

# TOWNSHIP OF WELLESLEY

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June 22, 2010

## COUNCIL MEETING MINUTES

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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 June 22, 2010 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:

158 Moved by: Shelley Wagner – Seconded by: Jim Olender  
That the minutes of the Regular Council Meeting of June 7, 2010 at the Crosshill Council Chambers be adopted as presented. Carried

Petitions: None

### Delegations:

159 Moved by: Herb Neher – Seconded by: Paul Hergott  
That the following be received as a delegation:  
1) Murray Bremner re: Wellesley Trails Association - Update  
Carried

#### Murray Bremner

Mr. Bremner provided Council with a power point presentation to update the activities of the Wellesley Trails Association. A map was presented showing the proposed trail systems. Mr. Bremner stated the property owners have agreed in principle to have the trail through their properties, but the challenge will be putting a bridge across the Campbell Drain. A Trillium Funding Grant will be applied for the proposed new trail, being the Bast Bush Trail. Mr. Bremner came before Council this evening to request that the Council of the Township of Wellesley support in principle the Trail Associations proposal and to request insurance coverage for the private landowners through the Township Insurance for the part of the trails that would be used by the public. Councillor Neher requested clarification on the level of support requested. Mr. Bremner responded that the Township is the “keeper of the lands” and that Township liability insurance, a five year agreement as well as permission to have a bridge built (either by Township staff or contractor) on Township owned lands are the key issues for support in order to apply for funding. No financial request to the Township is anticipated.

Councillor Olender stated the Wellesley Trails Association is requesting Council to back the Trails Association proposal at this time.

**COUNCIL MEETING MINUTES**

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160 Moved by: Paul Hergott - Seconded by: Jim Olender

That the Council meeting adjourn in order to hold a Public Meeting in the matter of a Correcting By-law for Zoning By-law Amendment, for the Township of Wellesley.

Carried

**PUBLIC MEETING:** Correcting By-law for Zoning By-law Amendment

**Public Notice:**

Susan Duke, CAO/Clerk, advised the method of advertising. In accordance with Section 34 of the *Planning Act*, R.S.O, 1990, c.P.13, as amended, the Township of Wellesley gave Notice of a Public Meeting through personal hand delivery to all properties within 120 m of the subject areas.

Sarah Peck, Junior Planner brought forth the planning report.

**Explanation:**

Three errors in the Zoning By-law 28/2006 have come to staff's attention. IBI Group (London, ON), the consulting firm that completed the 2006 Zoning By-law Review has agreed to correct these errors through a correcting zoning by-law at no cost to the Township.

**Key Issues for Council Consideration:**

There are three (3) items in the Zoning By-law 28/2006 that require correction:

1. The property at 3692 Nafziger Rd. (Plan 621, Pt. Lot 12, Plan 1148, Pt. Lot 96, RP58R1708 Pt. 4 to Pt. 7) was incorrectly zoned Open Space (OS). The property must be returned to its original zoning - Urban Commercial (UC). The property is completely within the GRCA regulated area. GRCA staff recommend that the property be returned to its original zoning, Urban Commercial, along with the Hazardous Lands Symbol attached and additional site specific use prohibitions applied to the area below the regulatory floodplain elevation, such as the basement. These conditions have been incorporated into the correcting by-law. As a result, this property will be zoned UC-3. The UC-3 zone will permit all UC uses save and except for the following restrictions:

**Prohibited Uses**

- Clinic (including laboratories)
- Day Care Centre
- Funeral Home
- Hospital, nursing homes or rest homes
- Essential services, such as fire, police, ambulance or electrical substation
- Uses associated with outdoor storage of any materials, either temporary or permanent
- Hotels/motel
- Laundry and dry-cleaning establishments
- Motor vehicle sales establishment
- Service shop

## COUNCIL MEETING MINUTES

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### Dwelling Restrictions

Residential dwelling units shall have a direct means of safe access and egress to the building and all habitable floor space shall be located at or above the regulatory floodplain elevation.

It is staff's understanding that prospective purchasers of the property are proposing to use the front and upper portion of the existing building for a wedding cake making and sales business. That use is permitted in an Urban Commercial (UC) zone.

2. The lands within the Anita Dr./Peter St., St. Clements area were incorrectly zoned Settlement Residential (SR). These lands must be returned to their original zoning, SR-18, as per By-law 71-89. There are two properties in this area (36 Peter St. and 10 Mair Court, St. Clements) that were zoned SR-18A through zoning by-law amendments more recent than By-law 28/2006. That mapping update was completed by the Township.
3. Under 4.18 Home Occupations, the numbering system skips "1)". This does not mean that an item was left out. It simply means that there is an error in the numbering system. The items must be shifted up to implement the renumbering.

### **Public Comments (received prior to the public meeting):**

The owner of 3692 Nafziger Rd. is supportive of the correcting by-law.

No other public comments have been received to date.

### **Agency Comments:**

#### Grand River Conservation Authority

The following prohibited uses were added after the public mailing notice at the request of the Grand River Conservation Authority:

- Essential services, such as fire, police, ambulance or electrical substation;
- Uses associated with outdoor storage of any materials, either temporary or permanent;
- Uses associated with the disposal, manufacture, treatment, transfer or storage of hazardous substances.

#### Region of Waterloo

The Region of Waterloo has informed the Township of Wellesley that they have no concerns or comments regarding this correcting zoning by-law.

Mayor Kelterborn asked if there were any questions from Council.

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

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

- 161 Moved by: Herb Neher - Seconded by: Jim Olender  
That the Public Meeting of a Correcting By-law for Zoning By-law Amendment for the Township of Wellesley, does now adjourn and the Regular Council Meeting resume.  
Carried

### **Committee of the Whole:**

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

**COUNCIL MEETING MINUTES**

**Planning & Development:**

- Chairperson: Jim Olender
- P. & D. 69/10 – Moving Forward 2031: Regional Transportation Master Plan to be considered by Planning & Works Committee – For information
- P. & D. 70/10 – Region of Waterloo re: Second Annual Report of the Laurel Creek Headwaters Environmentally Sensitive Landscape Public Liaison Committee – For information
- P. & D. 71/10 – GRCA re: Environmental Management Initiatives – For information
- P. & D. 72/10 – GRCA Application for Permission No. 161/10 re: 3995 Weimar Line – For information
- P. & D. 73/10 – GRCA Application for Permission No. 270/10 re: 3605 Hessen Strasse – For information
- P. & D. 74/10 – GRCA Application for Permission No. 257/10 re: 1424 Queen’s Bush Rd., Wellesley – For information
- P. & D. 75/10 – Development Agreement B1/09 re: James Arthur Dietrich, 3995 Manser Rd., Linwood
- 162 Moved by: Shelley Wagner - Seconded by: Herb Neher  
That the Council of the Township of Wellesley authorize the Mayor and Clerk to sign the Development Agreement dated June 22, 2010, for consent application B1/09 regarding Part of Lot 10, Concession 11, (West) Wellesley as in 428108, EXCEPT Parts 1 to 4, 58R-2080 and Parts 1 and 2, 58R-9651; s/t and t/w 428108, known municipally as 3955 Manser Road, Linwood. Carried
- P. & D. 76/10 – Correcting Zoning By-law Amendment
- 163 Moved by: Ross Kelterborn - Seconded by: Herb Neher  
That the Council of the Township of Wellesley authorize the preparation and adoption of a By-law to incorporate the three corrections to By-law 28/2006 as outlined in Planning and Development Report No. P. & D. 76/10.; and further,  
That the Council of the Township of Wellesley consider three readings of the correcting by-law on June 22, 2010. Carried
- 164 Moved by: Paul Hergott – Seconded by: Ross Kelterborn  
That the Council of the Township of Wellesley agrees in principle to the proposal for the extension of the Wellesley Trails Association trail network into the Bast Bush subject to there being no financial implications to the municipality. Carried

## **COUNCIL MEETING MINUTES**

### **Road & Bridge; Property & Fire:**

Chairperson: Paul Hergott

R. & B.; P. & F. 33/10 – Region of Waterloo re: Additional Roadway Illumination to be installed on Weimar Line and Moser-Young Road (Regional Road 14) in Bamberg Settlement Limits, Bamberg, Township of Wellesley – For information

### **Administration/Finance:**

Chairperson: Ross Kelterborn

Admin./Finance 46/10 – Region of Waterloo re: Funding Schoolyard Greening Projects from the Region of Waterloo Environmental Stewardship Fund – For information

Admin./Finance 47/10 – Resolution from the Town of New Tecumseth re: Harmonized Goods & Services Tax - NOTE & FILE

Admin./Finance 48/10 – Call for Nominations re: College of Physicians & Surgeons of Ontario – For information

Admin./Finance 49/10 – Thank you from Mr. Cunningham – For information

### **Recreation:**

Chairperson: Shelley Wagner

Recreation 36/10 – Asahi Judo - Request for Donation  
165 Moved by: Paul Hergott - Seconded by: Herb Neher  
That the Council of the Township of Wellesley defer Rec. 36/10 pending a presentation being made by Asahi Judo for funding. Carried

### **Personnel:**

Chairperson: Herb Neher

Personnel 28/10 – Thank you to Brad Voisin, Director of Recreation and Lillian Pelerigo, Recreation Facilities Coordinator from the Twin Centre Minor Hockey Association – For information

Personnel 29/10 – Joel Polworka – Completion of Four Month Employment Probation Period – For information

**COUNCIL MEETING MINUTES**

- Personnel 30/10 – Adoption of a Corporate Policy regarding Violence and Harassment in the Workplace as per Ontario Ministry of Labour Bill 168, an Amendment to the Occupational Health & Safety Act
- 166 Moved by: Jim Olender - Seconded by: Paul Hergott  
That the Council of the Township of Wellesley adopt the Corporate Policy regarding Violence and Harassment in the Workplace as per Ontario Ministry of Labour Bill 168, an amendment to the Occupational Health and Safety Act as detailed in File No. Personnel 30/10. Carried
- B** Moved by: Shelley Wagner - Seconded by: Paul Hergott  
That the Committee of the Whole rise and Council resume and report. Carried
- C** Moved by: Herb Neher - Seconded by: Jim Olender  
That the report of the Committee of the Whole be adopted as set forth in the motions and actions detailed above. Carried

**Accounts:**

- 167 Moved by: Shelley Wagner - Seconded by: Jim Olender  
That the Accounts in the amount of \$1,150,776.94 dated May 31, 2010 be approved as presented. Carried
- 168 Moved by: Paul Hergott - Seconded by: Shelley Wagner  
That the Financial Statement as of May 31, 2010 be approved as presented. Carried

**Unfinished Business:**

Parking By-law – update was provided. Further details to follow upon conclusion of new legislation Bill 88.

**Other Reports:**

Councillor Olender attended the CPC on June 11, 2010. Councillor Olender further provided an update on new programs relating to youth issues and street gang initiatives within the Region of Waterloo.

Mayor Kelterborn advised that the Region of Waterloo dealt with the ROP deferral for the SW corner of Kitchener for Countryside. The original proposal was approved.

Councillor Olender commented on upcoming events namely, FamJam on Friday June 25<sup>th</sup> in Wellesley; Kruisin' with the King on Saturday June 26<sup>th</sup> in Linwood and the Don Dietrich Memorial Tournament on Friday and Saturday June 25<sup>th</sup> and 26<sup>th</sup> in St. Clements.

Councillor Hergott advised Council of the yellow ribbons in Afghanistan in honour of Marco DeBennideto.

**New Business:** None

**COUNCIL MEETING MINUTES**

**Caucus:**

- 169 Moved by: Herb Neher – 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;  
\_X\_ Section 239(2)(d) of the Municipal Act – labour relations or employee Negotiations  
Carried

- 170 Moved by: Paul Hergott – Seconded by: Herb Neher  
That the Council meeting resume and report. Carried

Personnel 30/10 – - Section 239(2)(b) of the Municipal Act – For information

**By-Laws:**

- D Moved by: Jim Olender - Seconded by: Shelley Wagner  
By-Law Nos.  
23/2010 – By-law to Regulate Traffic & Parking on Township Highways  
24/2010 – Correcting By-law for Zoning By-law Amendment  
25/2010 – Confirming  
Carried
- E Moved by: Paul Hergott - Seconded by: Herb Neher  
That By-Law No. 23/2010; 24/2010 and 25/2010 pass first and second readings. Carried
- F Moved by: Shelley Wagner - Seconded by: Jim Olender  
That By-Law No. 23/2010; 24/2010 and 25/2010 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

<b><u>Next Meetings:</u></b>	Regular Committee Meeting	June 29, 2010	6:45pm
	Regular Council Meeting	July 5, 2010	6:45pm
	Regular Council/Committee Meeting	July 27th, 2010	<i>Cancelled</i>

- 171 On a motion by Paul Hergott, the Council meeting does now adjourn.