

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH  
REGULAR MEETING OF COUNCIL  
JANUARY 12, 2015 at 7:07 P.M.**

The meeting was held in the Municipal Office Council Chambers, Kenilworth.

**Members Present:**

**Mayor: Andy Lennox  
Councillors Sherry Burke  
Mark Goetz  
Steve McCabe  
Dan Yake**

**Staff Present:**

**CAO/Deputy Clerk: Michael Givens  
Clerk: Karren Wallace  
Executive Assistant: Cathy Conrad  
Treasurer: Paul Dowber  
Chief Building Official: Darren Jones**

**CALLING THE MEETING TO ORDER**

Mayor Lennox called the meeting to order.

**SINGING OF O' CANADA**

**PASSING AND ACCEPTANCE OF AGENDA**

**RESOLUTION 2015-1**

**Moved by: Councillor Goetz**

**Seconded by: Councillor Burke**

*THAT the Agenda for the January 12, 2015 Regular Meeting of Council be accepted and passed as revised to move Correspondence for Council's Review and Direction to Delegations:*

*Jens Dam, 8751 Concession 9, Wellington North*

*Re: Funds missing from Development Charges (DC) Reserve Fund*

**CARRIED**

**DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE  
THEREOF**

None

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**MINUTES OF PREVIOUS MEETING(S)**

**RESOLUTION 2015-2**

Moved by: Councillor Burke

Seconded by: Councillor Goetz

*THAT the minutes of the Regular Meeting of Council held on December 15, 2014 and the Special Council Meeting held on December 23, 2014 be adopted as circulated.*

**CARRIED**

**DELEGATIONS**

Jens Dam, 8751 Concession 9, Wellington North

Re: Funds missing from Development Charges (DC) Reserve Fund

Mr. Dam read verbatim his correspondence included in the agenda.

Note: Mayor's comments attached as addendum to the minutes

**RESOLUTION 2015-3**

Moved by: Mayor Lennox

Seconded by: Councillor Goetz

*WHEREAS matters related to the passage of by-law 44-11 and amending by-law 33-12 have again come under question as per correspondence dated December 10, 2014 to the Council of the Township of Wellington North, requesting Council call for the Minister of Municipal Affairs and Housing to conduct an inquiry under the provisions of the Municipal Affairs Act with respect to the manner in which the municipality has allegedly misappropriated Development Charge reserve funds;*

*NOW THEREFORE BE IT RESOLVED that the Council of the Township of Wellington North hereby direct staff to write to the Minister of Municipal Affairs and Housing to request an inquiry under the provisions of the Municipal Affairs Act with respect to the manner in which the municipality has handled collection of development charges.*

**Mayor Lennox requested a recorded vote:**

<b><u>Recorded Vote</u></b>	<b><u>Yea</u></b>	<b><u>Nay</u></b>
Mayor Lennox		X
Councillor Burke		X
Councillor Goetz		X
Councillor McCabe		X
Councillor Yake		X

**DEFEATED**

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**RESOLUTION 2015-4**

**Moved by:** Mayor Lennox

**Seconded by:** Councillor McCabe

*THAT the Council of the Township of Wellington North hereby reaffirm the decision of the 2010-2014 Council, to not collect Development Charge amounts that resulted from the OMB authorized repeal of Bylaw 44-11 and the OMB ordered amendment of Bylaw 33-12.*

**Mayor Lennox requested a recorded vote:**

<b><u>Recorded Vote</u></b>	<b><u>Yea</u></b>	<b><u>Nay</u></b>
Mayor Lennox	X	
Councillor Burke	X	
Councillor Goetz	X	
Councillor McCabe	X	
Councillor Yake	X	

**CARRIED**

**STANDING COMMITTEE, STAFF REPORTS, MINUTES AND RECOMMENDATIONS**

Report from Karren Wallace, Clerk

- CLK 2015-001, Appointment of Members to the Joint Compliance Audit Committee

**RESOLUTION 2015-5**

**Moved by:** Councillor Burke

**Seconded by:** Councillor Goetz

*THAT the Council of the Corporation of the Township of Wellington North receive Report CLK 2015-001 Appointment of Members to the Joint Compliance Audit Committee;*

*AND FURTHER THAT a by-law be passed appointing Leigh Fishleigh, Bill Robson and Paul Ruffolo to the Joint Compliance Audit Committee.*

**CARRIED**

Report from Karren Wallace, Clerk

- Report CLK 002-2015, Closed Meeting Investigator

**RESOLUTION 2015-6**

**Moved by:** Councillor Goetz

**Seconded by:** Councillor Burke

*THAT the Council of the Corporation of the Township of Wellington North receive Report CLK 002-2015 dated January 12, 2015, with respect to the Closed Meeting Investigator;*

*AND FURTHER THAT the Township of Wellington North enter into an agreement with the County of Wellington and other lower tier municipalities in the County to appoint Mr.*

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*John Maddox, JGM Consulting as the meeting investigator, commencing January 1, 2015 ending on December 31, 2017;*

*AND FURTHER THAT staff be directed to bring a by-law to appoint and enter into an agreement with John Maddox of JGM Consulting to a meeting of Council after the County of Wellington passes their by-law;*

*AND FURTHER THAT staff be directed to amend the Policy and Procedure Manual on Closed Meeting Investigations to reflect changes in staff and position titles.*

**CARRIED**

Report from Michael Givens, CAO

- CAO 2015-01 Appointment of Maitland Valley Conservation Authority Representative and Maitland Source Protection Authority Board

**RESOLUTION 2015-7**

Moved by: Councillor Burke

Seconded by: Councillor Goetz

*THAT the Council of the Corporation of the Township of Wellington North receive for information report CAO 2015-01;*

*AND FURTHER THAT the Council of the Township of Wellington North appoint David Turton of the Township of Minto, as the representative from the Township of Wellington North to the Maitland Valley Source Protection Authority Board for a three year term January 1, 2015 to December 31, 2017.*

**CARRIED**

Reports from Darren Jones, Chief Building Official

- CBO 2015-001 Building Permit Monthly Review Period Ending December 31, 2014
- CBO 2015-002 Building Permit Yearly Review Period Ending December 31, 2014

**RESOLUTION 2015-8**

Moved by: Councillor Goetz

Seconded by: Councillor Burke

*THAT the Council of the Corporation of the Township of Wellington North receive report CBO 2015-01 Building Permit Monthly Review period ending December 31, 2014 and report CBO 2015-02 Building Permit Yearly Review period ending December 31, 2014.*

**CARRIED**

Report from Dave Guilbault, Fire Chief

- Fire Report 2015-001 Proposed Changes to the By-law to regulate the setting of open air fires within the Township of Wellington North

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**RESOLUTION 2015-9**

Moved by: Councillor Burke

Seconded by: Councillor Goetz

*THAT the Council of the Corporation of the Township of Wellington North receive for information Fire Chief Report 2015-001 Proposed Changes to By-law Number 38-12 being a by-law to regulate the setting of open air fires within the Township of Wellington North;*

*AND FURTHER THAT a new by-law be passed being a by-law to regulate the setting of open air fires within the Township of Wellington North;*

*AND FURTHER THAT By-law Number 38-12 be repealed.*

**CARRIED**

Administration/Finance Committee

- Minutes, December 17, 2014

**RESOLUTION 2015-10**

Moved by: Councillor Goetz

Seconded by: Councillor Burke

*THAT the Council of the Corporation of the Township of Wellington North receive the minutes of the Administration/Finance Committee meeting held on December 17, 2014.*

**CARRIED**

**RESOLUTION 2015-11**

Moved by: Councillor Burke

Seconded by: Councillor Goetz

*THAT the Council of the Corporation of the Township of Wellington North accept in principle the Draft Asset Management Plan as provided by Public Sector Digest, as recommended by the Administration and Finance Committee.*

**CARRIED**

Cheque Distribution Report dated January 7, 2015

**RESOLUTION 2015-12**

Moved by: Councillor Goetz

Seconded by: Councillor Burke

*THAT the Council of the Corporation of the Township of Wellington North receive the Cheque Distribution Report dated January 7, 2015.*

**CARRIED**

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**CORRESPONDENCE FOR COUNCIL'S REVIEW AND DIRECTION**

Bill Mauro, Minister of Natural Resources and Forestry  
MNRF mandate – ensuring the sustainability of the province' wildlife population  
*Received as information*

County of Wellington, Planning and Land Division Committee  
Comments for Consent Applications  
File No. B132/14, Frank & Darlene Destafano

**RESOLUTION 2015-13**

Moved by: Councillor Lennox

Seconded by: Councillor Yake

*That Council support severance 132/14 with the following conditions:*

- *That the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands.*
- *That the Owner receives approval from the applicable road authority*
- *That the Owner satisfy the requirements of the local Municipality in reference to parkland dedication.*

**CARRIED**

**BY-LAWS**

**RESOLUTION 2015-14**

Moved by: Councillor Yake

Seconded by: Councillor McCabe

*THAT By-law Number 001-15 being a by-law to appoint members to a Joint Municipal Election Compliance Audit Committee be read a First, Second and Third time and finally passed.*

**CARRIED**

**RESOLUTION 2015-15**

Moved by: Councillor Yake

Seconded by: Councillor McCabe

*THAT By-law Number 002-15 being a by-law to prescribe the form and manner and times for the provision of notice and to repeal By-law 68-02 be read a First, Second and Third time and finally passed.*

**CARRIED**

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**RESOLUTION 2015-16**

Moved by: Councillor Yake

Seconded by: Councillor McCabe

*THAT By-law Number 003-15 being a by-law to provide for an interim tax levy on all assessment within specific tax classes and to provide a penalty and interest rate for current taxes in default and tax arrears be read a First, Second and Third time and finally passed.*

**CARRIED**

**RESOLUTION 2015-17**

Moved by: Councillor Yake

Seconded by: Councillor Burke

*THAT By-law Number 004-15 being a by-law to authorize temporary borrowing from time to time to meet current expenditures during the fiscal year ending December 31, 2015 be read a First, Second and Third time and finally passed.*

**CARRIED**

**RESOLUTION 2015-18**

Moved by: Councillor Yake

Seconded by: Councillor McCabe

*THAT By-law Number 005-15 being a by-law to amend Zoning By-law Number 66-01 being the Zoning By-law for the Township of Wellington North be read a First, Second and Third time and finally passed. (Lot 6 and Part Lot 5, Concession 9, Geographic Township of West Luther, 8290 Line 8, Powerline Ridge Farms Inc.)*

**CARRIED**

**RESOLUTION 2015-19**

Moved by: Councillor Yake

Seconded by: Councillor McCabe

*THAT By-law Number 006-15 being a by-law to regulate the setting of open air fires within the Township of Wellington North be read a First, Second and Third time and finally passed.*

**CARRIED**

**ITEMS FOR COUNCIL'S INFORMATION**

AMO Watchfile

- December 18, 2014

Grand River Conservation Authority

- Minutes, General Membership Meeting, November 28, 2014
- Members Attendance, January 1 – December 31, 2014

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Maitland Valley Conservation Authority

- Maitland Source Protection Authority Meeting #1/14, February 5, 2014
- Maitland Source Protection Authority Meeting #2/14, April 16, 2014
- Board of Directors Meeting #9/14, October 15, 2014
- Board of Directors Meeting #10/14, November 26, 2014

Crime Stoppers Guelph Wellington

- Newsletter, The Informant, Winter 2014-15

Township of Algonquin Highlands

- Resolution regarding OPP Billing Model

**RESOLUTION 2015-20**

Moved by: Councillor McCabe

Seconded by: Councillor Yake

*THAT the Council of the Corporation of the Township of Wellington North receive the Items for Council's Information as listed in the January 12, 2015 Regular Council Meeting Agenda.*

**CARRIED**

**CULTURAL MOMENT**

***Simply Explore...Wellington North's Culture***

The Township of Wellington North joins leading municipalities across Canada in recognizing the powerful role played by cultural mapping and municipal cultural planning as tools for growing local economies and enhancing quality of life. Cultural planning is essential to supporting Wellington North in attracting investment, supporting creative talent, and boosting tourism.

Wellington North's Municipal Cultural Plan, developed in 2013, provides a strategy and recommended actions to leverage local cultural resources to grow the economy, to improve quality of life, and to build and sustain a sense of community cohesion and pride. Since adoption of the plan, Wellington North has been taking steps in implementing the identified goals, including development of cultural mapping.

Cultural mapping is a systematic approach to identifying, recording and classifying a community's cultural resources. Two forms of cultural mapping exist:

**Mapping Tangible Cultural Resources**

Identifying and recording physical (or tangible) cultural resources.

**Mapping Intangible Cultural Resources**



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Exploring and recording intangible cultural assets (the stories and traditions that contribute to defining our unique identity and sense of place).

Whether a resident or visitor, take the time and visit [www.simplyexploreculture.ca](http://www.simplyexploreculture.ca) to explore the many assets that make up Wellington North's unique cultural resources. This online map allows you to easily search assets by filtering by region, location or category. Each asset is accompanied by a full listing detailing more information specifically relating to that asset. Visitors are also encouraged to contribute information to update or add to the listings.

**NOTICE OF MOTION**

None

**ANNOUNCEMENTS**

Councillor Burke –Administration/Finance Committee meeting January 19, 2015.

Councillor Yake – the Municipal Hockey Tournament will be held March 24.

Mayor Lennox – the County budget process shows and initial increase of 3.4%. It is hoped the budget will be pass at the end of the month.

**CONFIRMING BY-LAW**

**RESOLUTION 2015-21**

Moved by: Councillor McCabe

Seconded by: Councillor Yake

*THAT By-law Number007-15 being a By-law to Confirm the Proceedings of the Council of the Corporation of the Township of Wellington North at its Regular Meeting held on January 12, 2015 be read a First, Second and Third time and finally passed.*

**CARRIED**

**ADJOURNMENT**

**RESOLUTION 2015-22**

Moved by: Councillor McCabe

Seconded by: Councillor Yake

*THAT the Regular Council meeting of January 12, 2015 be adjourned at 8:00 p.m.*

**CARRIED**

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

## Comments to Council January 12<sup>th</sup> 2015

*Andy Lennox*

We have before us a request to order a judicial inquiry into the issues related to the implementation of the policy that reduced development charges during the last term of council. The only way I could rationalize the spending of significant taxpayers' dollars on a judicial inquiry into this matter would be if there was any evidence of illegal intent.

I think it is a very appropriate time of year for us to be dealing with this issue. Often the beginning of a new year is a time to reflect on the lessons of the past and seek to start fresh to meet the challenges of the coming year.

This is now a new term of council and we have a new member who has joined us so I would like to start by a review of the history of this issue. I am going to try to start at the beginning.

In 2008 the Council of the day commissioned a study to implement development charges to allow for the collection of these fees to ensure that the capital costs associated with development were borne by those doing the development. This has been a somewhat contentious issue from the start.

On the 16<sup>th</sup> of June 2008 Council passed bylaw 52-08 to impose development charges to commence on September 1, 2008. Shortly after the implementation of the original bylaw there came to light some issues related to the bylaw that an important part of our community took exception with. Council agreed at that time to hold another public meeting to hear the concerns of residents. Council then reconsidered the original bylaw and proceeded to amend the bylaw to address the concerns raised. That amendment was in the form of bylaw 28-09 which was passed on May 11, 2009. It contained the provision that made the amending bylaw retroactive to September 1, 2008. At that time no one objected to the retroactivity.

In early 2011, concern was raised that the rate of development charges in place at the time was standing in the way of development in our community. Council at the time was somewhat hesitant to reduce the charges because we were not wholly convinced that the rate of development charges was what was responsible for restricting development. Because of that doubt, council set a target of 35 new housing start permits to be issued between January 1, 2011 and March 31, 2012. If the goal was not met, council signaled its intention that development charges should revert to the previous level. On June 6, 2011 Council passed Bylaw 44-11, **again** amending the original Bylaw 52-08.

In passing Bylaw 44-11 council made 2 errors, one of which was pointed out in the initial OMB appeal. That error was that the Township had not conducted a development charge study within 1 year of passing the bylaw. I believe this error was an oversight.

To address this issue council proceeded to commission an amending study and pass a new bylaw with the same provisions and accompanied by the amending study. This new bylaw, Bylaw 33-12 passed on May 28, 2012, again sought to amend the original bylaw 52-08. The bylaw 33-12 then attracted another appeal to the OMB in which the OMB ruled that even though the bylaw sought to reduce charges it could not be applied retroactively.

In June 2013 the Bylaw 52-08 expired and was replaced with an uncontested Bylaw 51-13 which provides the authority we currently impose development charges under.

I freely admit that the process followed to reduce Development charges had errors and I accept my share of the responsibility for those errors as a member of that Council. And as the head of this Council, I accept the responsibility for those errors and their repercussions.

There has been an allegation leveled that suggests there is some “missing money” The new development charge study in 2013 and our audited financial statements for 2011, 2012 and 2013 all failed to mention any “missing money”.

To this day I am not aware of any evidence of illegal intent on the part of Council or staff involved with these errors. If anyone has evidence to support the allegation of illegal intent, I request that they bring it forward; if not to council or township staff, then to a member of the OPP.

I believe the evidence points in the opposite direction.

Certainly Council and staff could have been more diligent when passing Bylaw 44-11 in ensuring an up to date study was in place, but I believe contributing to that oversight was a wish to avoid the cost associated with an outside consultant.

On the issue of retroactivity the OMB has now given us a clear ruling and we have learned our lesson from that, but the desire to do that, originated, in 2009, 2011 and 2012 not from a desire to penalize anyone but from a desire to respond to the input from community stakeholders.

The intent of the policy change remains in place today. To collect funds to pay for the capital costs associated with development from those people doing the development in as fair a manner as possible under the available legislation. That is the motive for the original Bylaw 52-08 and was the motive for all of its subsequent amendments.

I regret that these have proven to be costly mistakes. The Township has invested many hours of valuable staff time in defending this issue and almost \$23,000 in directly related legal fees. While I respect Mr. Dam’s willingness to raise his concerns regarding the following of proper procedure; it is clear to me that if safeguarding taxpayers dollars is the goal, then we have to work together to find a better, less costly way to address those concerns.

Finally I would like to address the issue of the collection of Development Charge amounts that became collectible upon the OMB ordering the repeal of Bylaw 44-11 and the amendment of Bylaw 33-12. Mr. Dam has quite correctly pointed out that there are amounts that are potentially collectible because; with the repeal and amendment of those bylaws the schedule of charges due, reverted back the fee schedule in bylaw 52-08 as amended by bylaw 28-09. I believe it is both impractical and inappropriate for the Township to try to collect these amounts. From a very practical standpoint, all of those individuals or businesses who took out building permits and incurred development charges during that period did so acting in good faith. They could and probably would make that argument in court rather than paying those amounts. Even if the Township could successfully collect those amounts, it would most certainly demand significant staff time and incur legal costs associated with collecting them.

To demonstrate the point about why I think it is inappropriate to attempt to collect these amounts I ask you to think back throughout your own lives. Have you ever done business with a company that didn't live up to its expectations and chose not to correct the problem? I know I have. Would you do business with them again? Would you share that experience with others?

That is how reputations are ruined.

I want people to say to their friends that this is a community that stands by its word.

I want people to say to their business associates that Wellington North is a great place to do business.

I want people to say that Wellington North is a place that treats people fairly.

I believe that defending the reputation of Wellington North as a great place to live work and do business is worth fighting for. I believe the use of Council's discretion to not collect the amounts in question is the right decision.

Tonight I will be bringing forward 2 motions and I ask for your support in defeating the first one and passing the second. First we will deal with the issue about the request for a judicial inquiry. Then there will be one to ask you to re-affirm the decision of the previous council regarding the collection the development charge amounts that resulted from the repeal of Bylaw 44-11 and the amendment of Bylaw 33-12.