about an identifiable individual, including municipal or local board employees” (*Municipal Act*, Section 239 (2)(b)).

15.2 CLK Report 10-2024 - Consideration of Heritage Advisory Committee Appointment

“Personal matters about an identifiable individual, including municipal or local board employees” (*Municipal Act*, Section 239 (2)(b)).

16. RECONVENE INTO OPEN SESSION

C-272-24 Moved by Councillor Tilley
Seconded by Councillor Rolleman

THAT Council reconvene into open session at 9:49 p.m.
CARRIED

17. BUSINESS ARISING FROM CLOSED SESSION

Council provided direction to Township Legal Counsel and Staff on next steps related to the disposition of the matter discussed during today’s Closed Session. As this matter relates to an identifiable individual and is part of a human resources file, no further reporting will be undertaken through Council.

C-273-24 Moved by Councillor Wilms
Seconded by Councillor Tilley

THAT the following Members be appointed to the Heritage Advisory Committee:

1. Mary-Jean Page
2. Phil Ruhlman
3. Jaimee Gadsden
4. Ben Benninger
5. Irene Adeney
6. Heidi Ostner
7. Councillor Rod Rolleman

AND THAT Council introduce Appointment By-law No. 3501-24 for the Heritage Advisory Committee at the August 12, 2024 Council Meeting.
CARRIED

18. NOTICE(S) OF MOTION
None

19. BY-LAWS

C-274-24 Moved by Councillor Ostner
Seconded by Councillor Tilley

THAT the following By-laws be read a first and second time:

- 19.1** By-law No. 3498-24 - Being a By-law to Exempt Construction of Accessory Structure at 1346 Clyde Road from Site Plan Control By-law 2105-05
- 19.2** By-law No. 3499-24 - Being a By-law to Release the Holding Provision (19 Rockland Rd)
- 19.3** By-law No. 3500-24 - Being a By-law to Confirm the Proceedings of Council on August 12, 2024
- 19.4** By-law No. 3502-24 - Being a By-law to Appoint Members to the Heritage Advisory Committee

CARRIED

C-275-24 Moved by Councillor Rolleman
Seconded by Councillor Wilms

THAT By-law Nos. 3498-24, 3499-24, 3500-24, and 3502-24 be read a Third and final time and be signed and sealed by the Mayor and Acting Clerk.

CARRIED

20. ADJOURNMENT

C-276-24 Moved by Councillor Ostner
Seconded by Councillor Rolleman

THAT WHEREAS business before this Council Meeting has been completed at 9:54 p.m.

AND BE IT RESOLVED THAT this Meeting adjourn.

CARRIED



Susan Foxtton, Mayor



Kyle Kruger, Acting Clerk

