

**TOWNSHIP OF WELLESLEY**

**Page 1 of 10**  
**January 20, 2009**

**COUNCIL MEETING MINUTES**

---

Present: Mayor, Ross Kelterborn,  
Council – Jim Olender, Herb Neher, Paul Hergott  
Staff - Susan Duke, CAO/Clerk  
Absent: Councillor Shelley Wagner

The regular meeting of the Township of Wellesley was held at the Council Chambers in Crosshill at 6:45 P.M. on January 20, 2009 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:**

14 Moved by: Jim Olender – Seconded by: Paul Hergott  
That the minutes of the Regular Council Meeting of January 5, 2009 at the Crosshill Council Chambers be adopted as presented. Carried

**Petitions:** None

15 Moved by: Herb Neher – Seconded by: Jim Olender  
That the Council meeting adjourn in order to hold a Public Meeting in the matter of Official Plan Amendment & Zoning By-law Amendment Mr. Ken Lazenby & Mr. Bill Melnyk, 1016 Doering St., Township of Wellesley. Carried

**PUBLIC MEETING:** Official Plan Amendment & Zoning By-law Amendment  
Mr. Ken Lazenby & Mr. Bill Melnyk, 1016 Doering St.  
Township of Wellesley

---

Susan Duke, CAO/Clerk, advised the method of advertising.

**Public Notice:** As required by the *Planning Act*, public notice for the meeting on January 20, 2009 was ensured by mailing public notifications to neighbouring properties within 400 feet (120 m) and to applicable agencies on December 29, 2008; and posting the notification in the Elmira Independent December 22, 2008 issue.

Mr. Steve Jefferson, K. Smart & Associates brought forth the report.

The purpose of the application is to re-designate/re-zone the requested area to allow for a portion of the land to be used for Employment lands and another portion for Residential purposes.

Effect of Application:

The effect of the proposed re-designation/re-zoning will allow for a portion of the land to be used for Employment lands and another portion for Residential purposes. Presuming this application is approved; applications for consent with then be the next step.

**INTRODUCTION:**

Township Council is holding the public meeting to hear comments from the public about the Application. The location of the subject lands are illustrated on the key plan (below). The application is proposing to allow a portion of the lands to be used for employment purposes and to allow for a portion of the lands to be used for residential.

The report provides Township Council with background information to the Application,

**COUNCIL MEETING MINUTES  
2009**

---

summaries of written comments received thus far from commenting agencies and the public, and an overview of issues.

**BACKGROUND:**

The Township of Wellesley has received an application for the consideration of an Official Plan and Zoning By-law Amendment for permission to change the designation/zoning to allow for part of the property to be used for Employment use and another part to be used for Residential purposes. Both portions must be amended in the Official Plan and Zoning By-law.

The subject lands are located at the east end of Doering St and along the east side of Nafziger Rd in the settlement area of Wellesley. The property occupies 60.2 feet of frontage along Doering St and approximately 512 feet along Nafziger Rd. The total area is 12.75 acres. The property is designated Open Space and is zoned (OS) Open Space as PR 2/09 Lazenby / Melnyck Public Mtg Report per Zoning By-law 28/2006. A large percentage of the site is subject to GRCA Regulations, and this mapping is included as Appendix A. The applicant is proposing to change the designation and zoning to allow for the subject lands to be utilized for employment lands and for residential purposes. The employment lands, which would front on to Doering Street, would have 60.2 feet of frontage and an approximate size of 0.62 acres. In this area are existing buildings that are proposed for the employment uses. Conservation Authority restrictions would limit any external renovations / modifications to these buildings. The letter from Dryden, Smith & Head in Appendix C provides a list of potential uses that would be considered in the preparation of site specific zoning. The Township will assess the appropriateness of this location for employment uses, and if such uses can be supported then the list of specific uses to be included in the site specific zoning by-law will be considered.

The potential residential lands are in the south-west portion of the site, fronting onto Nafziger Road. In total, nine (9) residential lots are being proposed. On average, the frontage of these lots would be approximately 55.8 feet, lots one through eight. The lot furthest to the south, being lot nine, has a frontage of approximately 66.4 feet. Lots one through eight are approximately 0.189 acres in size, with lot 9 being 0.305 acres. This is an area where fill was placed in the past, which is being reviewed by the Conservation Authority with respect to slope stability and flood plain issues. Through the presubmission process, it was requested that a site investigation be completed in the area of fill. A geotechnical analysis was completed by CVD Engineering and the report dated March 7, 2008 was submitted for agency review. A site plan illustrating the proposed residential lots is included as Appendix B. The Township will have to assess the suitability of this area of fill for residential use in consultation with review agencies. The Township will have to be confident that the soil conditions and underlying fill material are suitable, or whether the existing materials would have to be removed and replaced. The Township will also assess if any remedial measures or specific construction techniques would be required prior to supporting the request for a residential designation in the Official Plan and residential zoning.

**GOVERNMENT / AGENCY / PUBLIC CORRESPONDENCE:**

Agency comments received prior to January 20, 2009 will be summarized at the public meeting.

**COUNCIL MEETING MINUTES  
2009**

---

PUBLIC COMMENTS:

The Township has been contacted by three individuals:

1. Stanley Erb has expressed concern with the proposed employment uses at the end of Doering Street and indicated he will submit written comments.
2. Lesley Prang has requested additional information.
3. Donna Nafziger has inquired about the proposal and Township staff are following up to determine the full comments of this individual.

NEXT STEPS:

Before Township Council makes any decisions regarding the Applications:

1. The Township of Wellesley is advised to defer any consideration of the application until all agency comments have been received and reviewed.
2. The public's comments will be studied by both Township Council and its consulting Planners.
3. Discussions with agency staff will assess the suitability of the site for the proposed residential development. It is not clear at this time if the geotechnical conditions are appropriate for the proposed residential use, and what, if any, remedial measures would be required to permit construction in the area of fill.
4. Discussions with agency staff will assess the appropriateness of locating employment uses in this area, and if such use can be supported then what range of uses may be considered for the site specific zoning document.
5. A draft by-law will be made available to the Applicant, public, and agencies for further review and comment following the public meeting.
6. A further planning report will be made to Council.

Susan Duke, CAO/Clerk circulated GRCA mapping to the public.

Mayor Kelterborn asked if there were any questions from Council.

Mayor Kelterborn questioned what is allowed on employment lands at the present time. Mr. Jefferson responded.

Councillor Olender asked does the zoning expansion/change at the end of Doering allow for them to put more buildings there? Susan Duke responded.

Mayor Kelterborn requested that interested parties may sign the signup sheet provided at the back of the Council Chambers.

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

Gretchen Robertson, 1025 Doering St., Wellesley

Ms. Robertson spoke of her concerns regarding increased traffic in the neighborhood and the potential reduced property values. Ms. Robertson questioned who pays for the cost of the studies? Susan Duke responded the cost of all engineering and application costs are the responsibility of the applicant.

Mr. Doug Allen, 1027 Doering St., Wellesley

Mr. Allen agrees with Ms. Robertson's concerns and further added this is a residential neighborhood and do not need more commercial traffic, especially with no sidewalks on Doering St. and that parking is already an issue in this area.

**Page 4 of 10**  
**January 20,**

## **COUNCIL MEETING MINUTES** **2009**

---

Mr. Ron Gropp, 1020 Doering St., Wellesley

Mr. Gropp as well agreed with the previous speakers and added when his home was purchased, he was advised that the lands behind his home are in the flood plain.

Mr. Rick Grebinski, 1 Firella Place, Wellesley

Mr. Grebinski spoke that his property backs onto the subject lands and when they were looking at lots in Wellesley, was told that there was nothing going to be built back there especially nothing to do with businesses.

Mr. Grebinski questioned the sewage connection/capacity. Susan Duke responded indicating Council has allocated 9 connections, however, the service connections are not guaranteed until there is a servicing agreement with the Region.

Mr. Niel Spahr, 3599 Nafziger Road, Wellesley

Mr. Spahr asked what is the height restriction on the land and if grading plans will be required? Mr. Jefferson responded similar to the current applications, lot grading plans are required for approval.

Mr. David Beattie, 3 Firella Place, Wellesley

Mr. Beattie asked what is the scale of the development proposed and are there existing restrictions regarding building size? Mr. Jefferson responded.

Mr. Beattie questioned why is the Building Code being changed? Mayor Kelterborn stated they are not changing the Building Code but rather they are being asked to change the Official Plan and Zoning by-law and that this is the process that is required.

Mr. Beattie asked if the zoning is being requested for a specific list of uses that are commercial in nature.

Councillor Olender stated parking also regulates the size of building.

Mrs. Phyllis Groop, 1020 Doering St., Wellesley

Mrs. Groop questioned parking requirements and stated that even though this is not a cul-de-sac environment specifically but, it should be kept residential in nature.

Mr. George Hosea, 3574 Nafziger Road, Wellesley

Mr. Hosea questioned what guarantee is there that there will only be nine (9) single dwelling homes being built? Are they committed to single family homes? Susan Duke responded regarding the servicing allocations already committed by Council. Susan Duke further stated the other way of regulating the nature of the development in the area is a restriction to that effect in the Zoning By-law.

Mr. Hosea spoke of the existing fill that is now there is an issue as well as weeds. Susan Duke responded regarding the process required regarding the fill to be removed if it is not suitable for residential construction.

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

Mayor Kelterborn asked if the applicant would like to comment.

**Page 5 of 10**  
**January 20,**

## **COUNCIL MEETING MINUTES** **2009**

---

Mr. Sam Head, representing the applicant explained the application.

Mayor Kelterborn asked regarding the property at the end of Doering St., where is the flood plain is in relationship to the existing buildings. Mr. Head responded and showed Council a map.

- 16 Moved by: Paul Hergott – Seconded by: Jim Olender  
That the Public Meeting of an Official Plan Amendment & Zoning By-law Amendment Mr. Ken Lazenby & Mr. Bill Melnyk, 1016 Doering St., Township of Wellesley does now adjourn and the Regular Council Meeting resume. Carried

### **Delegations:**

- 17 Moved by: Paul Hergott – Seconded by: Herb Neher  
That the following be received as a delegation:  
1) Ron Hackett, Wellesley Township Heritage/Historical Society re: Heritage Day Invitation

### *Ron Hackett*, Wellesley Township Heritage/Historical Society

Mr. Hackett invited Council on behalf of the Grand River Heritage Day Workshop Committee to 12<sup>th</sup> Annual Heritage Day Workshop and Celebration which will be held at the Wilmot Recreation Complex on February 16, 2009 (8:30am to 4:00pm). This year the Heritage Day celebration will be showcasing on the Townships of Wilmot, Woolwich and Wellesley. Township of Wellesley has donated \$500.00.

This event is free to the public. Mr. Hackett provided Council with an overview of scheduled events.

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

- A Moved by: Herb Neher – Seconded by: Paul Hergott  
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. 2/09 – Certificate of Occupancy – For information  
Simeon Ammond Bauman, 4342 Weimar Line, RR#3 Wellesley N0B 2T0

P. & D. 3/09 – Committee Of Adjustment Decision re: Dieter & Rosalind Kays  
– For information

10

**COUNCIL MEETING MINUTES  
2009**

January 20,

- 
- P. & D. 5/09 – Fence By-law re: Fences located in Front Yards
- 18 Moved by: Herb Neher – Seconded by: Ross Kelterborn  
That the Council of the Township of Wellesley modify Fence By-law 22/2007 to further restrict the height of fences in front yards and within 1.5 meters (5'0") of an exterior side yard lot to a maximum height of 0.8 meters (2'6"). Carried
- P. & D. 6/09 – Request from the Wellesley Township Heritage/Historical Society  
re: Retaining Derek Cooke - Koehler Estate Funds
- 19 Moved by: Ross Kelterborn – Seconded by: Paul Hergott  
That the Council of the Township of Wellesley authorize to retain the services of Mr. Derek Cooke and/or Liann at a rate of \$150.00 per 6.5 hour day for one day per month for a period of time not to exceed one year. Special events may also be considered under the above criteria – funding to be allocated from the Koehler Estate. Carried
- P. & D. 7/09 – Request from the Wellesley Township Heritage/Historical Society  
Re: Senior Planner position to be responsible for WTHS room and the Wellesley Old School
- 20 Moved by: Paul Hergott – Seconded by: Herb Neher  
That the Council of the Township of Wellesley include responsibility for the management of the WTHS room and coordination of the Societies resources at the Wellesley Old School in the job description for the Senior Planner for the Township of Wellesley. Carried
- P. & D. 8/09 – Planning Report re: Lazenby/Melnyk OPA & ZC
- 21 Moved by: Ross Kelterborn – Seconded by: Paul Hergott  
That the Council of the Township of Wellesley receive the information provided herein and at the public meeting on January 20, 2009 regarding Township Application OPA 01/2008 and ZBA 02/2008 submitted on behalf of Ken Lazenby and Bill Melnyk and that this matter be deferred until all materials have been received. Carried
- P. & D. 9/09 – 2009 Visitors Guide
- 22 Moved by: Herb Neher – Seconded by: Paul Hergott  
That the Council of the Township of Wellesley defer a decision regarding this issue until a Planner has been hired. Carried

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

Chairperson: Paul Hergott

R. & B.; P. & F. 4/09 – Fire Call Reports – For information

R. & B.; P. & F. 5/09 – Region of Waterloo re: Responsibility for Tasks in Lake Erie  
Source Protection Region Terms of Reference – For information

R. & B.; P. & F. 6/09 – Region of Waterloo re: Hawkesville Road at Kressler Road  
– Fatal Collision Review – For information

**Page 7 of 10**

**January 20,**

**COUNCIL MEETING MINUTES  
2009**

---

R. & B.; P. & F. 7/09 – GRCA Minutes – For information

R. & B.; P. & F. 8/09 – GRCA News Release re: State of the Grand River Fishery to be  
topic of Public meeting in Cambridge on January 21, 2009  
– For information

**Administration/Finance:**

Chairperson: Ross Kelterborn

Admin./Finance 15/09 – Minutes for Meeting re: Citizens for Better Government

Councillor Neher indicated he is supportive of change that focuses on efficiencies but one tier governance is not the answer. The focus is the collaboration between the Region of Waterloo and the municipalities which will not be enhanced by one tier government. Mr. Neher further stated that we have cooperative systems now, continual improvements is always on an agenda, but one tier government should not be supported.

Councillor Hergott indicated we all agreed supportive at the 2006 election, to support a strong two tier government and nothing has changed since then.

Mayor Kelterborn indicated that this Council wants a two tier government but if someone came up with a plan to show concrete savings, concrete better services for our tax payers and better access to markets for businesses that would be beneficial in a strong two tier system, Mayor Kelterborn suggested that it would be wrong not to *look* at that option. Council is willing to listen but still support a strong two tier government.

Councillor Hergott suggested this is to be our decision, not others making the decision for us. Mayor Kelterborn stated studies should not be at the expense of the municipality.

Admin./Finance 16/09 – Interim Tax Billing

23 Moved by: Paul Hergott – seconded by: Jim Olender

That the Council of the Township of Wellesley approve an interim property tax billing 50% of 2008 property taxes, payable in two installments approximately; approximately 25% March 4, 2009 and the balance May 6, 2009. Carried

Admin./Finance 17/09 – Monthly Building Renovation Expenditure – For information  
(see Addendum)

Admin./Finance 18/09 – Caucus

Admin./Finance 19/09 – Caucus

Admin./Finance 20/09 – Caucus

Admin./Finance 21/09 – Caucus

Page 8 of 10  
January 20,

**COUNCIL MEETING MINUTES  
2009**

---

Admin./Finance 22/09 – Resolution from the City of Kitchener re: Citizens for Better Government

- 24 Moved by: Jim Olender – Seconded by: Herb Neher  
That the Council of the Township of Wellesley continues to support a strong two tier governance model for the Region of Waterloo but also continues to be receptive to innovations that effect productive improvements and cost efficiencies within this governance model. Carried

**Recreation:** No report

**Other Reports:**

Councillor Hergott attended the meeting on behalf of Mayor Kelterborn at which Dalton McGuinty made an announcement in health funding.

The new Linwood rescue vehicle is to be restarted and is to be delivered not more than two weeks later than scheduled. This truck is being built to Linwood specifications. Lighting on the Wellesley/St. Clements rescue vehicles will be repaired when the Linwood truck is delivered.

Councillor Olender attended the Crime Prevention meeting recently.

Mayor Kelterborn reported a garbage can and a picnic table have been used inappropriately as ramps in the Conservation Area. Brad Voisin, Director of Recreation will provide a report to Council at a future date.

**Personnel:**

Chairperson: Herb Neher

Personnel 4/09 – Training course for On-Site Sewage Systems-2006

- 25 Moved by: Jim Olender – Seconded by: Paul Hergott  
That the Council of the Township of Wellesley authorize Travis Kropf, Building Inspector/Plans Examiner to attend the On-Site Sewage Systems-2006 course being held in Guelph, Ontario from January 26 – 30, 2009 and write the examination as soon as possible following the course at a total approximate cost of \$1,180.00 being drawn from the Building Department Staff Training Budget. Carried

Personnel 5/09 – Caucus

Personnel 6/09 - Caucus

- 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: 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:**

- 26 Moved by: Paul Hergott – Seconded by: Jim Olender  
That the Accounts as of December 31, 2008 be approved as presented. Carried

**Page 9 of 10**

**COUNCIL MEETING MINUTES  
2009**

**January 20,**

---

**Unfinished Business:** None

**New Business:** None

**Caucus:**

- 27 Moved by: Paul Hergott – Seconded by: Herb Neher  
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)(d) of the Municipal Act – labour relations or employee negotiations.  
Carried
- 28 Moved by: Paul Hergott – Seconded by: Jim Olender  
That the Council meeting resume and report. Carried
- CAUCUS Admin./Finance 18/09 – Section 239(2)(d) of the Municipal Act – For information
- CAUCUS Admin./Finance 19/09 – Section 239(2)(b) of the Municipal Act
- 29 Moved by: Jim Olender – Seconded by: Herb Neher  
That the Council for the Township of Wellesley write-off a total of \$4,585.23 in taxes as per Schedule “A”. Carried
- CAUCUS Admin./Finance 20/09 - Section 239(2)(b) of the Municipal Act
- 30 Moved by: Paul Hergott – Seconded by: Herb Neher  
That the Council of the Township of Wellesley approve the vacancy rebate for the two locations as detailed in File No. CAUCUS Admin./Finance 20/09. Carried
- Caucus Minutes from Meeting held on January 20, 2009
- 31 Moved by: Paul Hergott – Seconded by: Ross Kelterborn  
That the minutes of the Caucus Meeting held on January 5, 2009 at the Crosshill Council Chambers be adopted as presented. Carried
- CAUCUS Admin./Finance 21/09 - Section 239(2)(b) of the Municipal Act

32 Moved by: Jim Olender – Seconded by: Paul Hergott  
That the Council of the Township of Wellesley start tax registration proceedings on the properties that owe tax arrears in the third year following that in which the real property taxes become owing, except those crossed out as per Schedule “A”. Carried

CAUCUS Personnel 5/09 - Section 239(2)(d) of the Municipal Act –  
33 Moved by: Paul Hergott – Seconded by: Ross Kelterborn  
That the Council of the Township of Wellesley defer consideration of the replacement of the Fire Chief pending Budget considerations 2009. Carried

**Page 10 of**

**10  
COUNCIL MEETING MINUTES  
2009**

**January 20,**

---

Personnel 6/09 - Section 239(2)(d) of the Municipal Act – For Discussion

**By-Laws:**

- D Moved by: Herb Neher - Seconded by: Jim Olender  
By-Law Nos.  
2/2009 – By-law to Provide for an Interim Tax Levy and to Provide for the Payment of Taxes and to Provide for Penalty and Interest of 1 ¼ Percent  
3/2009 – By-law Authorizing the Borrowing of Money to Meet Current Expenditures of the Council of the Township of Wellesley  
4/2009 - Confirming be read a first and second time. Carried
- E Moved by: Paul Hergott - Seconded by: Jim Olender  
That By-Law No. 2/2009; 3/2009 and 4/2009 pass first and second readings. Carried
- F Moved by: Herb Neher - Seconded by: Paul Hergott  
That By-Law No. 2/2009; 3/2009 and 4/2009 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	January 27, 2009	6:45pm
	Regular Council Meeting	February 2, 2009	6:45pm
	Regular Council Meeting	February 17, 2009	6:45pm

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

---

CAO/Clerk – Susan Duke

---

Mayor – Ross Kelterborn