

TOWNSHIP OF WELLESLEY

Page 1 of 11
February 7, 2011

COUNCIL MEETING MINUTES

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

Absent: Paul Hergott

The regular meeting of the Township of Wellesley was held at the Council Chambers in Crosshill at 6:45 P.M. on February 7, 2011 with all members in attendance except Councillor Paul Hergott.. The Council meeting opened with Susan Duke leading in prayer and Mayor Kelterborn was in the chair.

Minutes of the Previous Meeting:

21 Moved by: Shelley Wagner – Seconded by: Herb Neher
That the minutes of the Regular Council Meeting of January 18, 2011 at the Crosshill Council Chambers be adopted as presented. Carried

Petitions: None

Delegations:

22 Moved by: Jim Olender – Seconded by: Shelley Wagner
That the following be received as a delegation:
1) Matt Torigian, Chief of Police re: Neighbourhood Policing

Matt Torigian, Chief of Police, Waterloo Regional Police Service

Matt Torigian, Chief of Police, Brent Thomlison, Deputy Chief of Police – Operations, Steve Beckett, Sig Peters, Staff Sergeant, Waterloo North and Deputy Chief of Police – Administration and Kevin Chalk, North Division Superintendent appeared before Council to explain the changes in Police Servicing in Wellesley Township.

23 Moved by: Shelley Wagner – Seconded by: Herb Neher
That the Council Meeting adjourn in order to hold a Public Meeting in the matter of Zoning By-law amendment re: 1016 Doering St., Plan 1148, Part lot 61, Eastern Section, Wellesley. Carried

PUBLIC MEETING: Zoning By-law Amendment
1016 Doering St. Plan 1148, Part Lot 61
East Section, Wellesley

BACKGROUND / HISTORY:

The Township of Wellesley received an application for an Official Plan Amendment (OPA 01-08) and a Zoning By-law Amendment (ZBA 02-08) on April 11, 2008. The Township held a Public Meeting on January 20, 2009. The decision from Council was deferred due to significant

COUNCIL MEETING MINUTES

concerns from commenting agencies and from the public raised as a result of circulation and the public meeting. The Township received a revised proposal on October 21, 2010.

The subject lands are located at the east end of Doering St and along the east side of Nafziger Rd. in the Wellesley Settlement Area. The property occupies 60.28 ft of frontage along Doering St. The total area is 12.75 acres. The property is designated Open Space and is zoned (OS) Open Space as per Zoning By-law 28/2006.

The original application proposed a Zoning By-law Amendment and an Official Plan Amendment to create nine (9) new residential lots and a Zoning By-law Amendment to permit several commercial uses.

The residential proposal has been removed from the application and the applicant has withdrawn the Official Plan Amendment Application. Also, no severances are being proposed. The proposed commercial uses for the existing building on site have been revised by the applicant.

The original proposed commercial uses were as follows:

- a) Craft Shop;
- b) Contractor shop;
- c) Electrician/Electrical contractor;
- d) Caterer;
- e) Woodworking shop;
- f) Offices;
- g) Printing shop;
- h) Sale of sculptures;
- i) Art studio;
- j) Beekeeping;
- k) Florist and accessory greenhouse;
- l) Sale of pets and supplies;
- m) Dog grooming;
- n) Sale and service of small appliances;
- o) Sale and service of computers.

There were significant concerns from commenting agencies and from the public raised as a result of circulation and the public meeting held in the matter of the Zoning By-Law Amendment. The applicant believes that he has modified the proposal to an extent that it now addresses all of the original concerns and therefore has resubmitted his proposal for further consideration.

The applicant has created a revised list of proposed uses for the portion of the subject property proposed to be rezoned. The zone is proposed to remain "Open Space" but will allow the following additional permitted uses.

The revised proposed commercial uses are as follows:

- a. The office or consulting room of a professional such as a lawyer, engineer, accountant, travel agent, real estate agent, teacher or musical instructor;
- b. The office for a trade such as a painter, contractor, plumber, carpenter or electrician;
- c. The workroom for a dress-maker, milliner or crafts-maker;
- d. Animal grooming but not including a veterinarian, a kennel or the boarding of animals;
- e. Personal services such as chiropractor, hairdresser, aesthetician or massage therapist;
- f. Accessory uses to the above permitted uses.

COUNCIL MEETING MINUTES

Subject to the following:

- i. There shall be no outside storage of materials, containers, equipment or products permitted. Furthermore, there shall be no outdoor display of products or other materials.
- ii. No use permitted herein shall be obnoxious, offensive or dangerous by reason of presence, emission or production in any manner of odour, dust, smoke, noise, fumes, or vibrations;
- iii. No use permitted herein shall result in any undue odour, dust, smoke, noise, fumes, or vibrations escaping to any adjoining premises;
- iv. No use permitted herein shall create a public nuisance, particularly in regard to noise, traffic and parking;
- v. No manufacturing or assembly shall be permitted except for the fabrication of handmade articles of clothing, arts or crafts;
- vi. No retail use shall be permitted, except retail of products directly related to, manufactured, fabricated, or processed on the premises. That retail use shall be located within the main building, and may not exceed 25% of the ground floor area of the main building.
- vii. The sale of refreshments to the public is not permitted;
- viii. No residential uses, lodging uses or bed and breakfast establishments shall be permitted;
- ix. No more than five (5) persons permitted on the subject area receiving treatment, services, or instructions at any one time;
- x. No additional uses permitted by this by-law (items a. to f.) will be located below the main level of the existing main building or below the regulatory floodplain elevation, which may be subject to change in the future;
- xi. No delivery of materials will be permitted to the property from a vehicle that has a gross registered weight exceeding 5,000 kilograms (11,023 lbs);
- xii. Off-street parking shall be provided in accordance with Section 4.30 of Zoning By-law 28/2006. The area of land proposed to be rezoned for limited commercial uses has been revised to only include lands that are above the 350.00 m floodplain elevation. The elevation was determined through negotiations between the Grand River Conservation Authority and the agent/applicant. The area of the existing building is 2,045 ft².

Although the Planning Act does not require Council of the Township to schedule and advertise an additional public meeting in this matter, the Council of the Township of Wellesley authorized Staff to schedule and advertise a public meeting as significant revisions have been made to the original application and there were substantial concerns raised during the initial public meeting held in this matter.

Public Comments (received prior to the public meeting):

A member of the public commented that he would like more information on the parking lot location. The applicant has confirmed that all parking will be located both above the regulatory floodplain elevation and within the area proposed to be zoned OS-3.

Agency Reports:

Director of Public Works, Township of Wellesley

No comments or concerns.

Chief Building Official, Township of Wellesley

No comments or concerns.

Fire Chief, Township of Wellesley

No comments or concerns.

Region of Waterloo

COUNCIL MEETING MINUTES

- The Region is unable to support this zone change application until such time the owner/applicant provides a Servicing Plan for the subject property, including a discussion of the proposed water usage and the owner/applicant provides documentation to the Regional Municipality of Waterloo from the Township of Wellesley confirming the Township agrees to the provision of municipal services for this property.
- Any issuance of a building permit for future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 09-024 or any successor thereof. Applicants are also advised that there may be a Regional fee assessed for development agreements if required.

Grand River Conservation Authority

- By not objecting to this by-law, we are not endorsing the construction or reconstruction of any buildings within the floodplain that are not in compliance with our policies.
- Please note that this property is regulated by the GRCA through Ontario Regulation 150/06. Alternations to the existing buildings or any other future development on these lands are subject to this Regulation.
- Please note that any upgrades to utilities that are below the regulatory flood elevation will need to be flood proofed.
- If an on-site septic system is required to support any of the proposed uses, it will need to be located wholly outside of the floodplain.

Waterloo Catholic School Board

No comments or concerns.

Waterloo Region District School Board

No comments or concerns.

Waterloo North Hydro

The applicant will have to submit a service change application to Waterloo North Hydro Engineering for new servicing requirements.

Union Gas

No comments received to date.

Township of Wilmot

No comments or concerns.

Staff Comments:

The Region of Waterloo and Waterloo North Hydro both have requirements that need to be addressed by the applicant.

To the Region of Waterloo, the applicant must provide a Servicing Plan for the subject property, including a discussion of the proposed water usage, as well as documentation from the Township of Wellesley confirming the Township agrees to the provision of municipal services for this property. Because the proposed uses are commercial as opposed to residential, it is not necessary for the applicant to request that this development proposal be added to the wait list for wastewater unit allocations because wastewater unit allocations for commercial and institutional uses are factored into the total wastewater unit allocations available. It is the opinion of Township Staff that it is appropriate for the Council of the Township of Wellesley to confirm that the Township agree to provide municipal services for this proposed commercial use on the subject property.

To Waterloo North Hydro, the applicant must submit a service change application to for new servicing requirements.

COUNCIL MEETING MINUTES

It is the opinion of Township staff that it is appropriate for Township Council to make a decision regarding this application. However, the requirements below must be satisfied before the Zone Change By-law is given three readings and is passed by Township Council.

Sarah Peck, Junior Planner brought forth 2 letters received at the Council Meeting this evening.

Mayor Kelterborn asked if there were any questions from Council.

Mayor Kelterborn questioned the parking on Doering St., Wellesley. Sarah Peck, Junior Planner responded the parking would be in accordance with the existing Township Parking By-law. Mayor Kelterborn questioned how many businesses can be accommodated in this building as well as restrictions, if any. Sarah Peck responded. Susan Duke, CAO/Clerk, explained the accessory uses definition in By-law 28/2006.

Mayor Kelterborn asked if there was any person present who wished to object to the application.

David McNorgan, 2 Firella Place, Wellesley

Mr. McNorgan spoke to the concern of noise and possible increase in traffic.

Gretchen Robertson, 1025 Doering St., Wellesley

Ms. Robertson spoke of her position in opposing any kind of commercial business other than in the core area of Wellesley.

Stan Erb, 1012 Doering St., Wellesley

Mr. Erb spoke of his concern for parking availability as well as the possibility for trailers being parked for an extended amount of time on the street.

Dan Ropp, 1020 Doering St., Wellesley

Mr. Ropp spoke of his reason for purchasing his property, one being, no commercial business was permitted in this area.

Mayor Kelterborn asked if there was any person present who wished to support the application. No one responded.

Mayor Kelterborn asked if the applicant wished to address the Council regarding this application.

Bill Melnyk, Applicant

Mr. Melnyk responded to the many issues presented by Wellesley residents at this meeting. In particular he outlined the uses made of the property prior to his purchase of it including bookkeeping and wood working. It was further explained that there is not any residential use on the property

24 Moved by: Jim Olender – Seconded by: Herb Neher

That the Public Meeting of a Zoning By-law Amendment re: 1016 Doering St., Plan 1148, Part lot 61, Eastern Section, Wellesley, does now adjourn and the Regular Council Meeting resume. Carried

COUNCIL MEETING MINUTES

Committee of the Whole:

- A Moved by: Shelley Wagner – Seconded by: Jim Olender
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. 13/11 – Planning & Development Committee Minutes from meeting held January 25, 2011
- 25 Moved by: Ross Kelterborn - Seconded by: Shelley Wagner
That the minutes of the Planning & Development Committee meeting held on January 25, 2011 at the Crosshill Council Chamber, be adopted as presented. Carried
- P. & D. 14/11 – Certificate of Occupancy – For information
CO-05-11 re: Joseph S. Martin, 4061 Ament Line, RR#3 Wallenstein
CO-06-11 re: Peter B. Bauman, 2507 Chalmers-Forrest Rd., RR#1 Millbank
CO-07-11 re: Daniel B. Bauman, 2835 Hackbart Rd., RR#1 St. Clements
CO-08-11 re: Noah S. Martin, 4166 Lobsinger Line, RR#1 St. Clements
CO-09-11 re: Menno M. Martin, 5120 William Hastings Line, RR#1 Millbank
- P. & D. 15/11 – Region of Waterloo re: GRAAC Membership Appointments – For Information
- P. & D. 16/11 – Ontario Heritage Week 2011 – February 21st to 27th – For information
- P. & D. 17/11 – City of Waterloo re: GRAAC Membership Appointments – For Information
- P. & D. 18/11 – Ontario Small Urban Municipalities re: 58th Annual OSUM Conference & Tradeshow – For information
- P. & D. 19/11 – Resolution from the Municipality of North Perth re: Industrial Wind Turbines
- 26 Moved by: Ross Kelterborn - Seconded by: Herb Neher
That the Council of the Township of Wellesley support the resolution brought forth by the Municipality of North Perth regarding industrial wind turbines as detailed in File No. P. & D. 19/11; and further,
That this resolution be forwarded to the Premier of Ontario, the Honourable Dalton McGuinty. Carried

COUNCIL MEETING MINUTES

- 27 P. & D. 20/11 – Resolution from Ingersoll re: Carbon Monoxide Alarms
Moved by: Ross Kelterborn - Seconded by: Shelley Wagner
That the Council of the Township of Wellesley support the resolution brought forth by Ingersoll regarding carbon monoxide alarms as detailed in File No. P. & D. 20/11.
Carried

Mayor Kelterborn asked for Fire Chief Andrew Lillico's comments from a local perspective. Fire Chief Andrew Lillico responded, locally we have had some issues regarding carbon monoxide calls and he supports the initiative in the resolution.

P. & D. 21/11 – Invitation to the Grand River Watershed 14th Annual Heritage Day Workshop & Celebration – For information

P. & D. 22/11 – Grand River Conservation Foundation re: Background Briefing – For information

- 28 P. & D. 23/11 – Zoning By-law Amendment re: 1016 Doering St., Wellesley
Moved by: Herb Neher - Seconded by: Shelley Wagner
That the Council of the Township of Wellesley accept this planning report and comments;
And further that the Council of the Township of Wellesley authorize the preparation of a zoning by-law for ZBA 02/08 (REVISED), subject to the following conditions:
1. That the applicant provide the Region of Waterloo with a Servicing Plan for the subject property, including a discussion of the proposed water usage, to the satisfaction of the Region of Waterloo.
 2. That the applicant provide documentation to the Region of Waterloo from the Township of Wellesley confirming the Township agrees to the provision of municipal services for this property.
 3. That the applicant submit a service change application to Waterloo North Hydro Engineering for new servicing requirements, to the satisfaction of Waterloo North Hydro.
 4. That the applicant provide the Township with a diagram showing the proposed location of the off-street parking area on the subject property, which clearly demonstrates that the parking will be contained within the area to be rezoned OS 3, to the satisfaction of the Township of Wellesley.
- And further that the Council of the Township of Wellesley agree to the Regional commitment of industrial/commercial water and wastewater capacity to ZBA 02/08 (REVISED). Carried

Council asked questions regarding this application, Sarah Peck, Junior Planner and Susan Duke, CAO/Clerk responded.

COUNCIL MEETING MINUTES

Road & Bridge; Property & Fire:

- Chairperson: Shelley Wagner
- R. & B.; P. & F. 15/11 – Regional Transportation Master Plan – Notice of Completion
– For information
- R. & B.; P. & F. 16/11 – Lot Grading Release for Municipal Number 1045 Geddes
Street, Hawkesville
- 29 Moved by: Ross Kelterborn - Seconded by: Jim Olender
That the Council of the Township of Wellesley issue a lot grading release for Municipal
Number 1045 Geddes Street in Hawkesville. Carried
- R. & B.; P. & F. 17/11 – Lot Grading Release in Wellesley Heights Subdivision – Lot 35
RP58M-236
- 30 Moved by: Jim Olender - Seconded by: Herb Neher
That the Council of the Township of Wellesley issue a lot grading release for Lot 35 -
RP 58M-236 in the Wellesley Heights Subdivision. Carried
- R. & B.; P. & F. 18/11 – Region of Waterloo – 2011 Planning & Works Project Team
Membership
- 31 Moved by: Ross Kelterborn - Seconded by: Jim Olender
That the Council of the Township of Wellesley appoint Councillor Herb Neher to
represent the Township of Wellesley on the Region of Waterloo 2011 Planning and
Works Project Team. Carried

Administration/Finance:

- Chairperson: Ross Kelterborn
- Admin./Finance 411 – Region of Waterloo re: Council Info – For information
- Admin./Finance 5/11 – Resolution from the Town of East Gwillimbury re: Funding
Transfer requests
- 32 Moved by: Jim Olender - Seconded by: Herb Neher
That the Council for the Township of Wellesley support the resolution brought forth by
the Town of East Gwillimbury regarding funding transfer request as detailed in File No.
Admin./Finance 5/11. Carried

COUNCIL MEETING MINUTES

- Admin./Finance 6/11 – Hydro Exemption request
- 33 Moved by: Herb Neher - Seconded by: Shelley Wagner
That further to the direction to Administration Staff on November 16, 2010 to draft a motion for further consideration regarding the removal of the PST portion from the HST as it applies to residential hydro billing; and further to the discussion with Waterloo North Hydro at the regular Council Meeting held on January 18, 2011;
That the Council of the Township of Wellesley support a motion requesting the removal of the PST portion of the HST for residential utility billing by the Province of Ontario; and further,
That this motion be forwarded to the Association of Municipalities of Ontario (AMO), MPP, Leeanna Pendergast and MP Harold Albrecht. Carried

Recreation:

- Chairperson: Shelley Wagner
- Recreation 3/11 – Recreation Committee Minutes from meeting held January 25, 2011
- 34 Moved by: Ross Kelterborn - Seconded by: Jim Olender
That the minutes of the Recreation Committee meeting held on January 25, 2011 at the Crosshill Council Chamber, be adopted as presented. Carried
- Recreation 4/11 – Thank you from the Twin Centre Bantam Hockey Team – For information
- Recreation 5/11 – Annual Art Round the Pond Event – June 18, 2011
- 35 Moved by: Jim Olender - Seconded by: Herb Neher
That the Council of the Township of Wellesley allow the Annual Art Round the Pond event to be held at the Albert Erb Conservation Area in the settlement of Wellesley on June 18, 2011. Carried

Personnel:

- Chairperson: Herb Neher
- Personnel 1/11 – Comment from a Ratepayer re: Roads Crew – For information
- Personnel 2/11 – Waterloo Regional Labour Council – For information
- Personnel 3/11 – Appointment of Fire Department Assistant District Chief – St. Clements Station
- 36 Moved by: Jim Olender - Seconded by: Shelley Wagner
That the Council of the Township of Wellesley approve the promotion of Captain Brad Dietrich to the position of Assistant Fire Chief for the St Clements Station Township of Wellesley Fire Department subject to a six month probation period. Carried

COUNCIL MEETING MINUTES

B Moved by: Shelley Wagner - Seconded by: Jim Olender
That the Committee of the Whole rise and Council resume and report. Carried

C Moved by: Herb Neher - Seconded by: Shelley Wagner
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:

Regional All Council Meeting is scheduled for March 10, 2011 from 1:00pm to 4:00pm.

Other Reports:

Councillor Olender and Councillor Neher attended Opportunities Waterloo, stating MPP John Milloy spoke regarding anti-poverty issue. Councillor Olender stated Waterloo Region has provided grant monies to Opportunities Waterloo.

Mayor Kelterborn attended a Press Release at Region of Waterloo Police Headquarters where grants were allocated to WRP from proceeds of crime to purchase service dogs, SUV's and equine transportation vehicles.

Caucus:

37 Moved by: Shelley Wagner – Seconded by: Jim Olender
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 matters about an identifiable
individual, including municipal or local board employees;

X Section 239(2)(c) of the Municipal Act – a proposed or pending acquisition of
land for municipal or local board purposes. Carried

38 Moved by: Shelley Wagner – Seconded by: Jim Olender
That the Council meeting resume and report. Carried

Caucus Meeting Minutes from meeting held January 18, 2011

39 Moved by: Jim Olender - Seconded by: Shelley Wagner
That the Council of the Township of Wellesley approve the January 18, 2011 Caucus
Meeting Minutes as presented. Carried

Caucus Meeting Minutes from meeting held January 21, 2011

40 Moved by: Herb Neher - Seconded by: Jim Olender
That the Council of the Township of Wellesley approve the January 21, 2011 Caucus
Meeting Minutes as presented. Carried

COUNCIL MEETING MINUTES

- R. & B.; P. & F. 19/11 – Section 239(2)(c) of the Municipal Act
- 41 Moved by: Shelley Wagner - Seconded by: Jim Olender
That the Council of the Township of Wellesley authorize staff to proceed with an offer of purchase as outlined in discussions of the draft offer included in File No. R. & B.; P. & F. 19/11. Carried

Personnel 4/11 - Section 239(2)(b) of the Municipal Act – For information

By-Laws:

- D Moved by: Shelley Wagner - Seconded by: Herb Neher
By-Law Nos.
5/2011 – By-law to Appoint the Fourth Member to the Committee of Adjustment for the Term of 2010-2014
6/2011 – Confirming be read a first and second time. Carried
- E Moved by: Jim Olender - Seconded by: Shelley Wagner
That By-Law No. 5/2011 and 6/2011 pass first and second readings. Carried
- F Moved by: Shelley Wagner - Seconded by: Jim Olender
That By-Law No. 5/2011 and 6/2011 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

Next Meetings:

Regular Council Meeting	February 15, 2011	6:45pm
<i>Public Meeting</i> – Employment (Industrial) Land Strategy		
Regular Committee Meeting	February 22, 2011	6:45pm
Regular Council Meeting	March 7, 2011	6:45pm

- 42 On a motion by Shelley Wagner, the Council meeting adjourned.

CAO/Clerk – Susan Duke

Mayor – Ross Kelterborn