

TOWNSHIP OF WELLESLEY

Page 1 of 8
October 4, 2010

COUNCIL MEETING MINUTES

Present: Mayor, Ross Kelterborn,
Council – Shelley Wagner, Jim Olender, Herb Neher, Paul Hergott
Staff - Grace Kosch, Deputy Clerk
- Will McLaughlin, Director of Public Works & Environment
- Diane Lorbetski, Director of Finance
- 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 October 4, 2010 with all members in attendance. The Council meeting opened with Grace Kosch leading in prayer and Mayor Kelterborn was in the chair.

Minutes of the Previous Meeting:

229 Moved by: Paul Hergott – Seconded by: Jim Olender
That the minutes of the Regular Council Meeting of September 21, 2010 at the Crosshill Council Chambers be adopted as amended to say Paul Zepf, 135 Schweitzer Cres.
Carried

Petitions: None

230 Moved by: Shelley Wagner – Seconded by: Jim Olender
That the Council Meeting adjourn in order to hold a Public Meeting in the matter of Zoning by-law Amendment for Ghislaine Landry and David Van Nierop, 26 Anita Dr., Plan 1722, Lot 12, St. Clements, Township of Wellesley. Carried

PUBLIC MEETING:

Public Notice: As required by the Planning Act, public notice for this meeting on October 4, 2010 was provided by posting a notice on the subject property on July 27, 2010; mailing public notifications to applicable agencies on August 3, 2010 and to neighbouring properties within 120 m on September 1, 2010; and posting the notification in the Elmira Independent on September 8, 2010

Background / History:

The Township of Wellesley has received an application for the consideration of a Zoning By-law amendment to permit a swimming pool on land zoned SR-18.

The subject lands are located on the east side of Anita Dr. and occupy 37 m (121.39 ft) of frontage and has an area of 0.18 ha (0.45 acres). The property is zoned Settlement Residential (SR-18) as per Zoning By-law 28/2006 (the “By-law”).

The SR-18 zone prohibits in-ground, indoor or above-ground swimming pools. This zone was added by By-law 71-89. All of the properties within this zone utilize on-site sewage systems for sewage treatment.

Regulations for the placement of septic systems fall under the Building Code Act. In order for Township planning staff to support this application, it must be proven to the satisfaction of the Chief Building Official that there is adequate space on the property to

COUNCIL MEETING MINUTES

ensure that the proposed swimming pool will not interfere with the proper functioning of the septic system.

According to the survey provided by the applicants, the septic system at 26 Anita Dr. is 7.1 m behind the dwelling and 5.0 m from the north side yard. The applicants have proposed that the swimming pool (measured from the swimming pool fence as per Fence By-law 22/2007) will be 7.62 m (25 ft) east of the dwelling and 2.44 m (8 ft) south of the septic system. The swimming pool (measured from the fence) is proposed to be approximately 15.3m (50.2 ft) from the south side property line.

Two other properties within the SR-18 zone have received zoning by-law amendments to permit a swimming pool. Those properties are 36 Peter St. (ZBA 04/08) and 10 Mair Ct. (ZBA 05/08) and are now both zoned SR-18A (permits swimming pools). The swimming pool at 18 Mair Ct. is legal non-conforming. Two other properties within the SR-18 zone received Council permission to construct swimming pools. Those properties are 34 Anita Dr. and 33 Peter St.

Public Comments (received prior to the public meeting):

No public comments were received to date.

Agency Reports:

Director of Public Works, Township of Wellesley

No comments or concerns.

Chief Building Official, Township of Wellesley

I have reviewed all of the material provided. The septic tank was pumped out on July 1, 2010 by a certified sewage system installer who indicated the system appears to be in good working order. The original design drawings show ample room for the pool to be located on the property in a manner which will not interfere with the existing system. Therefore I have no concerns with this Zoning by-law Amendment application to allow an aboveground pool on this property. I would suggest the pool should be kept as far south as practical to allow for future expansion or repair of the existing sewage system, but must be minimum 5m from the distribution pipes. Full site plan review will be completed at time of building permit application.

Fire Chief, Township of Wellesley

No comments or concerns.

Region of Waterloo

The Region of Waterloo has no objections to the proposed application.

Waterloo Catholic School Board

No concerns or comments.

Waterloo Region District School Board

No concerns or comments.

Waterloo North Hydro

No concerns or comments.

Union Gas

No comments received to date.

Staff Comments:

Because there have been no public comments received regarding this matter and no objections from relevant agencies, it is the opinion of Township staff that it is

COUNCIL MEETING MINUTES

appropriate for Council to make a decision regarding this application this 4th day of October, 2010.

Mayor Kelterborn asked if there were any questions from Council.

Mayor Kelterborn asked for clarification of the distance between the swimming pool and the house. Sarah Peck, Junior Planner responded.

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.

Mayor Kelterborn asked if the applicant wished to speak to the application. No one responded.

- 231 Moved by: Herb Neher – Seconded by: Paul Hergott
That the Public Meeting of the Zoning By-law amendment for Ghislaine Landry and David Van Nierop, 26 Anita Dr., Plan 1722, Lot 12, St. Clements, Township of Wellesley, does now adjourn and the Regular Council Meeting resume. Carried

Delegations:

- 232 Moved by: Paul Hergott – Seconded by: Jim Olender
That the following be received as delegations:
1) Mr. Kim Ruthig re: Wellesley Trails
2) Mr. Paul Zepf re: Wellesley Trails
Carried

Mr. Kim Ruthig,

Mr. Ruthig expressed his sincere sympathy for the Duke family on the passing of Mrs. Patricia Duke.

Mr. Ruthig submitted to Council his position regarding the Wellesley Trails issue. See Appendix “A”.

Mayor Kelterborn indicated this issue would be addressed in the Planning & Development Committee portion of this meeting.

Mr. Paul Zepf,

Mr. Zepf submitted to Council an update of the Risk Assessment & Analysis previously provided to Council (See Appendix “B”); further stating his position regarding the Wellesley Trails issue.

Note, a copy of this Risk Assessment & Analysis for the Wellesley Trails Association was also submitted to Council.

Mayor Kelterborn indicated this issue would be addressed in the Planning & Development Committee portion of this meeting.

Councillor Neher asked if the Wellesley Trails Association had been contacted with regards to the alternatives submitted this evening. Mr. Zepf responded that he has provided Mr. Bremner with his contact information with no response to date.

COUNCIL MEETING MINUTES

Councillor Olender stated collaboration is very important.

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

Planning & Development:

Chairperson: Jim Olender

Councillor Olender indicated he would contact Mr. Bremner of the Wellesley Trails Association to try to set up a meeting between the two groups to review the alternatives presented this evening.

P. & D. 112/10 – Planning & Development Committee Minutes from meeting held on September 28th, 2010

- 233 Moved by: Herb Neher – Seconded by: Paul Hergott
That the minutes of the Planning & Development Committee meeting held on September 28th, 2010 at the Crosshill Council Chambers be adopted as presented. Carried

P. & D. 113/10 – Certificate of Occupancy – For information
CO-94-10, re: Norman Bowman, 2910 Hutchison Rd., RR#1 St. Clements

P. & D. 114/10 – GRCA Application for Permission No. 503/10 re: 1544 Greenwood Hill Road – For information

P. & D. 115/10 – Site Plan Control Agreement re: 1426 Hutchison Road

- 234 Moved by: Ross Kelterborn – Seconded by: Herb Neher
That the Council of the Township of Wellesley authorize the Mayor and Clerk/CAO to execute the Site Plan Control Agreement for Briolin Holdings Inc. in relation to 1426 Hutchison Road in the Township of Wellesley, PIN 221570041. Carried

P. & D. 116/10 – Zoning By-law Amendment re: 26 Anita Dr., St. Clements

- 235 Moved by: Ross Kelterborn – Seconded by: Paul Hergott
That the Council of the Township of Wellesley accept this planning report and comments; and further,
That the Council of the Township of Wellesley complete the first, second and third readings of draft By-law as submitted this 4th day of October, 2010. Carried

COUNCIL MEETING MINUTES

Road & Bridge; Property & Fire:

Chairperson: Paul Hergott

- R. & B.; P. & F. 50/10 – Road & Bridge; Property & Fire Minutes from meeting held September 28, 2010
- 236 Moved by: Jim Olender – Seconded by: Shelley Wagner
That the minutes of the Road & Bridge; Property & Fire Committee meeting held on September 28th, 2010 at the Crosshill Council Chambers be adopted as presented.
Carried
- R. & B.; P. & F. 51/10 – Lot Grading Release for Lot 41, RP58M-189 Wellesley Village Estates
- 237 Moved by: Jim Olender – Seconded by: Shelley Wagner
That the Council of the Township of Wellesley approve a lot grading release for Lot 41 RP58M-189 in the Wellesley Village Estates Subdivision. Carried
- R. & B.; P. & F. 52/10 – Lot Grading Release for Lot 11, 18 & 36 RP58M-312 Wellesley Village Estates
- 238 Moved by: Herb Neher – Seconded by: Jim Olender
That the Council of the Township of Wellesley approve lot grading releases for Lots 11, 18 & 36 RP58M-312 in the Wellesley Village Estates subdivision. Carried
- R. & B.; P. & F. 53/10 – Lot Grading Release for Lots 35 & 36 RP58M-379 Mill Creek Meadows
- 239 Moved by: Shelley Wagner – Seconded by: Jim Olender
That the Council of the Township of Wellesley approve lot grading releases for Lots 35 & 36 RP58M-379 – Mill Creek Meadows subdivision. Carried
- R. & B.; P. & F. 54/10 – Lot Grading Releases for Municipal Numbers 4666 Lobsinger Line, Crosshill, 44 Adelaide Street Linwood and 3889 Nafziger Road Wellesley
- 240 Moved by: Herb Neher – Seconded by: Shelley Wagner
That the Council of the Township of Wellesley issue lot grading releases for Municipal Numbers 4666 Lobsinger Line, Crosshill,; 44 Adelaide Street, Linwood and 3889 Nafziger Road, Wellesley. Carried
- R. & B.; P. & F. 55/10 – Lot Grading Release for Lots 5, 15 & 16 RP58M-476 Wellesley Village Estates Phase IV
- 241 Moved by: Jim Olender – Seconded by: Ross Kelterborn
That the Council of the Township of Wellesley approve lot grading releases for Lots 5, 15 & 16 RP58M-476 in Phase IV of the Wellesley village Estates Subdivision. Carried

COUNCIL MEETING MINUTES

- R. & B.; P. & F. 56/10 – Lot Grading Release for Lots 36, 38, 45 & 51 RP58M-380 Mill Creek Meadows
- 242 Moved by: Ross Kelterborn – Seconded by; Jim Olender
That the Council of the Township of Wellesley approve lot grading releases for Lots 36, 38, 45 & 51 RP58M-380 Mill Creek Meadows subdivision. Carried
- R. & B.; P. & F. 57/10 – Fire Call Reports – For information
- R. & B.; P. & F. 58/10 – Region of Waterloo re: Special Event Permit – For information

Administration/Finance:

- Chairperson: Ross Kelterborn
- Admin./Finance 79/10 – Administration & Finance Committee Minutes from meeting Held September 28, 2010
- 243 Moved by: Paul Hergott – Seconded by: Shelley Wagner
That the minutes of the Administration & Finance Committee meeting held on September 28th, 2010 at the Crosshill Council Chambers be adopted as presented. Carried
- Admin./Finance 80/10 – Resolution from the Region of Waterloo re: Grand River Accessibility Advisory Committee (GRAAC) Membership Appointment
- 244 Moved by: Jim Olender – Seconded by: Paul Hergott
That the Council of the Township of Wellesley support the Region of Waterloo regarding the members as per Report No. Admin./Finance 80/10. Carried
- Admin./Finance 81/10 – Letter from the Office of the Regional Chair re: GRAAC – For information

Recreation:

- Chairperson: Shelley Wagner
- Recreation 54/10 – Recreation Committee Minutes from meeting held September 28, 2010
- 245 Moved by: Herb Neher – Seconded by: Jim Olender
That the minutes of the Recreation Committee meeting held on September 28th, 2010 at the Crosshill Council Chambers be adopted as presented. Carried

Personnel:

- Chairperson: Herb Neher
- Personnel 41/10 – Thank you letter from the Waterloo Region Mixed Slo-Pitch League – For information

COUNCIL MEETING MINUTES

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

Unfinished Business:

Councillor Olender questioned the status of the parking tickets. Staff to research and respond.

New Business:

Councillor Neher asked staff for a report regarding the position of Council following the October 25th Election.

Other Reports:

Will McLaughlin, Director of Public Works & Environment provided Council with an update regarding the Seigner Bridge; further stating additional repairs will be started on Monday.

Councillor Hergott spoke to the new Linwood Fire Truck now in operation. Councillor Hergott commended Fire Chief Andrew Lillico and District Chief Frank Karley for their due diligence for bringing the truck in under budget.

Mayor Kelterborn read a congratulation letter from Leeanna Pendergast, MPP regarding the Apple Butter and Cheese Festival.

Councillor Olender questioned the status of the cell phone issue. Staff to research and respond.

Caucus:

246 Moved by: Paul Hergott – Seconded by: Herb Neher

247 Moved by: Paul Hergott – Seconded by: Shelley Wagner
That the Council meeting resume and report. Carried

Personnel 42/10 – Section 239(2)(b) of the Municipal Act – For information

Personnel 43/10 – Section 239(2)(b) of the Municipal Act – As requested by Councillor Neher – For discussion – Deferred until October 19, 2010 Council Meeting

248 Moved by: Paul Hergott – Seconded by: Jim Olender
That the Council of the Township of Wellesley authorize the cancellation of payment by Councillor Shelley Wagner (spouse) for the David Johnston celebration. Carried

COUNCIL MEETING MINUTES

By-Laws:

- D Moved by: Jim Olender - Seconded by: Paul Hergott
By-Law Nos.
38/2010 – By-law to Amend By-law Number 28/2006, Zoning By-law for Ghislaine Landry & David Van Nierop
39/2010 - Confirming be read a first and second time. Carried
- E Moved by: Herb Neher - Seconded by: Shelley Wagner
That By-Law No. 38/2010 and 39/2010 pass first and second readings. Carried
- F Moved by: Jim Olender - Seconded by: Paul Hergott
That By-Law No. 38/2010 and 39/2010 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

<u>Next Meetings:</u>	Regular Council Meeting	October 19, 2010	6:45pm
	Regular Committee Meeting	October 26, 2010	6:45pm
	Regular Council Meeting	November 1, 2010	6:45pm

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

Grace Kosch
Deputy Clerk, Grace Kosch

Ross Kelterborn
Mayor – Ross Kelterborn