

THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH
MINUTES OF COUNCIL
JULY 23, 2018 @ 7:00 P.M.
CLOSED MEETING SESSION @ 6:30 P.M.

The meeting was held in the Municipal Office Council Chambers, Kenilworth.

Members Present:

Mayor: Andrew Lennox
Councillors: Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake

Staff Present:

CAO: Michael Givens
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Economic Development Officer: Dale Small
Chief Building Official: Darren Jones
Director of Finance: Adam McNabb
Director of Operations: Brent Lauber
Manager of Human Resources: Chanda Riggi
Manager of Planning and Environment: Linda Redmond

CALLING TO ORDER

Mayor Lennox called the meeting to order.

ADOPTION OF THE AGENDA

Resolution 2018-283

Moved: Councillor McCabe

Seconded: Councillor Yake

THAT the Agenda for the July 23, 2018 Regular Meeting of Council be accepted and passed.

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest reported.

CLOSED MEETING SESSION

Resolution 2018-284

Moved: Councillor Yake

Seconded: Councillor McCabe

THAT the Council of the Corporation of the Township of Wellington North go into a meeting at 6:33 p.m. that is closed to the public under subsections 239 (2) of the Municipal Act, 2001, specifically:

(d) labour relations or employee negotiations

1. REPORTS

a. Report HR 2018-003 being a Report on Recreation Master Plan-Service Delivery Enhancements

2. REVIEW OF CLOSED SESSION MINUTES

a. July 9, 2018

CARRIED

Resolution 2018-285

Moved: Councillor McCabe

Seconded: Councillor Yake

THAT the Council of the Corporation of the Township of Wellington North rise from a closed meeting session at 7:05 p.m.

CARRIED

Resolution 2018-286

Moved: Councillor Yake

Seconded: Councillor McCabe

THAT the Council of the Corporation of Township of Wellington North receive for information Report HR 2018-003 being a report on Recreation Master Plan – Service Delivery Enhancements.

AND FURTHER THAT Council approve the confidential direction to staff.

CARRIED

Resolution 2018-287

Moved: Councillor McCabe

Seconded: Councillor Hern

THAT the Council of the Corporation of the Township of Wellington North approve the Closed Meeting Minutes of July 9, 2018.

CARRIED

Chanda Riggi, Manager of Human Resources, left the meeting.

O' CANADA

RECESS TO MOVE INTO PUBLIC MEETING

Resolution 2018-288

Moved: Councillor Hern

Seconded: Councillor McCabe

THAT the Council of the Corporation of the Township of Wellington North recess the Regular Council Meeting of July 23, 2018 at 7:11 p.m. for the purpose of holding a Public Meeting under the Planning Act on behalf of the County of Wellington.

CARRIED

RESUME REGULAR MEETING OF COUNCIL

Resolution 2018-289

Moved: Councillor McCabe

Seconded: Councillor Hern

THAT Council of the Corporation of the Township of Wellington North resume the July 23, 2018 Regular Meeting of Council at 7:25 p.m.

CARRIED

ADOPTION OF MINUTES OF COUNCIL

Resolution 2018-290

Moved: Councillor Hern

Seconded: Councillor Yake

THAT the minutes of the Council Meeting held on July 9, 2018 be adopted as circulated.

CARRIED

BUSINESS ARISING FROM MINUTES OF COUNCIL

None.

DEPUTATIONS

1. Tony Bagnara, Avila Investments Ltd.
John Cox, JL Cox Planning Consultants Inc.
John Kerr, GM Blue Plan Engineering
 - Consideration of Draft Plan Approval for File NO. 23T-13002

Mr. Cox provided background on the subdivision project, reviewed draft plan modifications and outlined other reviews undertaken, noting the configuration presented is basically the same as the previous version, with 231 single detached residential units, 60 semi detached residential units, 120 street townhouse units and 2 commercial blocks. The lots opposite the Mann property have been widened. Two blocks are provided which access unopened Bristol Street and Harris Street for future access and can also function for tot lot playground areas and/or trail connectivity. The density of 411 units meets provincial targets. The environmental assessment has been accepted by the Saugeen Valley Conservation Authority and other agencies had no objections. There will be trail

access through the open space area and unopened roads. A trail plan will be completed and implemented.

Mr. Kerr addressed engineering for the project and reviewed conceptual servicing plans. He provided a chronologic summary of Technical & Community Engagement since the Public Meeting on April 28, 2014. There is still opportunity to make design changes. Meetings have been held with the residents on Bentley Street and Southwater Street. He believes they understand the concerns and will be able to proceed satisfactorily. An alternative to sanitary servicing along Bristol Street to South Water Street may be beneficial to the developer, the municipality and home owners. Stormwater management will take in 99.9% of the storm water drainage. A meeting was held with Southwater Street residents to address concerns in the northeast corner of the development.

Councillor Yake asked how and when servicing on Southwater vs. Bristol will be decided. Township Engineer, Frank Vanderloo, B.M. Ross and Associates Limited, responded that if there was a desire to connect to services would be done through negotiations regarding cost sharing. The water main could be replaced with a larger water main.

2. Kim and Scott Hartle, 240 Southwater Street, Mount Forest
 - Concerns regarding File #23T-13002

Mr. Hartle expressed concerns regarding flooding and privacy noting:

- There is an the existing berm in place on the Murphy property to address flooding and questioned on flood control should the berm be removed
- Fencing should be installed to provide privacy to the estate sized lots on Southwater
- Southwater Street doesn't have sidewalks.
- Traffic through Bristol Street will intense.
- Several private properties have ponds and there is concern about the safety of children from the new subdivision
- What plans are there for a playground
- Construction dust, refuse and garbage during construction
- Ownership and maintenance of the park/open space
- Access to Hwy 6 at the top of the hill which is not ideal

Mr. Hartle was advised that the highway access is within the Township connecting link. Details will be worked out through the ongoing development process. There is no definite timeline. Infrastructure needs to be built so it will not be quick. MTO would not permit commercial access.

3. Barb Schellenberger, 931 Bentley Street, Mount Forest
 - Concerns regarding trails and access

Ms. Schellenberger requested information on trails and access to them. The blocks on Bristol Street and Harris Street could provide opportunity for partnerships to be formed with the developer for trails. She also questioned if there will be a walk way along the back of lots, if there will be landscaping along the roadway, how kids will get to school, will the development be phased and suggested working with MTO for safe access to Murphy Park. (See Addendum A attached to the minutes for speaker's notes and comments submitted on behalf of Elsa Mann and Rose Anne Desmarais and Bruce Chapman.)

Other resident concerns included paving of Bentley Street, left turn lane onto Bentley Street from the highway, buffers/fencing between current larger properties and proposed development for privacy, drainage along Bentley Street, sidewalks along the highway and the notification process for further meetings or provision of information.

It was explained that there will be extensive sidewalks through the development and a landscaping plan. Phasing will require Township approval. Existing drainage problems can be looked at with overall drainage patterns. The Township is aware of concerns raised in the past. Conceptual designs are being reviewed. The berm at the northerly perimeter will probably be gone but there will be a swale to take water to the storm water facility. There will be storm water management where there wasn't any before. Sidewalks along the highway to the bridge have not been investigated in detail but can be considered. A zoning amendment will be required and formal notification will be required. The school board will designate where children will be picked up. Open space will become the property of the Township. It was suggested that one of the tot lots would be a good location for playground equipment for younger kids. Council will be asked to consider endorsing the concept so the development can move to the next step.

IDENTIFICATION OF ITEMS REQUIRING SEPARATE DISCUSSION

Items 1f, 4a, 5a, 6a, 8a.

ADOPTION OF ALL ITEMS NOT REQUIRING SEPARATE DISCUSSION

Resolution 2018-291

Moved: Councillor Yake

Seconded: Councillor Hern

THAT all items listed under Items for Consideration on the July 23, 2018 Council agenda, with the exception of those items identified for separate discussion, be approved and the recommendations therein be adopted:

1. PLANNING

- a. *Excerpt from April 28, 2014 Public Meeting Minutes – Avila Investments Limited be received for information.*
- b. *Correspondence from B.M. Ross and Associates Limited, dated May 17, 2018, regarding Murphy Subdivision (Avila Investments Ltd.), Draft Plan 23T-13002, Review of Preliminary Servicing & Stormwater Management Report and Preliminary General Grading & Servicing Plans be received.*
- c. *Correspondence from Saugeen Valley Conservation Authority, dated July 10, 2018, regarding application for Draft Plan of Subdivision – File No. 23T-13002 be received.*
- d. *Correspondence from Edward Duncan Boxall, dated July 18, 2018 regarding proposed Draft Plan of Subdivision (File No. 23T-13002) be received.*
- e. *Correspondence from Peter and Elizabeth Mogensen, dated July 18, 2018 regarding proposed Draft Plan of Subdivision (File No. 23T-13002) be received.*

2. FIRE

- a. *Communiqué #056 - June, 2018 be received*

3. FINANCE

- a. *Cheque Distribution Report, July 17, 2018 be received.*
- b. *General Fund Financial Summary Report- Budget vs Year-to-Date Actual Ending June 30, 2018 be received.*
- c. *Reserves and Reserve Funds be received.*

5. ECONOMIC DEVELOPMENT

- b. *Report EDO 2018-28 FiT5 Contract be received for information*

7. ADMINISTRATION

- a. *Report CLK 2018-031 being a report appointment of Clerk as Wedding Officiant THAT the Council of The Corporation of the Township of Wellington North receive Report CLK 2018-031 being a report on appointment of the Clerk as a Wedding Officiant;
AND FURTHER THAT the Mayor and Deputy Clerk be authorized to execute the appointment by-law.*

8. COUNCIL

- b. *Correspondence from Arthur Optimist Club, dated, July 11, 2018, regarding the operation of a Bavarian Garden during the 24th Annual Ford & Mercury Truck Nationals on August 18 to 19, 2018
THAT the Council of The Corporation of the Township of Wellington North receive correspondence from Arthur Optimist Club, dated, July 11, 2018, regarding the operation of a Bavarian Garden during the 24th Annual Ford & Mercury Truck Nationals on August 18 to 19, 2018;
AND FURTHER THAT the 24th Annual Ford & Mercury Truck Nationals being held on August 18 to 19, 2018 be given community festival status and declared municipally significant.*

CARRIED

CONSIDERATION OF ITEMS IDENTIFIED FOR SEPARATE DISCUSSION

Resolution 2018-292

Moved: Councillor Yake

Seconded: Councillor Hern

THAT the Council of the Corporation of the Township of Wellington North receive the County of Wellington Planning Report regarding proposed Plan of Subdivision – 23T-13002, Avila Investments Limited, Mount Forest.

CARRIED

Resolution 2018-293

Moved: Councillor Hern

Seconded: Councillor Yake

THAT the Council of the Corporation of the Township of Wellington North support the proposed plan of subdivision and related conditions of draft plan approval for 23T-13002 (Avila Investments Ltd.).

CARRIED

Resolution 2018-294

Moved: Councillor Burke

Seconded: Councillor McCabe

THAT the Council of the Corporation of the Township of Wellington North receive Report CBO 2018-13 being a report on sanitary sewer allotment (Arthur);

AND FURTHER THAT the Council of the Corporation of the Township of Wellington North allocate one (1) sanitary sewage unit to the property described as Svy Mitchells Pt Lots 11, 12 & 22 to 31 Pt Mill Pond & Mill Property RP 61R7402 Parts 1 to 5, Municipally known as 7976 Wellington Road 109, geographic Village of Arthur, Township of Wellington North;

AND FURTHER THAT the Council of the Corporation of the Township of Wellington North allocate one (1) sanitary sewage unit to the property described as Concession B Pt Lot 23 RP 61R10443 Parts 1 and 2, Municipally known as 7995 Wellington Road 109, geographic Township of Peel, Township of Wellington North;

AND FURTHER THAT these sanitary sewage allocations have an expiry of eighteen (18) months from date of passage of the resolution, after which period the allocations are withdrawn.

CARRIED

Resolution 2018-295

Moved: Councillor Yake

Seconded: Councillor Hern

THAT the Council of the Corporation of the Township of Wellington North receive for information Report EDO-2018-27 being a report on the Downtown-Main Street Revitalization Program.

CARRIED

Resolution 2018-296

Moved: Councillor McCabe

Seconded: Councillor Burke

THAT the Council of the Corporation of the Township of Wellington North receive Report PW 2018-015 being a report on the 2018 procurement of an excavator; AND FURTHER THAT the Council of the Township of Wellington North award the supply of the 2018 excavator to CG Equipment at a net cost of \$341,303.04; AND FURTHER THAT the \$41,303.04 difference between the net purchase price and the 2018 approved capital budget of \$300,000 be funded from reserves and the sale of the existing brusher.

CARRIED

Resolution 2018-97

Moved: Councillor Yake

Seconded: Councillor Hern

THAT the Council of The Corporation of the Township of Wellington North receive correspondence from County of Wellington, dated July 12, 2018 regarding the Wellington County Trail Funding Programme.

CARRIED

Council directed staff to request that the County of Wellington place the \$21,509.98 remaining funding into reserve funds for future use.

NOTICE OF MOTION

Councillor Yake requested that a resolution be brought to the August 13, 2018 regular Council meeting recognizing the strained current traffic flows and the potential impact of additional traffic as a result of the new Canadian Tire in the area of Main Street South and Mount Forest Drive in Mount Forest. And further that Council of the Township Of Wellington North request that staff monitor traffic flows in the area and investigate possible traffic measures that can be implemented to allow for safe, timely flow of traffic in the area.

COMMUNITY GROUP MEETING PROGRAM REPORT

Councillor McCabe requested that congratulatory letters be sent to Ted Arnott, MPP, Wellington-Halton Hills, on his appointment as Speaker of the Ontario Legislative Assembly and Randy Pettapiece, MPP, Perth-Wellington, on his appointment as Parliamentary Assistant to the Minister of Agriculture, Food and Rural Affairs.

Councillor Yake announced that picnic tables were donated to the Lyons Blacksmith Shop and thanked Councillor McCabe for his donation of a lawn tractor.

Mayor Lennox acknowledged the work of volunteers for the Fireworks Festival and commented that the festival was well attended.

BY-LAWS

Resolution 2018-298

Moved: Councillor Hern

Seconded: Councillor Yake

THAT By-law Number 070-18 being a by-law to appoint an officiant to conduct civil marriage ceremonies be read a First, Second and Third time and enacted.

CARRIED

CONFIRMATORY BY-LAW

Resolution 2018-299

Moved: Councillor Yake

Seconded: Councillor Hern

THAT By-law Number 071-18 being a By-law to Confirm the Proceedings of the Council of the Corporation of the Township of Wellington North at its Regular Meeting held on July 23, 2018 be read a First, Second and Third time and enacted.

CARRIED

ADJOURNMENT

Resolution 2018-300

Moved: Councillor Hern

Seconded: Councillor Yake

THAT the Regular Council meeting of July 23, 2018 be adjourned at 8:53 p.m.

CARRIED

CLERK

MAYOR

ADDENDUM "A"

Mayor Lennox and Members of Council:

July 23, 2018

Re: Proposed Plan of Subdivision 23T13002, Avila Investments Limited

Further to my comments at the 2014 Public Meeting regarding the subdivision at Hwy 6 and Bentley Street, I am pleased to see some concerns have been addressed in the conditions of subdivision. Specifically, the following:

- Block 271 is Open Space/Parkland, and the owner will complete a trail and implementation plan as provided in the subdivision agreement
- Block 272 and 274 are walkway (not roadways) to Bristol Street and Harris Street (both unopened road allowances) to create access to South Water Street.

But there still are some unanswered thoughts we have:

Who actually pays for trail development? This trail could go nicely from the development along unopened road allowance (Mill St?), via the footbridge to Angus Smith Park. This is a wonderful opportunity to develop ongoing partnerships with the developer, service groups and citizens and community as a whole. Not only this length of park but other areas within WN.

I can see sidewalks on the south side of the development, only 2/3 of the way (the westerly section). Going further west along Bentley Street, after the subdivision, is there a plan for sidewalks to continue around Silver St and Mill St, to Cork and Martin St intersection? Connecting the subdivision to the existing walking trails, sports complex area will require not only trail plans, but streets that encourage active living for all users. Would it be advantageous to have trail access at the side of Lot 1 (south west corner) and the rear of lots 36-42 to go to parkland/open space area.

From the submissions included in the agenda package, I am unclear if the westerly lots on Bentley have the required frontage. For your convenience, I have attached documentation between developer and Ms. Mann. Our lands are referenced within.

In the Bentley Street SFD/TH area will there be any required landscaped boulevard?

I realize school board policies will dictate if bussed or not, however, is there a plan to improve South Water Street and make the Bristol and Harris Street trails navigable for foot traffic to the schools. Also the park areas (Murphy Park, and Lions Pool park).

Please, please, please work with MTO for safe access from Bentley Street and Street A on Hwy 6. Going south from the bridge, there is a rise and you can't see vehicles turning into Street A. at Bentley Street right now, traffic going north is whipping along 80+ mph. The travelling public now is vehicles, bikes, and foot traffic, and we do need to live in harmony. No-one wants any accidents or fatalities to happen, if they can be prevented.

Consideration/responses would be most appreciated. Thank you for allowing me to share some observations Tom and I have made.

As the registered delegation, would it be possible to speak comments given to me from my neighbours?

UNDERTAKING

Whereas Avila Investments Ltd. ("Avila"), as Purchaser, has purchased from The Corporation of the Township of Wellington North (the "Township"), as Vendor, certain lands on the north side of Bentley Street in the former town of Mount Forest known locally as the "Murphy Lands";

AND WHEREAS the County of Wellington (the "County") adopted an Official Plan Amendment (OPA 68) which amendment provides for designations and policies in respect of the Murphy Lands which will permit certain residential and commercial uses as set out therein;

AND WHEREAS Elsa Mann has appealed OPA 68 to the Ontario Municipal Board which has assigned the matter OMB File No. PL090687;

AND WHEREAS Elsa Mann is prepared to withdraw the said appeal subject to obtaining certain assurances with respect to the future development of the Murphy Lands as herein set out;

AND WHEREAS in consideration of Elsa Mann withdrawing the above mentioned appeal, Avila has agreed to provide this undertaking in respect of the development of the Murphy Lands and Elsa Mann may file this undertaking with the OMB along with the withdrawal of the appeal.

Now therefore Avila does hereby undertake for itself, its successors and assigns as follows:

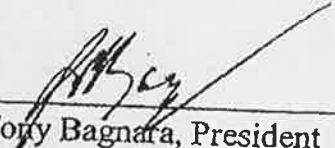
1. Any development proposed by Avila whether by way of Plan of Subdivision, Plan of Condominium or consent under the *Planning Act*, will provide for Lots fronting directly onto Bentley Street thereby reducing the number of new streets accessing onto Bentley Street. This principle is illustrated in the annexed street layout concept. Such concept may be subject to amendment, provided that at a minimum, the plan will provide that the two (2) most westerly north-south streets within the development will not continue and access directly onto Bentley Street. A minimum of eight (8) of Lots proposed on Bentley Street and being the most westerly Lots on Bentley Street will have a minimum frontage of 60 feet. The remaining Lots to the east along Bentley Street to the first new road will have minimum frontages of 50 feet.
2. Avila agrees not to object to a condition of draft plan approval requiring it to prepare a Baseline Hydrogeology and Impact Assessment (in accordance with the normal practices of the County) and to monitor the impacts of the servicing of the Murphy Lands on the private well water supplies at 931 and 947 Bentley Street and to undertake remedial measures if required. The monitoring period shall be 12 months from completion of services and shall be subject to the owners of 931 and 947 Bentley Street providing pre-

construction access and testing of the private well. Avila further agrees not to object to a condition of draft plan approval requiring that storm water management plans be approved by the Township and the Conservation Authority.

The Township and the County have been given notice of this undertaking as acknowledged below and Avila requests the same to be placed on file for consideration when Avila applies for a Plan of Subdivision, Plan of Condominium or consent under the *Planning Act*.

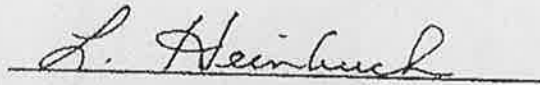
Date at the Town of Halton Hills this 9th day of December, 2009

Avila Investments Ltd.

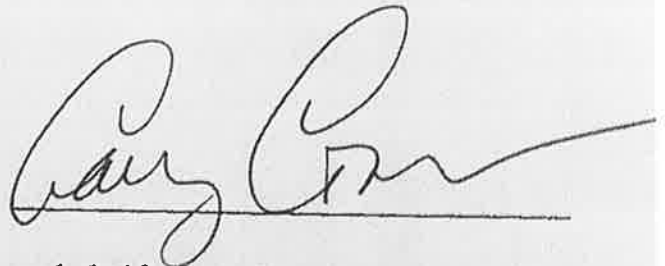


Per: Tony Bagnara, President
I have authority to bind the Corporation

Notice of the above Undertaking
is hereby acknowledged



on behalf of the Township
Lorraine Heinbuch,
Chief Administrative Officer/Clerk
Township of Wellington North



on behalf of the County

From: Elsa Mann <elsamann1@gmail.com>

Date: July 22, 2018 at 10:01:43 PM EDT

Subject: Re: Subdivision plans:Avila/Bentley Street

Thanks Barb for speaking tomorrow. Our comments and questions are below and are in addition to what has already been said. (ie. questions about flood plain, safety regarding entrance and exit from Bentley Street without turning lanes or traffic lights)

-Elsa Mann would like to inform Council again that an undertaking was filed with the OMB back in 2009. The lots fronting Bentley Street are still not sized according to the outline of the undertaking. They fall short of the 60 and 50 foot frontages as outlined in the undertaking. 'Close doesn't count'. This is a legal binding agreement signed by Avila.

-the plan shows a second access road from Highway 6 North of Bentley Street, but is not designated as an 'entrance only travelling South on Hwy 6' which is a significant safety concern. Will traffic be able to travel in and out of that street? Will people be able to turn left off of Highway 6 heading northbound on a blind hill into the subdivision?

-drainage as shown on the plan is a significant concern given that we are lower than the subdivision. The plan notes that 'major overflow' runs down Bentley Street with nothing to mitigate the flooding that will result in the South side of Bentley. It's not a question of if, simply when a flood happens. Take your cues from the flooding that happened in June of 2017 on Bentley and double it with all the water running off hard surfaces in the development.

-there is no provision for a sidewalk on street C (South of street A) in the plan

-the plan appears to show a sidewalk running along the west side of HWY 6. How is that going to work?

-what is the proposed timeline for each phase and what is the penalty to the developer should he not adhere to it. It needs to be recognized that the neighbouring residents to this sizable development will have to endure construction impact for all phases of development and should be provided with a reasonable timeline by which the developer should be held accountable.

-what is the developer proposing regarding street lighting and mitigating resulting light pollution

-the parkland as outlined on the subdivision blueprint as it exists today is a severe embankment, and we can't see that it can be developed into parkland

-we would like to hear assurances from Council that the neighboring trail/triangle from the old rail line owned by the municipality will stay as is.

-we still haven't heard back in regards to the hydro poles and which side of the street they will be on, whether they will be Wellington North power or Hydro One and how that will affect current residents on Bentley Street.

-most of these questions were ones we had raised 4 years ago, and none of them have been addressed to date. What assurances do we have that they will be addressed as the development proceeds.

-What is it that council is supporting tonight, if those issues have not yet been addressed?

Elsa Mann

My husband and I are very concerned about ensuring that a flood plan is in place for the area with the proposed Subdivision. Last year's Homecoming flood had the overflowed waters coming straight down Bentley St. and if it hadn't been for two of our neighbours who diverted the water away from the road, we would have lost Bentley St. to the erosion of the fast moving waters.

Bruce and I are situated at 501 Silver Street, which is located at the bottom of Bentley St. and Silver St. With the overflowing ditches having nowhere to go, all the waters flowed down to us and we lost part of our laneway and our entire basement!

We're also concerned about the traffic flow and the extra load at the corners of Bentley St. and Hwy #6. It's more than difficult at times to make a left hand turn North to go into town, and with the extra traffic coming out of the subdivision onto Hwy #6, it will make a nightmare worse.

Thank you for your considerations.

RoseAnne Desmarais and Bruce Chapman