

TOWNSHIP OF WELLESLEY

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April 4, 2011

COUNCIL MEETING MINUTES

Present: Mayor, Ross Kelterborn,
Council – Shelley Wagner, Jim Olender, Herb Neher, Paul Hergott
Staff - Susan Duke, CAO/Clerk
- Sarah Peck, Junior Planner

The regular meeting of the Township of Wellesley was held at the Council Chambers in Crosshill at 6:45 P.M. on April 4, 2011 with all members in attendance. The Council meeting opened with Susan Duke leading in prayer and Mayor Kelterborn was in the chair.

Minutes of the Previous Meeting:

81 Moved by: Shelley Wagner – Seconded by: Paul Hergott
That the minutes of the Regular Council Meeting of March 15, 2011 at the Crosshill Council Chambers be adopted as amended. Carried

Petitions: None

82 Moved by: Herb Neher – Seconded by: Jim Olender
That the Council meeting adjourn in order to hold a Public Meeting in the matter of Zoning By-law Amendment 01/11, 4664 Lobsinger Line, Con 7, Pt Lt 11, RP58R-4893, Pt 1 East Section, Wellesley. Carried

PUBLIC MEETING: Zoning By-law Amendment 01/11
4664 Lobsinger Line
Con 7, Pt Lt 11, RP58R-4893, Pt 1
East Section, Wellesley

Susan Duke, CAO/Clerk advised the method of advertising, as required by the Planning Act, public notice for this meeting on April 4, 2011 was provided by posting a notice on the subject property on February 11, 2011; mailing public notifications to neighbouring properties within 120 m on March 9, 2011 and to applicable agencies on March 9, 2011 and March 11, 2011; and posting the notification in the Elmira Independent on March 11, 2011.

Mayor Kelterborn advised if any members in attendance would like a Notice of the Passage of the By-law, please complete the sign-in sheet.

Sarah Peck, Junior Planner brought forth the report.

The subject lands are located at the south side of Lobsinger Line in the Crosshill Settlement Area. The property occupies 100 ft of frontage along Lobsinger Line, with a total area of 0.51 acres. The property is designated Settlement Residential and is zoned 'SR-11' – Settlement Residential as per Zoning By-law 28/2006 (the "By-law").

The 'SR-11' (Settlement Residential) designation refers to a previously approved Zoning By-law Amendment (ZBA 04/99). The 'SR-11' designation provided the following additional permitted uses:

- *A brokerage service for recycling insurance write-off vehicles to be operated by the occupant of the existing dwelling unit only;*
- *Minor repairs to vehicles associated with the above noted brokerage service*

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Along with the following prohibited uses:

- *Light fabricating, assembly, processing and repair operations;*
- *Outdoor storage of goods or materials;*
- *Retail sale of vehicles*

Subject to the following additional regulations:

That there shall not be excessive noise, vibration, odour, danger or fire or explosion or their release of noxious fumes, smoke, gases or other forms of air or water born pollutants. For the purposes of this By-law, the terms "Excessive Noise" shall mean, noise which exceeds the exclusionary minimum limit for noise from a stationary source operation during night time hours at a rural receptor and for noise from a stationary source operating during daytime hours at an urban receptor in accordance with the MOE Guidelines. All aspects of the vehicular repairs shall be restricted to the buildings which currently exist on the subject lands.

The subject Zoning By-law Amendment requests the permission of a *Motor Vehicle Inspection Station* (MVIS) as defined by the Ministry of Transportation (MTO) which accepts vehicles from the public on the subject lands. MTO requires that the zoning of the subject property be amended before issuing an MVIS (public) license.

MTO's *Motor Vehicle Inspection Station* (MVIS) designation signifies that the garage is approved by the Ministry of Transportation to issue Safety Standards Certificates (SSC) after completing a thorough inspection of a motor vehicle. The inspection covers the minimum safety requirements for motor vehicles pursuant to Regulation 611 of Ontario's Highway Traffic Act (HTA, 1990).

According to MTO, an SSC from an MVIS is required when:

- Registering a rebuilt motor vehicle;
- Transferring a used motor vehicle to a new owner as fit;
- Registering a motor vehicle in Ontario that was previously registered in another province or country;
- Changing the status of a vehicle from unfit to fit.

There are two (2) buildings on the subject property: a house and a garage. The business operates out of the garage. The applicant/business operator lives in the house on the subject property.

The house is located at the north-west corner of the subject property. It is 18.62 ft back from the front property line and 19.72 ft from the west side property line. The garage is 20' x 38'. It is located at the south-east corner of the subject property. It is 170 ft back from the front property line and 8 ft from the east side lot line. The work area is surrounded by a six-foot tall privacy fence.

The garage abuts a farm field on the east side and a small engine repair and sales shop on the south side which has been permitted on the site by means of a site-specific Zoning By-law Amendment.

The nearest residential use is on the lot directly west of the subject property. This lot was vacant when ZBA 04/99 was approved and also when this air photo was taken. That dwelling is approximately 118 ft away from garage. There are also residential uses on the opposite side of Lobsinger Line.

PUBLIC COMMENTS (received prior to the public meeting):

- *No formal comments received to date*
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The following Agency reports provided no comments of concerns:

Director of Public Works, Township of Wellesley; Chief Building Official, Township of Wellesley; Fire Chief, Township of Wellesley; Region of Waterloo; Union Gas; Waterloo Catholic School Board; Waterloo Region District School Board; Waterloo North Hydro; Ministry of the Environment and Ministry of Transportation

It is the opinion of Township Staff that the subject proposal constitutes orderly development, subject to the following proposed regulations:

Additional permitted uses:

- A Motor Vehicle Inspection Station (MVIS) as defined by the Ministry of Transportation (MTO) to be operated by the occupant of the existing dwelling unit only;
- Any proposed expansion of the garage associated with the Motor Vehicle Inspection Station (20' x 38') shall require a minor variance.

Subject to the following regulations:

- No more than three (3) customer vehicles to be serviced shall be on the subject property at any one given time;
- No customer vehicles to be serviced on the subject property shall be parked on an open, public road at any time;
- There shall be no outdoor storage of goods or materials related to the business on the subject property, including but not limited to scrap metals, plastics, other vehicle parts or spent or new fluids
- No retail or wholesale whatsoever shall occur on the subject property including but not limited to motorized vehicles and/or other related materials.
- There shall not be excessive noise, vibration, odour, danger of fire or explosion or their release of noxious fumes, smoke, gases or other forms of air or water born pollutants associated with the permitted uses herein. For the purposes of this By-law, the terms "Excessive Noise" shall mean, noise which exceeds the exclusionary minimum limit for noise from a stationary source operation during night time hours at a rural receptor and for noise from a stationary source operating during daytime hours at an urban receptor in accordance with the MOE Guidelines.

Rather than listing the uses currently permitted, Township staff recommend that the permitted uses of a Motor Vehicle Inspection Station (MVIS) be subject to change according to future amendments of the Highway Traffic Act and other related legislation.

Township Staff recommend that the previous site-specific zoning by-law (By-law 53/2000) be repealed. That by-law permitted "a brokerage service for recycling insurance write-off vehicles". Township Staff have discussed the proposed regulations with the applicant. The applicant has stated that there are generally only one or two customer cars for service on the subject property at any one given time. The applicant has stated that he will be able to ensure that there are never more than three (3) customer vehicles on the subject property for service at any one given time. This number only refers to the number of vehicles which are on the subject property for service. It does not refer to other vehicles, for example, customers who drive another vehicle to pick up or drop off a vehicle for service, potential customers who drop in to get more details about the services available, vehicles which are the applicant's personal property or vehicles belonging to persons who are visiting the property for social reasons.

Township Staff recommend that the Township require the applicant to submit a site plan clearly indicating the location of the available customer parking. According to Section 4.30 of Zoning

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By-law 28/2006, a *commercial use* requires one (1) parking space per 25.0 m² (269 ft²) of gross floor area. The garage is 20' x 38'. Therefore, a minimum of three (3) off-street parking spaces are required.

The applicant has stated that there are by-products created through the operation of an MVIS, including but not limited to scrap metals, plastics and oil by-products. The applicant arranges for various recycling companies to pick up the by-products. These by-products may not be stored outdoors.

Mayor Kelterborn asked if there are any questions from Council.

Mayor Kelterborn asked what type of fences surround this property. Sarah Peck, Junior Planner responded a solid wooden fence. Mayor Kelterborn asked for clarification on the number of vehicles that are allowed on the property. Sarah Peck responded that only 3 vehicles that are to be repaired are allowed on the property at one time. Mayor Kelterborn asked for clarification of MVIS. Sarah Peck responded in detail. Mayor Kelterborn asked if vehicles can be sold from the property. Sarah Peck responded no.

Mayor Kelterborn asked if there are any persons in opposition to this application. No one came forward.

Mayor Kelterborn asked if there are any persons in support of this application, other than the applicant. No one came forward.

Mayor Kelterborn asked if the applicant would like to speak to this application. Mr. Kevin Dombrowski came forward.

Mr. Kevin Dombrowski, 4664 Lobsinger Line

Mr. Dombrowski stated the property is currently zoned as a *fleet* MVIS and he is asking the zone to be changed to *public* instead, further stating MTO requires this change. Nothing else will change.

Mayor Kelterborn advised Council will take no position in this matter at this time but it will be addressed during the Planning & Development portion of the meeting.

83 Moved by: Paul Hergott – Seconded by: Herb Neher
That the Public Meeting of a Zoning By-law Amendment 01/11, 4664 Lobsinger Line, Con 7, Pt. Lt. 11, RP58R-4893, Pt 1 East Section, Wellesley does now adjourn and the Regular Council Meeting resume. Carried

Delegations:

84 Moved by: Shelley Wagner – Seconded by: Jim Olender
That the following be received as delegations:
1) University of Guelph Students - Cristal Heintzman, Reuben Joosse, Shannon McIntyre, Jeff Medeiros and Rob Sissons re: On the Path to Consensus & Trails Master Plan Recommendations
2) Sustainable Waterloo, Mike Morrice, Executive Director re: 2010 Report – Regional Carbon Initiative. Carried

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Shanman McIntyre, University of Guelph Student

Ms. McIntyre introduced the other attendees and stated the purpose of the Trails Master Plan is to provide a review of the literature on best practices and procedures. Ms. McIntyre provided a power point presentation generated from the open house that was held on March 9th, 2011. See attached Appendix “A”.

Councillor Olender stated “trails are put in place before subdivisions are put into place” is a very interesting statement. Good observation.

Mayor Kelterborn asked what is the next step for development of these areas? Ms. McIntyre stated the next step should be to develop a trails master plan.

Mayor Kelterborn asked what is your recommendation.

The following steps were indicated: 1) develop trails master plan 2) community engagement 3) visioning exercises 4) communication 5) do more open houses.

Mayor Kelterborn thanked the group for all their hard work.

Mike Morrice, Executive Director Sustainable Waterloo

Mr. Morrice presented a power point presentation regarding the 2010 report on Regional Carbon Initiatives. See attached Appendix “B”.

Mayor Kelterborn asked how is the measurement calculated? Mr. Morrice responded the measurement is logged into a computer formula annually and it then calculates reductions, which are then calibrated. Susan Duke asked if there is any involvement of agriculture through carbon sequestration and asked if ALUS had been explored by the group.

Committee of the Whole:

- A Moved by: Paul Hergott – Seconded by: Shelley Wagner
That the Council rise and go into a Committee of the Whole to receive reports and recommendations. Carried

Planning & Development:

Chairperson: Jim Olender

- P. & D. 43/11 – Certificate of Occupancy – For information
CO-19-11 re: David B. Bauman, 4437 Ament Line, RR#3 Wallenstein
CO-20-11 re: Elizabeth M. Frey, 7430 Line 86, RR#1 Wallenstein
CO-21-11 re: Aden F. Sherk, 4525 Weimar Line, RR#3 Wellesley
CO-22-11 re: Ezra B. Martin, 4250 Manser Rd., RR#1 Wallenstein
CO-23-11 re: Ezra S. Bauman, 6371 Schummer Line, RR#1 Linwood
CO-24-11 re: Abraham S. & Abraham M Martin, 4181 Boomer Line,
RR#1 St. Clements

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85 P. & D. 44/11 – Zoning By-law Amendment 02/08 re: 1016 Doering St., Wellesley
Moved by: Ross Kelterborn - Seconded by: Paul Hergott
That the Council of the Township of Wellesley defer this planning memo and comments.
Carried

86 P. & D. 45/11 – Zoning By-law Amendment 01/11 re: 4664 Lobsinger Line
Moved by: Herb Neher - Seconded by: Ross Kelterborn
That the Council of the Township of Wellesley defer decision until such time that
comments from the Region of Waterloo have been reviewed. Deferred until April 19,
2011. Carried

87 P. & D. 46/11 – Planning & Development Committee minutes from the meeting held
March 29, 2011
Moved by: Paul Hergott – Seconded by: Shelley Wagner
That the minutes of the Planning & Development Committee meeting held on March 29,
2011 at the Crosshill Council Chamber, be adopted as presented. Carried

88 P. & D. 47/11 – Minor Variance Application A1/11 re: 3818 Herrgott Rd – Staff
Comments
Moved by: Ross Kelterborn – Seconded by: Paul Hergott
That the Council of the Township of Wellesley accept the comments in this report and
forward this report to the Committee of Adjustment for their consideration in the matter
of Application A1/11. Carried

P. & D. 48/11 – Written Comments from Gretchen Roberson re: Melnyk Zoning
By-law Amendment 02/08 – For consideration

These comments are to be brought to Council when submission 02/08 is further
reviewed.

Road & Bridge; Property & Fire:

Chairperson: Paul Hergott

89 R. & B.; P. & F. 31/11 – Road & Bridge; Property & Fire Committee Minutes from
meeting held March 29, 2011
Moved by: Jim Olender – Seconded by: Herb Neher
That the minutes of the Road & Bridge; Property & Fire Committee meeting held on
March 29, 2011 at the Crosshill Council Chamber be adopted as presented. Carried

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- R. & B.; P. & F. 32/11 – 2011 Maintenance Gravel Tender
- 90 Moved by: Jim Olender – Seconded by: Ross Kelterborn
That the Council of the Township of Wellesley accept the tendered price from Donegan’s Haulage Ltd. to crush, load, and haul 36,496 tonnes of granular “M” maintenance gravel for \$250,000.00 or \$6.85 per tonne plus HST in 2011. Funding for this project is included in the 2011 Roads Operating Budget under the Gravel Resurfacing item. Carried

R. & B.; P. & F. 33/11 – NDACT re: Municipalities in the GRCA & NVCA – For Information

Mayor Kelterborn advised GRCA will be making comments regarding this report.

R. & B.; P. & F. 34/11 – Region of Waterloo re: Council Info – For information

R. & B.; P. & F. 35/11 – Fire Call Reports – For information

Administration/Finance:

Chairperson: Ross Kelterborn

Admin./Finance 21/11 – Administration & Finance Committee Minutes from the Meeting held March 29, 2011

- 91 Moved by: Shelley Wagner – Seconded by: Jim Olender
That the minutes of the Administration & Finance Committee meeting held on March 29, 2011 at the Crosshill Council Chamber be adopted as presented. Carried

Admin./Finance 22/11 – 2011 Canada Post Community Literacy Award – For information

Admin./Finance 23/11 – Letter from Hon. Bob Chiarelli, Minister of Infrastructure re: Update – Government of Ontario 10-year Infrastructure Plan – For information

Recreation:

Chairperson: Shelley Wagner

Recreation 23/11 – Recreation Committee Minutes from meeting held March 29, 2011

- 92 Moved by: Herb Neher – Seconded by: Paul Hergott
That the minutes of the Recreation Committee meeting held on March 29, 2011 at the Crosshill Council Chamber be adopted as presented. Carried

Personnel: No report

Chairperson: Herb Neher

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- B** Moved by: Paul Hergott - Seconded by: Jim Olender
That the Committee of the Whole rise and Council resume and report. Carried
- C** Moved by: Shelley Wagner - Seconded by: Herb Neher
That the report of the Committee of the Whole be adopted as set forth in the motions and actions detailed above. Carried

Accounts: None

Unfinished Business: None

New Business:

Councillor Neher suggested staff should be asked for a short and long term plan from the information received from the students regarding trails. Mayor Kelterborn suggested the power point presentation come back to Council and that the Trails Association should receive a copy of the students report.

Councillor Neher stated trails should be constructed prior to registered plans being sold to the public as a service. Councillor Olender stated the Trails Association members have not come back to Council with an updated or request.

Other Reports:

Councillor Olender attended CPC retreat at which they look at a new governance model, further stating they want to involve all communities of interest including minor sports groups etc.

Councillor Olender attended the Economic Development program held in Elora, further stating their focus is on tourism, industry, urban renewal and opportunities for residents, youth and others.

Councillor Neher attended the Maple Syrup Festival, stating the breakfast was a good event. Councillor Neher asked if Council should invite other area Councils to an event at the ABC Festival? The ABC Festival Committee should be approached to determine what is appropriate.

Caucus:

- 93 Moved by: Shelley Wagner – Seconded by: Paul Hergott
That this portion of the meeting be closed to the public in order to consider the following:
X Section 239(2)(b) of the Municipal Act – personal matter about an identifiable individual including municipal or local board employees. Carried
- 94 Moved by: Jim Olender – Seconded by: Paul Hergott
That the Council meeting resume and report. Carried

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Admin./Finance 24/11 – Section 239(2)(b) of the Municipal Act
95 Moved by: Paul Hergott – Seconded by: Shelley Wagner
That the Council of the Township of Wellesley start tax registration proceedings on the following property that owes tax arrears in the third year following that in which the real property taxes became owing. Carried

Personnel 5/11 - Section 239(2)(b) of the Municipal Act – For information

By-Laws:

D Moved by: Shelley Wagner - Seconded by: Jim Olender

By-Law Nos.

11/2011 – By-law to Designate Roadways as Emergency Fire Routes along which No Parking of Vehicles shall be permitted

12/2011 – By-law concerning the Removal of Snow and Ice from Sidewalks and Roofs within the Heidelberg Settlement Area, Wellesley Settlement Area, St. Clements Settlement Area, Linwood Settlement Area and Hawkesville Settlement Area

13/2011 – By-law to Amend By-law 28/2006 being a Zoning By-law for the Township of Wellesley (1016 Doering St, Wellesley) DEFERRRED

14/2011 – By-law to Establish Fees & Charges for Services or Activities provided or done by or on behalf of the Corporation of the Township of Wellesley

15/2011 - Confirming be read a first and second time. Carried

E Moved by: Paul Hergott - Seconded by: Herb Neher

That By-Law No. 11/2011; 12/2011; 14/2011 and 15 /2011 pass first and second readings. Carried

F Moved by: Shelley Wagner - Seconded by: Paul Hergott

That By-Law No. 15/2011 be read a third time and passed and the Mayor and Clerk be authorized to sign and seal the By-Laws under the Corporate Seal. Carried

<u>Next Meetings:</u>	Regular Council Meeting	April 19, 2011	6:45pm
	Regular Committee Meeting	April 26, 2011	6:45pm
	Regular Council Meeting	May 2, 2011	6:45pm

96 On a motion by Paul Hergott, the Council meeting does now adjourned.