

- ADDENDUM -

- GUELPH CITY COUNCIL MEETING -

December 17, 2012, 7:00 p.m.

Guelph City Council Meeting as Shareholder of Guelph Municipal Holdings Inc.

That Guelph Municipal Holdings Inc. 2013-2016 Strategic Framework and 2013-2014 Business Development Plan and 2013 Budget be received.

DELEGATIONS

a) **Noise By-law Amendments (Operations, Transit & Emergency Services Consent Report Clause 37):**

- Doak McCraney
- Robert Jackson
- Bill Kerr
- Mike Theriault
- Frank Pettit

Correspondence:

- Amanda Hopkins

b) **Guelph Transit – Service Performance (Operations, Transit & Emergency Services Consent Report Clause 38):**

- Kavan Chernoff

Correspondence:

- Kyle Mackie

c) **Proposed Telecommunications Tower for 987 Gordon Street (Planning & Building, Engineering and Environment Committee Consent Report Clause 52):**

Correspondence:

- Dr. K. Bovell

d) **Municipal Infrastructure Investment Initiative – Capital Program: Niska Road Bridge Replacement (Consent Report A-2)**

- Laura Murr

CONSENT REPORTS

A-3) GMHI REQUEST FOR FUNDING 2013 – 2014 BUSINESS DEVELOPMENT PLAN

THAT Council approve a commitment of up to \$777,000 representing \$388,500 in each of 2013 and 2014 respectively, from the Strategic Initiatives Reserve (#179) to be provided to GMHI through a share purchase structure, to implement its 2013-2014 GMHI Business Development Plan. In the proposed structure, the City's Investment in GMHI as reported on the City's financial statements will increase by \$777,000.

“THAT By-law Numbers (2012)-19502 to (2012)-19517, inclusive, are hereby passed.”

BY-LAWS

By-law Number (2012)-19515 A By-law to amend By-law Number (2009)-18855, being a By-law respecting the licensing of Businesses operating within the City of Guelph, and to adopt Municipal Code Amendment #480, which amends Chapter 176 “Business Licences”, of The Corporation of the City of Guelph’s Municipal Code, specifically to make amendments to Schedule 11-Private Parking Agent.	To amend the licensing by-law.
By-law Number (2012)-19516 A By-law to amend By-law Numbers (2003)-17082 and (1997)-15351 with respect to appointments of persons serving as municipal by-law enforcement officers, known as “private parking agents”.	To amend the by-law appointing persons serving as municipal by-law enforcement officers.
By-law Number (2012)-19517 A by-law to confirm the proceedings of Guelph City Council meetings held November 26, 27, 29, December 5 and 17.	To confirm the proceedings of meetings of Guelph City Council.

Guelph Municipal Holdings Inc.

Shareholder Meeting City of Guelph Council		Date of Meeting:	December 17, 2012
Item	Action Required	Lead	
Guelph Municipal Holdings Inc. 2013-2016 Strategic Framework and 2013-2014 Business Development Plan and 2013 Budget	Receive	CEO and Treasurer of the Board	

Resolutions:

RESOLVED that:

The Guelph Municipal Holdings Inc. 2013-2016 Strategic Framework and 2013-2014 Business Development Plan and 2013 Budget be received.

Attachments:

1. Letter from Chair of GMHI to City Council as Shareholder
 - Guelph Municipal Holdings Inc. 2013-2014 Business Development Plan
 - Strategic Framework 2013-2016
 - 2012 Accomplishments and Observations
 - Business Development Workplan
 - Process Map
 - GHI Consolidated Financials

Doak McCraney

Madam Mayor and councillors

Thank you for allowing me the time to speak in opposition of the proposed bylaw targeting motorcycle noise

An avid motorcyclist since 14 years of age I can speak to the fact motorcycles are a means of transportation for pleasure, and for the short period of time each year available a means of travelling to work and in some cases used even for business purpose.

Motorcyclist's bring revenues to local communities while having organized events for all issues including supporting various charities. Many businesses including all types of restaurants and eateries and local hotels and motels benefit greatly. As in all people motorcyclists go where they are felt welcome and able to visit communities which apply fair and reasonable accommodation to them. Out of town ppl are not going to know of this bylaw as most communities have not or will not adopt this profiled type of bylaw ...

This bylaw proposed on many fronts does little in that regard:

What started as a complaint by two individuals asking for consideration of a specific bylaw regarding motorcycles and noisy cars has now ended up as a targeted bylaw proposal effecting motorcycles only . Considering I read about loud and heavily numbered complaints on other city issues where the passion is far greater no action seems relevant there

Consultation was limited solely to the moped and motorcycle council and although I suggested several times that qualified factory mechanics be consulted for an expert opinion the consultation remained closed it appears to one side expert witness .

Respectfully in regards to the two complaints a recent article in Guelph Mercury quoting one of the complaintants was more like a school yard childish response of I got my way making me wonder if this was just solely a pet peeve.

Communities whom have adopted the bylaw are experiencing fierce opposition including failed court cases when challenges were finally brought forth to even charter challenges being discussed for the profiling of a singular means of transportation.

When Oakville as the MOT to adapt the J2825 into the HTA they were told no laws currently exist dealing with this

The test method J2825 even has according to an Edmonton organization some questionable issues around how was introduced to the city to begin with and its operation . Also that a noise snare test method is available which would test all vehicals making the argument that there is no test method available for cars and trucks admittedly the lions share of vehical noise issues that ppl are concerned with . Although I have fundamental problems with any law reflecting this at least that would be equitable .

There are many issues around noise which are heard about constantly including one writer to the paper in regards to noise from city buses running the late night through neighborhoods .

Add to the issues of plows , transport trucks , dump trucks and sirens of emergency vehicles and so on.

The issue at hand is normal ppl do not question things like emergency vehicles and most do not question transport hubs which keep industry going and ppl employed in our city for obvious reasons . Even though these are 24 7 365 days a year.

Which comes full circle as to why motorcycles . I would hope that its not an easy target , a minority easy to target . Also increasing the fines seems a bit suspicious .

Laws exist for illegal exhaust and I stress illegal exhaust not aftermarket as all aftermarket are not illegal despite what you hear.

No consideration has been given for older bikes say even mid 80 s and even some into 90 s where there may not be any longer a factory type exhaust avail and what can work does work.

I am familiar with this test as a close friend is an official of off road motocross and the test is often used for sanctioned events . (I participated some years ago in Milton with he as qualified person administering and the equipment needed repeated calibration and guess what factory exhausts in some cases failed idle testing . These vehicals were admitted to Canada do not have illegal exhaust and still failed .

Further I take exception to the fact that a normal amount of noise and yes may exceed the 92 dm idle does not assist with rider safety . That ther3e is no scientific evidence statement defies logic . Did you not consider perhaps those whom were involved in intersection fatalities cannot give evidence. Clearly when motorcycles are involved with larger vehicals the two general statements are I didn't see him or hear him

Or lets use another argument if noise is not a good notifier than perhaps an earlier statement made in regards to emergency vehical sirens are not necessary that the illuminated lights are more than enough re the statement that visible clothing is enough ! Well I for one would not make such foolish gestures or insult pure common sense as we full know those sirens are a huge notifier to all around of the approach of those vehicals . Nobody will question that so please do not offend me with there is no relevance to noise being an alerting factor.

By no means does anyone I know who rides out there to offend there neighbors and like our transportation systems , business communities , and support systems such as road clearing city vehicals we all share the city and accept what is lets put this item aside from special interests and live on. I don't like sharing the road with bicycles and ebikes which I believe are dangerous on many fronts but I don't run down to council asking for bans on issues I deem to be serious safety issues on our streets , this because I understand we all have to share in this system

Bylaws pit neighbour against neighbour if this is passed like other issues someone whom dislikes motorcycles will use the bylaw as often as possible . The statement don't fix what is not broke sometimes really applies . Or as I said earler although I dislike any laws being passed which give sweeping powers to enforce at least

wait until you can apply a law to all vehicles no exceptions . In the meantime by all means target serious abuse around existing illegal exhaust laws

Modern motorcycles with efi cannot run illegal baffleless exhaust without risk of harm to some engine the engine tuning requires control of backpressure so it is seriously doubtfull modern bikes are running crazy high noise as you would get with straight pipes

I thank each of you for your time and sincerely hope I have given each person a moment of pause

Questions for Council to consider

- 1) Will the city be responsible for damage to motorcycles that may occur from testing?
- 2) Is there any conditions or reasons when the testing cannot be done?
- 3) How is the RPM testing done where many motorcycles do not have a tach?
- 4) How long is the testing procedure (from start to finish)?
- 5) Is the testing will be at idling only or both idling and 2000 or 5000 rpm?
- 6) Will you be doing an RPM test? and what equipment do you have for testing RPM?
- 7) Is the testing will be performed on the street level, or the bike will have to go to a specific location? Ie will ppl be issued notice to appear for testing at some location
- 8) Will you be conducting the testing in a controlled environment? .
- 9) Can one bike be tested more than once in a same day? Will a document showing the bike is clear be issued ie making another stop or check not required ?
- 10) If the alledged noise is over the limit, what information will be on the fine/ticket? And will there be options listed on ticket ? Will the results of the test be listed on ticket
- 11) Will there be tracking done of license numbers of motorcycles tested for reference to bylaw and police personel
- 12) Will the calibration of test equipment be done before each motorcycle is tested
- 13) How many officers will be working to perform such tests and how many will be adequately trained in the use of the equipment . Are both the police service and bylaw trained in this equipment
- 14) how will this law be enforced? Can you also explain how this by-law supersedes a Highway Traffic Act that already exist

I have been following this development since the beginning .
I have spent a great deal of time in communication with councillors, and Bylaw personal in the hopes that rational thought would prevail.

It appears that that is not the case and the city will move forward with a bylaw began by as the recent article said with two ppl . I can still hope rational thought prevails .
As I recall the person in this weeks article whom brought forth the “serious concern “ now quips with jokes on the matter. No doubt as a child in the playground getting they’re own way. Or is it this was not a genuine cause to begin with just a pet peeve ?

By law ppl have consulted with the moped industry? Mopeds do not emit any sound of course it is no consequence to them.

The statements that a reasonable amount of noise from motorcycles does not help save lives that there is no evidence of that well probably cause you generally have low possibility of survival in crashes with cars .

There is out west cases of this being thrown out and I am sure responsible law abiding Guelph residents in Guelph who ride motorcycles will become aware of that .

By all means if someone flagrantly disturbs the city apply existing laws to them. This bylaw enables a search and destroy , potential road blocks with Noise roadside programs happening . Why should the lions share of us whom yes will idle above 92DB but do not bother anyone when we start up and run our motorcycles have to potentially go through this . What will you do with out of town visitors who come from thankfully communities whom have much bigger priorities and no such laws even considered .

By laws in a lot of cases pit neighbour against neighbour this happens all the time . This one will be no different one neighbour does not like motorcycles and whether exceeds 92 DB will call in the complaint. What rational good will this do.

Although I cannot support any bylaw in this field or any that takes away personal enjoyment and personal safety concerns there would have been a small pc of fairness had it applied to all vehicles.
Motorcycles are being targeted and profiled in this bylaw stating that no test exists for Cars and trucks . Why not wait until all can be addressed?

When Oakville approached the Ministry of Transport asking for the decibel read to be included in the highway traffic act they were told no because the HTA already has illegal exhaust in it . Note illegal is that not aftermarket . Also what are we going to do with bikes from the mid 80’s and earlier ? Some of these have whatever can be made to fit .

What started with two complaints when things like the wet dry had lots of complaints yet everything ploughed ahead with that didnt it ?

D McCraney

From: Robert Jackson
Sent: December 14, 2012 12:01 AM
To: Jim Furfaro; Bob Bell
Cc: Mayors Office
Subject: Noise bylaw

Hello

I'm a resident in ward 1 and I want to voice my opinion about this topic. Just wanted to make it known I do not support this proposed by-law. It profiles and targets a specific community and in this day in age i thought we were past this.

Also I though things related to this area is already addressed under the MTO. Quite frankly as a resident in the "Ward" I have more of an issue with intoxicated students wondering the streets in the middle of the night and heavy trucks rolling down York rd.

These are just 2 examples of year round issues that a few of us in the neighborhood have. I don't understand how 2 complains about motorcycle noise can get to much attention when there are greater issues at hand. I hope to get a chance to voice my opinion Monday.

Thank-you
Concerned Resident.

From: Amanda Hopkins
Sent: December 13, 2012 9:30 AM
To: bobbell@guelph.ca; Jim Furfaro; Mayors Office
Subject: Concern Re: Motorcycle Noise Bylaw

Dear Mayor and Councillors,

I am writing to express my concern and discontent regarding the proposed anti-noise bylaw for motorcyclists. As a resident of Ward 1 – York Road, on a daily basis I experience significant inconveniences and noise levels resulting from the high volume of large-truck traffic on my road. The frequency and level of noise generated by these vehicles greatly supersede any inconveniences and noise from motorcyclists. If a noise bylaw is to be contemplated by City Council, it is not fair to target a single, small portion of the vehicles on the road, when there is a much larger portion that year-round, produces as much if not more noise than motorcycles. In addition to nuisance caused by these large trucks, garbage trucks and City buses also create a large amount of noise, sometimes as early as 7:00am. What I am trying to get at is that there are a considerable amount of other vehicles on the road who create as much if not more noise, more frequently than motorcycles, and seeing as that is, it is not fair to single this one, seasonal vehicle out.

There is also a great deal of skepticism regarding the accuracy and precision of the sound measuring devices proposed. Can council say without a doubt that these machines can accurately measure the level of sound and repeatedly produce the same sound level when testing a motorcycle?

Thank you for taking the time to read this, please vote ***against*** this motorcycle noise by-law.

Amanda Hopkins

From: Kyle Mackie

Sent: December 13, 2012 11:27 AM

To: Mayors Office; Bob Bell; Jim Furfaro; Andy VanHellemond; Ian Findlay; June Hofland; Maggie Laidlaw; Cam Guthrie; Gloria Kovach; Lise Burcher; Leanne Piper; Todd Dennis; Karl Wettstein; editor@guelphmercury.com

Subject: Re: Guelph should keep 15-minute peak bus service

Also, it doesn't make sense for decisions about the effectiveness of transit routes to be made given the current closures of major routes in Guelph (Speedvale and Victoria). I understand that these streets are supposed to be open soon, after which time we'll be able to have a better picture of transit flow through the city.

-Kyle

On Wed, Dec 12, 2012 at 6:51 PM, Kyle Mackie

Hi all.

I'm writing in response to the proposal to return to 20-minute peak service for Guelph Transit. Simply put, I think it is a bad idea and a step backwards for Guelph. I understand and can empathize with riders who have missed transfers, as I've experienced this myself. However, with service every 15 minutes, what's the longest a passenger would have to wait if they miss the bus or miss the transfer?

The answer is 15 minutes. Being 15 minutes late for work or for an appointment is a lot better than being 20 minutes late. I'd suggest too much attention is being placed on the potential issues at transfer points, and not enough attention to the benefits of more frequent service.

The statistic I've seen is that "25%" of connections are missed. I'd question how accurate this data is, and how it's collected. I'm curious what the percentage was before implementing 15-minute service, and what the city deems as an "acceptable" percentage. Let's also consider how many transfers and wait times have been improved due to more frequent service. Riding the bus twice daily, I know for a fact that it's at least "2", and from my conversations with other passengers, I know I'm not alone.

Returning to 20-minute service will not completely solve the issue of missed transfers. What it will introduce is a longer wait time for people if they miss a transfer. Passengers will get frustrated. Ridership will go down, and along with it, revenue. I'm assuming we've already purchased the additional busses and hired additional drivers.

This does not make good sense.

Kyle Mackie

Hello,

I am deeply concerned about the plan by the city to grant permission to Rogers to erect a 40 metre communication tower in Guelph south end within a residential area. As a medical internist I am alarmed at the city apparently being unaware of these very serious carcinogenic risks of central nervous system cancers from constant exposure to non-thermal radiation especially in children contrary to the reports in the Mercury by councillors Piper and Dennis. Area residents are very concerned and will vehemently oppose the construction of this dangerous tower.

I urge the city council committee to reject the application as is the recommendation of city staff.

Sincerely,
Dr. K. Bovell