

TOWNSHIP OF WELLESLEY

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June 16, 2009

COUNCIL MEETING MINUTES

Present: Mayor, Ross Kelterborn,
Council – Shelley Wagner, Jim Olender, Herb Neher, Paul Hergott
Staff - Susan Duke, CAO/Clerk
Steve Jefferson, K. Smart & Associates

The regular meeting of the Township of Wellesley was held at the Council Chambers in Crosshill at 6:45 P.M. on June 16, 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:

183 Moved by: Shelley Wagner – Seconded by: Jim Olender
That the minutes of the Regular Council Meeting of June 1, 2009 at the Crosshill Council Chambers be adopted as presented. Carried

Petitions: None

184 Moved by: Herb Neher – Seconded by: Paul Hergott
That the Council Meeting adjourn in order to hold a Public Meeting in the matter of Zoning By-law Amendment for Jones Feed Mill, 1001 Isabella Street, Linwood, Township of Wellesley. Carried

PUBLIC MEETING: Zoning By-law Amendment
Jones Feed Mill Ltd.,
1001 Isabella Street, Linwood
Township of Wellesley

Mr. Steve Jefferson, K. Smart & Associates, Planning Consultants for the Township of Wellesley, advised the method of advertising.

Public Notice: As required by the *Planning Act*, public notice for the meeting on June 16, 2009 was ensured by mailing public notifications to neighbouring properties within 400 feet (120 m) and to applicable agencies on May 22, 2009; and posting the notification in the Elmira Independent May 27, 2009 issue.

Mr. Steve Jefferson brought forth the planning report regarding Jones Feed Mill.

INTRODUCTION: The applicant is proposing to construct a blending, packaging, and distribution center for agricultural / livestock feeds. The source materials are primarily from area farms, and the products are to be sold to the local farming community. The Township of Wellesley held an information meeting on May 19th, 2009 to hear comments from the public about the Application. The formal public meeting under the Planning Act is scheduled for June 16, 2009.

The report provides background information to the Application, summaries of written comments received thus far from commenting agencies and the public, and an overview of issues.

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BACKGROUND:

The Township of Wellesley has received an application for the consideration of a Zoning By-law Amendment for permission to allow for site specific zoning so that approximately 20 acres of the 71 acre lot can be used as a blending, packaging and distribution center with room for warehouse space. The permitted uses for this site specific zone will be agriculturally related uses including but not limited to a feed mill for processing agricultural feedstuffs. Permitted uses on the property are expected to include: processing, mixing, packaging, warehousing, distributing and marketing (wholesale and retail) of agricultural feed products and supplements. Additional parking for the expending employee/customer base will also be provided here, plus facilities for storm water management and a fire reservoir.

The subject lands are located at the south east end of Alfred Street and along the east side of Manser Road in the Linwood Settlement Area. The property is designated as Agricultural Resource Area in the Township Official Plan. Within the Township Zoning By-law 28/2006 the site is Agricultural (A1) Zone. Appendix A illustrates the portion of the site which is subject to the proposed zone change.

A portion of the site in proximity to the proposed area of operation is subject to GRCA Regulations. The Grand River mapping is included as Appendix B.

The applicant is proposing to change the zoning to allow for the subject lands to be utilized for employment use. The area is presently agricultural land. The construction of this new facility is expected to employ an additional 25 people.

It is expected that the amount of traffic on the site will not be increased as there are currently trucks coming in to drop off mixed feed. With the new facility there would be no need to bring in mixed feed from other facilities since they would now be mixing, packaging and storing the feed in Linwood.

The location of the potential extension is to be located in the area directly behind the existing mill operation. The concept plan shows a buffer area and a landscaped earthen berm to create a separation between the new expansion and the adjacent residential properties along Manser Road. A Certificate of Approval must be obtained from the Ministry of the Environment which will address the potential effects of the facility on air quality and noise levels. As noted below, the Region of Waterloo has also requested that a stationary noise study be completed. The proponent has indicated that the facility will be using a silencer on their exhaust system to lower the noise levels. The plans also include a storm water management area and a mandatory fire reservoir.

GOVERNMENT / AGENCY / PUBLIC CORRESPONDENCE:

On June 15th, 2009, a representative from the Region of Waterloo wrote in with the following comments (Appendix C):

- a) They require that the applicant complete a stationary noise study as per Ministry of the Environment's Guideline D-6: Compatibility Between Industrial Facilities and Sensitive Land Uses.
- b) They require that the applicant complete a detailed archaeological assessment to the satisfaction of the Ministry of the Ministry of Culture.
- c) Water services requests that the applicant quantifies the expected increase in

water consumption so units can be calculated. The Township of Wellesley should

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then be made aware that this development will decrease the number of available units in Linwood by this amount.

It is noted that the proponent has retained o2e Environmental Consultants for the analysis of potential facility emissions. A preliminary findings summary was issued by o2e on April 28, 2009 which indicated that minimal issues with respect to noise are expected and that approval from the MOE is likely. This information was forwarded to the Region of Waterloo to determine if additional analysis by o2e would be required prior to consideration of the zoning by-law amendment, or if the analysis can be a requirement of site plan approval.

Attached as Appendix B to this report is a map of the GRCA Regulated Area. Appendix D is a request for extension for comments from the GRCA who will be providing their comments at a later date. The draft bylaw has been provided to GRCA staff to assist with the review. Agency comments received prior to June 16th, 2009 will be summarized at the public meeting.

PROPOSED ZONING BY-LAW AMENDMENT:

Appendix E is a copy of the proposed amendment for the subject lands. The area proposed for the zone change is based on concept plans being prepared by the proponent. The concept plan has taken into consideration the following:

The construction on site will also require lands for truck parking, employee vehicle parking, truck loading bays, truck movement areas, storm water management, and a fire reservoir. The overall development will require approximately 6.7 hectares (16.5 acres). The proposed construction is approximately 40,000 square feet of buildings. The by-law proposes an upper limit of 3903.4 square metres (42,000 square feet)

A setback from properties along Manser Road of 55 metres (185 feet) is specified in the zoning by-law.

The Township Comprehensive Zoning Bylaw has provisions within Section 4.7 for a buffer strip adjacent to residential lands. The proposed zoning by-law adds a further requirement for a landscaped, earthen berm within the buffer area.

NEXT STEPS:

Before Township Council makes any decisions regarding the Application:

1. The government / agency / public comments will be studied by both Township Council and its consulting Planners.
2. Should the draft proposed by-law (Appendix E) be revised, it will be made available to the public and governments / agencies that requested further involvement.
3. A further planning report will be made to Council.

Mayor Kelterborn asked if there were any questions from Council.

Mayor Kelterborn asked the following questions:

- If a fire reservoir is required? Mr. Jefferson responded allowances have been made for the reservoir.
- If Mr. Jefferson was aware of the decibel tolerance prescribed by the MOEE. Mr. Jefferson responded the design of the building would mitigate the noise to a tolerable level.

- How is the dust regulated? Mr. Jefferson explained the exhaust fans have dust collectors which limits the dust to MOEE acceptable levels.

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- How far is the new position from Manser Road. Mr. Jefferson responded it is 30 metres from the rear property lines.
- Why increase the building from 42,000sq ft to 45,000 sq ft? Mr. Jefferson responded to accommodate future truck wash/dry bays.

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.

Mr. Paul Pletch, RR# 4 Mount Forest

Mr. Pletch explained the direction of the feed industry, summarizing that this site (Jones Feed Mill, Linwood) is the best option to capture the basic pre-mix industry market.

Councillor Olender asked when is the targeted start up? Mr. Jones responded they are shovel ready with a projected Spring start-up.

Mayor Kelterborn asked if the applicant would like to speak? The applicant had no further comments.

- 185 Moved by: Paul Hergott – Seconded by: Shelley Wagner
That the Public Meeting in the matter of a Zoning By-law Amendment for Jones Feed Mill, 1001 Isabella Street, Linwood, Township of Wellesley does now adjourn and the Regular Council Meeting resume. Carried

Delegations:

- 186 Moved by: Jim Olender – Seconded by: Herb Neher
That the following be received as a delegation:
1) Rosemary Smith, Kitchener Waterloo Community Foundation, CEO re: Vital Signs Presentation. Carried

Rosemary Smith, Kitchener Waterloo Community Foundation

Rosemary Smith presented the Vital Signs slide show presentation.

Mayor Kelterborn vacated the Chair. Councillor Olender assumed the Chair

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

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Planning & Development:

- Chairperson: Jim Olender
- P. & D. 69/09 – Certificate of Occupancy – For information
CO-18-09, John MS Martin, 5838 Schummer Line, RR#1 Linwood
CO-19-09, Wesley Martin, 7659A Road 116, RR#4 Listowel
- P. & D. 70/09 – AMO Alert re: Government Announces Consultation Process on Long Term Affordable Housing Strategy – For information
- P. & D. 71/09 – Ontario Property & Environmental Rights Alliance re: Species Habitat Regulations Emerging from Endangered Species Act (ESA) 2007
- NOTE & FILE
- P. & D. 72/09 – GRCA re: Status Update – Cumulative Impacts of Aggregate Extraction below the Water Table – For information
- P. & D. 73/09 – Release of Model Home Agreement – Lotco II Ltd., Plan 58M-379 and Plan 58M-380 Ferris Dr., Wellesley
- 187 Moved by: Paul Hergott – Seconded by: Shelley Wagner
That the Council of the Township of Wellesley authorize the Township solicitor to release Agreement WR-155372 that pertains to Lotco II Limited, Plan 58M-379 Ferris Dr., Township of Wellesley. Carried
- P. & D. 75/09 – Report from K. Smart & Assoc. re: Jones Feed Mill Zoning By-law Amendment – Pending Receipt of Consultants Report
- P. & D. 76/09 – Report from K. Smart & Assoc. re: Site Plan Agreement for Maple View Mennonite Church
- 188 Moved by: Shelley Wagner – Seconded by: Herb Neher
That the Council of the Township of Wellesley authorize the Mayor and Clerk to sign the Site Plan Control Agreement for Maple View Mennonite Church. Carried
- P. & D. 77/09 – Release Agreements – Sandra and Daniel Erb, Wellesley Settlement Area
- 189 Moved by: Paul Hergott – Seconded by: Herb Neher
That the Council of the Township of Wellesley authorize the Township solicitor to release Agreement WR155372 and WR 179855 from lands identified as Part 2, 58M 15211, Township of Wellesley being lands owned by Sandra and Daniel Erb. Carried

P. & D. 78/09 – Resolution from the County of Wellington re: Official Plan Amendment – For information

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Road & Bridge; Property & Fire:

Chairperson: Paul Hergott

R. & B.; P. & F. 73/09 – Caucus

R. & B.; P. & F. 78/09 – House of Commons re: Private Members Bill – C319, An Act To Amend the Motor Vehicle Safety Act (speed limiters) – For information

R. & B.; P. & F. 79/09 – Fire Call Reports – For information

R. & B.; P. & F. 80/09 – Resolution from the City of Waterloo re: Bill 221, Workplace Safety & Insurance Amendment Act – Volunteer Firefighters
- NOTE & FILE

R. & B.; P. & F. 81/09 – Letters of Credit Reduction for Wm. J. Gies Construction Ltd., Village Estates Subdivision RP1454, 58M-189, 58M-312

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

That the Council of the Township of Wellesley approve a reduction of the letters of credit for Wm. J. Gies Construction Ltd. - Wellesley Village Estates Subdivision as follows: **RP1454** LC SBGT702566 reduced by \$3,190.00 with a value of work remaining of \$1,050.00 and further **RP 58M-189** LC SBGT 716877 reduced by \$119,609.00 with a value of work remaining of \$18,041.00 and further **RP58M-312** LC SBGT 729982 reduced by \$2,964.58 with a value of work remaining of \$139,375.00 as recommended by our township engineers – the Walter Fedy Partnership. The total value of work remaining on all three phases will be \$158,466.00 pending approval of this reduction. Carried

R. & B.; P. & F. 82/09 – Resolution from the City of Pickering re: Bill 221, Workplace Safety & Insurance Amendment Act – Volunteer Firefighters
- No Action taken

R. & B.; P. & F. 83/09 – 2009 Township of Wellesley Fire Department Purchases – For information

Administration/Finance:

Chairperson: Jim Olender

Admin./Finance 88/09 – Caucus

Admin./Finance 89/09 - Caucus

Admin./Finance 90/09 - Caucus

Admin./Finance 91/09 - Caucus

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Admin./Finance 94/09 – June 2009 Local Harvest – For information

Admin./Finance 95/09 – Minister Responsible for Seniors – Senior Achievement Award Program – Call for Nominees – For information

Admin./Finance 96/09 – Request for Donation from Wallaceburg Disaster Relief Committee – For information

Admin./Finance 97/09 –College of Physicians & Surgeons of Ontario re: Call for Nominees – For information

Admin./Finance 98/09 – AMO Alert re: AMO Comments on Long Term Care Homes Act Proposed Regulations – For information

Admin./Finance 99/09 – Resolution from the Township of Bonnechere Valley re: Annual Grants – NOTE & FILE

Admin./Finance 100/09 – Resolution from the City of Pickering re: Harmonized Sales Tax

- 191 Moved by: Shelley Wagner – Seconded by: Paul Hergott
That the Council of the Township of Wellesley support the resolution brought forth by the City of Pickering regarding Harmonized Sales Tax as detailed in File No. Admin./Finance 100/09. Carried

Admin./Finance 101/09 – Resolution from the Town of Hawkesbury re: Investment & Jobs

- 192 Moved by: Herb Neher – Seconded by: Shelley Wagner
That the Council of the Township of Wellesley support the resolution brought forth by the Town of Hawkesbury regarding Investments and Jobs as detailed in File No. Admin./Finance 101/09. Carried

Admin./Finance 102/09 – Media release from the Town of Caledon re: Mayor Support Free Trade When It's Fair Trade

- 193 Moved by: Herb Neher – Seconded by: Paul Hergott
That the Council of the Township of Wellesley support the resolution brought forth by the Town of Caledon as detailed in File No. Admin./Finance 102/09. Carried

Admin./Finance 103/09 – Accessibility Standards for Customer Service

- 194 Moved by: Shelley Wagner – Seconded by: Paul Hergott
That the Council of the Township of Wellesley authorizes staff to proceed with working with the Township of North Dumfries regarding the Customer Service Standard training and proceed with the scheduling of the “in-house” workshop from AMCTO to a maximum of \$1,500.00 plus applicable taxes to be funded from the 2009 Accessibility budget. Carried

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Recreation: No report
Chairperson: Shelley Wagner

Personnel:
Chairperson: Herb Neher

Personnel 18/09 - Caucus

Personnel 19/09 - Caucus

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: Paul Hergott
That the report of the Committee of the Whole be adopted as set forth in the motions and actions detailed above. Carried

Accounts:

195 Moved by: Paul Hergott – Seconded by: Herb Neher
That the Accounts in the amount of \$1,089,537.76 dated May 31, 2009 be approved as presented. Carried

196 Moved by: Shelley Wagner – Seconded by: Herb Neher
That the Financial Statement as of May 31, 2009 be approved as presented. Carried

Unfinished Business:

Financial Audit is scheduled to be delivered in July 2009.

New Business:

Councillor Neher suggested the new Sergeant from Elmira should be invited to a future Council meeting.

Other Reports:

Councillor Hergott extended congratulations to the staff for the Energy Conservation Challenge with another 100% participation rate. Congratulations to Jack Mittelholtz. Councillor Olender attended the Crime Prevention meeting which focused on drugs and children being drawn into illicit drug use.

Caucus:

- 197 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. Carried

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- 198 Moved by: Herb Neher – Seconded by: Paul Hergott
That the Council meeting resume and report. Carried
- R. & B.; P. & F. 73/09 – Section 239(2)(b) of the Municipal Act – For information
- Admin./Finance 88/09 – Section 239(2)(b) of the Municipal Act
- 199 Moved by: Paul Hergott – Seconded by: Herb Neher
That the Council of the Township of Wellesley approve the vacancy rebates for 2180 Hutchison Rd., 98 Brown St., 1430 Hutchison Rd., 3646 Lobsinger Line, 1065 Industrial Cres., 1212 Queens Bush Rd., 3009 Lobsinger Line and 3015 Lobsinger Line. Carried
- Admin./Finance 89/09 - Section 239(2)(b) of the Municipal Act
- 200 Moved by: Herb Neher – Seconded by: Paul Hergott
That the Council of the Township of Wellesley write-off a total of \$1,809.54 in taxes as per Schedule A in File No. Admin./Finance 89/09. Carried
- Personnel 18/09 - Section 239(2)(b) of the Municipal Act – For information
- Personnel 19/09 - Section 239(2)(b) of the Municipal Act
- 201 Moved by: Paul Hergott – Seconded by: Herb Neher
That the Council of the Township of Wellesley approve the Cost of Living Increase for 2009 to be implemented for all Council, Full Time and Part Time Non-Union Staff including Volunteer Fire Fighters, retroactive to January 1, 2009 at a rate of 1.5%. Carried

By-Laws:

- D Moved by: Herb Neher - Seconded by: Paul Hergott
By-Law Nos.
30/2009 – By-law to Amend By-law Number 28/2006 as amended, being a By-law for the Township of Wellesley (Jones Feed Mill)
31/2009 - Confirming be read a first and second time. Carried
- E Moved by: Paul Hergott - Seconded by: Herb Neher
That By-Law No. 30/2009 and 31/2009 pass first and second readings. Carried
- F Moved by: Herb Neher - Seconded by: Paul Hergott

That By-Law No. 31/2009 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

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| <u>Next Meetings:</u> Regular Committee Meeting | June 30, 2009 | 6:45pm |
| Regular Council Meeting | July 6, 2009 | 6:45pm |
| Regular Committee/Council Meeting | July 28, 2009 | 6:45pm |

202 On a motion by Paul Hergott, the Council meeting adjourned.

CAO/Clerk, Susan Duke

Mayor, Ross Kelterborn