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A vibrant downtown

A progressive diversified economy
An appealing attractive city

AGENDA

GUELPH CITY COUNCIL

September 5, 2006 - 6:30 p.m.

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

- O Canada
- Silent Prayer
- Disclosure of Pecuniary Interest
- Confirmation of Minutes – August 21, 2006 (Councillor Ferraro)
“THAT the minutes of the Council meeting held August 21, 2006 and the minutes of the Council meeting held in Committee of the Whole on August 21, 2006 be confirmed as recorded and without being read.”

REGULAR MEETING

DELEGATIONS

Resolution (Councillor Furfaro)

“THAT persons desiring to address Council be permitted to do so at this time.”
Delegations are limited to a maximum of five (5) minutes.

- a) A representative of the Guelph Junction Railway Board of Directors with respect to the 2005 Audited Statements.

COMMITTEE OF THE WHOLE

Resolution – Councillor Hamtak

“THAT Council now go into Committee of the Whole to consider reports and correspondence.”

REPORTS FROM COMMITTEES OF COUNCIL AND OTHER COMMITTEES

- a) Committee of the Whole – 2nd Report
“THAT the SECOND REPORT of the Council as a Committee of the Whole be received and adopted.”

CONSENT AGENDA

- A) Reports from Administrative Staff
- B) Items for Direction of Council
- C) Items for Information of Council

Resolution to adopt the Consent Agenda.

Resolution:- Committee rise with leave to sit again (Councillor Kovach)
“THAT the Committee rise with leave to sit again.”

Resolution:- proceedings in Committee of the Whole (Councillor Laidlaw)
“THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council.”

SPECIAL RESOLUTIONS

BY-LAWS

Resolution:- First and Second Reading of By-laws. (Councillor Moziar)

Verbal Resolution:- Council go into Committee of the Whole to consider the by-laws.

NOTE: When all by-laws have been considered, a member of Council should move “THAT the Committee rise and report the by-laws passed in Committee without amendment (or as amended).

Resolution:- Third Reading of By-laws. (Councillor Schnurr)

QUESTIONS

MAYOR’S ANNOUNCEMENTS

Please provide any announcements, to the Mayor in writing, by 12:00 noon on the day of the Council meeting.

NOTICE OF MOTION

ADJOURNMENT

Council Committee Room B
August 21, 2006 5:00 p.m.

A meeting of Guelph City Council.

Present: Mayor Quarrie, Councillors Baily, Billings, Birtwistle, Burcher, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar and Schnurr.

Absent: Councillor Downer

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Ms. P. Blais, Director of Human Resources; Mr. D.A. Kennedy, Director of Finance/City Treasurer; Mr. D. McCaughan, Director of Operations; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Planning & Development Services; Mr. G. Stahlmann, Director of Community Services; Mr. T. Tolkunow, City Engineer/Manager of Engineering Services; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. J. Sweeney, Council Committee Co-ordinator

1. Moved by Councillor Birtwistle
Seconded by Councillor Baily

THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (d) and (e) of the Municipal Act, with respect to:

- labour relations or employee negotiations;
- litigation or potential litigation.

Carried

The meeting adjourned at 5:01 o'clock p.m.

.....
Mayor

.....
Clerk

Council Committee Room B
August 21, 2006 5:02 p.m.

A meeting of Guelph City Council meeting in Committee of the Whole.

Present: Mayor Quarrie, Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar and Schnurr.

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Ms. P. Blais, Director of Human Resources; Mr. D.A. Kennedy, Director of Finance/City Treasurer; Mr. D. McCaughan, Director of Operations; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Planning & Development Services; Mr. G. Stahlmann, Director of Community Services; Mr. T. Tolkunow, City Engineer/Manager of Engineering Services; Mr. P. Cartwright, Manager of Economic Development Services; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations of pecuniary interest.

Councillor Downer arrived at 5:20 p.m.

1. Moved by Councillor Kovach
Seconded by Councillor Birtwistle

THAT staff be given direction with respect to a potential litigation matter.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Birtwistle, Burcher, Downer, Ferraro, Kovach, Laidlaw (6)

VOTING AGAINST: Councillors Baily, Billings, Furfaro, Hamtak, Moziar, Schnurr and Mayor Quarrie (7)

The motion was defeated.

The Manager of Economic Development Services provided an update with respect to a potential litigation matter.

2. Moved by Councillor Laidlaw
Seconded by Councillor Birtwistle

THAT an annual contribution to the Association of Municipalities of Ontario (AMO), OMERS Support Fund be approved.

REPORT

Carried

The meeting adjourned at 5:50 o'clock p.m.

.....
Mayor

.....
Clerk

Council Chambers
August 21, 2006

Council reconvened in formal session at 6:30 p.m.

Present: Mayor Quarrie, Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar and Schnurr.

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Ms. Pauline Blais, Director of Human Resources; Mr. D.A. Kennedy, Director of Finance/City Treasurer; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Planning & Development Services; ; Mr. G. Stahlmann, Director of Community Services; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

- 1. Moved by Councillor Moziar
Seconded by Councillor Schnurr

THAT the minutes of the Council meeting held on July 10, 2006 be amended to notate Councillor Burcher absent and to correct the address referenced under the delegation of Harry Ragetlie as 222 College Avenue East;

AND THAT the minutes of the Council meeting held in committee of the Whole on July 31, 2006 be amended to reflect Councillor Downer seconding Resolution #1;

AND THAT the minutes of the Council meeting held on July 17 and 31, 2006 and the minutes of the Council meeting held in Committee of the Whole on July 10 and 17, 2006 be confirmed as recorded and without being read;

AND THAT the minutes of the Council meetings held on July 10, 2006 be confirmed as amended and without being read;

AND THAT the minutes of the Council meeting held in Committee of the Whole on July 31, 2006 be confirmed as recorded and without being read.

Carried

PRESENTATIONS

Councillor Burcher presented the Mayor with the gifts given to the City during the inception visit to Mozambique and the municipalities of Xai-Xai and Moatize. She presented a slide show of the City representatives' visit to the area.

2. Moved by Councillor Schnurr
Seconded by Councillor Moziar

THAT persons wishing to address Council be permitted to do so at this time.

Carried

REGULAR MEETING

DELEGATIONS

Proposed Post Office Renovation Project Update

Ms. Bev Izzillo-Ustation was present and expressed concern with the proposed renovations of the former Post Office building located on Wyndham Street North and the City/County cost sharing of the costs. She urged Council to not participate in this project.

3. Moved by Councillor Furfaro
Seconded by Councillor Birtwistle

THAT staff be directed to negotiate with the County the proposed arrangements as outlined in report – Proposed Post Office Renovation Project Update, dated July 31, 2006.

4. Moved in Amendment by Councillor Billings
Seconded by Councillor Schnurr
THAT the City seek an easement in perpetuity for the walkway adjacent to the former Post Office building.

Carried

5. Moved in Amendment by Councillor Schnurr
Seconded by Councillor Hamtak
WHEREAS the Council of the City of Guelph has not seen a business case on this proposal; that as part of the negotiations, staff be directed to consider other options that may be cost effective alternatives.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Ferraro, Furfaro, Hamtak, Moziar, Schnurr and Mayor Quarrie (8)

VOTING AGAINST: Councillors Birtwistle, Burcher, Downer, Kovach and Laidlaw (5)

The motion was carried.

6. Moved in Amendment by Councillor Kovach
Seconded by Councillor Baily
THAT the County of Wellington be requested to provide the Council of the City of Guelph the business case scenario for the renovations to the former Post Office building.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar, Schnurr and Mayor Quarrie (13)

VOTING AGAINST: (0)

The motion was carried.

7. Moved by Councillor Furfaro
Seconded by Councillor Birtwistle
THAT staff be directed to negotiate with the County the proposed arrangements as outlined in report – Proposed Post Office Renovation Project Update, dated July 31, 2006;

AND THAT the City seek an easement in perpetuity for the walkway adjacent to the former Post Office building;

Mr. D.A. Kennedy
Ms. L.E. Payne

AND WHEREAS the Council of the City of Guelph has not seen a business case on this proposal; that as part of the negotiations, staff be directed to consider other options that may be cost effective alternatives;

AND THAT the County of Wellington be requested to provide the Council of the City of Guelph the business case scenario for the renovations to the former Post Office building.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar, Schnurr and Mayor Quarrie (13)

VOTING AGAINST: (0)

The motion was carried.

Sign By-law Variances for Wellington Park Terrace at 181 Janefield Avenue

John Woods was present on behalf of the applicant to answer any questions with respect to their requested sign by-law variance for 181 Janefield Avenue. Council had no questions.

8. Moved by Councillor Billings
Seconded by Councillor Birtwistle

Mr. J Riddell
Mr. B. Poole

THAT the request for variances from the Sign By-law for Plan 584, Lot 4 and Lot 5, known as 181 Janefield Avenue, to permit a non-illuminated building sign with a sign area of 15.6 square metres to be located at the roof level of the building, for Wellington Park Terrace, be approved.

Carried

9. Moved by Councillor Baily
Seconded by Councillor Ferraro

THAT Council now go into the Committee of the Whole to consider reports and correspondence.

Carried

Councillor Birtwistle presented the EIGHTH REPORT of the Planning, Environment & Transportation Committee

Stage 2 Expansion – Guelph Wastewater Treatment Strategy Class Environmental Assessment Update

Dr. J. Laird
Mr. D.A. Kennedy

10. Moved by Councillor Birtwistle
Seconded by Councillor Hamtak

THAT the report of the Director of Environmental Services dated July 31, 2006 entitled "Stage 2 Expansion - Guelph Wastewater Treatment Strategy Class Environmental Assessment Update" be received;

AND THAT a notice of completion of Stage 2 Expansion be issued and the mandatory 30 day public review period be initiated;

AND THAT staff report back prior to proceeding to initiate planning and design activities in support of treatment plant expansion by 2011;

AND THAT a fall workshop for Council be planned regarding the linkage between the Wastewater Stage 2 Expansion, the Biosolids Management Master Plan, the Wastewater Master Plan, Places to Grow, the Water Supply Master Plan and the Solid Waste Management Plan.

Carried

Biosolids Management Master Plan

Dr. J.L. Laird
Mr. D.A. Kennedy

11. Moved by Councillor Birtwistle
Seconded by Councillor Hamtak

THAT the report of the Director of Environmental Services dated July 31, 2006 entitled "Biosolids Management Master Plan" be received;

AND THAT a notice of Master Plan Completion be issued and public comments be invited for a period of 30 days;

AND THAT, public comments received be incorporated and that the recommendations of the Biosolids Management Master Plan be implemented;

AND THAT Council endorse the Wastewater Treatment Plan Biosolids Facility Upgrade as its top priority with regard to applying for the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) Intake Three funding program;

AND THAT more detailed financial implications be provided to Council;

AND THAT the City inter link the proposed Clean Water Act Legislation, Bill 43, specifically the implications on source protection as it would apply to wastewater and the discharge into the water system.

Carried

Notice of Intention to Designate 1453 Gordon Street, Pursuant to the Ontario Heritage Act

Mr. J. Riddell

12. Moved by Councillor Birtwistle
Seconded by Councillor Hamtak
THAT the City Clerk be authorized to advertise the intended designation of the Farmhouse at 1453 Gordon Street as required by the Ontario Heritage Act and as recommended by Heritage Guelph;

AND THAT the individual designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day appeal period;

AND THAT the proposed designation of the drive shed located at 1453 Gordon Street be referred back to staff.

Carried

Notice of Intention to Designate 21 Nottingham Street, Pursuant to the Ontario Heritage Act

Mr. J. Riddell

13. Moved by Councillor Birtwistle
Seconded by Councillor Hamtak
THAT the City Clerk be authorized to advertise the intended designation of 21 Nottingham Street as required by the Ontario Heritage Act and as recommended by Heritage Guelph;

AND THAT the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day appeal period;

AND THAT additional information with respect to sources be provided to Council.

Carried

Special Event – Jazz Festival

Mr. D. McCaughan

14. Moved by Councillor Birtwistle
Seconded by Councillor Hamtak
THAT the revised location for the Jazz Festival as outlined in the Planning, Environment & Transportation Committee Report Special Event – Jazz Festival dated August 14, 2006, be approved.

Carried

Special Event – Run for the Cure

Mr. D. McCaughan

- 15. Moved by Councillor Birtwistle
Seconded by Councillor Hamtak

THAT the revised route for the Run for the Cure as outlined in the Planning, Environment & Transportation Committee Report Special Event – Run for the Cure dated August 14, 2006, be approved.

Carried

Elmira Road at Willow Road – New School Crossing Guard Location

Mr. D. McCaughan
Mr. D.A. Kennedy
Ms. M. Rogers

- 16. Moved by Councillor Birtwistle
Seconded by Councillor Hamtak

THAT a school crossing guard be posted temporarily at the intersection of Elmira Road and Willow Road to assist children crossing Elmira Road as of the commencement of the 2006-2007 school year, for the remainder of the school year;

AND THAT staff reassess the continued need for a school crossing guard at the intersection of Elmira Road at Willow Road in 2007 and report back to Council before the commencement of the 2007-2008 school year;

AND THAT the 2007 Operating Budget be increased by \$7,500 to fund a school crossing guard at the intersection of Elmira Road and Willow Road.

Carried

CONSENT AGENDA

The following items #A-7 and B-2 were extracted from the Consent Agenda to be voted on separately.

- 17. Moved by Councillor Furfaro
Seconded by Councillor Birtwistle

THAT the balance of the August 21, 2006 Consent Agenda as identified below, be adopted:

- a) **Noise Control By-law Exemption Request for 31 Kendrick Avenue, Guelph, Fundraiser for the Masai Centre**

Mr. J. Riddell
Mr. B. Poole
Chief R. Davis

THAT an exemption from Schedule A of Noise Control By-law (2000)-16366, as amended, to permit noise from various activities associated with the Masai Fundraiser at 31 Kendrick Avenue, including the amplification of music between the hours of 7:00 p.m. to 10:00 p.m. on August 26, 2006, be approved;

AND THAT the applicant notifies the surrounding neighbourhood of the activities associated with Masai Fundraiser before the event occurs.

b) **Sign By-law Variances for Hampton Inn and Suites at 725 Imperial Road North**

Mr. J. Riddell
Mr. B. Poole

THAT the request for variances from the Sign By-law for Registered Plan 61M34, Lot 1, known as 725 Imperial Road North, to permit a building sign with a sign area of 5.8 square metres and a building sign with a sign area of 8.0 square metres to be located at the roof level of the building, for Hampton Inn and Suites, be approved.

c) **Minor Alterations to a Property Designated Under The Ontario Heritage Act: 138 Wyndham Street North**

Mr. J. Riddell
Ms. D. Van Wyck

THAT the alterations to elements designated under the Ontario Heritage Act at 138 Wyndham Street North, The Dominion Public Building, as itemized in the attached Heritage Guelph motion of July 24, 2006, be approved.

d) **Westminster Woods East Subdivision Phase 3 – proposed Residential Draft Plan of Subdivision and associated Zoning By-law Amendment including common element condominium landscape features (File 23T-02502/ZC0214)**

Ms. N. Shoemaker
Mr. J. Riddell
Mr. D.A. Kennedy
Mr. G. Stahlmann
Mr. D. McCaughan
Dr. J.L. Laird
Ms. L.E. Payne

THAT Report 06-76 regarding Westminster Woods East Subdivision, Phase 3 from Planning and Development Services dated August 21, 2006, be received;

AND THAT the application by Westminster Woods Limited for approval of a Residential Draft Plan of Subdivision and associated Zoning By-law Amendment for the Westminster Woods East Subdivision (File 23T-02502/ZC0214), on lands legally described as Part of Lots 9 & 10, Concession 8, (formerly Puslinch Township) in the City of Guelph, municipally known as 340 Clair Road East, be approved to permit the third logical phase of development, subject to the conditions contained in Schedule 1 attached hereto.

e) **Old University and Centennial Neighbourhoods Draft Community Improvement Plan**

Mr. J. Riddell
Mr. D.A. Kennedy

THAT Council receive the Old University and Centennial Neighbourhoods Community Improvement Plan – 2006 (OUCN CIP) and direct that the Plan:

1. be applied to the evaluation of development proposals within the Community Plan boundaries;
2. be used to identify potential capital projects subject to Council approval through the City’s capital budget process; and
3. be used to inform the City’s Local Growth Management Strategy.

AND THAT Council continue its current practice of funding sidewalk improvements in the Old University and Centennial Neighbourhoods through the capital budget process;

AND THAT the actual timing, priority and cost of infrastructure improvements be determined through annual Department work plans and Council budget approval processes;

AND THAT the members of the OUCN CIP be thanked for their assistance to City Staff in the completion of this initiative.

f) **Proposed Clean Water Act Legislation – Bill 43**

Dr. J. L. Laird
 Mr. J. Riddell
 Ms. L. Sandals
 County of Wellington

THAT the report dated August 21, 2006 entitled Proposed Clean Water Act Legislation – Bill 43 be received by Council;

AND THAT a copy be forwarded to the Provincial Committee for Social Planning as the City’s comments on the proposed legislation;

AND THAT this report be forwarded to Liz Sandals, MPP Guelph-Wellington, and the County of Wellington for their information.

B Items for Direction of Council

1) **The Stampede Ranch 20th Anniversary Weekend**

Mr. A. Mackay

THAT the City of Guelph has no objection to an outdoor event planned by the Stampede Ranch for September 7th, 8th and 9th, 2006.

Carried

Public Education Process – Question on the Ballot

18. Moved by Councillor Hamtak
Seconded by Councillor Laidlaw

THAT the public education process for the Question on the 2006 Municipal Election Ballot include the following:

- History of Guelph's ward system
- Implications of a binding yes vote
- Implications of a binding no vote
- Characteristics of ward systems
- Characteristics of other electoral systems
- Provisions of Municipal Elections Act regarding questions

19. Moved in Amendment by Councillor Laidlaw
Seconded by Councillor Birtwistle

THAT a factual statement be included in the public education process with respect to the number of municipalities in Ontario with a population greater than 75,000 providing statistics on electoral system of wards, at large and any other methods of electing a municipal Council.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Kovach, Laidlaw, Moziar and Mayor Quarrie (10)

VOTING AGAINST: Councillors Furfaro, Hamtak and Schnurr (3)

The motion was carried.

20. Moved by Councillor Hamtak
Seconded by Councillor Laidlaw

THAT the public education process for the Question on the 2006 Municipal Election Ballot include the following:

- History of Guelph's ward system
- Implications of a binding yes vote
- Implications of a binding no vote
- Characteristics of ward systems
- Characteristics of other electoral systems
- Provisions of Municipal Elections Act regarding questions

AND THAT a factual statement be included in the public education process with respect to the number of municipalities in Ontario with a population greater than 75,000 providing statistics on an elector system of wards, at large and any other methods of electing a municipal Council.

Mrs. L.A. Giles
Ms. L.E. Payne

Carried

21. Moved by Councillor Burcher
Seconded by Councillor Laidlaw

THAT the City of Guelph hold an advertised public workshop to assist the public with respect to the question on the 2006 municipal election ballot.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Burcher, Downer, Kovach and Laidlaw (5)

VOTING AGAINST: Councillors Billings, Birtwistle, Ferraro, Furfaro, Hamtak, Moziar, Schnurr and Mayor Quarrie (8)

The motion was defeated.

22. Moved by Councillor Billings
Seconded by Councillor Schnurr

THAT the public education on the question on the 2006 municipal election ballot be posted on the City's website and advertised on the City's Page in the Guelph Tribune.

Councillor Ferraro retired from the meeting at 8:20 p.m.

23. Moved in Amendment by Councillor Burcher
Seconded by Councillor Laidlaw

THAT the public education on the question on the 2006 municipal election ballot include the following:

- Mass distribution of printed information
- Brochures/printed material for public facilities
- Local cable programming.

A recorded vote was requested which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Burcher, Downer, Hamtak, Kovach, Laidlaw, Moziar and Mayor Quarrie (10)

VOTING AGAINST: Councillors Furfaro and Schnurr (2)

The motion was carried.

24. Moved by Councillor Billings
Seconded by Councillor Schnurr

THAT the public education on the question on the 2006 municipal election ballot be:

- posted on the City's website
- advertising on the City's Page in the Guelph Tribune.
- mass distribution of printed information

Mrs. L.A. Giles
Ms. L.E. Payne
Mr. D.A. Kennedy

- brochures/printed material for public facilities
- local cable programming.

Carried

“U” Designation on Voters List

Hon. J. Gerretsen
Ms. L. Sandals
Municipalities

25. Moved by Councillor Schnurr
Seconded by Councillor Billings

WHEREAS the Municipal Elections Act provides that on or before July 31 in the year of a regular election, the Municipal Property Assessment Corporation (MPAC) shall prepare a preliminary list for each local municipality and deliver it to the clerk;

AND WHEREAS the preliminary list is to contain the name and address of each person who is entitled to be an elector;

AND WHEREAS one of the eligibility requirements for municipal elections is that of Canadian citizenship;

AND WHEREAS in 2006, MPAC has included on the voter notification data file for Guelph, the names of close to 10,000 individuals whose citizenship MPAC has been unable to confirm;

AND WHEREAS the inclusion of unconfirmed citizenship has resulted in additional work and cost to municipalities in Ontario in attempting to confirm status of citizenship;

THEREFORE BE IT RESOLVED THAT Guelph City Council express its concern to the Minister of Municipal Affairs that the inclusion of unconfirmed citizenship is not in keeping with the Municipal Elections Act and will result in additional cost to municipalities, and inconvenience to voters on election day, and that the Minister be requested to ensure that MPAC complies with the Municipal Elections Act for future elections;

AND THAT this resolution be forwarded to Liz Sandals, MPP Guelph-Wellington and Ontario Municipalities with a population greater than 100,000.

Carried

25. Moved by Councillor Billings
Seconded by Councillor Moziar

THAT the Committee rise with leave to sit again.

Carried

26. Moved by Councillor Birtwistle
Seconded by Councillor Kovach
THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council.

Carried

BY-LAWS

27. Moved by Councillor Burcher
Seconded by Councillor Laidlaw
THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2006)-18103 to (2006)-18128, inclusive.

Carried

The By-laws were read a first and second time at 8:34 o'clock p.m.

Council went into Committee of the Whole on By-laws Numbers (2006)-18103 to (2006)-18128, inclusive.

Mayor Quarrie in the Chair.

At 8:37 o'clock p.m., the Committee rose and reported By-laws Numbered (2006)-18103 to (2006)-18128, inclusive, passed in Committee without amendment.

28. Moved by Councillor Downer
Seconded by Councillor Kovach
THAT By-laws Numbered (2006)-18103 to (2006)-18128, inclusive, be read a third time and passed.

Carried

The By-laws were read a third time and passed at 8:38 o'clock p.m.

QUESTIONS

In response to questions by Councillor Laidlaw, the City Clerk advised that there are no policies with respect to senior staff supporting candidates or inviting staff to fundraisers.

In response to questions by Councillor Baily, the Director of Planning and Development Services advised that staff are working on a policy with respect to clothes lines in subdivisions.

In response to questions by Councillor Birtwistle, the Director of Operations advised that 15 skeletal remains were found in the south end of the Baker Street Parking Lot and these remains have been interred in a cemetery.

MAYOR'S ANNOUNCEMENTS

The Mayor announced that there will be a sod turning for the new Civic Administration Centre tomorrow, Tuesday August 22, 2006 at 9:30 a.m.

NOTICE OF MOTION

Councillor Laidlaw advised that she will be presented a notice of motion at a future Council meeting with respect to the lack of a policy for staff support of candidates.

ADJOURNMENT

The meeting adjourned at 8:45 o'clock p.m.

Minutes read and confirmed September 5, 2006.

.....
Mayor

.....
Clerk

CONDITIONS, ZONING LAND USES AND REGULATIONS

That the application by Westminister Woods Limited for approval of a Residential Draft Plan of Subdivision and associated Zoning By-law Amendment for the Westminister Woods East Subdivision (File 23T-02502 / ZC0214), applying to land legally described as Part of Lots 9 & 10, Concession 8, (formerly Puslinch Township) in the City of Guelph, municipally known as 340 Clair Road East, be approved, to permit the third logical phase of development as outlined in Schedules 5 and 6 of the July 31, 2006 Planning and Development Services planning application report, subject to the following conditions:

CITY CONDITIONS:

1. That this approval applies only to the revised draft plan of subdivision prepared by Design Plan Services Inc., Westminister Woods East Subdivision (File 23T-02502 / ZC0214), Drawing Number 0112-81, dated May 11, 2006, including road widenings and reserves and the following red-line amendments:
 - All street names shall be removed from the draft plan.
 - 0.3 metre reserves are required on the Draft Plan along the open sides of Goodwin Drive and Frederick Drive, at the open ends of Colonial Drive and Baxter Drive and between Clair Road & Open Space Block 169.
 - The road widening Blocks 176 and 177 should be removed from the Draft Plan because we will already be receiving these road widenings through the registration of the 61M-Plan for Westminister Woods East Phase 2.

Conditions to be met prior to grading and site alteration

2. That prior to any grading or construction on the site, the developer enters into an **Engineering Services Agreement** with the City, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
3. That the developer prepares a **site drainage and grading plan** for the entire subdivision, satisfactory to the City Engineer.
4. That the developer submits a detailed **stormwater management report and plans** to the satisfaction of the City Engineer which show how storm water will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quality in accordance with recognized Best Management Practices and Provincial Guidelines.
5. That the developer completes a **tree inventory and conservation plan** in accordance with the City of Guelph Tree By-law (1986)-12229, satisfactory to the City Engineer and the Director of Planning and Development Services, prior to any grading or construction on the site. Such report shall also specifically address the preservation of hedgerows and treatment of all woodlands.

6. That the developer agrees to **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.
7. That the developer constructs, installs and maintains **erosion and sediment control** facilities, satisfactory to the City Engineer, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified **Environmental Inspector**, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The Environmental Inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the Environmental Impact Study and the Environment Implementation Report on a weekly or more frequent basis if required. The Environmental Inspector shall report on their findings to the City on a monthly or more frequent basis.
8. That the Developer shall prepare an **Environmental Implementation Report (EIR)** based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). Such a report will include a monitoring program to assess the performance of the storm water management facilities and a public education program for residents. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and GRCA. Further, the Developer shall address all recommendations by the Environmental Advisory Committee including comments from the Guelph Field Naturalists, to the satisfaction of the City and the GRCA, prior to the registration of the plan.
9. That the developer prepares a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the developer. Any repair of damage or maintenance required to surrounding streets as a result of such traffic shall be at the developers cost.
10. That the developer agrees that no work, including, but not limited to tree cutting, grading or filling, will occur on the lands until such time as the developer has obtained **written permission** from the City Engineer or has entered into a Subdivision Agreement with the City.
11. That any **domestic wells and boreholes** drilled for hydrogeological or geotechnical investigations be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
12. Prior to any development or grading of the site, the developer shall submit to the City, a report indicating how regular **dust suppression** will be accomplished during the construction phase of the subdivision.

Conditions to be met prior to execution of subdivision agreement

13. The developer agrees that, in the event that development of the property is to be phased, a **phasing plan** must be submitted prior to final approval and registration of the first phase. The phasing plan shall indicate consistency with the approved Development Priorities Plan, the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading and the construction of public services, all to the satisfaction of the City of Guelph.
14. The Developer shall obtain **written permission from the external land owner** adjacent to Lots 87 to 92, Lot 111 and Block 168 if the proposed grading work will affect the adjacent lands. (Engineering)
15. The Developer shall have **engineering servicing drawings** and **final reports** prepared for the approval of the City Engineer. These drawings must reflect the recommendations of all approved reports and studies prepared in support of this application. Such recommendations will be implemented at the cost of the Developer.(Engineering)
16. The Developer shall submit a final **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding. (Engineering)
17. The Developer shall pay the cost related to the installation of 1 second order, second level **Geodetic Benchmark** in a location within the proposed subdivision to the satisfaction of the City Engineer. (Engineering)
18. The Developer is responsible for the **cost of the design and construction** of all municipal services required to service the lands within and external to the limits of the plan of subdivision including roadworks, and sanitary, storm and water facilities unless otherwise funded under the provisions of the City's Development Charges Bylaw (2004)-17361, as amended, the Local Service Bylaw (1994)-14553, as amended, or a legal and binding agreement with another party. In addition, the Developer will be required to pay the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermain and emergency accesses. (Engineering)
19. That the developer is responsible for the total cost of the design and construction of all **roadwork, including sidewalks, boulevards and curbs**, within or surrounding the Plan of Subdivision.
20. That the developer shall pay to the City the cost of any **existing services** within or abutting the proposed subdivision, as determined by the City Engineer.
21. That the developer makes arrangements, satisfactory to the City Engineer, concerning the **scheduling of the development** and the developer's payment of costs for services within the subdivision.

22. That the developer shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.

Conditions to be met prior to registration

23. That the developer shall pay any outstanding **debts** owed to the City, prior to the registration of the proposed Plan of Subdivision.
24. That the registration of the plan, or any part thereof, shall require approval of the City with respect to **adequate water supply and sewage treatment capacity** being available, prior to the registration of the plan.
25. That prior to the registration of any phase of the subdivision, **sufficient municipal services** including sanitary sewer, storm sewer and storm water management facilities shall be constructed within the fourth phase of the Westminister (West) Subdivision 23T-98502, to properly service the Westminister East Subdivision, if required, to the satisfaction of the City Engineer.
26. That any **dead ends and open sides of road allowances** created by this Draft Plan, or the phasing thereof, be terminated in 0.3 metre reserves which shall be conveyed to the City.
27. That the **road allowances** included in the Draft Plan and the road widening, shown as Block 201, be dedicated as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria - July 23, 1993" with any exceptions.
28. The Developer agrees to place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and in the City's subdivision agreement to be registered on title (Planning):
- "Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."
 - "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developer for the planting of trees on City boulevards in front of residential units it does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Goodwin Drive, Colonial Drive and Frederick Drive within the

subdivision at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages.”

- Purchasers and/or tenants of all lots or units located in the subdivision are to be advised, prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris and construction traffic.
 - “Purchasers and/or tenants of lots or units are advised that the stub roads may be extended at some future date when the adjacent lands are developed”
 - “Purchasers and/or tenants of lots or units are advised that the property boundaries of the park block will be demarcated in accordance with the City of Guelph Property Demarcation Policy. The demarcation may include black vinyl chain link fence and/or living fence with property demarcation markers.”
29. That any lots or blocks to be identified by the City, shall be deeded to the City and held until specific roads in the plan can be constructed and extended beyond the **terminus of the road** as shown on the Draft Plan, or it is demonstrated that the lots can be graded to final elevations to the satisfaction of the City Engineer.
30. The developer shall notify all prospective purchasers and homeowners of any lots in the subdivision with frontage or flankage along roads proposed as transit routes, that these streets may be used as part of a **transit route** to provide public transit service through the subdivision.
31. The developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.
32. The developer shall notify all prospective purchasers and homeowners of lots or blocks adjacent to Clair Road, that Clair Road East may be used as a permitted **truck route**.
33. The developer shall build all streets proposed as a transit route with a roadway having a **minimum pavement width** of 10 metres and sidewalks on both sides of these streets to the satisfaction of the City.
34. That the developer makes all necessary arrangements to have all lands required by the City for **stormwater management facilities** deeded to the City including any lands outside of the plan of subdivision. Furthermore, the developer shall demarcate and fence (living and/or chain link), the boundaries of all lands conveyed to the City in accordance with the policies of the City.

35. That the developer shall **erect signs** at all entrances to the subdivision advising that the storm sewer system has been designed and constructed using the principles of storm water detention. The exact wording and size of the sign and lettering is to be provided by the City.
36. If required by the City, the developer shall notify all purchasers that **sump pumps** will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the developer shall ensure that all sump pumps are discharged to the storm sewer and the developer shall notify all purchasers that the discharge shall be to the storm sewer.
37. That the developer pays the cost of erecting **street name and traffic control signs and traffic signals** in the subdivision, to the satisfaction of the City.
38. That the developer pays to the City the flat rate charge established by the City per metre of road frontage to be applied to **tree planting** within the proposed subdivision.
39. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be granted to the satisfaction of the City, Guelph Hydro Electric Systems Inc. and other Guelph utilities.
40. That **street lighting and underground wiring** shall be provided throughout the subdivision at the developer's expense and in accordance with the policies of the City and Guelph Hydro Electric Systems Inc.
41. That the developer shall notify all prospective purchasers and homeowners that **on-street parking measures** will be implemented in the subdivision. Further, the developer shall provide an **on-street parking plan** to the satisfaction of the City Engineer, prior to the registration of the proposed plan of subdivision.
42. The developer shall provide a **traffic management plan** for the subdivision plan, to the satisfaction of the City Engineer, prior to the registration of the proposed plan of subdivision.
43. That the developer shall pay **development charges** to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and The Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto, prior to the issuance of a building permit, at the rates in effect at the time of the issuance of a building permit.
44. That the developer shall at its expense implement and address all recommendations contained in the latest **Environmental Impact Study** that has been approved by the City and the developer shall address each recommendation to the satisfaction of the Grand River Conservation Authority and the City.
45. That the developer shall erect **signs at the entrances to the subdivision** showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and

predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to the Planning Division, City Hall".

46. That the developer shall dedicate to the City Block 174 for **Park** purposes, in accordance with the provisions of City of Guelph By-law (1989)-13410 as amended by By-law (1990)-13545, or any successor thereof. These lands shall be ultimately **dedicated to the City** and be free of any encumbrance and in a form that is satisfactory to the City Solicitor and the developer shall pay the cost of all demarcation of these lands, as required by the City. Furthermore, the developer shall demarcate, grade, drain, landscape and fence (living and or chain link) the boundaries of all lands conveyed to the City in accordance with the policies of the City.
47. The developer shall meet all conditions of the **Noise Assessment Report** and shall implement all conditions and recommendations to the satisfaction of the City, prior to the registration of each phase of the subdivision.
48. The Developer shall **locate and construct all driveways** accessing municipal streets to the satisfaction of the City Engineer. (Engineering)
49. The Developer shall provide the Director of Planning and Development Services with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the park and open space blocks. (Planning)
50. The developer shall meet all conditions of the **Traffic Study Report** and shall implement all conditions and recommendations to the satisfaction of the City, prior to the registration of each phase of the subdivision.
51. Prior to the registration of the subdivision plan or any part thereof, the developer shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents' Environmental Handbook**, to all future homeowners or households within the plan, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.

Conditions to be met prior to granting of site plan approval

52. That site plans for all **corner building lots**, as determined by the City Engineer, shall be submitted to the City Engineer for approval of driveway location.

Conditions to be met prior to issuance of a building permit

53. The developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official **certifying all fill** placed below proposed building locations. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.

54. The developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases** (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.
55. Block 175 is indicated as 'future development' and is withheld from development until such time as it is combined with the adjacent lands to the satisfaction of the Director of Planning and Development Services.
56. Prior to the release of building permits for any Phase containing a Park, the developer shall demarcate the boundary of the Park Block(s) in accordance with the "City of Guelph **Property Demarcation Policy**". This shall include submitting drawings for approval, identifying the concrete markers and living fences, to the satisfaction of the Commissioner of Community Services. The developer shall be responsible for the cost of design and development of the living fence and property demarcation for the Park Blocks.
57. Prior to the release of building permits for any Phase containing a Park, the developer shall be responsible for the cost and development of the "**Basic Park Development**" as per the City of Guelph Recreation and Parks Division's "Specifications for Parkland Development", which includes clearing, grubbing, top-soiling, grading and sodding to the satisfaction of the Director of Community Services. The developer shall provide the City with cash or letter of credit to cover the City's estimate for the cost of the 'basic' parkland improvements and works for the Park Block to the satisfaction of the Director of Community Services.
58. Prior to the registration of any portion of the subdivision, the developer shall at its expense, **erect signage** at each entrance to the subdivision advising potential homeowners of the developers intention to introduce a higher level of maintenance for certain enhanced landscape features throughout the subdivision through the establishment of common elements condominiums and each new homeowner would be expected to become a member of the condominium corporation (s), which would be financially responsible for the maintenance of these features.
59. Prior to the issuance of a building permit with respect to any portion of the subdivision, the developer shall make application to the City for a **Draft Plan of Condominium Exemption** to establish the required Common Elements Condominiums in order that the landscape features will be properly managed, financially administered and maintained in the manner set out by the developer, such that there will be no extra/unusual cost to the City of Guelph on account thereof, and further, that such applications are to the satisfaction of the City and approved prior to any transfer of title to homebuyers of any homes intended to be members of the Common Element Condominium.
60. Prior to the registration of the plan, the developer shall submit details to the City regarding the provision of **signage erected** throughout the subdivision, which shall advise homeowners and the general public of the ownership of particular blocks and features in the plan and the method by which the features are maintained and by whom.

61. Prior to the registration of any portion of the subdivision containing enhanced landscape features, the developer or their agent shall apply to the City for a license to maintain certain enhanced landscape features on behalf of the Common Element Condominium to be subsequently created and to be responsible for the maintenance of the enhanced landscape features which will be in City ownership, at a higher level of maintenance than is normally provided by the City, and such **license agreement** shall be to the satisfaction of the City and without limitations, shall include insurance and indemnity clauses which are satisfactory to the City.
62. Prior to the issuance of a building permit with respect to any portion of the subdivision and prior to the registration of the common elements condominiums, the developer shall enter into an agreement with the City whereby the developer agrees to meet any **restrictions or requirements of the City** regarding the details of the common element condominiums, and this agreement shall be registered on the title to the lands which are described in the condominiums as common elements, to the satisfaction of the City.
63. That the developer shall advise all homeowners and condominium corporation members that the services that they are paying for through the **common element condominiums** are above and beyond the services normally provided by the City and that the condominium related expenses are in addition to any property taxes paid to the municipality.

AGENCY CONDITIONS:

64. The developer agrees to meet all requirements of **Guelph Hydro Electric Systems Inc.** including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro Electric Systems Inc. in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro Electric Systems Inc., prior to the registration of the plan.
65. That all telephone service and cable TV service in the plan shall be underground and the developer shall enter into a Servicing Agreement with **Bell Canada** providing for the installation of underground telephone service prior to registration of the Plan of Subdivision.
66. That the developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
67. That the developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
68. That the developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:

- *“Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.”*
69. That the developer and the **Wellington Catholic District School Board** reach an agreement regarding the supply and erection of signage, at the developer’s expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should school in the area be at capacity.
70. The developer shall pay to the City the cost of installing **bus stop pads** in the subdivision at the locations to be determined by Guelph Transit, prior to the registration of the plan.
71. That prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents shall submit the following plans and reports to the satisfaction and approval of the **Grand River Conservation Authority**:
- A detailed storm water management report and plans in accordance with the Ministry of Environment and Energy Report entitled, Stormwater Management Practices Planning and Design Manual, 2003. This report should include geotechnical information addressing the infiltration potential of the site. In addition, a storm servicing plan for the site should be included.
 - A Lot Grading and Drainage Control Plan showing the limits of all grading, including existing and proposed grades including a Tree Conservation Plan.
 - An erosion and sediment control plan and plan in accordance with the Grand River Conservation Authority’s Guidelines on Erosion and Sediment Control for construction sites, including the means whereby erosion will be minimized and sediment maintained on site throughout all phases of grading and construction, including a monitoring and maintenance plan.
 - A Fill, Construction and Alteration to Waterways Permit for work within the Torrance Creek Scheduled Area.
72. That the subdivision agreement between the owners and the municipality contain provisions for the **completion and maintenance of the works** in accordance with the approved plans and reports, to the satisfaction of the GRCA.
73. That the developer enters into an **Engineering Services Agreement** with the City and a **Subdivision Agreement** with the City registered on title, satisfactory to the City Solicitor that covers the conditions of approval.

74. Draft Plan Approval of the Westminister East Subdivision shall lapse at the expiration of **3 years** from the date of issuance of Draft Plan Approval.
75. That prior to the registration of all, or any portion of, the plan, **Guelph Hydro Electric Systems Inc.** shall advise the City in writing, how condition 64 has been satisfied.
76. That prior to the registration of all, or any portion of, the plan, **Bell Canada** shall advise the City in writing, how condition 65 has been satisfied.
77. That prior to the registration of all, or any portion of, the plan, the **Upper Grand District School Board** shall advise the City in writing, how conditions 66 to 68 have been satisfied.
78. That prior to the registration of all, or any portion of, the plan, the **Wellington Catholic District School Board** shall advise the City in writing, how conditions 66 to 69 have been satisfied.
79. That prior to the registration of all, or any portion of the plan, the **Canada Post** shall advise the City in writing, how condition 31 has been satisfied.
80. That prior to the registration of all, or any portion of the plan, the **Grand River Conservation Authority** shall advise the City in writing, how conditions 71 and 72 have been satisfied.

AND THAT the proposed rezoning of the lands be approved and City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1994)-14864, as amended, to rezone the subject lands as follows:

LOTS/BLOCKS	LAND USE	ZONING
Lots 1 to 36, 59-111, 141-159	Single Detached Residential Min. Front Yard 9m	R.1D
Lots 37-58	Single Detached Residential Min. Front Yard 12m (Coach house regulations)	Specialized R.1C-? (See details following)
Lots 112-125, 137-140	Single Detached Residential Side Yard of 1.2m	R.1B-24
Lots 126-136	Single Detached Residential Min. Front Yard 12 m	R.1C
Blocks 160-168	On-Street Townhouses 50% lot coverage 50% of lot width for driveway	R.3B-7
Blocks 169-173	Landscape Features	Adjacent zoning
Block 174	Park	P.2
Block 175	Future Development	
Blocks 176-177	Road Widenings	

Note: The proposed zoning needs to accommodate the rear yard infiltration galleries as was done for the previous phases of Westminster Woods West Subdivision.

PROPOSED SPECIALIZED R.1C-? ZONE TO PERMIT ACCESSORY APARTMENT TO BE LOCATED OVER A DETACHED GARAGE

Attached are the changes that will be required to permit an accessory apartment to be located above the garage that will be located in the Rear Yard of the lots along Street A.

The zone change will seek a Specialized R.1C Zone (12m frontage lots) with the following exceptions or additions:

5.1.1 PERMITTED USES

The following are permitted *Uses* within the R.1A, R.1B, R.1C, and R.1D *Zones*:

- *Single Detached Dwelling*
- *Accessory Apartment* in accordance with Section 4.15.1
- *Bed and Breakfast* establishment in accordance with Section 4.27
- *Day Care Centre* in accordance with Section 4.26
- *Group Home* in accordance with Section 4.25
- *Home Occupation* in accordance with Section 4.19
- *Lodging Houses* in accordance with Section 4.25

An accessory apartment is recognized as a permitted use within the R.1C Zone – specify that a coach house or accessory apartment above a freestanding garage is a permitted use.

Regulations

Section 4.5 Accessory Building

- 4.5.1. Not In Front or Exterior Side Yard:
Since the lots along Street A are actually “through” lots, an explanation needs to be contained in the by-law that identifies Street A frontage as the “Front Yard” and the other frontage on the internal local street to be the “Rear Yard”.
- 4.5.1.1. Not more than 30% of lot is occupied:
With the house and garage (Coach house), the total area occupied will be 41%
- 4.5.2.1.1.1 Accessory building shall not exceed 3.6 m in height:
Garage (coach house) will be two storeys in height with apartment occupying the second storey.
- 4.5.3. Accessory building shall not be used for human habitation:
Accessory apartment for human habitation
- 4.5.4. Not more than 10% coverage, including pool:
Not more than 15% coverage

4.6.2 General Sight Lines

- 4.6.2.2 Within any part of a sight line triangle at vehicular access area no Building, Structure, play equipment, statue or parked motor Vehicle shall be located:
Require general exemption to this regulation as illustrated on sketch

4.13 Off-Street Parking

- 4.13.2.1: In a R.1, R.2 or R.3B Zone, every Parking Space shall be located a minimum distance of 6 metres from the Street Line and to the rear of the front wall of the main Building or Structure:
Require reduction to 0.6 metres if located within a garage

4.15 Residential Intensification

- 4.15.1.2 An Accessory Apartment shall only be permitted within a Single-Detached Dwelling or Semi-Detached Dwelling:
An Accessory apartment will be permitted within a garage (coach house)
- 4.15.1.5 The Accessory Apartment shall not exceed 45% of the total Floor Area of the Building and shall not exceed a maximum of 100 square metres in Floor Area, whichever is lesser:
An accessory apartment may occupy the entire 2nd floor of the garage (coach house)
- 4.15.1.6 Interior access is required between floor levels and between the Accessory Apartment and the host Dwelling Unit:
No access between accessory apartment and host unit is required where the accessory apartment is located within the garage (coach house)

TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES

Minimum Front Yard 6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7:

Dwelling unit has setback of 4.5 m with no vehicular access to street and garage (coach house) setback of 0.6 metres street line.”

REPORT OF THE COUNCIL AS A COMMITTEE OF THE WHOLE

September 5, 2006

Her Worship the Mayor and
Councillors of the City of Guelph.

Your Council as a Committee of the Whole beg leave to present this their **SECOND REPORT** as recommended at its meeting of August 21, 2006:

CLAUSE 1 THAT an annual contribution to the Association of Municipalities of Ontario (AMO), OMERS Support Fund be approved.

Councillor Dan Schnurr

CONSENT AGENDA

September 5, 2006

Her Worship the Mayor
and
Members of Guelph City Council.

SUMMARY OF REPORTS:

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

A Reports from Administrative Staff

REPORT

DIRECTION

A-1) 1554646 ONTARIO INC. – HANLON BUSINESS PARK

Approve

THAT the Corporation of the City of Guelph enter into, and the Mayor and Clerk be authorized to sign a second Amending Agreement with 1554646 Ontario Inc. to waive the Start Construction date of July 31, 2006 and to maintain the Complete Construction date of December 31, 2007, as contained in the Development Covenants & Restrictions of the Agreement of Purchase and Sale dated April 10, 2003, for the lands described as Part of Lot 1, Registered Plan 680 and designated as Parts 7, 8, 9, 10, 1 and 12 on Reference Plan 61R-9344; and as outlined in the report of the Director of Planning & Development Services dated September 5, 2006;

AND THAT the City Solicitor be directed to prepare the necessary Amending Agreement with all costs, including registration costs, to be borne by 1554646 Ontario Inc.

A-2) FIRE MONITORING INTERNATIONAL AGREEMENT

Approve

THAT the Mayor and Clerk be authorized to execute on behalf of the Corporation of the City of Guelph an agreement between the City and Fire Monitoring Technologies International Inc., (FMTI).

B ITEMS FOR DIRECTION OF COUNCIL

C ITEMS FOR INFORMATION OF COUNCIL

attach.



City of Guelph

PLANNING & DEVELOPMENT SERVICES

Report: A-1

TO: Council

DATE: 2006/09/05

SUBJECT: 1554646 ONTARIO INC. - HANLON BUSINESS PARK

RECOMMENDATION:

1. "That the Corporation of the City of Guelph enter into, and the Mayor and Clerk be authorized to sign, a second Amending Agreement with 1554646 Ontario Inc. to waive the Start Construction date of July 31, 2006 and to maintain the Complete Construction date of December 31, 2007, as contained in the Development Covenants & Restrictions of the Agreement of Purchase and Sale dated April 10, 2003, for the lands described as Part of Lot 1, Registered Plan 680 and designated as Parts 7, 8, 9, 10, 11 and 12 on Reference Plan 61R-9344; and as outlined in the report of the Director of Planning & Development Services dated September 5, 2006."
2. "That the City Solicitor be directed to prepare the necessary Amending Agreement with all costs, including registration costs, to be borne by 1554646 Ontario Inc."

SUMMARY:

N/A

BACKGROUND:

Council approved the sale of a 2.575 acre site in the Hanlon Business Park to 1554646 Ontario Inc. at its April 7, 2003 meeting. The Offer required the Purchaser to Start Construction of a building within one year of the completion of a new public road now known as Cowan Place (by November 19, 2005) and to Complete Construction of the building within two years of the completion of the new public road (by November 19, 2006).

At the Purchaser's request, Council at its meeting held on May 15, 2006 authorized an Amending Agreement be prepared and registered to amend the Start Construction date from November 19, 2005 to July 31, 2006 and to amend the Complete Construction date from November 19, 2006 to December 31, 2007. The Amending Agreement was registered on July 7, 2006.

REPORT:

The Purchaser has submitted for approval a formal site plan application for a new hotel development on the property. Given the property's location adjacent to the Hanlon Expressway, a land use permit is required from the Ontario Ministry of Transportation (MTO). MTO is presently reviewing its land requirements for proposed improvements along the Hanlon Expressway including the construction of a new full interchange at Laird Road and the Hanlon Expressway. MTO has indicated that additional lands from the Purchaser's property may be required to accommodate this new interchange which would have an impact on the proposed site development.

As such, to allow time for discussions to take place between the Purchaser and MTO on the land requirements, the Purchaser has requested (letter attached) that the Start Construction date of July 31, 2006 be waived and that the Complete Construction date be maintained at December 31, 2007. All other terms and conditions contained in the original Offer to Purchase and the Development Covenants & Restrictions attached thereto are to remain in full force and effect and time is to be of the essence. All costs, including registration costs, to prepare the necessary Amending Agreement are to be borne by the Purchaser.

We recommend approval of a second Amending Agreement to allow sufficient time for discussions to be completed between the Purchaser and MTO and to provide for the proposed development of the site.

CORPORATE STRATEGIC PLAN:

To strengthen our economic base.

FINANCIAL IMPLICATIONS:

N/A

DEPARTMENTAL CONSULTATION:

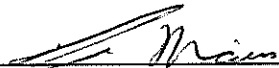
Legal Department provided input and concurrence with the report.

COMMUNICATIONS:

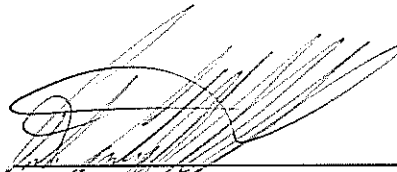
N/A

ATTACHMENTS:

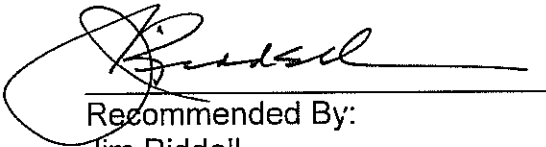
1. Purchaser's letter of request.
2. Site Map - Hanlon Business Park.



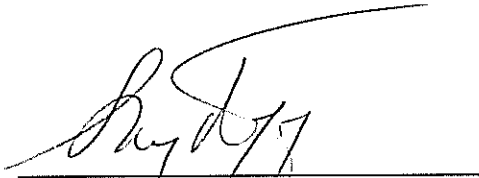
Prepared By:
Jim Mairs
Economic Development Project Manager
519-837-5600
jim.mairs@guelph.ca



Recommended By:
Peter Cartwright
Manager, Econ. Development
519-837-5600
peter.cartwright@guelph.ca



Recommended By:
Jim Riddell
Director, Planning & Development Services
519-837-5616
jim.riddell@guelph.ca



Approved for Presentation:
Larry Kotseff
Chief Administrative Officer

1554646 Ontario Inc.
619-220 Duncan Mill Road
North York, Ontario
M3B 3J5

August 10, 2006

VIA FACSIMILE

519-837-5636

Mr. Jim Mairs
City of Guelph
Economic Development Services
City Hall, 59 Carden Street
Guelph, Ontario N1H 3A1

Dear Mr. Mairs:

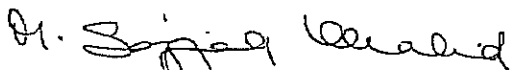
Re: Agreement of Purchase and Sale between 1554646 Ontario Inc. and The Corporation of the City of Guelph (the "City") dated April 10th, 2003, in connection with the lands described as Part Lot 1, Registered Plan 680, designated as Parts 7, 8, 9, 10, 11 and 12 on Plan 61R-9344 (the "Property"), as amended by Amending Agreement dated May 19th, 2006

Further to your discussions and request to our solicitors, Fogler, Rubinoff LLP, please accept this letter as confirmation that we are requesting that the City and 1554646 Ontario Inc. enter into a further amending agreement in connection with the above noted Agreement of Purchase and Sale and Amending Agreement (collectively, the "Agreement") such that the Start Construction Date (as defined in the Agreement) shall be waived and reference thereto deleted in its entirety, while the Complete Construction Date (as defined in the Agreement), being December 31st, 2007, is to remain the same.

If you have any questions or comments, please feel free to contact the undersigned.




Yours truly,

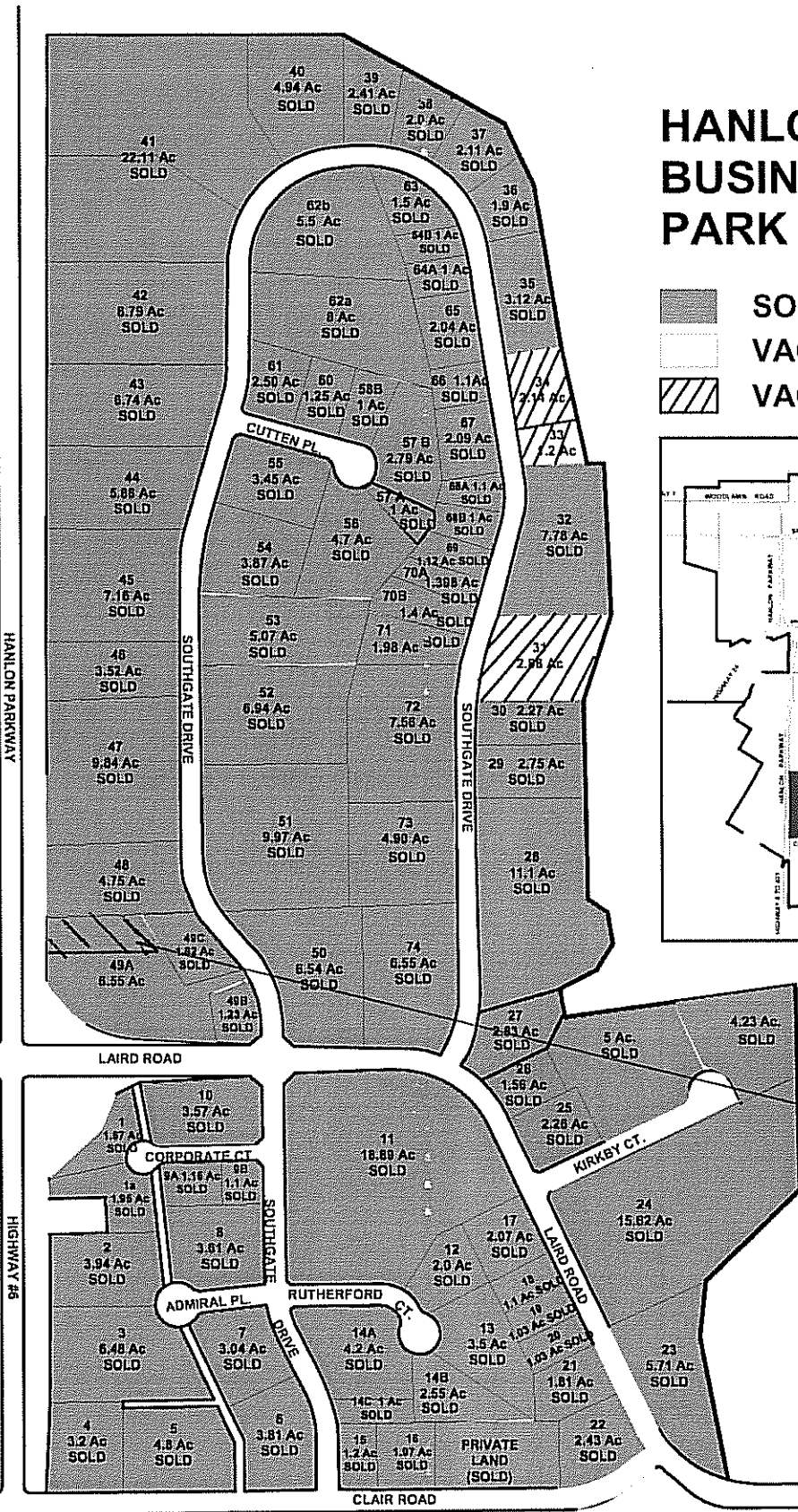
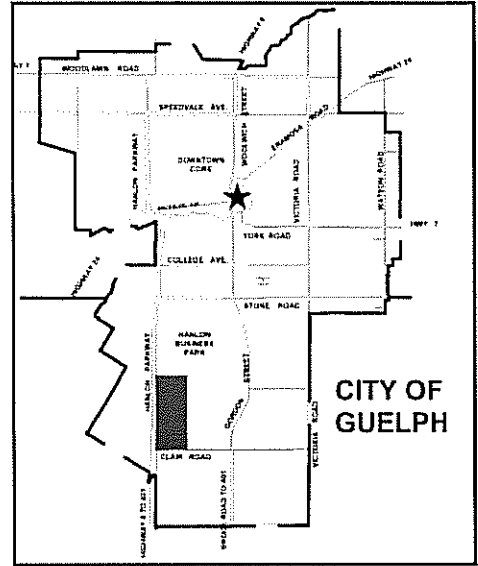
1554646 ONTARIO INC.



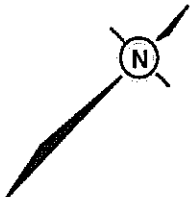
Malik S. Khalid
President

HANLON BUSINESS PARK

-  SOLD
-  VACANT- CITY
-  VACANT- PRIVATE



SUBJECT SITE





TO: Council

DATE: 2006/09/05

SUBJECT: FIRE MONITORING INTERNATIONAL AGREEMENT

RECOMMENDATION:

"That the Mayor and Clerk be authorized to execute on behalf of the Corporation of the City of Guelph an agreement between the City and Fire Monitoring Technologies International Inc., (FMTI).

BACKGROUND:

In 1988 an Agreement was signed between Peninsula Communications Inc., and The Corporation of the City of Guelph allowing the installation of alarm monitoring equipment in the Guelph Fire Department Communication's Division. In return, a computer and all associated equipment were provided to the Guelph Fire Department for the purpose of receiving electronic fire alarm signals from a subscriber's address directly at the Fire Department. This Agreement requires renewal to reflect the company's new business name along with equipment upgrades. The equipment was originally maintained by Peninsula Communications, which was purchased by Fire Monitoring of Canada (FMC). Fire Monitoring Technologies International Inc. (FMTI) is a wholly owned independent subsidiary of FMC which produces and markets the OPEN ACCESS™ product. FMC is an FMTI business partner as is ADT.

REPORT:

This Agreement will continue to preserve the delivery of fire alarm signals directly into the Guelph Fire Department with new upgraded equipment provided and maintained by FMTI.

The equipment currently located in the Guelph Fire Department for the purpose of alerting the Fire Department to incoming fire alarm signals is dated and requires replacement. Upon execution of this agreement FMTI will see that all of their existing alarm receiving equipment is removed from the Fire Department's

Communication's office and replaced with current technology equipment. This upgrade will be completed at no cost to the City.

The equipment to be installed in the Fire Department's Communication's Division facilitates an enhanced fire service by providing quicker notification to the City of possible fires. This equates to a better service for those facilities that are managed through the FMTI system.

This Agreement is for a one-year term and can be renewed on an annual basis on the mutual consent of the parties. Some of the highlights are:

- That the City will incur no costs relating to the installation, maintenance, upkeep and upgrading of this equipment; FMTI will assume all related costs and be responsible for equipment relocation if necessary.
- The City's general responsibilities are that we maintain our own dispatching equipment, which would occur as part of our normal operations and that we provide space for FMTI's equipment.
- FMTI will ensure they are covered for any related insurance/indemnification provisions.
- This is a stand alone system which has no adverse affect on the City's dispatching equipment; however, the City does have the option to connect to this system if desired.

CORPORATE STRATEGIC PLAN:

To enhance community wellness
To have exemplary management practices

FINANCIAL IMPLICATIONS:

None

DEPARTMENTAL CONSULTATION/CONCURRENCE:

The Agreement and related details were reviewed by Legal and Emergency Services. Both are in agreement with the content of this agreement.

COMMUNICATIONS:

n/a

ATTACHMENTS:

n/a



Prepared & Recommended By:
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Deputy Fire Chief - Administration,
519-824-6590
lyle.quan@guelph.ca



Recommended by:
Shawn Armstrong,
Director/Fire Chief,
519-824-6590
shawn.armstrong@guelph.ca



Approved for Presentation:
Larry Kotseff,
Chief Administrative Officer

Please recycle!

- BYLAWS -

- September 5th, 2006 -

<p>By-law Number (2006)-18129 A By-law to authorize the execution of an agreement between the City of Guelph and Conestoga College.</p>	<p>A by-law to authorize the execution of an agreement to authorize Conestoga College staff to enforce parking regulations on their property.</p>
<p>By-law Number (2006)-18130 A By-law to amend By-law Numbers (2003)-17082 and (1997)-15351 and with respect to appointments of persons serving as municipal by-law enforcement officers, known as "private property agents", to appoint Sharpe and Heeney.</p>	<p>A by-law to appoint persons as By-law Enforcement Officers.</p>