

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH**

**REGULAR MEETING OF COUNCIL**

**Monday, April 8, 2013**

**Following Public Meeting - 7:37 p.m.**

**Members Present:**

**Mayor: Raymond Tout  
Councillors: Sherry Burke  
Mark Goetz  
Andy Lennox  
Dan Yake**

**Also Present: Chief Administrative Officer/Clerk: Lorraine Heinbuch  
Executive Assistant: Cathy Conrad**

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

**A. CALLING THE MEETING TO ORDER**

Mayor Tout called the meeting to order.

**B. O' CANADA**

**C. PASSING AND ACCEPTANCE OF AGENDA**

**Moved by: Councillor Goetz  
Seconded by: Councillor Burke**

*THAT the Agenda for the April 8, 2013 Regular Meeting of Council be accepted and passed.*

**Resolution Number: 1**

**Carried**

**D. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE  
THEREOF**

None

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**E. MINUTES**

1. Court of Revision, March 25, 2013
2. Regular Meeting of Council, March 25, 2013

**Moved by: Councillor Goetz**

**Seconded by: Councillor Burke**

*THAT the minutes of the Court of Revision and the Regular Meeting of Council held on March 25, 2013 be adopted as circulated.*

**Resolution Number: 2**

**Carried**

**F. BUSINESS ARISING FROM MINUTES**

1. Report from Lori Heinbuch, Chief Administrative Officer/Clerk and Mike Givens, Treasurer
  - Development Charges Study required for new 5 year By-law (current Development Charges By-law is in effect until June 16, 2013)
  - Treasurer's report TR2013-12 regarding Development Charge background study proposals

**Moved by: Councillor Burke**

**Seconded by: Councillor Goetz**

*THAT the Council of the Corporation of the Township of Wellington North receive the Treasurer's Report TR2013-12 with regard to Development Charge Background Study Proposals;*

*AND FURTHER THAT Council directs staff to proceed with Watson & Associates in completing the Development Charge Background Study to meet the requirements of section 10 of the Development Charges Act, 1997 as per their proposal of March 5, 2013.*

**Resolution Number: 3**

**Carried**

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**G. DELEGATIONS, DEPUTATIONS, PETITIONS, PRESENTATIONS**

1. Jens Dam, R.R. 1, Moorefield, Ont., N0G 2K0  
Re: Refund of Development Charge

Mr. Dam appeared before Council to ask "Has the refunds due been repaid with interest within the 30 day period as required in the Development Charges Act 1997? If yes, please supply certification. If no, has the township applied for and received permission from the OMB for an extension to comply with the repayment provisions? If yes, please provide particulars. If no, please explain why the OMB order is not being complied with." Mr. Dam question how Council is going to deal with getting the money back. There is a negative in the Development Charges reserve fund. The Taxpayers deserve to have that money in reserve funds.

Mayor Tout reviewed the letter received by Mr. Dam. Mayor Tout asked Rob Mullin, solicitor, to respond to Mr. Dam's request.

Mr. Mullin responded with the following points:

- Our offices have reviewed Mr. Dam's letter, dated April 4<sup>th</sup>, 2013. I have had the opportunity to review such, confer with co-counsel and also discuss these matters with the land economist involved in the amended study, Mr. Gary Scandlan of Watson and Associates.
- Mr. Dam's request, is "Has the refunds due been repaid with interest within the 30 day period as required in the *Development Charges Act 1997*?"
- Mr. Dam's request does not reference which section of the *Development Charges Act* he is referring to, but it is suspected that it is section 18 within that Act. (Copies distributed).
- The operative portions of section 18 state:  
"The municipality shall refund, in the case of an amendment, the difference between any development charge paid under the by-law and the development charge that would have been payable under the by-law as amended."

Coupled with section 16 of the *Development Charges Act*, since the Ontario Municipal Board cannot increase a development charge, this section means that should the OMB reduce a development charge, the difference is owed to the payor.

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**G. DELEGATIONS, DEPUTATIONS, PETITIONS, PRESENTATIONS**  
(continued)

1. Jens Dam, R.R. 1, Moorefield, Ont., N0G 2K0  
Re: Refund of Development Charge (continued)

- This is not the case here. Vice Chair Schiller in her March 5<sup>th</sup>, 2013, decision, did not deepen the reductions as passed by Council in By-law No. 33-12. Vice Chair Schiller only amended By-law No. 33-12 to make it effective on its passage date of May 28<sup>th</sup>, 2012. As such, development charges collected by the Municipality were not greater than those concluded by the OMB.
- Given this, I cannot agree with Mr. Dam's opinion that refunds are owing to individuals by the Municipality, in this instance.

Mr. Dam stated that as per section 35 of the Development Charges Act the money in the reserve fund is for service and may be spent for capital costs, not for refund. That money has been given out and is not allowed. The refunds have to be paid into the development charges fund.

Mayor Tout asked Mr. Dam if his question is “Has the refund been repaid?”

Mr. Dam responded that something has to happen soon and that he will be coming back until it happens.

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

1. Wellington North Fire Service
  - Arthur Station
    - March, 2013 Report
    - March 2013 Fire Prevention Officer's Report
  - Mount Forest Station
    - March, 2013 Report
    - March 2013 Fire Prevention Officer's Report

**Moved by: Councillor Goetz**

**Seconded by: Councillor Burke**

*THAT the Council of the Corporation of the Township of Wellington North receive the Wellington North Fire Service March 2013 Fire Reports and the March 2013 Fire Prevention Officer's Reports for the Arthur and Mount Forest Fire Stations.*

**Resolution Number: 4**

**Carried**

**I. CORRESPONDENCE FOR COUNCIL'S INFORMATION**

1. 895 Mount Forest Air Cadets  
Re: Request for Permission to Conduct Tag Day on April 20, 2013

**Moved by: Councillor Burke**

**Seconded by: Councillor Goetz**

*THAT the Council of the Corporation of the Township of Wellington North grant permission to the 895 Mount Forest Air Cadets to hold a Tag Day fund raising event on April 20, 2013.*

**Resolution Number: 5**

**Carried**

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I. **CORRESPONDENCE FOR COUNCIL'S INFORMATION** (continued)

2. Coast to Coast Against Cancer Foundation  
Re: Authorization for Tour for Kids Bicycle Fundraising Event, August  
15 and 16, 2013

**Moved by: Councillor Burke**

**Seconded by: Councillor Goetz**

*THAT the Council of the Corporation of the Township of Wellington North grant permission to the Coast To Coast Against Cancer Foundation to conduct their Tour for Kids bicycle fundraising event on August 15 and 16, 2013.*

**Resolution Number: 6**

**Carried**

3. Heart & Stroke Foundation  
Re: Heart & Stroke Big Bike Events – Arthur (Tuesday, June 4, 2013) and  
Mount Forest (Tuesday, May 28, 2013)

**Moved by: Councillor Lennox**

**Seconded by: Councillor Yake**

*THAT the Council of the Corporation of the Township of Wellington North grant permission to the Wellington/Dufferin Chapter of the Heart and Stroke Foundation to hold Big Bike for Stroke events in the Town of Mount Forest on May 28, 2013 and in the Village of Arthur on June 4, 2013 using the routes proposed by the foundation.*

**Resolution Number: 7**

**Carried**

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**J. BY-LAWS**

1. 25-13 Being a By-law to Permit Fundraising Activities by a Charitable Organization on a Roadway Under the Safe Streets Act, S.O. 1999 in the Township of Wellington North. (Mount Forest Kin Club Spring Road Toll – Main Street, Mount Forest)

**Moved by: Councillor Yake**  
**Seconded by: Councillor Lennox**

*THAT By-law Number 25-13 being a by-law to permit fundraising activities by a charitable organization on a roadway under the Safe Streets Act. S.O. 1999 in the Township of Wellington North be read a First, Second and Third time and finally passed. (Mount Forest Kin Club Spring Road Toll – Main Street, Mount Forest)*

**Resolution Number: 8**

**Carried**

2. 26-13 Being a By-law to Amend Zoning By-law Number 66-01 Being the Zoning By-law for the Township of Wellington North. (Survey Crown, Part Park Lot 5, Part 1 – RP 60R1496 (McDougall/Newell – Gas Bar/Convenience/Drive Thru, 3231 Smith St., Arthur)

**Moved by: Councillor Yake**  
**Seconded by: Councillor Lennox**

*THAT By-law Number 26-13 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. (McDougall/Newell – Gas Bar/ Convenience/ Drive Thru, 321 Smith Street, Arthur)*

**Resolution Number: 9**

**Carried**

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J. **BY-LAWS** (continued)

3. 27-13 Being a By-law to Amend Zoning By-law Number 66-01 Being the Zoning By-law for the Township of Wellington North. (Part of Lot 4, Concession 3, 8172 Line 2, Ruby and John Martin)

**Moved by:** Councillor Burke  
**Seconded by:** Councillor Yake

*THAT By-law Number 27-13 be deferred pending further information with respect to the size of the proposed building, and to be brought back at the April 22, 2013 Regular Council meeting.*

**Resolution Number: 10**

**Carried**

4. 28-13 Being a By-law to Rectify an Error in Town of Mount Forest By-law No. 17-96 for Industrial Drive

**Moved by:** Councillor Yake  
**Seconded by:** Councillor Lennox

*THAT By-law Number 28-13 being a by-law to rectify an error in Town of Mount Forest By-law No. 17-96 for Industrial Drive be read a First, Second and Third time and finally passed.*

**Resolution Number: 11**

**Carried**

5. 29-13 Being a By-law to Establish a Highway in the Former Town of Mount Forest

**Moved by:** Councillor Lennox  
**Seconded by:** Councillor Yake

*THAT By-law Number 29-13 being a by-law to establish a highway in the Former Town of Mount Forest be read a First, Second and Third time and finally passed.*

**Resolution Number: 12**

**Carried**



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J. **BY-LAWS** (continued)

6. 30-13 Being a By-law to Temporarily Close a Portion of Frederick Street West Between George Street and Edward Street, in the Former Village of Arthur for the Purpose of Holding an Art in the Street Day.

**Moved by:** Councillor Lennox  
**Seconded by:** Councillor Yake

*THAT By-law Number 30-13 being a by-law to temporarily close a portion of Frederick Street West between George Street and Edward Street, in the Former Village of Arthur for the purpose of holding an Art in the Street Day.*

**Resolution Number: 13**

**Carried**

K. **OTHER/NEW BUSINESS**

1. County of Wellington, Planning and Land Division Committee  
Re: Comments for Consent Applications

B24/13, Hewson Family Investments Ltd.

Council supported the application with the following conditions:

- That the Owner receive approval from the applicable road authority.
- That the Owner satisfy the requirements in reference to parkland dedication.
- 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 pays for cost of servicing to the severed and retained lands to the satisfaction of the Township.

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**K. OTHER/NEW BUSINESS (continued)**

1. County of Wellington, Planning and Land Division Committee  
Re: Comments for Consent Applications (continued)

B24/13, Hewson Family Investments Ltd. (continued)

- That a Development Agreement at the owners expense is required to address servicing.
- That servicing can be provided to the satisfaction of the local municipality and provided that safe driveway access can be provided to the satisfaction of the applicable road authority.

B25/13, Leslie and Sheila Eccles

Council supported the application with the following conditions:

- That the Owner receive approval from the applicable road authority.
- That the Owner satisfy the requirements in reference to parkland dedication.
- 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.
- Frame barn is in a dilapidated condition and must be removed.
- The frame shed is oversized and dilapidated and must be removed.
- The severed must be brought into compliance with Property Standards By-law 34-99.
- On-site sewage system must be shown on survey sketch and location must comply to O.B.C.
- That the retained lands are rezoned to prohibit residential use to the satisfaction of the local municipality and County of Wellington Planning and Development Department; and

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**K. OTHER/NEW BUSINESS (continued)**

1. County of Wellington, Planning and Land Division Committee  
Re: Comments for Consent Applications (continued)

B25/13, Leslie and Sheila Eccles (continued)

- That zoning relief is obtained for the accessory buildings on the severed lands to the satisfaction of the local municipality and County of Wellington Planning and Development Department.
- The width of the lot be reduced to keep the cultivated land with the farm.

**L. ITEMS FOR COUNCIL'S INFORMATION**

Cheque Distribution Report dated April 3, 2013

Saugeen Conservation

- Press Release, Time for a Check-up!, March 18, 2013

**M. NOTICE OF MOTION**

None.

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**N. CULTURAL MOMENT**

Earth & Encaustic

*Encaustic / Clay from Elsa Mann*

*Of Night & Day Studio*

Elsa's potting career began initially as a past time, but quickly grew into a full-fledged obsession. She is primarily a self-taught potter, who's spent over 15 years focusing her attention on raku pottery, and using raku fired works in non-traditional ways.

One of her various specializations includes horse-raku pottery. This firing method results in pottery which resembles the look of exotic wood or marble. Incorporating the crackled glazed effects of American raku, together with her horse-hair techniques, and most recently encaustic painting (beeswax and pigments), Elsa continues to create a style of pottery that is truly her own, and pieces that are definitely outside of the norm.

Elsa co-owns Night & Day Studio together with her husband and fellow potter, Paul Kaye. Their home and studio is located on an idyllic treed property just south of Mount Forest.

**O. ANNOUNCEMENTS**

Councillor Yake commented that the Municipal Hockey Tournament was a huge success with twelve teams participating. He has had lots of positive feedback. The tournament cleared \$5,000.00, which will go back into the community.

Mayor Tout commented that the OPP held an open house at the training centre in Kenilworth on April 3, 2013. It was well attended with several Wellington North staff, Wellington County staff and other municipal Council member attending.

Mayor Tout attended Grand Openings on April 5 for Arthur Home Hardware and the TSC Store in Mount Forest.

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**P. CONFIRMING BY-LAW**

**Moved by: Councillor Yake**

**Seconded by: Councillor Lennox**

*THAT By-law Number 31-13 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 April 8, 2013 be read a First, Second and Third time and finally passed.*

**Resolution Number: 14**

**Carried**

**Q. ADJOURNMENT**

**Moved by: Councillor Lennox**

**Seconded by: Councillor Yake**

*THAT the Regular Council meeting of April 8, 2013 be adjourned at 8:40 p.m.*

**Resolution Number: 15**

**Carried**

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C.A.O./CLERK

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MAYOR