CITY COUNCIL AGENDA

DATE May 25, 2010 – 7 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

PRESENTATION

a) Presentation of City of Guelph medals to members of the Guelph Huggins Real Estate Thunder Bantam BB Hockey team in recognition of winning the gold medal at the Ontario Provincial Championships:- Maddie Shipsides; Meghan Hovey; Taylor Richardson; Olivia Tuffnail; Beatrice Harrietha; Erica Costa; Kirsten, Harbin; Stephanie Sharman; Madeline De Corso; Erika McFarlane; Brooke O'Donnell; Anna Morris; Amelia Edmonds; Sarah Dunbar; Rebecca Haddaway; Kendra Pitts; Paul Morris, Head Coach; Larry Richardson, Assistant Coach; Howie Tuffnail, Assistant Coach; Geoff Haddaway, Assistant Coach; Sandra Pitts, Trainer; Wendy Shipsides, Trainer; Lynne Harbin, Manager; Don Huggins Real Estate, Sponsor

b) Presentation of City of Guelph Medals to members of Team Dorey from The Guelph Country Club in recognition of winning the Ontario Provincial Masters Curling Championship and the 2010 Canadian Masters Curling Championship:- Mike Dorey, Skip; Brian Henderson, 3rd; Gary Houghton, 2nd; Paul Knight, Lead

c) The Duke of Edinburgh's Awards presentation:

SC 1st Hope Lutheran
- Andrew Bye
- Nicholas Wadel-Turcotte

Guelph Collegiate
- John Agda

26th Guelph Venture
- Jamie Reinholt
- Andrew Stewart

Independent Participants
- Kayla Kahle

CONFIRMATION OF MINUTES (Councillor Burcher)

***"THAT** the minutes of the Council Meetings held April 26 and May 3, 2010 and the minutes of the Council meetings held in Committee of the Whole on April 26 and May 10, 2010 be confirmed as recorded and without being read."*

CONSENT REPORTS/AGENDA – ITEMS TO BE EXTRACTED

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 Reports/Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Consent Reports/Agenda will be approved in one resolution.

Consent Reports/Agenda from:

Community Development & Environmental Services Committee			
Item	**City Presentation**	**Delegations**	**To be Extracted**
CDES-1 Coal Phase Out			
CDES-2 Walk to School Initiatives			
CDES-3 Regional Transportation Initiative Involving the Ministry of Transportation and the Municipalities of Brant, Brantford, Cambridge, Guelph, Kitchener, Region of Waterloo, Waterloo and Wellington			
CDES-4 Shared Rental Housing 2010-2011 Work Plan		• Daphne Wainman-Wood • Elizabeth Smith	√
CDES-5 Hanlon Creek Business Park – Completion of 2010 Jefferson Salamander Monitoring Program			
CDES-6 Conversion in Method of Collection of Organic Waste			
CDES-7 Approval of Water and Wastewater Long-Range Financial Plan 017-301 (2010) as Required Under Ontario Regulation 453/07			
CDES-8 180 Gordon Street – Brownfield			

	Redevelopment Community Improvement Plan – Financial Incentive Request			

Adoption of balance of Community Development & Environmental Services Committee Consent Report - Councillor Leanne Piper, Chair

Emergency Services, Community Services & Operations Committee				
Item		**City Presentation**	**Delegations**	**To be Extracted**
ECO-1	Fire Services – Office of the Fire Marshal Annual Compliance Report			
ECO-2	Emergency Services Grant Opportunity – Radio Interoperability			
ECO-3	Noise Control Bylaw Exemption Request – ABS Friction Corporation, 10 Kingsmill Avenue			
ECO-4	Festival Italiano – Noise Control Bylaw Exemption			
ECO-5	Long Term Monthly Parking Agreement with Co-Operators General Insurance Company, Skyline Real Estate Holdings Inc., Skyline Incorporated and Skyway Estates Inc.		• Barbara Turley-McIntyre • Jason Ashdown	√

Adoption of balance of Emergency Services, Community Services and Operations Committee Consent Report - Councillor Ian Findlay, Chair

Finance, Administration & Corporate Services Committee				
Item		**City Presentation**	**Delegations**	**To be Extracted**
FACS-1	Automatic Increase of Building Permit Fees			

Adoption of balance of Finance, Administration & Corporate Services Committee Fourth Consent Report - Councillor Beard, Chair

Governance Committee				
Item		**City Presentation**	**Delegations**	**To be Extracted**
GOV-1	Council Remuneration 2011-2014		Janet Roy on behalf of the Citizen's Review Committee for Council Remuneration	√
GOV-2	Review of Mandates of Advisory Committees			

Adoption of balance of Governance Committee Fourth Consent Report – Mayor Farbridge, Chair

Council as Committee of the Whole				
Item		**City Presentation**	**Delegations**	**To be Extracted**
COW-1	Citizen Appointment to the Board of Trustees of the Elliot Community			
COW-2	Citizen Appointments to the Guelph Sports Hall of Fame Board of Directors			
COW-3	Citizen Appointment to the Director of Guelph Hydro Inc.			
COW-4	Appointment of Auditor for Guelph Hydro Inc.			

Adoption of balance of the Council as Committee of the Whole Fifth Consent Report –

Council Consent Agenda				
Item		**City Presentation**	**Delegations**	**To be Extracted**
A-1)	Proposed Demolition of 1897 Gordon Street, Ward 6			
A-2)	Hanlon Creek Business Park – Phase 1, Stage 2 (Part 'A')			

Contract No. 2-1014			

Adoption of balance of the Council Consent Agenda – Councillor

ITEMS EXTRACTED FROM COMMITTEES OF COUNCIL REPORTS AND COUNCIL CONSENT AGENDA (Chairs to present the extracted items)

Once extracted items are identified, they will be dealt with in the following order:

1) *delegations (may include presentations)*
2) *staff presentations only*
3) *all others.*

Reports from:

- Community Development & Environmental Services – Councillor Piper
- Emergency Services, Community Services & Operations – Councilor Findlay
- Finance, Administration & Corporate Services – Councillor Beard
- Governance – Mayor Farbridge
- Council as Committee of the Whole –
- Council Consent – Mayor Farbridge

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Farrelly)

QUESTIONS

MAYOR'S ANNOUNCEMENTS

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

NOTICE OF MOTION

ADJOURNMENT

Council Caucus Room
April 26, 2010 6:00 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Staff Present: Mr. M. Amorosi, Director of Human Resources; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

1. Moved by Councillor Farrelly
Seconded by Councillor Burcher
THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

Citizen Appointments to the Guelph Junction Railway Board of Directors
S. 239 (2) (b) Personal matters about an identifiable individual.

Citizen Appointments to the Guelph Sports Hall of Fame Board of Directors
S. 239 (2) (b) Personal matters about an identifiable individual.

Labour Relations or Employee Negotiations – Emergency Services
S. 239 (2)(d) Labour Relations or Employee Negotiations

Proposed Land Disposition
S. 239 (2) (c) Proposed or Pending Acquisition or Disposition of Land

Proposed Land Acquisition
S. 239 (2) (c) Proposed or Pending Acquisition or Disposition of Land

Carried

The meeting adjourned at 6:01 o'clock p.m.

……
Mayor

……..
Clerk

Council Caucus Room
April 26, 2010 6:02 p.m.

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Staff Present: Mr. M. Amorosi, Director of Human Resources; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

Personal matters about an identifiable individual.

1. Moved by Councillor Kovach
Seconded by Councillor Findlay

REPORT THAT Jackie Wojcicki be appointed to the Board of Trustees of the Elliot Community for a one year term expiring November 2010.

Carried

Personal matters about an identifiable individual.

2. Moved by Councillor Hofland
Seconded by Councillor Piper

REPORT THAT Sandra Pitts and Brian Tatarnic be appointed to the Guelph Sports Hall of Fame Board of Directors for a term ending November, 2010.

Carried

Labour Relations or Employee Negotiations

The Director of Human Resources provided an update with respect to fire negotiations.

Proposed or Pending Acquisition or Disposition of Land

3. Moved by Councillor Burcher
Seconded by Councillor Piper

Ms. L.E. Payne THAT the closed meeting report of the Director of Corporate Services/City Solicitor dated April 12, 2010 with respect to a potential disposition of property be received for information.

Carried

Proposed or Pending Acquisition or Disposition of Land

4. Moved by Councillor Hofland
Seconded by Councillor Billings

Ms. L.E. Payne THAT the closed meeting report of the Manager of Realty Services dated April 12, 2010 regarding the potential acquisition of land, be received.

Carried

The meeting adjourned at 6:10 o'clock p.m.

……..
Mayor

……
Clerk

Council Chambers
April 26, 2010

Council reconvened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Staff Present: Mr. M. Amorosi, Director of Human Resources; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Bell declared a possible pecuniary interest with regards to the Emergency Services, Community Services & Operations Committee recommendation with respect to follow-up relating to Arthur-King-Queen Traffic Calming because he resides in the area and did not discuss or vote on the matter.

Councillor Farrelly declared a possible pecuniary interest with regards to the Emergency Services, Community Services & Operations Committee recommendation with respect to follow-up relating to Arthur-King-Queen Traffic Calming because he resides in the area and did not discuss or vote on the matter.

PRESENTATIONS

The Mayor presented City of Guelph medals the following members of the Guelph U14 Tween AA Ringette team in recognition of winning the gold medal at the Ontario Provincial Championships: Emily Ferguson, Abby Richardson, Halli Berry, Meghan Lanteigne, Megan Stultz, Carissa Habermehl, Nicole Evans, Brianna Gartley, Taylor Jarvis, Maddison Murch, Jessica Mezenberg, Moira Davidson, Colleen Scott, Kate Worthen, Craig Richardson – Head Coach, John Mezenberg – Assistant Coach, Trish Scott – Assistant Coach/Manager, Margaret Lanteigne – Assistant Coach, Connie Murch – Assistant Coach

1. Moved by Councillor Bell
Seconded by Councillor Wettstein

THAT the minutes of the Council meetings held on March 22 and April 6 , 2010 and the minutes of the Council meetings held in Committee of the Whole on March 22 and April 6, 2010 be confirmed as recorded and without being read.

Carried

CONSENT REPORTS AND AGENDAS

The following items were extracted from the Community Development & Environmental Services Committee Third Consent Report to be voted on separately:

- CDES-2 Guelph Transportation Terminal: Purchase of 72 Farquhar Street Property by Metrolinx-GO
- CDES-5 Sale of Greenhouse Gas Credits from Eastview Landfill
- CDES-6 Election Signs
- CDES-7 Recommended Terms and Conditions for a Proposed Agreement with the Regional Municipality of Waterloo to Process Organic Material at Guelph's New Organic Waste Processing Facility (OWPF)

Councillor Piper presented the balance of the Community Development & Environmental Services Committee Third Consent Report.

2. Moved by Councillor Piper
Seconded by Councillor Burcher

THAT the balance of the April 26, 2010 Community Development & Environmental Services Committee Third Consent Report as identified below, be adopted:

a) **Westminster Woods Phase 3 Parkette Master Plan**

Mr. J. Riddell

THAT the Community Design and Development Services Report 10-27 dated April 19, 2010, pertaining to the Conceptual Master Plan for the Westminster Wood Phase 3 Parkette, be received;

AND THAT the Conceptual Master Plan for the Westminster Wood Phase 3 Parkette, as noted in Appendix 2 of the Community Design and Development Services Report 10-27 dated April 19, 2010, be approved;

AND THAT staff be directed to proceed with the implementation of the Westminster Wood Phase 3 Parkette Conceptual Master Plan.

b) **Morningcrest Subdivision Neighbourhood Park Master Plan**

Mr. J. Riddell

THAT the Community Design and Development Services Report 10-21 dated April 19, 2010, pertaining to the proposed master plan for the Morningcrest Subdivision Neighbourhood Park, be received;

AND THAT the Master Plan for the development of the Park, as proposed in Appendix 2 of the Community Design and Development Services Report 10-21 dated April 19, 2010, be approved;

AND THAT staff be directed to proceed with the implementation of Morningcrest Subdivision Neighbourhood Park Master Plan.

c) **City of Guelph Private Lead Service Line Replacement Grant Program**

Dr. J. Laird

THAT Council, as part of the City's overall Program to Reduce Lead in Municipal Drinking Water, approves the Pilot Private Lead Service Line Replacement Grant Program to further reduce health risk through encouraging homeowners to replace lead water service lines, and to ensure City compliance with the lead reduction requirements outlined in the Provincial Regulation 170/03;

AND THAT Waterworks staff report to Council on the effectiveness of the Pilot Private Lead Service Replacement Grant Program in the spring of 2011.

AND THAT staff report back on the matter of eligibility for non-residential and rental property owners.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

The following items were extracted from the Emergency Services, Community Services & Operations Committee Third Consent Report to be voted on separately:

- ECO-3 Ontario Street Road Narrowing – Follow-Up Report
- ECO-4 Follow-Up Arthur-King-Queen Traffic Calming
- ECO-6 Community Gardens Pilot Site Approval

Councillor Findlay presented the balance of the Emergency Services, Community Services & Operations Committee Third Consent Report.

3. Moved by Councillor Findlay
Seconded by Councillor Laidlaw

THAT the balance of the April 26, 2010 Emergency Services, Community Services & Operations Committee Third Consent Report as identified below, be adopted:

a) **River Run Centre Capital Project RR0031**

Ms. A. Pappert
Ms. M. Neubauer

THAT as per Report #CS-CU-1009, the previously approved funding of $20,000 for Capital Project RR0031 be reallocated for the installation of wireless network at the River Run Centre.

b) **Dialogue with Potential Interregional Partners**

Ms. A. Pappert

THAT staff be encouraged to dialogue with interregional providers and colleagues in other cities and towns, for the purpose of exploring innovative new ways to partner on transit services, prior to the presentation of recommendations of the Transit Growth Strategy.

c) **Noise Control By-law Exemption Request: Ministry of Transportation of Ontario – Highway 6 (Hanlon Expressway) Intersection Improvements**

Mr. D. McCaughan
Mr. D. Godfrey

THAT an exemption from Schedule "A" of the Noise Control By-law (2000)-16366, as amended, from April 27, 2010 until November 15, 2010 and April 1, 2011 until November 15, 2011 between the times 7:00 p.m. to 7:00 a.m. Monday through Friday, 7:00 p.m. to 9:00 a.m. on Saturdays and at all times on Sundays and Holidays be granted to the Ministry of Transportation of Ontario to permit noise associated with the road reconstruction improvements to be undertaken on Highway 6 (Hanlon Expressway);

AND THAT MTO be asked to provide on-site contact information to our City staff to manage communications if any concerns arise.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Follow-Up Arthur-King-Queen Traffic Calming

4. Moved by Councillor Findlay
Seconded by councilor Laidlaw

Mr. D. McCaughan
Mr. I. Panabaker

THAT Staff be directed to take action as it deems necessary to mitigate any negative traffic impacts that may arise in the King/Queen/Arthur Streets neighbourhood as a result of the execution of the ISF projects;

AND THAT staff be directed to work with the King/Queen/Arthur Street neighbourhood to collect and assess traffic data at an appropriate time following the conclusion of the ISF projects and as the neighbourhood further develops;

AND THAT the Urban Design Programme Manager be urged to be cognizant of traffic impacts on neighbourhoods surrounding the downtown core when establishing the Downtown Secondary Plan.

VOTING IN FAVOUR: Councillors Beard, Billings, Burcher, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Councillors Bell and Farrelly did not vote on the matter due to their declared possible pecuniary interest.

Carried

The following items were extracted from the Finance, Administration & Corporate Services Committee Third Consent Report to be voted on separately:

- FACS-1 City of Guelph – Prosperity 2020: Strategic Directions for Economic Development & Tourism
- FACS-4 City-Owned Properties at 152-158 and 160-164 Wyndham Street North: Baker Street Redevelopment / New Central Library Project
- FACS-5 Notice from Upper Grand District School Board Proposal to Dispose of College Avenue Public School - –95 College Avenue West
- FACS-6 2010 Property Tax Policy

Councillor Beard presented the balance of the Finance, Administration & Corporate Services Committee Third Consent Report.

5. Moved by Councillor Beard
Seconded by Councillor Wettstein

THAT the balance of the April 26, 2010 Finance, Administration & Corporate Services Committee Third Consent Report as identified below, be adopted:

a) **Annual Report on 2009 Building Permit Fees, Costs and Building Stabilization Reserve Fund**

Mr. J. Riddell
Ms. M. Neubauer

THAT the Annual Report (No. 10-24) on 2009 Building Permit Fees, Costs and Building Stabilization Reserve Fund from the Community Design and Development Services Department dated April 12, 2010, be received;

AND THAT the Building Stabilization Reserve Fund Policy (#188) be revised and adopted as Schedule 1 attached.

b) **Ingram Farmhouse Property**

Ms. L.E. Payne
Mr. J. Riddell

THAT staff be directed to offer the Ingram Farmhouse property for sale in the open market and report back to Council, in-camera, with the results and recommendations;

AND THAT staff be directed to request that Heritage Guelph prepare the necessary information in regard to designating the Ingram Farmhouse and property under the Ontario Heritage Act;

AND THAT staff be directed to proceed with the work and public process necessary to develop a draft Park Master Plan for the remaining lands at 80 Simmonds Drive and report back to Council with the results.

c) **2010 Budget Adjustments Update – Shared Services**

Ms. M. Neubauer

That the report of the Director of Finance entitled '2010 Budget Adjustments Update', dated April 12, 2010 be received for information purposes.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Mayor Farbridge presented the Governance Committee Third Consent Report.

6. Moved by Councillor Kovach
Seconded by Councillor Burcher
THAT the April 26, 2010, Governance Committee Third Consent Report as identified below, be adopted:

a) **Municipal Election Compliance Audit Committee**

Mrs. L.A. Giles

THAT the Municipal Election Compliance Audit Committee Mandate and Charter, as set out in Schedule 2 attached, be approved and adopted;

AND THAT the City Clerk be directed to commence the recruitment process for appointees to a Municipal Election Compliance Audit Committee as required under the *Municipal Elections Act, 1996.*

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Councillor Laidlaw presented the Social Services & Housing Committee Third Consent Report.

7. Moved by Councillor Laidlaw
Seconded by Councillor Hofland
THAT the April 26, 2010 Social Services & Housing Committee Third Consent Report as identified below, be adopted:

a) **Guelph Non-Profit Housing Corporation Paisley Road Project**

Mrs. L.A. Giles
Mr. H. Loewig
Mr. M. Amorosi
Ms. M. Neubauer

THAT the Committee formally acknowledge with gratitude, the contributions of Liz Sandals, MPP and the Provincial Government towards the provision of interim financial assistance for the Guelph Non Profit Housing Corporation's Paisley Road Project;

AND THAT the City of Guelph request the Guelph Non Profit Housing Corporation, in conjunction with the Consolidated Municipal Service Manager, to develop a financial strategy prior to 2011 to address future operating deficits.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Councillor Kovach presented the Council as Committee of the Whole Fourth Consent Report.

8. Moved by Councillor Kovach
Seconded by Councillor Laidlaw
THAT the April 26, 2010 Council as Committee of the Whole Fouth Consent Report as identified below, be adopted:

a) **Citizen Appointments to the Guelph Junction Railway Board of Directors**

Mrs. L.A. Giles

THAT Council confirms the reappointment of John Carroll to the Guelph Junction Railway Board of Directors for a three year term expiring November 2012.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Consent Agenda

The following item was extracted from the April 26, 2010 Consent Agenda to be voted on separately:

- A-1 Re-Election of Councillor Burcher to the FCM Board of Directors

9. Moved by Councillor Billings
Seconded by Councillor Burcher
THAT the balance of the April 26, 2010 Council Consent Agenda as identified below, be adopted:

a) **Proposed Demolition of 384 Crawley Road**

Mr. J. Riddell
Mr. B. Poole

THAT Report 10-44 regarding the proposed demolition of a detached dwelling at 384 Crawley Road, City of Guelph, from Community Design and Development Services dated March 22, 2010, be received;

AND THAT the proposed demolition of the detached dwelling at 394 Crawley Road, be approved.

b) **Annual Asphalt, Contract No. 2-1001**

Mr. J. Riddell
Ms. M. Neubauer

THAT the tender of Capital Paving Inc., Guelph be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 2-1001 for the Annual Asphalt Contract for a total tendered price of $3,834,060.01 with actual payment to be made in accordance with the terms of the contract.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

DELEGATIONS

Guelph Transportation Terminal: Purchase of 72 Farquhar Street Property by Metrolinx-GO

Susan Ratcliffe, President of Architectural Conservancy of Ontario – Guelph & Wellington Branch was present and requested that the City defer their decision with respect to a Transportation Terminal at 72 Farquhar Street for 60 days and to leave the property on the City's Municipal Register of Cultural Heritage Properties during that time. She advised that this time would allow for extra investigation into the best use for the site and possible adaptive reuse of the building.

Councillor Piper presented Clause 2 that was extracted from the Community Development & Environmental Services Committee Third Consent Report.

10. Moved by Councillor Piper
Seconded by Councillor Burcher

THAT the Community Development and Environmental Services Committee Report 10-52, dated April 19, 2010, entitled 'Guelph Transportation Terminal: Purchase of 72 Farquhar Street Property by Metrolinx-GO' be received;

AND THAT Council support the redevelopment of the 72 Farquhar Street site by Metrolinx-GO for the sole purpose of providing south side station and access facilities as part of Guelph's Transportation Terminal, while retaining the Drill Hall building due to its significant cultural heritage value;

AND THAT Council request Metrolinx-GO, prior to purchasing the property at 72 Farquhar Street, to confirm in writing that (a) the redevelopment of the subject property shall be for the sole purpose of providing south side station, pedestrian, vehicular access, and ancillary use facilities for Metrolinx-GO Transit and Via Rail as part of Guelph's Transportation Terminal; (b) at the time of redevelopment Metrolinx-GO will carry out the detachment of the Drill Hall building from the remainder of the building complex and provide for the retention and rehabilitation of the Drill Hall in an integrated means which considers adaptive reuse of the Drill Hall; and (c) Metrolinx-GO will undertake the redevelopment of the site at 72 Farquhar Street, including site design and urban design in keeping with its function as a station facility to be considered with the goals of the Downtown Secondary Plan in consultation with the City;

AND THAT Metrolinx-GO enter into discussions regarding establishing collaborative community partnerships of an adaptive reuse of the Drill Hall property either on a lease basis or a severance basis.

AND THAT Council authorize staff, upon receipt of confirmation from Metrolinx-GO, to amend the description of the heritage attributes, pertaining to 72 Farquhar Street in the City's *Municipal Register of Cultural Heritage Properties* as a non-designated property, to include only the reference to the Drill Hall building (Section 1) on the property and remove all references to Sections 2, 3, 4 and 5 of the building complex as identified in this Report.

11. Moved in Amendment by Councillor Salisbury
Seconded by Councillor Kovach

THAT in the third paragraph the word "request" be changed to "require".

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Mayor Farbridge (12)

VOTING AGAINST: Councillor Wettstein (1)

Carried

12. Moved by Councillor Piper
Seconded by Councillor Burcher

Mr. J. Riddell

THAT the Community Development and Environmental Services Committee Report 10-52, dated April 19, 2010, entitled 'Guelph Transportation Terminal: Purchase of 72 Farquhar Street Property by Metrolinx-GO' be received;

AND THAT Council support the redevelopment of the 72 Farquhar Street site by Metrolinx-GO for the sole purpose of providing south side station and access facilities as part of Guelph's Transportation Terminal, while retaining the Drill Hall building due to its significant cultural heritage value;

AND THAT Council require Metrolinx-GO, prior to purchasing the property at 72 Farquhar Street, to confirm in writing that (a) the redevelopment of the subject property shall be for the sole purpose of providing south side station, pedestrian, vehicular access, and ancillary use facilities for Metrolinx-GO Transit and Via Rail as part of Guelph's Transportation Terminal; (b) at the time of redevelopment Metrolinx-GO will carry out the detachment of the Drill Hall building from the remainder of the building complex and provide for the retention and rehabilitation of the Drill Hall in an integrated means which considers adaptive reuse of the Drill Hall; and (c) Metrolinx-GO will undertake the redevelopment of the site at 72 Farquhar Street, including site design and urban design in keeping with its function as a station facility to be considered with the goals of the Downtown Secondary Plan in consultation with the City;

AND THAT Metrolinx-GO enter into discussions regarding establishing collaborative community partnerships of an adaptive reuse of the Drill Hall property either on a lease basis or a severance basis.

AND THAT Council authorize staff, upon receipt of confirmation from Metrolinx-GO, to amend the description of the heritage attributes, pertaining to 72 Farquhar Street in the City's *Municipal Register of Cultural Heritage Properties* as a non-designated property, to include only the reference to the Drill Hall building (Section 1) on the property and remove all references to Sections 2, 3, 4 and 5 of the building complex as identified in this Report.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Ontario Street Road Narrowing – Follow-Up Report

Annette Stocco was present with respect to Ontario Street road narrowing. She suggested that the information gathered does not warrant traffic calming and that traffic is decreasing in the area. She requested that the City

explore a collaborative decision making process that would result in the best for the community.

Antonio Leo suggested that traffic calming measures were not needed in the past when the area was thriving and they are not needed now. He provided a brief history on the money received from Owens Corning for the construction of the traffic calming bump out. He requested that Council vote for what would be the best for the neighbourhood.

Rosalba Stocco advised that she would support the neighbourhood being resurveyed.

Renato Cardone suggested that the bump out does not really work and gives the children a false sense of security. He expressed concern with respect to the survey results as a large number of residences in the area are rentals. He suggested that the bump out be left for 1-2 years to see how it works and then resurvey the neighbourhood.

Councillor Findlay presented Clause 3 that was extracted from the Emergency Services, Community Services & Operations Committee Third Consent Report.

13. Moved by Councillor Findlay
Seconded by Councillor Laidlaw

THAT the road narrowing at the intersection of Ontario Street and Wood Street be retained;

AND THAT staff be directed to review and report back to Committee on whether or not the road narrowing should be retained at the time that Tytler Public School closes;

AND THAT the traffic signage and pavement marking changes as outlined in the report of the Director of Operations dated March 15, 2010 be implemented.

14. Moved in Amendment by Councillor Bell
Seconded by Councillor Farrelly

THAT the following be added to the end of the second clause "or in two (2) years, whichever is less."

VOTING IN FAVOUR: Councillors Bell, Burcher, Farrelly, Findlay, Hofland, Piper, Wettstein and Mayor Farbridge (8)

VOTING AGAINST: Councillors Beard, Billings, Kovach, Laidlaw and Salisbury (5)

Carried

15. Moved by Councillor Findlay
Seconded by Councillor Laidlaw

Mr. D. McCaughan

THAT the road narrowing at the intersection of Ontario Street and Wood Street be retained;

AND THAT staff be directed to review and report back to Committee on whether or not the road narrowing should be retained at the time that Tytler Public School closes or in two (2) years, whichever is less;

AND THAT the traffic signage and pavement marking changes as outlined in the report of the Director of Operations dated March 15, 2010 be implemented.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Billings (1)

Carried

City of Guelph – Prosperity 2020: Strategic Directions for Economic Development & Tourism

Jim Mairs, Senior Business Development Specialist/Assistant Manager Manufacturing Sector, advised that the document Prosperity 2020 will assist in achieving a diverse and prosperous local economy. He provided background information on the on development of the document and the participation of the Mayor's Task Force on the Economy and the Guelph Economic Development Advisory Committee.

John Genest of Malone Given Parsons Ltd. outlined the process in the development of the document Prosperity 2020. He advised of the key findings in phase 1with respect to the economic base analysis. He outlined phase 2 strategic directions which focus on investment on growth in selected sectors.

Lloyd Longfield was present on behalf of the Mayor's Task Force / Chamber of Commerce and advised of the group's participation in the formulation of the document. He advised that he would like to see the work continue to the next level.

Carol Tyler, Chair of the Guelph Economic Development Advisory Committee advised that the Committee was highly involved in the development of the document and are interested in continuing to work with Council, staff and

the community on the implementation of the strategic directions in Prosperity 2020.

Councillor Beard presented Clause 1 that was extracted from the Finance, Administration & Corporate Services Committee Third Consent Report.

16. Moved by Councillor Beard
Seconded by Councillor Wettstein

Mr. P. Cartwright

THAT the Finance and Corporate Services Report dated April 12, 2010, regarding the City of Guelph – Prosperity 2020: Strategic Directions for Economic Development and Tourism report from Economic Development & Tourism Services, be received;

AND THAT Guelph City Council accepts the strategic directions and recommendations contained in the City of Guelph – Prosperity 2020: Strategic Directions for Economic Development and Tourism report dated March 2010;

AND THAT Economic Development & Tourism Services be directed to use the City of Guelph – Prosperity 2020: Strategic Directions for Economic Development and Tourism report dated March 2010 to manage and guide its on-going economic development and tourism activities;

AND THAT Economic Development & Tourism staff be directed to present to Guelph City Council for approval, a vision for Guelph's economic development and tourism future to 2020; and to identify to Guelph City Council, 5-7 specific actions for immediate attention and implementation, by no later than June 30, 2010;

AND THAT Economic Development & Tourism staff be directed to present to Guelph City Council for approval a business plan – complete with detailed actions/tasks, timelines, roles and responsibilities, financial and other resources required and performance/monitoring measures, by no later than September 30, 2010;

AND THAT the Guelph Economic Development Advisory Committee continue to provide input and advice to staff in implementing the strategic directions and to provide a semi-annual report to Council on the implementation and achievements of the strategy;

AND THAT Guelph City Council extends its appreciation to the members of the Mayor's Task Force on the Economy and the Guelph Economic Development Advisory

Committee for their efforts and input into the strategy over the past year.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Sale of Greenhouse Gas Credits from Eastview Landfill

Councillor Piper presented Clause 5 that was extracted from the Community Development & Environmental Services Committee Third Consent Report.

17. Moved by Councillor Piper
Seconded by Councillor Burcher
THAT the Mayor and Clerk be authorized to enter into a contract with The Greening Canada Fund and L21 Financial Solutions to sell Greenhouse Gas Credits, subject to the satisfaction of the Director of Corporate Services/ City Solicitor and the Director of Environmental Services;

AND THAT the funds from the sale of Green House Gas (GHG) credits in 2010 be used to fund infrastructure replacements/site upgrades associated with improving and securing the Eastview Landfill Methane Collection system with the balance used to reduce the tax-supported operating budget.

18. Moved in Amendment by Councillor Billings
Seconded by Councillor Kovach
THAT staff report back to Council following Phase 2.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

19. Moved by Councillor Piper
Seconded by Councillor Burcher
THAT the Mayor and Clerk be authorized to enter into a contract with The Greening Canada Fund and L21 Financial Solutions to sell Greenhouse Gas Credits, subject

Dr. J. Laird
Ms. L.E. Payne

to the satisfaction of the Director of Corporate Services/ City Solicitor and the Director of Environmental Services;

AND THAT the funds from the sale of Green House Gas (GHG) credits in 2010 be used to fund infrastructure replacements/site upgrades associated with improving and securing the Eastview Landfill Methane Collection system with the balance used to reduce the tax-supported operating budget;

AND THAT staff report back to Council following Phase 2.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Election Signs

Councillor Piper presented Clause 6 that was extracted from the Community Development & Environmental Services Committee Third Consent Report.

20. Moved by Councillor Piper
Seconded by Councillor Burcher
THAT no further action be taken to reduce and minimize the proliferation of all election signs on private and public properties.

21. Moved by Councillor Salisbury
Seconded by Councillor Beard

Mr. J. Riddell
Ms. B. Boisvert

THAT the matter of reducing and minimizing the proliferation of all election signs on private and public properties be deferred until 2011 and considered during the 2011 priority planning session.

VOTING IN FAVOUR: Councillors Beard, Burcher, Farrelly, Piper, Salisbury, Wettstein and Mayor Farbridge (7)

VOTING AGAINST: Councillors Bell, Billings, Findlay, Hofland, Kovach and Laidlaw (6)

Carried

Recommended Terms and Conditions for a Proposed Agreement with the Regional Municipality of Waterloo to Process Organic Material at Guelph's New Organic Waste Processing Facility (OWPF)

Councillor Piper presented Clause 7 that was extracted from the Community Development & Environmental Services Committee Third Consent Report.

22. Moved by Councillor Piper
Seconded by Councillor Burcher

Dr. J. Laird
Ms. L.E. Payne

THAT the Mayor and Clerk be authorized to enter into an agreement with the Regional Municipality of Waterloo to process 20,000 tonnes of organic material per year commencing October 2013, as described in the report dated April 19, 2010 from the Director of Environmental Services, subject to the satisfaction of the Director of Corporate Services/City Solicitor and the Director of Environmental Services.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Billings (1)

Carried

Community Gardens Pilot Site Approval

Councillor Findlay presented Clause 6 that was extracted from the Emergency Services, Community Services & Operations Committee Third Consent Report.

23. Moved by Councillor Findlay
Seconded by Councillor Laidlaw

Ms. A. Pappert

THAT the Community Services Report # CS-IS-1008 dated April 19, 2010 related to Community Gardens be received;

AND THAT City Council support the location of two pilot community gardens, one in Peter Misersky Park and the other in Norm Jary Park as set out in Appendix B and Appendix E, respectively, of the Community Services Report # CS-IS-1008 dated April 19, 2010 for a two year trial period commencing in the spring of 2010 and ending after the harvest in the fall of 2011;

AND THAT staff be directed to work with the associated neighbourhood groups, the Upper Grand District School Board (UGDSB), and community garden volunteers to support the implementation of the pilot community gardens and including gardens to be located at Brant Avenue School and the UGDSB Lot at 170 Stephanie Drive

subject to available resources within the approved 2010 operating budgets;

AND THAT staff report back on the results of the community gardens program following the end of the pilot.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

City-Owned Properties at 152-158 and 160-164 Wyndham Street North: Baker Street Redevelopment / New Central Library Project

Councillor Beard presented Clause 4 that was extracted from the Finance, Administration & Corporate Services Committee Third Consent Report.

24. Moved by Councillor Beard
Seconded by Councillor Wettstein

Ms. L.E. Payne
Mr. J. Riddell

THAT staff be directed to proceed to take the steps necessary to demolish the buildings at 152-158 and 160-164 Wyndham Street North and establish a parking lot in the interim period leading up to the development of the new central library;

AND THAT Council authorizes the issuance of a demolition permit in respect of 160-164 Wyndham Street North, pursuant to By-law (1988)-12922 and Section 33 of the Planning Act.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillors Billings and Kovach (2)

Carried

Notice from Upper Grand District School Board Proposal to Dispose of College Avenue Public School – 195 College Avenue West

25. Moved by Councillor Beard
Seconded by Councillor Wettstein

Ms. L.E. Payne

THAT in respect of the proposal by the Upper Grand District School Board to dispose of its College Avenue Public School at 195 College Avenue West, that staff be directed to respond to the Board indicating that:

(a) The City does have an interest in acquiring this property;

AND THAT, in respect of the proposal by Wellington-Dufferin-Guelph Public Health (WDGHP) to establish a new permanent facility in Guelph, that WDGPH be required to provide the following in support of its proposal and prior to staff returning to Council with recommendations regarding the possible purchase of 195 College Avenue property;

(a) An independent and professionally prepared Needs/Facilities Study that provides an objective assessment all of its facility needs over a 20 year period and specifically identifies the needs and estimated capital and operating costs associated with a new facility in Guelph. The Study shall consider the option of reusing the existing building at 195 College Avenue West both on an interim and permanent basis. Professional staff from the City and County partners shall be involved during the development of the Needs/Facilities Study.

(b) WDGPH shall formally seek funding for the proposed facility from the Province and provide a written response from the Province in that regard.

(c) WDGPH shall formally seek proportionate shares of funding for the proposed facility from the Counties of Wellington and Dufferin. WDGPH to confirm from the Counties that the partner's share of closing costs will be remitted to the City in trust prior to completion of the purchase of 195 College Avenue West.

(d) WDGPH shall disclose the amounts and availability of any funds or reserves being held by WDGPH for capital improvements, renovations, leasehold improvements, or the like.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12

VOTING AGAINST: Councillor Laidlaw (1)

Carried

26. Moved by Councillor Piper
Seconded by Councillor Burcher
THAT the Procedural By-law be suspended to allow for Council to continue beyond 11 p.m.

Carried

2010 Property Tax Policy

Councillor Beard presented Clause 7 that was extracted from the Finance, Administration & Corporate Services Committee Third Consent Report.

27. Moved by Councillor Beard
Seconded by Councillor Wettstein
THAT the following tax policies be incorporated into the tax rate and ratio bylaws;

1. That the capping parameters used for 2009, be adopted for 2010.
2. That all other tax policies, including optional property classes, graduated tax rates, relief to charities, low income and disabled persons (as detailed in Schedule 1 to Report Fin-10-09) remain the same as 2009.

28. Moved in Amendment by Councillor Hofland
Seconded by Councillor Beard
THAT the following tax policy be incorporated into the tax rate and ratio by-laws:

a) Tax Ratios: Reduce the multi-residential tax ratio from 2.5965 to 2.4530 with all other class ratios and vacancy discounts remaining the same as in 2009.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

29. Moved by Councillor Beard
Seconded by Councillor Wettstein

Ms. M. Neubauer

THAT the following tax policies be incorporated into the tax rate and ratio bylaws;

1) Tax Ratios: Reduce the multi-residential tax ratio from 2.5965 to 2.4530 with all other class ratios and vacancy discounts remaining the same as in 2009.

2) That the capping parameters used for 2009, be adopted for 2010.
3) That all other tax policies, including optional property classes, graduated tax rates, relief to charities, low income and disabled persons (as detailed in Schedule 1 to Report Fin-10-09) remain the same as 2009.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillors Billings, Kovach and Wettstein (3)

Carried

Consent Agenda

Re-Election of Councillor Burcher to the FCM Board of Directors

30. Moved by Councillor Hofland
Seconded by Councillor Salisbury

Counc. Burcher

THAT Guelph City Council approves Councillor Lise Burcher in seeking re-election to the FCM Board of Directors at the 2010 Annual General Meeting in Toronto, Ontario.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

BY-LAWS

31. Moved by Councillor Billings
Seconded by Councillor Burcher

THAT By-laws Numbered (2010)-18973 to (2010)-18999, inclusive, are hereby passed.

Carried

MAYOR'S ANNOUNCEMENTS

The Mayor advised that a local team had recently competed at the Rotary World Curling Championships in Perth, Scotland, and brought back greetings from the local Mayor and Council and a picture book.

ADJOURNMENT

The meeting adjourned at 11:30 o'clock p.m.

Minutes read and confirmed May 25, 2010.

……..
Mayor

…….
Clerk

April 26 2010
Schedule 1

CORPORATE POLICY AND PROCEDURE

POLICY	**Building Stabilization Reserve Fund #188**
CATEGORY	Finance
AUTHORITY	Council/Community Design & Development Services
RELATED POLICES	Reserve and Reserve Fund Policy
APPROVED BY	Council
EFFECTIVE DATE	May 1, 2009
REVISION DATES	April 26, 2010

POLICY STATEMENT

To establish a Building Stabilization Reserve Fund Policy.

PURPOSE

The Building Code Act allows permit fees to be set to cover the costs of the administration and enforcement of the Building Code Act, as well as, reasonable contributions to a reserve fund. The reserve fund can be used to offset lean years, implement service enhancements and to cover unexpected expenses.

BACKGROUND

Building Code regulatory changes introduced under The Building Code Act, effective July 1, 2005, directs municipalities to set building permit fees to recover only the costs associated with the administration and enforcement of the Building Code Act. These include direct, indirect and overhead costs.

Direct Costs: include (but not limited to) employee compensation costs, training expenses, office expenses, membership fees, vehicle expenses, advertising and communication tools.

Indirect Costs: include (but not limited to) a portion of costs of other departments that support Building Services in the administration and enforcement of the Building Code Act.

Overhead Costs: include (but not limited to) Corporate staff development, postage, telephone, communications, advertising, accommodations, utilities, building maintenance, cleaning and insurance.

SOURCE OF FUNDS

Legislation sets out that the Reserve Fund is funded from Building Permit fees which must not exceed the anticipated reasonable costs to administer and enforce the activities under the Building Code Act.

USE OF FUNDS

The Reserve Fund will be used to stabilize revenues in lean years, implement service enhancements and cover unexpected expenses such as training, legal fees, staffing needs and associated support costs.

RESERVE FUND BALANCE

Staff will monitor and maintain the Reserve Fund with a balance that would provide funding for approximately 1 year of operation of Building Services for the administration and enforcement of the Building Code Act only. This balance would provide staff with an upper limit to freeze automatic increases and the ability to maintain a healthy Reserve Fund.

AUTHORITY TO RELEASE FUNDS

Consistent with the current Purchasing By-law #2005-17679, the Director of Community Design and Development Services has the authority to approve transfers from the Building Stabilization Reserve Fund to an annual total maximum of $100,000.

Transfers from the Building Stabilization Reserve Fund (individual transfers or annual total) greater than $100,000 must be approved by Council either via the budget process or through Council resolution.

April 26, 2010
Schedule 2

Committee Mandate and Charter
Municipal Election Compliance Audit Committee

A. Mandate for the Municipal Election Compliance Audit Committee

1. Mandate

The Committee's mandate defines its core areas of management and responsibility.

This committee is mandated through provincial legislation: Section 81.1 of the *Municipal Elections Act, 1996* (*MEA*).

The mandate of the Municipal Election Compliance Audit Committee is to hear and determine all applications filed in accordance with section 81 of the *MEA* in accordance with the procedures established by the municipal clerk under the provisions of the *MEA.* Any application which does not meet the legislative deadline for submission will not be presented to the committee for review.

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the *MEA* relating to election campaign finances may apply for a Municipal Election Compliance audit of the candidate's election campaign finances.

The committee is required by legislation to consider any applications for a compliance audit of the election campaign finances of any candidate who ran for the office of head of council or councillor in the City of Guelph municipal election, if the application was received in accordance with legislative requirements.

2. Composition of the Committee

I. The committee is comprised of three citizen appointees.

The committee shall be established before October 1 of an election year. The term of appointment is from December 1, of a regular election year to November 30, of the next regular election year.

The committee shall not include,
(a) employees or officers of the City or any of its local boards;
(b) members of City council or any of the City's local boards;
(c) any persons who are candidates in the election for which the committee is established; or
(d) any persons who have a personal or professional relationship with any persons who are candidates in the election for which the committee is established.

II. The Chair is elected by the Committee at its first meeting.

III. The purpose of a compliance audit committee is to review and determine if a request for a compliance audit should be granted. The decision of the committee as to

whether or not a request for an audit is to be granted, can be appealed to the Ontario Court of Justice.

If a committee decides to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. The auditor will determine whether a candidate has complied with the provisions of the *MEA* relating to election campaign finances and is required to prepare a report outlining any apparent contravention by the candidate.

Support staff will include a Council/Committee coordinator, the Returning Officer for the election or his/her designate(s) and Legal Services staff.

B. Committee Charter

The committee's Charter outlines how the committee will satisfy the requirements set forth by Council in its Mandate. This Charter comprises:

- Operating principles
- Responsibilities and duties
- Operating procedures

1. Operating Principles

All committee work will be carried out in accordance with provisions of Section 81.1 of the *MEA* and any other governing legislation and policies, and the Committee shall fulfill its responsibilities within the context of the following principles:

i. Committee Values

The Council Code of Conduct, transparency and accountability guide committee efforts and promote interaction with the highest ethical standards and professionalism while ensuring that the best interests of the community are met. The Council endorsed corporate values of wellness, integrity and excellence will also be observed.

ii. Communications

The committee Chair will act as the primary spokesperson for any inquiries.

iii. Meeting Agenda

The committee meeting Agenda shall be drafted by the committee coordinator as required to consider any applications for audit that have been filed in accordance with the legislation.

iv. Notice of Meetings

Public notice of all committee meetings will be provided on the City's electronic general calendar at least 72 hours prior to a meeting; by posting a notice in City Hall at least 72 hours prior to the meeting; and by publication in a local newspaper at least 72 hours prior to the meeting.

It is recognized that, consistent with Section 239 of the *Municipal Act, 2001* some agenda items may require a meeting to be closed to the public. The holding of any closed meetings and the general nature of the matter to be considered will be made public to ensure full transparency.

v. Committee Expectations and Information Needs

Meeting minutes will be recorded and distributed to committee members with each meeting agenda. All decisions that lead to the formulation of recommendations will take place at the committee meetings only and not through electronic or other outside exchanges.

All pertinent information will be shared with all committee members in advance of meetings. This can include but not be limited to meeting minutes, and any supplemental information.

vi. Reporting

The committee's decision is final unless appealed to the Ontario Court of Justice.

2. Responsibilities and Duties

To deal with applications from the regular election and any by-elections during the term of the municipal council pursuant to the responsibilities as set forth in the *ME as follows:*

1) Decide, within 30 days of receipt of such application, whether the application should be granted or rejected.
2) Where an application is granted, appoint an auditor licensed under the *Public Accounting Act, 2004* or a prescribed person to conduct a compliance audit of the candidate's election campaign finances.
3) Consider the report of the auditor within 30 days after receipt and may,
    a) if the report concludes that the candidate appears to have contravened a provision of the *MEA* relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention;
    b) if the report concludes that the candidate does not appear to have contravened a provision of the *MEA* relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application.

3. Operating Procedures

i. The committee will meet as needed with meetings to be scheduled when a Municipal Election Compliance audit application is received.
ii. A quorum shall be a majority of the whole committee (2).
iii. Meeting minutes will be provided to each member of the committee as part of the agenda for meetings.
iv. The meetings shall be conducted according to the *Statutory Powers Procedure Act*.
v. The Chair shall vote on every motion.

Council Chambers
May 3, 2010 7:00 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury and Wettstein

Absent: Councillor Kovach

Staff Present: Mr. J. Riddell, Director of Community Design & Development Services; Mr. S. Hannah, Manager of Development & Parks Planning; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PLANNING MEETING

Consent Agenda

The following items were extracted from the May 3, 2010 Consent Agenda to be voted on separately:

- A-2: 1671 Gordon Street: proposed zoning by-law amendment (file ZC0607)

1. Moved by Councillor Salisbury
Seconded by Councillor Hofland

THAT the balance of the May 3, 2010 Council Consent Agenda as identified below, be adopted:

a) **47-51 Paisley Street: Proposed Zoning By-law Amendment (File ZC0901) – Ward 3**

Ms. N. Shoemaker
Mr. J. Riddell
Mr. D. McCaughan
Ms. L.E. Payne
Ms. M. Neubauer

THAT Report 10-47 dated May 3, 2010 regarding an application for a Zoning By-law Amendment for 47-51 Paisley Street from Community Design and Development Services be received;

AND THAT the application by Black, Shoemaker, Robinson & Donaldson for a Zoning By-law

Amendment (File ZC0901) from the R.1B (Residential Single Detached) Zone to a Specialized R.1B-?? (Residential Single Detached) Zone affecting the property known as 47-51 Paisley Street and legally described as Part Lot 1, Registered Plan 324, City of Guelph, be approved in the form of a Specialized R.1B-?? (H) Holding Zone, in accordance with the regulations set out in Schedule 1 attached.

b) Transit Terminal Project Lease Agreement – Relocation of Locomotive 6167

Ms. L.E. Payne

THAT the Mayor and Clerk be authorized to execute a Lease Agreement between the City and Goderich-Exeter Railway Company for a site to accommodate and display Steam Locomotive 6167, subject to the form and content being satisfactory to the City Solicitor.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

1671 Gordon Street: Proposed Zoning By-law Amendment (File: ZC0607) – Ward 6

Mr. Chris DeVriendt, Senior Planner, advised that the storm water management, grading and landscaping concerns would be addressed by the site plan agreement. He stated staff is amenable to including the abutting property owners in the site plan approval process.

Mr. Scott Hannah, Manager of Development and Parks Planning stated that parking signage would also be addressed.

2. Moved by Councillor Billings
Seconded by Councillor Wettstein

Mr. A. Artinger
Mr. D. Voicu
Mr. J. Riddell
Ms. L.E. Payne
Ms. M. Neubauer
Mr. D. McCaughan

THAT Report 10-48 dated May 3, 2010 regarding a Zoning By-law Amendment for property municipally known as 1671 Gordon Street from Community Design and Development Services be received;

AND THAT the application by Reid's Heritage Group for a Zoning By-law Amendment from the R.1B (Residential Single Detached) Zone to a Specialized R.3A-? Cluster Townhouse Zone affecting property municipally known as 1671 Gordon Street and legally described as Part of Lot 9, Concession 7, City of Guelph, Part 1 of 61R-9745, City of Guelph be approved in accordance with the regulations and conditions as amended and set out in Schedule 2 attached hereto;

AND THAT the following be added to Condition 7 of Schedule 2:

> *"The abutting property owners shall be permitted to review and provide input into the site plan, grading and storm water management plan before approval".*

AND THAT in accordance with Section 34 (17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed zoning by-law amendment affecting 1671 Gordon Street as set out in Report 10-48 from Community Design and Development Services dated May 3, 2010.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 7:13 o'clock p.m.

Minutes read and confirmed May 25, 2010.

……..
Mayor

…….
Deputy Clerk

Schedule 2
Permitted Uses, Regulations and Conditions

That the request to amend the zoning on 47-51 Paisley Street from the existing R.1B (Single-detached Residential) to the R.1B-?(H) (Specialized Single-detached Residential) with Holding Zone, BE APPROVED subject to the following permitted uses, regulations and conditions:

Specialized Residential R.1B-?(H) Holding Zone

47-51 Paisley Street
As shown in Defined Area Map No. 24 of Zoning By-law (1995)-14864, as amended, and with the following permitted uses, regulations and conditions:

Permitted Uses
In addition to the Uses listed in Section 5.1.1., the following additional use shall be permitted:

- A multiple dwelling containing a maximum of four (4) dwelling units.

Holding Provision
Purpose:
To ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph.

Holding Provision Conditions:
Prior to the removal of the holding symbol "H", the owner shall complete the following conditions to the satisfaction of the City:

1. The owner shall arrange for a building inspection of the entire building by the City of Guelph Building Services. This inspection is required to confirm only four dwelling units exist and that the basement wall and kitchen and all associated plumbing have been removed.
2. The owner shall arrange for the City of Guelph Fire Department to complete an inspection of the building. All fire code upgrades requested by the Fire Prevention Officer must be completed by the owner.
3. Material alterations may require the owner to apply and obtain a building permit. Building services to determine if permits are required after the inspection from conditions number 1 and 2 have been completed.
4. The owner shall pay development charges to the City in accordance with the City's Development Charges By-law, 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.

5. The owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.

Conditions

The following conditions are provided as information to Council and will be imposed through site plan approval:

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, which includes the existing senior's residence at 1691 Gordon Street, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.

    a. Further, the Owner commits and agrees that the design for development of the subject lands shall be generally in accordance with and conform to the concept plan attached as **Schedule 5** to the May 3, 2010 Community Design and Development Services Staff Report 10-48. This includes the provision of a 6 metre wide internal driveway at the eastern portion of the property to provide a future connection to the adjacent lands at 1665 and 1657 Gordon Street.

2. The owner shall prepare a tree conservation and protection plan to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval. This plan shall incorporate the retention to the greatest extent possible of the existing hedgerow trees along the northerly property line between the subject property and the adjacent property at 1665 Gordon Street and outline tree protection measures (ie tree protection fencing, grading activities) to be implemented.

3. The owner agrees that permanent full vehicular access to the property shall be provided from Gosling Gardens. The owner further agrees that the full access to Gordon Street that is currently provided through the existing service road will be a temporary full access, and that it will be restricted to a limited right-in/right-out access if and when the adjacent properties are redeveloped. The owner also agrees that the configuration of the future limited access to Gordon Street will be established by eliminating the existing service road and by reconstructing the Gordon Street median, in co-ordination with the owners of the adjacent developments and to the satisfaction of the City Engineer. The owner will share, with the owners of the adjacent redevelopments, the costs of providing the future limited access to Gordon Street and the costs of the Gordon Street median reconstruction.

4. The Owner shall construct the 6 metre wide by 31.450 metre access road at the eastern portion of the property as shown on the proposed concept plan attached as **Schedule 5** to the May 3, 2010 Community Design and Development Services Staff Report 10-48 to provide for a future connection/right-of-way to the adjacent lands at 1665 Gordon Street and 1657 Gordon Street. Such access road/right-of-way shall provide the future opportunity for the property owner(s) of 1665 Gordon Street and 1657 Gordon Street to use the access road/right-of-way for the limited use of the right-in/right-out access to Gordon Street upon redevelopment of these properties. That prior to site plan approval, the servient tenement 1671 Gordon Street, constructs and grants an 6.0 metre wide by approximately 31.450 metre long access road/right-of-way for vehicular access over 1671 Gordon Street, registered on title, in favour of the dominant tenements 1665 Gordon Street and 1657 Gordon Street.

5. Prior to site plan approval and prior to any construction or grading on the lands, the Owner shall have the Professional Engineer who designed the site plan identify and report to the City on any private easements that are required for services or access to the subject lands. Furthermore, prior to the issuance of a building permit, the Owner shall have a lawyer certify to the City that the easements identified by the Professional Engineer are in place.

6. Prior to the issuance of a building permit and prior to any construction or grading on the lands, the Owner shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the City Engineer

7. (a) Prior to site plan approval and prior to any construction or grading on the lands, the owner shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed. The Owner also agrees to maintain the stormwater drainage outlet for the existing residential properties to the north at 1665 and 1657 Gordon Street.

   (b) The abutting property owners shall be permitted to review and provide input into the site plan, grading and storm water management plan before approval.

8. That the Owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that

he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.

9. Prior to any development of the lands and prior to any construction or grading on the lands, the Owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.

10. That in the event there are any future problems with the functioning of the private septic systems for the current owners at 1665 Gordon Street and 1657 Gordon Street, the owner of 1671 Gordon Street agrees to provide, at their expense, a connection for these private septic systems to their onsite sanitary sewer system that provides a connection to the municipal sanitary sewer at Gosling Gardens, to the satisfaction of the City Engineer.

11. The Owner shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the Owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.

12. Prior to site plan approval, the Owner shall pay to the City its share of the actual cost of all municipal services on Gosling Gardens, across the frontage of the lands including road works, sanitary sewer, storm sewer, watermain, curb and gutter, catch basins, sidewalks and street lighting as determined by the City Engineer.

13. Prior to site plan approval, the owner shall pay to the City its share of the actual cost of constructing municipal services on Gordon Street across the frontage of the lands including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks and street lighting as determined by the City Engineer.

14. Prior to site plan approval, the Owner shall pay to the City its share of the actual cost of constructing the storm water outlet and municipal storm water management facilities to serve the site as determined by the City Engineer.

15. Prior to site plan approval, the Owner shall deed to the City a 0.30 metre reserve across the Gordon Street frontage and across the Gosling Gardens frontage of the lands, as required by the City Engineer.

16. That any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.

17. That all telephone and Cable TV service to the lands be underground and the Owner shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service prior to development of the lands.

18. That the Owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.

19. That all electrical services to the lands are underground and the Owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.

20. That the Owner shall pay development charges to the City in accordance with By-law Number (2009)-18729, 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.

21. That the Owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof.

22. The Owner acknowledges and agrees that the residential units on the subject site will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the Director of Community Design and Development Services. This will include third party certification.

23. That the Owner enters into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans and reports.

395 Southgate Drive, Guelph
May 10, 2010 6:00 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Findlay, Hofland, Kovach, Laidlaw, Piper, and Wettstein

Absent: Councillors Farrelly, and Salisbury

Staff Present: Mr. H. Loewig, Chief Administrative Officer; and Ms. T. Agnello, Deputy Clerk

Also Present: Guelph Hydro Inc. Board of Directors – Jane Armstrong, Robert Aumell, Brian Cowan, William Koornstra, and Jasmine Urisk

Guelph Hydro Elelctric Systems Inc. - Judy Fountain, Barbara Leslie
Guelph Hydro –Barry Chuddy, Chief Executive Officer; Nicole Mailloux, Vice-President Human Resources; Kazi Marouf, Director of Operations; Ian Miles, Vice-President Business Development & Chief Financial Officer; Mark Unsworth, Vice-President of Sustainable Energy; Matt Weninger, Director of Metering & Communications; Sandy Manners, Director of Communications; Ron Collins, Business Development Consultant

1. Moved by Councillor Hofland
Seconded by Councillor Piper
THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

Company Business Review
S. 239 (2) (g) A matter in respect of which a Council, Board, Committee or other body may hold a closed meeting under another Act.

2009 Financial Statements
S. 239 (2) (g) A matter in respect of which a Council, Board, Committee or other body may hold a closed meeting under another Act.

Citizen Appointment as Director of Guelph Hydro Inc.
S. 239 (2) (b) Personal matters about an identifiable individual.

Appointment of Auditors
S. 239 (2) (c) Proposed or Pending Acquisition or Disposition of Land

Other Matters

S. 239 (2) (g) A matter in respect of which a Council, Board, Committee or other body may hold a closed meeting under another Act.

Carried

The meeting adjourned at 6:01 o'clock p.m.

……
Mayor

……..……..
Deputy Clerk

395 Southgate Drive, Guelph
May 10, 2010 6:02 p.m.

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Findlay, Hofland, Kovach, Laidlaw, Piper, and Wettstein

Absent: Councillors Farrelly, and Salisbury

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Ms. M. Neubauer, Director of Finance; and Ms. T. Agnello, Deputy Clerk

Also Present: Guelph Hydro Inc. Board of Directors – Jane Armstrong, Robert Aumell, Brian Cowan, William Koornstra, and Jasmine Urisk

Guelph Hydro Elelctric Systems Inc. - Judy Fountain, Barbara Leslie

Guelph Hydro –Barry Chuddy, Chief Executive Officer; Nicole Mailloux, Vice-President Human Resources; Kazi Marouf, Director of Operations; Ian Miles, Vice-President Business Development & Chief Financial Officer; Mark Unsworth, Vice-President of Sustainable Energy; Matt Weninger, Director of Metering & Communications; Sandy Manners, Director of Communications; Ron Collins, Business Development Consultant

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

Barry Chuddy and Ian Miles provided information on the company.

A Matter in Respect of which a Council, Board, Committee or Other Body may hold a Closed Meeting Under Another Act

1. Moved by Councillor Kovach
Seconded by Councillor Billings

Ms J. Urisk

THAT the audited financial statements of Guelph Hydro Inc. for the year ended December 31, 2009, as prepared and reported upon by the Corporation's auditors, be received.

Carried

Personal Matters about an Identifiable Individual

2. Moved by Councillor Piper
Seconded by Councillor Billings

REPORT

THAT Jasmine Urisk be appointed as Director of Guelph Hydro Inc. for a three year term.

Carried

Personal Matters about an Identifiable Individual

3. Moved by Councillor Kovach
Seconded by Councillor Wettstein

REPORT

THAT the recommendation by the Board of Guelph Hydro Inc. to appoint KPMG LLP as auditors of the Corporation to hold office until the next annual meeting of the shareholder of the Corporation, be approved.

Carried

The meeting adjourned at 7:08 o'clock p.m.

……..
Mayor

……
Deputy Clerk

CONSENT REPORT OF THE
COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE

May 25, 2010

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

Your Community Development and Environmental Services Committee beg leave to present their FOURTH CONSENT REPORT as recommended at its meeting of May 17, 2010.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Community Development & Environmental Services Committee will be approved in one resolution.

1) Coal Phase Out

THAT the following resolution regarding the Coal Phase-Out be referred to Council for deliberation:

"THAT the City of Guelph write to Premier Dalton McGuinty to request that the Coal Phase-Out start now;

AND THAT coal plants be placed on standby reserve to be utilized only when absolutely necessary to meet energy needs."

2) Walk to School Initiatives

THAT the Community Design and Development Services Report 10-56 entitled `Walk to School Initiatives' be received;

AND THAT City staff be authorized to work with Upper Grand District School Board staff, Wellington Catholic District School Board staff, and stakeholders to form a working group for promoting and facilitating walk-to-school as an attractive alternative to driving children to schools in Guelph, as outlined in this Report.

3) Regional Transportation Initiative Involving the Ministry of Transportation and the Municipalities of Brant, Brantford, Cambridge, Guelph, Kitchener, Region of Waterloo, Waterloo and Wellington

THAT the Community Design and Development Services Report 10-58 entitled `Regional Transportation Initiative Involving the Ministry of Transportation and the

Municipalities of Brant, Brantford, Cambridge, Guelph, Kitchener, Region of Waterloo, Waterloo and Wellington be received;

AND THAT City of Guelph staff be directed to work with their counterparts in the Ministry of Transportation and the municipalities of Brant, Brantford, Cambridge, Kitchener, Region of Waterloo, Waterloo and Wellington, in undertaking a Foundational Study as the first step towards a future Strategic Transportation Planning Initiative, as outlined in this report.

4) Shared Rental Housing 2010-2011 Work Plan

THAT Report 10-53 from Community Design and Development Services regarding the Shared Rental Housing Work Plan, dated May 17, 2010, be received;

AND THAT the Shared Rental Housing Work Plan for 2010 and 2011 as shown in Attachment 6 of Community Design and Development Services Report 10-53, dated May 19, 2010, be approved;

AND THAT staff be directed to conduct the approved Shared Rental Housing 2010-2011 Work Plan.

AND THAT legal staff report back to Council by May 25th with timing and costs for the retention of external legal counsel to review options for zoning regulation of two unit rental houses in order to expedite the process;

ANDTHAT staff report back on the feasibility of placing a moratorium on accessory apartment registration.

5) Hanlon Creek Business Park – Completion of 2010 Jefferson Salamander Monitoring Program

THAT the Community Development and Design Services report dated May 17, 2010, with respect to the Hanlon Creek Business Park entitled, Completion of Jefferson Salamander Monitoring Program, be received;

AND THAT Council confirms that (a) a comprehensive salamander monitoring program for the Hanlon Creek Business Park subdivision development has been completed; (b) the results of the monitoring program indicate that there is no presence of Jefferson salamander within the Business Park; and (c) the results of the monitoring program enable the development of the Business Park to proceed immediately as a draft-approved plan of subdivision, including enhanced mitigation measures based on additional information gathered during the monitoring program, as outlined in this report;

AND THAT the Mayor convey this Report 10-61 dated May 17, 2010, along with a copy of Council's resolution, to the Minister of Natural Resources, Guelph MPP, Liz Sandals, and MNR Guelph District Office Manager.

6) Conversion in the Method of Collection of Organic Waste

THAT the report of the Director of Environmental Services concerning conversion to a cart-based curbside waste collection system for organic waste be approved;

AND THAT staff be directed to convert the method of collection of organic waste to a cart-based system;

AND THAT staff report back to Council in June 2010 with recommendations on the preferred alternative to modifying the City's waste collection system to facilitate cart-based collection and advise the Ministry of Environment accordingly.

7) Approval of Water and Wastewater Long-Range Financial Plan 017-301 (2010) as Required Under Ontario Regulations 453/07

THAT the report of the Director of Environmental Services dated May 17, 2010 entitled `Approval of Water and Wastewater Long-Range Financial Plan 017-031 (2010) as Required Under Ontario Regulation 453/07' be received;

AND THAT Council, as the owner of the Guelph municipal drinking water system, approve the Water and Wastewater Long-Range Financial Plan 017-301 (2010) in compliance with Ontario Regulation 453/07;

AND THAT staff submit the Water and Wastewater Long-Range Financial Plan 017-301 (2010) to the Province by July 1, 2010 in compliance with Ontario Regulation 453/07;

AND THAT the Water and Wastewater Long-Range Financial Plan be updated annually and included in the annual Water and Wastewater User Pay budgets presented to Council.

8) 180 Gordon Street – Brownfield Redevelopment Community Improvement Plan – Financial Incentive Request

THAT Community Design and Development Services Report 10-51, dated May 17, 2010 regarding requests for financial assistance pursuant to the City of Guelph

Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street be received;

AND THAT the request for financial assistance made by 879132 Ontario Inc. under the Environmental Study Grant program pursuant to the Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street, to an upset total of $10,000 upon the completion of a Phase 2 Environmental Site Assessment and an additional grant to an upset total of $10,000 upon the completion of a Remedial Work Plan, be approved;

AND THAT the request for financial assistance made by 879132 Ontario Inc. under the Tax Assistance During Rehabilitation Program pursuant to the Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street, for a duration of up to 3 years from the commencement of remedial work at the property subject to the terms and conditions attached hereto as Attachment D, be approved;

AND THAT Council direct staff to prepare a by-law to implement municipal tax assistance during rehabilitation in accordance with the Municipal Act and that the appropriate information and material be sent to the Province requesting relief from the education portion of the taxes for the property known municipally as 180 Gordon Street for a duration of up to 3 years from the commencement of remedial work at the property;

AND THAT staff be directed to proceed with the finalization of Environmental Study Grant, Tax Cancellation, and Information Sharing Agreements with 879132 Ontario Inc. to the satisfaction of the Director of Community Design and Development Services and the Director of Corporate Services/City Solicitor;

AND THAT the Mayor and Clerk are authorized to sign the Environmental Study Grant, Tax Cancellation, and Information Sharing Agreements.

All of which is respectfully submitted.

Councillor Piper, Chair
Community Development & Environmental Services Committee

PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE AGENDA FOR THE MAY 17, 2010 MEETING.

Finishing the coal phase out

An historic opportunity for climate leadership

In 2001, the Government of Ontario issued a legally binding regulation requiring the phase-out of coal-burning at the Lakeview Generating Station in Mississauga by April 30, 2005.

In 2007 the Government of Ontario issued a legally binding regulation requiring the cessation of coal-burning at Ontario's four remaining coal-fired power plants by December 31, 2014.[1]

Ontario's coal phase-out is the single largest greenhouse gas emission reduction initiative in North America – equivalent to taking almost seven million cars off the road.[2] Bringing the coal phase out to a successful conclusion as soon as possible will position Ontario as a global leader in addressing climate change and compliment the province's efforts to reposition itself as a green energy and economy leader.

In 2009, Ontario's coal-fired electricity output was at its lowest level in 45 years. The province now has a significant surplus of coal-free generating capacity and can finish the coal phase out in 2010.

2009 in Review

- Ontario's coal-fired electricity generation fell by 73% between 2003 and 2009 – from 36.3 billion kWh in 2003 to 9.8 billion kWh in 2009.[3]
- Coal-fired generation was responsible for only 6.6% of Ontario's total electricity production in 2009.[4]
- In 2009 Ontario's coal-fired electricity output was at its lowest level in 45 years.[5]
- However, according to a study prepared for the Government of Ontario, Ontario's coal-fired electricity generation in 2009 still caused 246 deaths, 342 hospital admissions, 406 emergency room visits and almost 123,000 minor illnesses (e.g., asthma attacks) in Ontario.[6]
- Coal-fired electricity generation is no longer profitable for Ontario Power Generation (OPG). In 2009, OPG received a $412 million subsidy from Ontario's electricity consumers to compensate it for the operating losses of its Nanticoke and Lambton coal-fired power plants.[7]
- In 2009 Ontario's net electricity exports (10.3 billion kWh) exceeded its total coal-fired electricity generation (9.8 billion kWh).[8]

We Can Phase-Out Coal Now

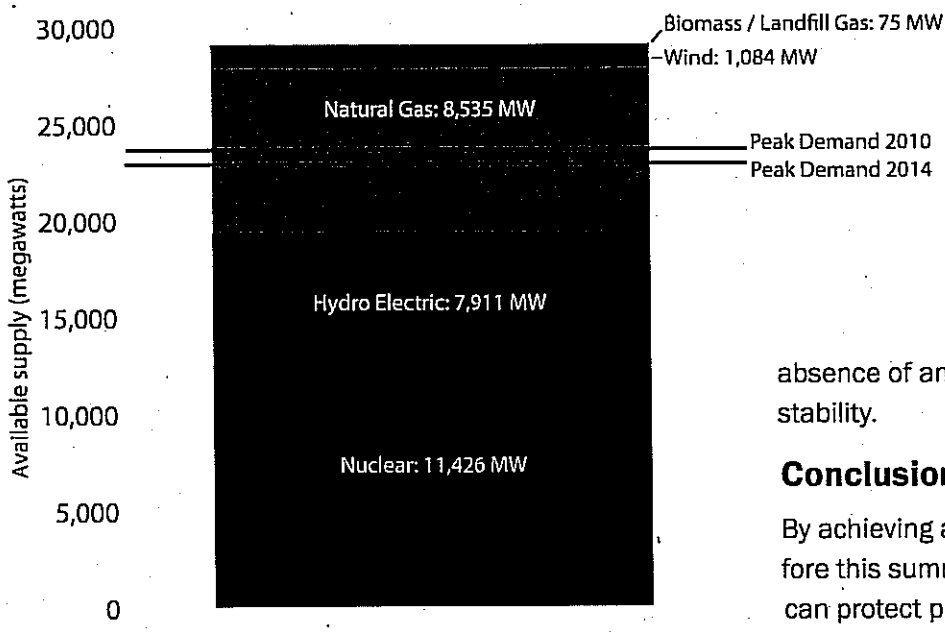
As of November 2009, Ontario's coal-free generation capacity was 23% greater than our forecast peak day demand in the summer of 2010 and 27% greater than our forecast peak day demand in 2014.[9]

Given that Ontario's coal-free generation capacity now exceeds our peak day demand by 23%, under normal conditions, our need for coal-fired electricity is negligible. Nev-

ertheless, according to the Ontario Power Authority, we need to retain some of our coal capacity on **standby reserve** until December 31, 2014 because the "Pickering nuclear units could reach the end of their operating lives sooner than expected."[10]

Furthermore, according to the Independent Electricity System Operator, one or more of the Nanticoke units may need to be operated at minimum output from time-to-time to provide grid stability.[11]

Ontario's Coal-Free Generation Capacity and Projected Peak Demand



The need to maintain some of our coal plants on **standby reserve** until the legally binding date for a complete coal phase-out (December 31, 2014), however, does not mean that we need to continue to use them to produce dirty electricity in the absence of an emergency or a need to support grid stability.

Conclusions

By achieving a virtually complete coal phase-out before this summer's G20 Summit in Toronto, Ontario can protect public heath and provide climate change leadership to Canada, the United States, China and the World.

Recommendations

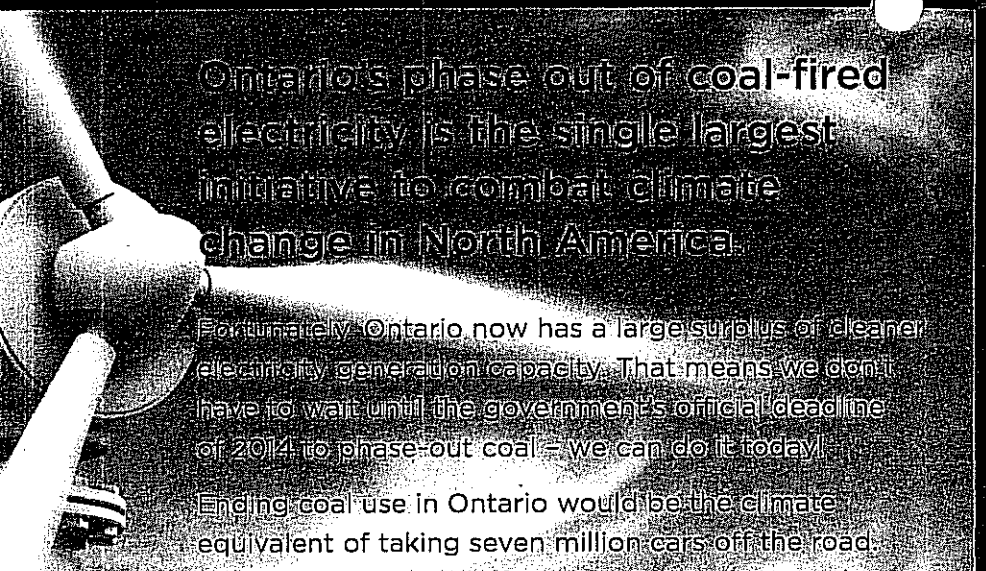
1. Premier McGuinty should direct Ontario Power Generation to put its dirty coal plants on **standby reserve** immediately and **only operate them if they are absolutely needed to keep the lights on in Ontario.**
2. To protect the climate and air quality gains created by Ontario's coal phase out, Premier McGuinty should direct the Independent Electricity System Operator to import coal-fired electricity from the U.S. only if there is no other option to keep the lights on in Ontario.*

*The IESO has a policy of importing coal-fired electricity whenever its "financial" cost (excluding public health and environmental costs) is less than the "financial" cost of the next unit of domestic electricity generation. This undermines the whole purpose of the coal phase-out. We should only import coal-fired electricity if there is no other option to keep the lights on in Ontario.

Endnotes

1. Ontario Regulation 496/07, *Ontario Regulation made under the Environmental Protection Act: Cessation of Coal Use – Atikokan, Lambton, Nanticoke and Thunder Bay Generating Stations.*
2. Independent Electricity System Operator (IESO), *The Ontario Reliability Outlook*, (December 2008), p. 5. Available online at: http://www.ieso.ca/imoweb/siteshared/pubs_library.asp?sid=ic
3. Ontario Power Generation, *Sustainable Development 2005 Report*, p. 36; and IESO, *News Release*, "Wind Power in Ontario Generates a New Record in 2009", (January 8, 2010). Available online at: http://www.opg.com/news/reports/?path=Sustainable%20Development%20Reports and http://www.ieso.ca/imoweb/media/md_newsitem.asp?newsID=5019
4. "Wind Power in Ontario Generates a New Record in 2009", (January 8, 2010).
5. "Wind Power in Ontario Generates a New Record in 2009", (January 8, 2010).
6. Each billion kWh of coal-fired electricity generation in Ontario: a) kills 25.1 people in Ontario; b) causes 34.9 hospital admissions in Ontario; c) causes 41.4 emergency room visits in Ontario; and d) causes 12,543.6 minor illnesses in Ontario. See DSS Management Consultants Inc. & RWDI Air Inc., *Cost Benefit Analysis: Replacing Ontario's Coal-Fired Electricity Generation*, Prepared for Ontario Ministry of Energy, (April, 2005), pp. 4, 5 & 26. In 2009, Ontario's coal-fired electricity generation equaled 9.8 billion kWh. See "Wind Power in Ontario Generates a New Record in 2009", (January 8, 2010).
7. Ontario Power Generation, *2009 Year End Report*, p. 6. Available online at: http://www.opg.com/investor/pdf/2009_Q4_FullRpt.pdf.
8. "Wind Power in Ontario Generates a New Record in 2009", (January 8, 2010).
9. As of November 4, 2009, Ontario's coal-free generation capacity equaled 29,031 MW; Ontario's forecast peak day demand in the summer of 2010 is 23,608 MW. . See IESO, *18-Month Outlook: From December 2009 to May 2011*, (November 17, 2009), pp. 5 & 7. Ontario's forecast peak demand in 2014 is 22,931 MW. See IESO, *Ontario Reserve Margin Requirements 2010-2014*, (October 1, 2009), p. A-2. Available online at: http://www.ieso.ca/imoweb/monthsYears/monthsAhead.asp and http://www.ieso.ca/imoweb/pubs/marketReports/Ontario-Reserve-Margin-Requirements-2010-2014.pdf
10. Ontario Power Authority, *Integrated Power System Plan*, Exhibit D, Tab 2, Schedule 1, Page 3; Corrected May 5, 2008. Available online at: www.powerauthority.on.ca/Page.asp?PageID=924&SiteNodeID=320
11. Telephone conversation with Terry Young and Kim Warren, IESO, Feb. 12, 2010.

ACTION ON CLIMATE
CHANGE CAN'T WAIT



Ontario's phase out of coal-fired electricity is the single largest initiative to combat climate change in North America.

Fortunately Ontario now has a large surplus of cleaner electricity generation capacity. That means we don't have to wait until the government's official deadline of 2014 to phase-out coal – we can do it today!

Ending coal use in Ontario would be the climate equivalent of taking seven million cars off the road. The faster we get rid of coal, the sooner we can lower our climate impact, improve air quality and reduce toxins like mercury and lead in our environment.

Using coal isn't even economic anymore. Ontario Power Generation lost more than $290 million on its coal plant operations in 2009.

Let's end coal use now and demonstrate real climate leadership to Canadians and the world!

The OCAA is a coalition of health and environmental organizations, faith communities, municipalities, utilities, unions, corporations and individuals working for cleaner air through a coal phase-out and a shift to a renewable electricity future.

Ontario Clean Air Alliance
416-926-1907 x246 | contact@cleanairalliance.org | www.cleanairalliance.org

TAKE ACTION
to save our climate

Please send the postcard below to Premier Dalton McGuinty urging him to fulfill his promise to end the use of dirty coal today! No more delays! Let's show the world we are ready to do our part to safeguard our climate and our environment.

DEAR PREMIER McGUINTY, I applaud your commitment to ending coal use for electricity generation in Ontario by 2014. But at a time when the world desperately needs climate leadership, Ontario can lead the way by idling its coal plants right now. I do not want to wait another four years to end the use of harmful coal. We can give our climate a break and all breathe easier by putting our coal plants on standby reserve right now.

Name: _____

Address: _____

City: _____ Postal Code: _____

Comments: _____

KNOCK OUT COAL IN 2010

BECAUSE ACTION ON CLIMATE CHANGE CAN'T WAIT

- Ontario's coal-free generation capacity (29,031 MW) is now 23% greater than Ontario's forecast peak demand for electricity in the summer of 2010 (23,608 MW) and 27% greater than the forecast peak demand in 2014.
- Ontario's peak demand for electricity fell by 10% between 2006 and 2009 and the Independent Electricity System Operator projects that it will continue to fall between now and 2014.

We have all the coal-free generation we need for today and tomorrow to keep Ontario humming – and healthy. We can safely put our coal plants on standby reserve right now and operate them only in the case of a power emergency until their permanent shutdown in 2014. **Let's show the world that we do care about our climate!**

E CAN PHASE OUT COAL TODAY AND EP THE LIGHTS ON IN ONTARIO!

place stamp here

Premier Dalton McGuinty
Legislature Building
Queen's Park
Toronto, ON
M7A 1A1

Recycled
Supporting responsible use of forest resources
www.fsc.org Cert no. SW-COC-003337
© 1996 Forest Stewardship Council

WE CAN STOP BURNING COAL TODAY!

Let's show the world at the G20 Summit in Toronto that we are taking action on climate change!

www.cleanairalliance.org

COMMITTEE REPORT

TO	**Community Development and Environmental Services Committee**
SERVICE AREA	Community Design and Development Services
DATE	May 17, 2010
SUBJECT	**Walk to School Initiatives**
REPORT NUMBER	10-56

RECOMMENDATION

"THAT the Community Design and Development Services Report 10-56 BE RECEIVED;

AND THAT City staff be authorized to work with Upper Grand District School Board staff, Wellington Catholic District School Board staff, and stakeholders to form a working group for promoting and facilitating walk-to-school as an attractive alternative to driving children to schools in Guelph, as outlined in this Report."

BACKGROUND

On April 16, 2007, Council directed staff to undertake consultation with School Boards and other stakeholders to promote walk-to-school as an attractive option for children living within walking distances of their schools. Following Council's authorization and consultations with School Boards and stakeholders, a walk-to-school pilot project was initiated involving two schools from each School Board: Mitchell Woods and Sir Isaac Brock (Upper Grand District School Board), and St. Paul's and Holy Trinity (Wellington Catholic District School Board). This report summarizes the pilot project activities and proposes an extension of the walk-to-school initiative to all the schools in Guelph.

REPORT

Walking and cycling are now recognized as the two active modes of transportation with attendant benefits for health, the environment and community well-being. They also contribute to reducing vehicular traffic on roadways, in neighbourhoods and on school premises. For school going children, walking serves as a morning exercise with the positive benefits of enhancing concentration, helping with behavior problems, and improving academic achievement. Encouraging a walking, or active-mode culture from a young age is also conducive to realizing the goals of sustainable transportation.

The current trend in Ontario indicates an increasing number of children in the 11-15 age category being driven to school and for other recreational activities even though in surveys among school children as many as 75% of children have expressed a desire to walk to school. A similar dichotomy between children's desire to walk and the common practice of being driven to school was noticed during the pilot project in the four Guelph schools.

In Guelph, 45% of children in the 11-17 age category walk to school, 20% are driven by car, 25% use school buses and 10% use Guelph Transit buses. The modal distribution varies between schools, however a number of schools experience traffic and safety problems arising from higher proportions of children being driven to school.

The walk-to-school pilot project included the following activities:

- Consultations with Principals, staff and parents
- Illustration of walking distance contours surrounding each school and identification of safe walking routes
- Walkabouts and identification of physical/infrastructure barriers to walking
- Promotion of walking-to-school among children and parents
- A survey among parents to identify support for and concerns about children walking to school
- Amazing Race to School: an exercise in which participating students and parents drove one week, walked the next week and compared their different experiences

Despite the enthusiasm and interest in the initiative, the pilot project did not succeed in having parents who were driving their children to school allowing their children to walk instead. The survey of parents identified the main reasons for their reluctance in the program as follows: the convenience of driving for households where both parents drive to work, safety concerns, and winter weather conditions. It was also noted that a higher number of children (including those driven in the morning) walk back from school in the afternoon than walk to school in the morning.

A review of the pilot project experience by City staff, School Boards staff and stakeholder partners (WDG ***inMotion***, Community Heart Health Network, and Wellington-Dufferin-Guelph Public Health) identified the difficulties in communicating with the parents about the merits in allowing their children to walk to school and the practical ways in which walking-to-school can be achieved, ensuring safety and convenience.

To raise awareness in the community about walk-to-school initiatives, a social marketing campaign was undertaken using the TDM (Transportation Demand Management) Municipal grant awarded to the City by the Ministry of Transportation. The 2009/10 campaign comprised of radio advertisements, posters in schools and community spaces, billboards and bus shelter advertisements, school newsletter inserts and promotional material, a page in the conservation calendar, and electronic and print media advertisements. Staff have received positive feedbacks about the campaign, and as one of the conditions of receiving the Provincial grant, staff will be undertaking an evaluation of the campaign.

Following the conclusion of the pilot project, City staff suggested to their School Board counterparts that the two School Boards should encourage walk-to-school initiatives in all their schools within Guelph, where large numbers of students live within walking distances of their schools. Where individual schools offer opportunities for walk-to-school initiatives, practical support could be given by a Working Group comprised of School Boards officials, City staff (from Transportation Planning and Operations Department, Traffic & Parking Division), Public Health and Guelph Police Services.

The proposed approach was presented to the Trustees of the two School Boards and they have expressed their support to the initiative. City staff are recommending Council authorization to participate in the same initiative.

As a specific measure to promote interest in the community regarding walk-to-school initiatives, staff are also proposing, following consultation with their counterparts in the two School Boards and stakeholder partners, to celebrate the September 2010 opening of the two new schools in the Westminster Wood subdivision as "walking schools." In preparation for the September celebration, a promotional walk-event is being planned for June 22, 2010. The Principals of the two new schools, Superintendants and School Boards Trustees will participate in the event. The Mayor and City Councillors are also invited to join in the June walk-event.

A second walk-event is also being planned for the month of August before the September school opening. The August event will include children who will be attending the new schools and their parents, in addition to the Principals and teachers. The event will focus on identifying safe routes, walking companions and volunteers to establish potential Walking-School-Bus (WSB) arrangements for the two new schools. WSB is a mode of student transportation where children are picked up at their home by a group led by a parent or older students who then walk to school together.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well-functioning and sustainable city.
Goal 2: A healthy and safe community where life can be lived to the fullest.

FINANCIAL IMPLICATIONS

There could be financial implications in the future if as a result of this program the need arises for additional school crossing guards.

DEPARTMENTAL CONSULTATION
Report circulated to Operations Department, Traffic and Parking Division

COMMUNICATIONS
N/A

Original Signed by:

Prepared By:
Tim Donegani
Transportation Demand Management Coordinator
(519) 822-1260, ext 2651
tim.donegani@guelph.ca

Original Signed by:

Endorsed By:
Rajan Philips, P.Eng.
Manager, Transportation Planning and Development Engineer
(519) 822-1260, ext. 2369
rajan.philips@guelph.ca

Original Signed by:

Recommended By:
Richard Henry, P.Eng.
City Engineer
(519) 822-1260, ext. 2248
richard.henry@guelph.ca

Original Signed by:

Recommended By:
James N. Riddell
Director, Community Design and Development Services
(519) 822-1260, ext. 2361
jim.riddell@guelph.ca

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COMMITTEE REPORT

TO	**Community Development and Environmental Services Committee**
SERVICE AREA	Community Design and Development Services
DATE	May 17, 2010
SUBJECT	**Regional Transportation Initiative involving the Ministry of Transportation and the Municipalities of Brant, Brantford, Cambridge, Guelph, Kitchener, Region of Waterloo, Waterloo and Wellington**
REPORT NUMBER	10-58

RECOMMENDATION

"THAT the Community Design and Development Services Report 10-58 BE RECEIVED;

AND THAT City of Guelph staff be directed to work with their counterparts in the Ministry of Transportation and the Municipalities of Brant, Brantford, Cambridge, Kitchener, Region of Waterloo, Waterloo and Wellington, in undertaking a Foundational Study as the first step towards a future Strategic Transportation Planning Initiative, as outlined in this Report."

REPORT

In April 2009, Council passed a resolution supporting MTO's Preferred Plan identified through an Environmental Assessment (EA) process for improving the Hanlon Expressway south of the Speed River. The resolution included the following request to the Ministry of Transportation:

> "initiate an integrated assessment of transportation needs in the Guelph-Wellington and Kitchener-Waterloo-Cambridge areas, in keeping with the Places to Grow goals and objectives, to identify regional TDM and transit needs, set targets, and promote supportive policies and infrastructure, along with ongoing Provincial highway initiatives."

On July 7, 2009, the Mayor wrote to the Minister of Transportation, Honourable Jim Bradley, conveying Council's request and asking the Ministry of Transportation to take the lead in undertaking an integrated needs assessment and expand the study area to include the City of Brantford. The Mayor's letter was shared among the municipalities in the potential study area and indicated that Guelph would be willing to coordinate with her neighbours if the Province was willing to undertake the initiative.

The Mayor's letter of July 7, 2009, including the Council resolution passed on April 27, 2009, are included as Attachment 1 in this report.

Following this request and discussions involving the Mayors of Brantford, Cambridge and Guelph, transportation planning staff in the three municipalities were directed to look into the possibility of preparing a draft terms-of-reference for a potential needs assessment initiative in consultation with transportation staff in the Region of Waterloo, Wellington County and the municipalities of Kitchener and Waterloo.

In a parallel development, the Region of Waterloo Planning and Works Committee Report, dated October 27, 2009, identified the need for a "strategic transportation planning approach for Southwestern Ontario that will accommodate the unique needs of this area and rationalize the complementary and competing needs of the various ongoing studies."

On October 16, 2009, Minister Bradley replied to Mayor Farbridge's letter, indicating that "the Ministry has no current plans to initiate a new integrated transportation study" and that the ongoing "GTA West EA Study's analyses and findings will allow the ministry, the City of Guelph and other municipalities to make informed transportation planning decisions in the future." The Minister's letter is included as Attachment 2.

At the technical level, municipal staff have been meeting among themselves and, on March 9, 2010, met with their Provincial counterparts at the Region of Waterloo offices. The consensus at the meeting was to consider the possibility of undertaking a Foundational Study as the first step towards a future Strategic Planning initiative. The Foundational Study would assemble available data and information, carry out baseline assessment, provide preliminary forecasts, identify needs and establish a framework for next steps.

On March 31, 2010, the Heads of Council for Brant, Brantford, Cambridge, Guelph, Kitchener, Region of Waterloo, and Waterloo wrote to the new Minister of Transportation, Honourable Kathleen Wynne, expressing support for undertaking a joint Foundational Study and willingness to cooperate fully to begin this initiative in the Fall of this year. The joint municipal letter is included as Attachment 3.

The indications are that the letter has been received favorably by the Ministry of Transportation. Municipal and Provincial staff are continuing to have their technical discussions. On April 26, Guelph hosted a Provincial-Municipal staff meeting to review the status of transportation data and forecasting resources pertaining to the study area comprised of the participating municipalities.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well-functioning and sustainable city.

Goal 2: A healthy and safe community where life can be lived to the fullest.

FINANCIAL IMPLICATIONS

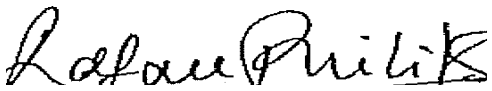
No expenditures foreseen at this time. Guelph's contributions to potential joint initiatives in the future could be accommodated under the approved budget for Transportation Strategy Implementation (RD0118).

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

N/A



Prepared By:
Rajan Philips, P.Eng.
Manager, Transportation Planning & Development Engineering
(519) 822-1260, ext 2369
rajan.philips@guelph.ca

Endorsed By:
Richard Henry, P.Eng.
City Engineer
(519) 822-1260, ext. 2248
richard.henry@guelph.ca

Recommended By:
James N. Riddell
Director, Community Design and Development Services
(519) 822-1260, ext. 2361
jim.riddell@guelph.ca

Attachments (3)

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July 7, 2009

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CCU

The Honourable Jim Bradley
Minister of Transportation
Ferguson Block 3rd Floor
77 Wellesley Street West
Toronto, ON M7A 1Z8

Office of the Mayor

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-837-5643
TTY 519-826-9771
F 519-822-8277
E mayor@guelph.ca

guelph.ca

Dear Honourable Bradley,

Re: Highway 6 (Hanlon Expressway) Environmental Assessment

The Environmental Assessment for the proposed improvements to the Hanlon Expressway (Highway 6 from south of Maltby Road to the Speed River) in Guelph is now in its final phase with the filing of the Transportation Environmental Study Report (TESR) for public review and comments.

We appreciate the decision by MTO West Region to open the review period to sixty days (June 2 to August 4) instead of the mandated thirty days. This is consistent with the high level of public interest in this project and the extensive public consultation that MTO West Region staff carried out throughout the EA process.

On April 27, 2009, Guelph City Council passed a resolution supporting MTO's Preferred Plan for improving the Hanlon Expressway. The resolution, a copy of which is attached, included a number of requests to MTO to be considered during the implementation of the project, including the formation of a Citizens Liaison Committee to coordinate mitigation measures in areas adjacent to residential neighbourhoods. We are confident that these matters will be addressed in a cooperative manner during the design and construction of the proposed improvements.

The Council resolution has also directed me to write to you to specifically request the Ministry of Transportation to:

> "initiate an integrated assessment of transportation needs in the Guelph-Wellington and Kitchener-Waterloo-Cambridge areas in keeping with the Places to Grow goals and objectives, to identify regional TDM and transit needs, set targets, and promote supportive policies and infrastructure, along with ongoing provincial highway improvement initiatives."

We believe that the Ministry should take the lead in undertaking such an assessment and the study area could be expanded to include the City of Brantford

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as well. The assessment could be undertaken either by expanding the ongoing GTA West Corridor study to include all the Grand River municipalities to the west of Guelph, or, through a new initiative focused only on the Grand River municipalities including Wellington County, City of Guelph, Regional Municipality of Waterloo, and municipalities of Waterloo, Kitchener, Cambridge and Branford.

The City Guelph is ready to coordinate this initiative with the neighbouring municipalities if the Province is willing to undertake this initiative.

Sincerely,

Mayor Farbridge

Attachment: (Council Resolution)

cc: Mayor Brenda Halloran, City of Waterloo
Mayor Doug Craig, City of Cambridge
Mayor Carl Zehr, City of Kitchener
Mayor Mike Hancock, City of Brantford
Mayor Joanne Ross-Zuj, Warden, Wellington County

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MAY 15 2009
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May 14, 2009

Mr. J. Riddell
Director of Community Design & Development Services

Dear Mr. Riddell:

At a meeting of Guelph City Council held April 27, 2009, the following resolution was passed:

"THAT the Community Design and Development Services Report 09-33, on the `Hanlon Expressway Environmental Assessment', dated March 30, 2009, be received;

AND THAT the Council Report 09-42, on the `Hanlon Expressway Environmental Assessment', dated April 27, 2009, be received;

AND THAT Council support the interchange upgrade of the Hanlon Expressway and Laird Road intersection identified through the Hanlon EA process, and request the Ministry of Transportation (MTO) to give priority to the design and construction of the new interchange to enable the full development of the Hanlon Creek Business Park and Southgate Industrial lands, as described in this report;

AND THAT Council support the improvements to the Hanlon Expressway intersections at Kortright Road identified through the Hanlon EA process;

AND THAT Council support the improvements to the Hanlon Expressway intersection at Stone Road identified through the Hanlon EA process;

AND THAT Council supports the improvements to the Hanlon Expressway intersection at College Avenue identified through the Hanlon EA process;

AND THAT the City of Guelph request MTO to set up a Citizens Liaison Committee comprising MTO staff, City staff and area residents, during the design and construction phase of the project, to coordinate the implementation of the proposed improvements and mitigation of impacts as described in this report including further investigation with respect to the placement of the service road;

.../ 2

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-822-1260
TTY 519-826-9771

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transit needs, set targets, and promote supportive policies and infrastructure, along with ongoing provincial highway improvement initiatives."

Yours sincerely,

for Lois A. Giles
Director of Information Services/
City Clerk

c. Ms. T. Sinclair
Ms. L. Sandals, M.P.P.
Mayor Farbridge

Ministry of Transportation

Office of the Minister

Ferguson Block, 3rd Floor
77 Wellesley St. West
Toronto, Ontario
M7A 1Z8
416 327-9200
www.mto.gov.on.ca

Ministère des Transports

Bureau du ministre

Édifice Ferguson, 3e étage
77, rue Wellesley ouest
Toronto (Ontario)
M7A 1Z8
416 327-9200
www.mto.gov.on.ca

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Office of the Mayor

OCT 1 6 2009

Her Worship Karen Farbridge
Mayor
City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Dear Mayor Farbridge:

Thank you for your letter about the planned improvements to the Hanlon Expressway and your request for an assessment of transportation needs in the Guelph-Wellington and Kitchener-Waterloo-Cambridge areas. I appreciate the continued dialogue on this important matter and am pleased to respond.

The ministry is currently completing the first phase of an Environmental Assessment (EA) Study for the Greater Toronto Area (GTA) West Corridor. This study's purpose is to examine long-term transportation opportunities and to consider alternative solutions for providing better links between the urban growth centres within the preliminary GTA West EA Study area including Guelph.

The GTA West EA Study is also considering the analysis and findings from other ministry and municipal transportation studies. These studies include the Guelph-Wellington Transportation Study, the Niagara to GTA Corridor EA Study, the Brantford to Cambridge Transportation Corridor EA Study, as well as the EA approved Highway 7 Kitchener to Guelph, and Highway 6 Freelton to Guelph projects.

Although the preliminary GTA West study area does not include Kitchener, Cambridge or Brantford, the transportation demand forecasting work of the study covers a much broader area, including the entire Greater Golden Horseshoe and goods movement network across the region.

It is expected that the GTA West EA Study's analysis and findings will allow the ministry, the City of Guelph and other municipalities to make informed transportation planning decisions in the future. As such, the ministry has no current plans to initiate a new integrated transportation study for the Guelph-Wellington and Kitchener-Waterloo-Cambridge areas.

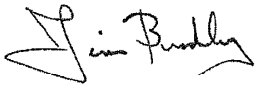
In addition, the EA Terms of Reference for the Brantford to Cambridge Corridor Study were approved by the Honourable John Gerretsen, Minister of the Environment, on July 17, 2009. The approved EA Terms of Reference provide the framework for an individual EA study to develop a strategy to address the long-term transportation problems and opportunities (to 2031), between Brantford and Cambridge.

.../2

I have forwarded your letter to the GTA West study team for their consideration.

Again, thank you for sharing your concerns and please accept my best wishes.

Yours sincerely,



Jim Bradley
Minister

c: His Worship Doug Craig, Mayor, City of Cambridge
Her Worship Brenda Halloran, Mayor, City of Waterloo
His Worship Mike Hancock, Mayor, City of Brantford
Joanne Ross-Zuj, Warden, County of Wellington
His Worship Carl Zehr, Mayor, City of Kitchener

March 31, 2010

The Honourable Kathleen Wynne
Minister of Transportation
Ferguson Block 3rd Floor
77 Wellesley St. W.
Toronto, ON M7A 1Z8

Office of the Mayor

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-837-5643
TTY 519-826-9771
F 519-822-8277
E mayor@guelph.ca

guelph.ca

Dear Minister Wynne,

Re: Brant, Brantford, Cambridge, Guelph, Kitchener, Region of Waterloo, Waterloo, Wellington: Integrated Regional Transportation Initiative

As Heads of Council for the above-noted municipalities, we would like to congratulate you on your appointment as Minister of Transportation and extend to you our support and cooperation in dealing with transportation issues that are of interest to the Province and our municipalities. Specifically, we would like to open a discussion with the Ministry of Transportation about undertaking a Strategic Regional Transportation Planning initiative to identify and address the transportation needs of our municipalities.

Outside the GTHA, our municipalities constitute one of the fastest growing regions in Ontario; they are also part of a growing 'commutershed' with a majority of the home-work travel occurring within or between our municipalities. The volume of travel between our municipalities and the GTHA is continuing to grow, and this is reflected in the increasing congestion on Highway 401. The Province is currently undertaking a number of transportation initiatives to upgrade the regional highway network and improve transit connections serving our municipalities. These initiatives include:

- GO Transit: Georgetown to Kitchener Rail Expansion (EA Approved)
- New Highway 7 (Kitchener to Guelph; EA approved)
- Highway 6 South & Highway 401 Improvements (EA approved)
- Highway 6 North (Hanlon Expressway; EA approved)
- Highway 8 & Highway 401 Interchange Improvements
- Brantford to Cambridge Transportation Corridor (EA Terms of Reference approved)
- Highway 401 (Highway 8 to Hespeler Road, EA approved)
- Highway 401 Improvements (Hespeler Road to West of Milton)
- GTA West Corridor
- Niagara to GTA Corridor

The Region of Waterloo Planning and Works Committee Report dated October 27, 2009 provides an "Update on Various Provincial Transportation Initiatives" that are relevant to our municipalities, and recommends "a strategic transportation planning approach for Southwestern Ontario that will accommodate the unique needs of this area and rationalize the complementary and competing needs of the various ongoing studies."

Guelph City Council has taken a similar position in recognizing the need for an integrated approach to transportation needs among our municipalities. On July 7, 2009, Guelph Mayor Karen Farbridge wrote to the then Minister of Transportation Jim

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Bradley, pursuant to a Council resolution requesting the Ministry to initiate an integrated assessment of transportation needs among our municipalities that will "identify regional TDM and transit needs, set targets, and promote supportive policies and infrastructure, along with ongoing provincial highway improvement initiatives."

Guelph's letter was shared among our municipalities and, since that time, our municipal transportation planning staff have been considering the possibility of preparing a draft terms of reference for an integrated transportation needs assessment for potential discussion with MTO. On October 16, we received Minister Bradley's reply to Mayor Farbridge's letter, indicating that "the Ministry has no current plans to initiate a new integrated transportation study" and that the ongoing "GTA West EA Study's analysis and findings will allow the ministry, the City of Guelph and other municipalities to make informed transportation planning decisions in the future."

We appreciate that, although the GTA West study includes only Wellington County and City of Guelph, the travel demand forecasting work that is being undertaken includes all our municipalities as part of the Greater Golden Horseshoe area. However, we believe that the time has come for our municipalities and the Province to take the next step and initiate an integrated, strategic and comprehensive transportation initiative encompassing all our municipalities in Southwestern Ontario. Such an initiative would provide for the development of an area-wide multi-modal transportation strategy that would support and implement the policy directions of the Growth Plan, consistent with the Plan's commitment to have Sub-area assessments of transportation networks done at a regional scale.

Our municipal staff met with their Provincial counterparts on 9 March 2010, at the Region of Waterloo offices, to discuss regional transportation issues that are of interest to the Province and our municipalities. Their discussion identified the possibility of jointly undertaking a Foundational Study as the first step towards a future Strategic Transportation Planning initiative. The Foundational Study would assemble available data and information (including from the GTA West study analyses), carry out baseline assessment, provide preliminary forecasts, identify issues and establish a framework for next steps.

We support the idea of a joint Foundational Study and are willing to cooperate fully to begin this initiative in the Fall of this year. To that end we would like to meet with you to discuss the arrangements for undertaking this initiative. We look forward to scheduling a meeting in the near future.

The City Guelph is ready to coordinate this initiative with the neighbouring municipalities if the Ministry of Transportation is willing to undertake this initiative.

Sincerely,

Karen Farbridge
Mayor

Office of the Mayor

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-837-5643
TTY 519-826-9771
F 519-822-8277
E mayor@guelph.ca

guelph.ca

Guelph
Making a Difference

Office of the Mayor

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-837-5643
TTY 519-826-9771
F 519-822-8277
E mayor@guelph.ca

guelph.ca

Mayor Ron Eddy, County of Brant

Mayor Mike Hancock, City of Brantford

Mayor Doug Craig, City of Cambridge

Mayor Karen Farbridge, City of Guelph

Mayor Carl Zehr, City of Kitchener

Regional Chair Ken Seiling, Region of Waterloo

Mayor Brenda Halloran, City of Waterloo

cc All signatories

COMMITTEE REPORT

TO	**Community Development and Environmental Services Committee**
SERVICE AREA	Community Design and Development Services
DATE	May 17, 2010
SUBJECT	**Shared Rental Housing 2010-2011 Work Plan**
REPORT NUMBER	10-53

RECOMMENDATION

"That Report 10-53 from Community Design and Development Services regarding the Shared Rental Housing Work Plan, dated May 17, 2010, BE RECEIVED; and

That the Shared Rental Housing Work Plan for 2010 and 2011 as shown in **Attachment 6** of Community Design and Development Services Report 10-53, dated May 17, 2010, be approved; and

That staff be directed to conduct the approved Shared Rental Housing 2010-2011 Work Plan."

BACKGROUND

Before considering this report it is important to recognize that there are a number of processes already in place that have attempted to address this issue.

On-going City Programs Related to Shared Rental Housing

The following programs are an outcome of the 2003-2005 Shared Rental Housing Regulation Review and related implementation plan that are being implemented currently on a very regular basis.

Enhanced By-law Enforcement Program

The enhanced by-law enforcement program was created in 2005 as a way to address areas with a high number of by-law infraction complaints at peak times. Based on previous complaints data, streets with high numbers of by-law infraction complaints are monitored by enforcement staff. In April and September, property standards inspectors proactively review front yards in these areas for zoning and property standards violations. This program was also the start of enhanced noise enforcement. Prior to 2005, all noise complaints were dealt with by the Police and often these complaints were a low priority for police and dealt with hours after a complaint was made. Since 2005, responsibility for these complaints has transferred to By-law Enforcement staff, who have proven to have a much quicker response time. By-law Enforcement staff are now available 24 hours a day, 7 days a week to respond to noise complaints and enforce parking related by-laws. Also, this enhanced enforcement program has resulted in better coordination and communication between staff in By-law Enforcement, Fire, Zoning, Property Standards and Solid Waste, resulting in problem properties being dealt with quickly.

Property Clean Ups under the Tidy Yard By-law
The Yard Maintenance By-law was enacted by Council in May of 2008 to allow the City to better respond to complaints regarding the maintenance of private property related to long grass, weeds, garbage, other waste materials, inoperable machinery and vehicles and lack of maintenance on vegetation, parking lots and walkways.

The adoption of that by-law has allowed staff to resolve these types of by-law violations more quickly, thereby lessening the negative impact on adjacent property owners and the surrounding neighbourhood. It has also provided by-law enforcement staff with additional tools to be more effective and efficient, as it provides the City with the authority to have remedial work carried out and any expenses incurred to be added to the City tax rolls and collected in the same manner as property taxes. This has proven much more efficient than having the owners prosecuted through the court system.

Approximately 46 properties had remedial work performed by the City in 2009 and 16 properties have had remedial work done up to the end of April, 2010.

Solid Waste – Move In/Move Out Madness and Proactive Education
Staff from Solid Waste Services work together with University of Guelph staff and volunteers to run Move-In and Move-Out Madness for University of Guelph students in September and April as they are moving in and out of off campus housing. This program provides students with help at the end of the school year with unwanted large items like furniture. Good quality items are picked up and taken to Habitat for Humanity or stored at the University for reuse in the next year. Poor quality items are picked up by Solid Waste staff, eliminating piles of unwanted items left curbside after a move out.

Along with this program, Solid Waste Services staff provide information handouts to students so they are aware of the City's waste sorting system and set up information booths at the University and at community events. Staff also meet with property managers and tenants to explain the sorting system and calendar at properties with a history of waste related issues.

University of Guelph's Role
City staff communicate regularly with staff from the University of Guelph on issues related to student housing in the City. City staff are aware that the university has a number of programs underway to mitigate issues related to student tenant behaviours. Through the University's Off-campus Housing Office, programs including Move-Out Madness, Off-Campus Living Fairs and Neighbourhood Conflict Resolution are available for students, landlords and neighborhoods. Additional future programs and policies, including a proposed Code of Conduct for Off Campus Students proposed to be completed this year are positive steps to further address student tenant issues. City staff continue to pursue opportunities to partner with the University, share information on this topic and further the need for excellent University/neighbourhood relations.

It should be noted that in July 2009, staff brought forward a recommendation to Council (Report 09-60) that Lodging Houses should require a business license and that Two-Unit House registrations should be required to be renewed. Council adopted these recommendations and further instructed staff to review alternatives for licensing Two-Unit Houses as well.

In December 2009, staff brought a report forward to Community Development and Environmental Services (CDES) Committee (Report 09-100) recommending that staff should review options for licensing both Lodging Houses and Two-Unit Houses under one licensing by-law. The CDES Committee decided to have staff hold a public open house to discuss the recommendation before making a decision on the report recommendation.

Participants at the public open house (held January 14, 2010) were generally not satisfied with staff's approach to only propose a licensing by-law to address their concerns. In response to public concerns, staff brought a report forward to the CDES Committee in February (Report 10-09) recommending that staff develop a working group to review policies and regulations related to rental housing concerns in other similar municipalities. The CDES Committee supported this recommendation and asked for additional information regarding the proposed work plan to be brought to the March 15th, 2010 CDES Committee meeting. The March 15, 2010 Report (10-23) was received by the Committee, which outlined the municipalities and topics to be reviewed in the creation of the work plan. At this meeting, the Committee also directed staff to report back with the comprehensive work plan, address issues presented by the delegation at the March 15, 2010 meeting and directed that in principle, the work plan address the feasibility of not grandparenting existing shared rental housing units (See **Attachment 1** for Committee Resolution). Staff have addressed the issues raised by the Old University Residents Neighbourhood Association in **Attachment 2** of this report.

REPORT

This report addresses the Committee Resolution from March CDES meeting. The goal of the Shared Rental Housing Work Plan for 2010-2011 is to improve policy, regulation and by-law enforcement measures to better address issues related to Shared Rental Housing in the City, particularly in neighbourhoods around the University and areas with high numbers of by-law complaints.

Staff have reviewed the policies and practices of other municipalities, some with similar studies underway, in an attempt to find alternative tools to address these issues. Staff are also in the process of completing an analysis of by-law infraction complaints, by location and frequency. Findings to date, are summarized below and are the basis for the proposed work plan.

Review of Other Municipal Practices

The review of related policies, regulations and enforcement practices, where possible, has taken place for the following municipalities: London, Hamilton, Waterloo, Oshawa, Barrie, Kingston and St. Catherines. London, Hamilton, Waterloo, Oshawa and Barrie are all at various stages of similar review processes for their concerns related to rental and student housing. St. Catherines has made

only minor changes to their rental housing regulations and Kingston does not appear to be reviewing these issues at this time. A brief summary of findings for each of the municipalities that are addressing similar concerns is below and full details can be found in the table in **Attachment 3**.

London
Members of Staff, Council and the Mayor visited London on March 22, 2010 to study their approach to rental housing issues. London is different than Guelph in that accessory apartments are not permitted in single-detached housing and lodging houses are divided into two classes based on the number of lodging units within. London also has a unique zoning by-law regulation that limits single-detached houses to a maximum of five bedrooms. London has been working on a comprehensive rental housing strategy, including proposed policy changes to identify 'near campus neighbourhoods' and regulatory changes to discourage multiple rental units within small lots meant for single-detached housing. London recently (March 1, 2010) implemented a licensing by-law for rental housing units city-wide.

Waterloo
Waterloo currently does not permit accessory apartments and has two classes of Lodging Houses that are required to be licensed. Lodging houses are subject to a minimum distance separation of 75 or 150 meters determined by zoning category. Currently all lodging houses in Waterloo require a licence. Waterloo is in the process of completing a 'Rental Housing Licensing Study' examining the need for licensing rental single detached, semi-detached, triplexes and townhouses. No recommendations have been brought forward by staff yet.

Hamilton
In Hamilton, accessory apartments are permitted in some areas of the former City of Hamilton (prior to amalgamation as a region). Lodging house permissions also vary by area of the City, but are defined as more than four people. Hamilton is in the process of completing a Rental Housing Review since 2007. The review includes the possibility of a limit on the number of bedrooms in a dwelling unit (similar to London) and the potential for a licensing or registration system for rental units city wide. Hamilton is beginning a proactive by-law enforcement pilot project targeting property standards, parking and noise.

Oshawa
Oshawa is working towards a Student Housing Strategy, which started in 2008. Oshawa brought forward the draft strategy to their Council in April 2010 but it was deferred to review concerns about rental housing concentrations in low-density neighbourhoods. Oshawa has proposed policy and regulatory changes to direct rental housing to arterial roads. Oshawa currently permits accessory apartments and lodging houses in specific zones. Lodging houses in areas near the city's post-secondary institutions are required to be licensed.

Barrie
Barrie is currently reviewing its Official Plan policies, including potential changes to rental and student housing policies. Barrie concluded a study regarding rooming, lodging and boarding houses in 2007 and a neighbourhood strategy for the neighbourhood adjacent to Georgian College in 2007. Barrie permits accessory apartments in specific zones and permits lodging houses, defined by size. Lodging houses are required to be licensed and small lodging houses are permitted in low-density residential areas with a 75 metre minimum distance separation.

Summary of Findings
These municipalities are generally facing similar issues as Guelph regarding rental housing, including property standards, parking, garbage and noise concerns. They are also in the process of reviewing and modifying their policies and practices around shared rental housing. Many of the proposed changes have yet to be approved or implemented. Some have been recently implemented, like London's licensing by-law and will need to be monitored to determine the success of the project. In general, municipalities seem to be moving towards licensing and more effective methods of by-law enforcement to better manage rental housing issues related to property owners and tenants.

By-law Infraction Complaints Analysis
To better determine the severity of issues related to shared rental housing in the City, staff are in the process of analyzing existing complaints data. This analysis will focus by-law enforcement efforts by geographic area of the City and will provide a good baseline for data comparison in future years.

To date, staff have mapped the location of existing approved shared rental housing, both lodging Houses and houses with accessory apartments. **Attachment 4** shows the general geographic spread of shared rental housing units across the City. Though there are some concentrations of shared rental housing near the university, newer neighbourhoods on the edges of the City also have many houses with accessory apartments. In total there are 48 certified lodging houses and 1467 registered accessory apartments city wide. Staff review of accessory apartment property ownership indicates that approximately 68% (998) of properties with accessory apartments are occupied by the property owner.

Attachment 5 shows by-law infraction complaints data from 2009. These maps include complaints made by the public about specific properties. The first map shows the distribution and frequency of Zoning By-law related complaints in 2009. In total there were 164 zoning related complaints. The second map shows property standards related complaints, with a total of 814 property specific complaints in 2009. The third map shows noise complaints. There were 2650 noise complaints made in 2009; 2449 of these are shown on the map as they are associated with a specific address. Other noise complaints had too generalized of a location to be mapped.

The complaint maps have been correlated with approved shared rental housing properties to determine any relationship. Findings to date indicate that approximately 8% of noise complaints are directly related to Lodging and Two-Unit Houses, 5% of property standards complaints, and 2% of zoning complaints are related to registered shared rental housing. Further study by geographic areas of the City is needed to flush out and confirm trends in this data. Staff note that these results are only related to approved shared rental housing and other known rental housing has not been reviewed thus far.

Proposed Shared Rental Housing Work Plan

Based on the information gathered to date, the proposed work plan for Shared Rental Housing in the City is summarized in **Attachment 6**. The work plan is divided into short term measures, which are projects the City can undertake by September 2010 and longer term measures which would be completed by 2011.

The short and longer term tasks are predicated on staffing and financial resources that are required to complete the work. Given staffing levels and with the redeployment of some staff, the proposed short term actions are intended to impact the areas of the City with concentrated shared rental housing and further improve the liveability of neighbourhoods by reducing noise, nuisance and property standards complaints.

At the same time, proactive study of the implications of potential alternative zoning by-law regulations will take place.

Short Term Measures

Zoning By-law Study

Staff are in the process of analyzing options for a Zoning By-law Amendment to address two unit houses where both units are rented. At issue with these units is that they are a more intensive use than a standard single-detached dwelling and similar to a lodging house in terms of function. A range of alternatives for this by-law amendment currently are being considered.

During late spring and early summer of 2010 staff will meet with various stakeholders and focus groups to discuss alternative zoning definitions of lodging houses as well as explore thoughts on licensing by-law content all in an effort to attempt to maintain an appropriate balance of housing types in City neighbourhoods. Implications of these potential changes in the zoning definitions must be examined closely in legal terms, particularly as they related to Human Rights implications, enforceability and other possible matters. It is anticipated that Legal Services will be able to provide commentary in a time frame that would permit some public meetings on an actual draft zoning by-law amendment in late August or early fall.

Additional By-law Enforcement

Staff have determined that additional resources can be made available to permit additional By-law Enforcement Officers to be dedicated to monitoring specific geographic areas of the City with a history of complaints at key times(routine patrols). This program would dedicate two additional part time enforcement officers

to be available to take calls regarding noise complaints and other related by-law infractions. Staff will use the complaint data being gathered to determine areas that could best benefit from this additional resource. This process is short term, at peak periods until approximately December 2010. Budgetary considerations for 2011 have to be discussed during budget preparation and approval for 2011 to continue this process.

One Call-In Number
Staff will explore the possible potential for a one phone number call in line for public complaints on issues related to shared rental housing along with an easier way to use the website on related matters. If feasible, this "one call system" could be implemented prior to September 2010.

Communications Plan
Staff have reviewed options for improving information sharing around existing and proposed changes to regulations and enforcement of Shared Rental Housing related issues. Staff will research, develop and implement a short term communications plan. Some potential short term measures that could be implemented include an updated Neighbourhood Guide, with information on City By-laws and Services for Tenants, Landlords, Neighbours and Real Estate Agents. Also, additional public notice via mailings and newspaper advertisements and public input would be requested regarding the proposed Zoning By-law Amendment. Exact costs for these items will be determined.

Long Term Measures
Zoning By-law Study
Included in any Zoning By-law amendment would be a more comprehensive legal opinion on the City's ability to deal with existing zoned sites (grandparenting). It is staff's opinion, at this time, that the Planning Act does not permit the City to alter the continuation of existing allowed uses on a property and any rezoning would mean that existing properties could continue with legal non-conforming status[1].

Once the best option has been determined, staff will hold an information meeting and a statutory Public Meeting on the proposed Zoning By-law Amendment at a Planning Council Meeting. Staff plan to hold the statutory public meeting in the late Fall 2010 Planning Council Meeting. Depending on public feedback to the proposal, the by-law could then be approved possibly very early in 2011. Staff note that this process could take longer if any member of the public appealed this by-law to the Ontario Municipal Board.

[1] Section 34(9) of the Planning Act says that no zoning by-law applies to prevent the use of any land or building for any purpose prohibited by the by-law if such land or building was lawfully used for such purpose on the day of passing of the by-law. Therefore, if land or a building was lawfully used for shared rental housing when a zoning by-law amendment is passed, the amendment could not stop that use – the use is "grandparented" in.

Review of By-law Enforcement Procedures and Fines
Staff have determined that there is merit in completing a more comprehensive review of By-law Enforcement Procedures and related charges and fines. For instance, review of other municipalities found that some have a service fee by-law which permits enforcement officers to charge a fee for service to a property each time a complaint is registered on it and the enforcement officer visits the property. This could be a tool to encourage compliance for properties with numerous complaints. Also, a review could ensure that enforcement procedures, fines and charges are appropriate, effective and up to date.

Rental Housing Licensing By-law
Staff recommend that the City undertake a By-law requiring Rental Housing to have a licence. Staff have proposed this in previous reports and continue to see licensing as an effective tool for ensuring safer and better managed rental units. Preliminary staff review has determined that licensing could apply to both existing and new units. The exact details of such a by-law, including which types of rental units, costs, and timing to implement still need to be determined. Staff note that additional legal review will also be needed during the development of a licensing by-law ultimately, alternative enforcement models/procedures will be explored considering budgetary and human resource constraints. The most appropriate approaches will be recommended after considering these factors. Staff have examples of recent by-laws from London and Oshawa that can help guide the process.

Communications Plan
Staff also see merit in a long-term communications plan regarding this work plan and continued Shared Rental Housing issues. The longer term work plan projects, especially the licensing by-law, will require a great amount of communications effort for information sharing and to provide opportunities for public input. Other potential ideas for better communications with the community include a revised local Town and Gown association to bring together stakeholders.

Summary
Staff recommend that the proposed Shared Rental Housing Work Plan be approved and implemented over 2010 and 2011.

CORPORATE STRATEGIC PLAN

- Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.
- Personal and Community Well-being Goal #2: A healthy and safe community where life can be lived to the fullest

FINANCIAL IMPLICATIONS

Financial implications are included by project in the proposed work plan in **Attachment 6**. A shift in priorities and work plan has enabled staffing resources to be added to this project from Community Design and Development Services. Additional by-law enforcement can only be sustained until December 2010 at a cost of up to a maximum of $30,000. Given the shortage of funds and human resources, detailed work on the licensing by-law and extensive legal opinion and advice, if required, will be ongoing, but not concentrated on until about mid-fall of 2010.

DEPARTMENTAL CONSULTATION

Staff from Planning, Building, Zoning, Clerks, Communications, Legal, Fire, Solid Waste and By-law Enforcement have been consulted for this report.

COMMUNICATIONS

A letter was sent to all members of the public who have requested to be notified on Shared Rental Housing meetings.

ATTACHMENTS

ATTACHMENT 1 – CDES Committee Resolution from March 15, 2010
ATTACHMENT 2 – OUNRA Comments and Staff Response
ATTACHMENT 3 – Review of Other Municipal Practices
ATTACHMENT 4 – Location of Approved Shared Rental Housing in Guelph
ATTACHMENT 5 – Preliminary 2009 By-law Infraction Complaints Data
ATTACHMENT 6 – Proposed Shared Rental Housing Work Plan 2010-2011

"original signed by Katie Nasswetter"

Prepared By:
Katie Nasswetter
Senior Development Planner
519-837-5616, ext 2283
katie.nasswetter@guelph.ca

Recommended By:
James N. Riddell
Director of Community Design and Development Services
519-837-5616, ext 2361
jim.riddell@guelph.ca

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ATTACHMENT 1

CDES Committee Resolution from March 15, 2010

SH1katie

CITY OF Guelph

Making a Difference

March 17, 2010

Mr. J. Riddell
Director of Community Design
& Development Services

Community Design
and Development Services

MAR 18 2..

Dear Mr. Riddell:

At a meeting of the Community Development and Environmental Services Committee held on March 15, 2010, the following resolution was adopted:

"THAT Report 10-23 from Community Design and Development Services regarding the Shared Rental Housing Spring 2010 Work Plan, dated March 15, 2010, be received

AND THAT staff report back with a comprehensive work plan that includes a response to the issues raised by the delegation at the March 15, 2010 Community Development and Environmental Services Committee meeting;

AND THAT, as a statement of principle, the work plan address the feasibility of not grandfathering in existing shared rental housing units."

Yours truly,

Tina Agnello
Deputy City Clerk

TA:db

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-822-1260
TTY 519-826-9771

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ATTACHMENT 2

Public Comments from March 15, 2010 and Staff Response

OUNRA Delegation to CDES Committee – March 15, 2010
Comments on Shared Rental Housing Spring 2010 Work Plan

As this Committee is aware, the Old University Neighbourhood Residents' Association is following the progress of this current re-evaluation of policies and regulations regarding shared rental housing very closely, as is affects our neighbourhood so much. We have already lost much in the way of stability and diversity, and are looking to this Committee and to Council to staunch the flow.

Our Executive Committee has reviewed the latest report from Community Design and Development Services, Shared Rental Housing Spring 2010 Work Plan, which you have before you today, and has a number of questions which we would like clarified, as well as some comments.

Under the heading of 'Policy and Zoning Regulations', we have the following questions and comments about the specific areas of concern that will be addressed by the work plan:

1 – Definitions of neighbourhood and related policies
Being as it is at the top of the terms of reference, this is obviously a very important item – but it is not at all clear what it means.
Is the intention to define what a neighbourhood is?
Or is the intention to delineate the boundaries of various neighbourhoods, or to identify at risk neighbourhoods?
Will this definition be simply a description of location or will it be based on the character of the place?

Should the 'related policies' mentioned be included in this item, or should it be separated out for review as its own category?

2 – Definitions of different housing unit types and related zoning regulations
This item is of concern to us, as the terminology used is inconsistent with Guelph's Zoning Bylaw, and so we are not sure what is meant by it. 'Housing unit types' is not a term found in the zoning bylaw, which does however refer to 'dwelling units', of which there are numerous different 'types' listed. At the end of the day, when this process is concluded, we do need regulatory documents which coordinate with each other in terms of language and definitions, or the ability of the City to enforce these regulations could be compromised. While this process is underway, the use of uniform terms will help all stakeholders to understand what is being discussed.

OUNRA Delegation
to CDES Committee
10/03/15

This item should also include:-

a) The redefinition of 'accessory apartment' to require that the property owner be in residence. No other change to be made to this definition with regards number of bedrooms and maximum size of the apartment.

b) Definition for a two-unit dwelling (another term may be more appropriate), to be a dwelling which has an additional apartment unit, and in which the owner is not in residence.

In our opinion, this item should not include 'related zoning regulations', which should be dealt with as a separate item.

3 – Separation distance requirements between rental units
Surely this item falls under the category of the related zoning regulations referred to above. So, we would recommend this item be re-titled to something like:

'City wide policies and regulations related to the preservation of neighbourhood stability and diversity' – under this category comes the zoning bylaw, which would include the review of separation distance requirements between rental units.

4 – Other regulatory tools focused on rental housing
We are assuming that this includes licensing requirements for dwellings with more than a certain number of lodging units.

5 – Address issue of identifying owner and non-owner [occupied] **units**
If the tax bill is addressed to the subject property, the chances are relatively high that the owner is in residence.

6 – Public education practices – for tenants, owners and neighbours
Please, add the real estate industry to this list, as realtors openly encourage the conversion of family homes into rental properties.

We are not going to comment at this time on the 'Bylaw Enforcement Practices' section of this work plan.

With regards to the 'Municipalities to be Reviewed' section, we are surprised not to see Kingston listed. Possibly our staff has found that Kingston is not actively reviewing its regulations – however, it is a university city of similar size to Guelph, which definitely has issues related to shared rental housing. Sometimes we can

learn from what others have done badly.

Under 'Next Steps' – The OUNRA requests that the working group visits Oshawa on one of its first city visits, as this is the only city listed whose regulations related to shared rental housing have been tested by the courts.

Last but not least –
Surely the second item under 'Corporate Strategic Plan' should read as follows –
Personal and Community Well-being Goal #2: A healthy and safe community where life can be lived to the fullest **by all**.

Thank you.

ATTACHMENT 2 continued

Staff Response to March 15, 2010 OUNRA Public Comments

These comments are generally in regards to the municipal practices review proposed in Report 10-23.

1. *Definitions of neighbourhood and related policies*
   Being as it is at the top of the terms of reference, this is obviously a very important item – but it is not at all clear what it means.
   Is the intention to define what a neighbourhood is?
   Or is the intention to delineate the boundaries of various neighbourhoods, or to identify at risk neighbourhoods?
   Will this definition be simply a description of location or will it be based on the character of the place?
   Should the 'related policies' mentioned be included in this item, or should it be separated out for review as its own category?

Staff Comment: To clarify, the intent of this point was to review policy options related to how neighbourhoods are defined. I.e. London is considering defining "Near Campus Neighbourhoods" in their Official Plan. See **Attachment 3**, Municipal Practices Review, for more detail.

2. *Definitions of different housing unit types and related zoning regulations*
   This item is of concern to us, as the terminology used is inconsistent with Guelph's Zoning Bylaw, and so we are not sure what is meant by it. 'Housing unit types' is not a term found in the zoning bylaw, which does however refer to 'dwelling units', of which there are numerous different 'types' listed. At the end of the day, when this process is concluded, we do need regulatory documents which coordinate with each other in terms of language and definitions, or the ability of the City to enforce these regulations could be compromised. While this process is underway, the use of uniform terms will help all stakeholders to understand what is being discussed.
   This item should also include:-
   a) The redefinition of 'accessory apartment' to require that the property owner be in residence. No other change to be made to this definition with regards number of bedrooms and maximum size of the apartment.
   b) Definition for a two-unit dwelling (another term may be more appropriate), to be a dwelling which has an additional apartment unit, and in which the owner is not in residence.

   In our opinion, this item should not include 'related zoning regulations', which should be dealt with as a separate item.

Staff Comment: Concern was raised that the terminology was different that the zoning by-law. The intent of this point was to review the range of related housing unit types that other municipalities have and how they are regulated. The term 'housing unit' was used to accommodate the many potential definitions from other municipalities (I.e. accessory apartments, lodging houses, rooming houses, or secondary suites).

a) and b) Staff note that this list refers to the municipal practices review. No other municipality was found to require the property owner to be in residence. The Zoning By-law is meant to control land uses, not occupation and tenancy. Legal staff have been asked to review this point to further clarify this point. Regarding Zoning By-law authority, the Planning Act (Section 35.2) states that:

"No distinction on the basis of relationship
(2)The authority to pass a by-law under section 34, subsection 38 (1) or section 41 does not include the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit. 1994, c. 2, s. 43."

3. *Separation distance requirements between rental units*
Surely this item falls under the category of the related zoning regulations referred to above. So, we would recommend this item be re-titled to something like:
'City wide policies and regulations related to the preservation of neighbourhood stability and diversity' – under this category comes the zoning bylaw, which would include the review of separation distance requirements between rental units.

Staff Comment: As this is part of the municipal practices review no change is required. See **Attachment 3** for more details regarding which municipalities had separation distance requirements.

4. *Other regulatory tools focused on rental housing*
We are assuming that this includes licensing requirements for dwellings with more than a certain number of lodging units.

Staff Comment: This is part of the municipal practices review. Licensing rental housing is an alternative tool that several other municipalities are using or considering at this time.

5. *Address issue of identifying owner and non-owner [occupied] units*

If the tax bill is addressed to the subject property, the chances are relatively high that the owner is in residence.

Staff Comment: This item referred to previous feedback received from the public regarding owner and non-owner occupied units being regulated differently in the Zoning By-law. Staff review to date indicated that this would be contrary to the regulations in the Planning Act.

6. *Public education practices – for tenants, owners and neighbours*
Please, add the real estate industry to this list, as realtors openly encourage the conversion of family homes into rental properties.

Staff Comment: Staff will include the real estate industry in their future communications. In the past staff have held information sessions specifically for real estate agents to better explain currently regulations and requirements.

With regards to the 'Municipalities to be Reviewed' section, we are surprised not to see Kingston listed. Possibly our staff has found that Kingston is not actively reviewing its regulations – however, it is a university city of similar size to Guelph, which definitely has issues related to shared rental housing. Sometimes we can learn from what others have done badly.

Staff Comment: Kingston was not included as staff have found no indication that they are actively pursuing any of the rental housing related issues.

Under 'Next Steps' – The OUNRA requests that the working group visits Oshawa on one of its first city visits, as this is the only city listed whose regulations related to shared rental housing have been tested by the courts.

Staff Comment: Staff did not visit Oshawa. Telephone interviews were conducted instead. Oshawa recently completed a Student Accommodation Strategy which has not yet been approved by Oshawa's City Council.

ATTACHMENT 3 – Municipal Practices Review

	London	Waterloo	Hamilton	Oshawa	Barrie
Related Policy Initatives	Near Campus Neighbourhoods – Vision and Strategies; - Proposed policy to stop supporting variances to legalize past construction	Rental Housing Licensing Study (underway since 2008)	Residential Rental Housing Review (underway since 2007)	Student Housing Strategy (underway since 2008) - proposed policy change to redirect to rental housing/intensification to sites along arterial roads	Official Plan Update in process Rooming, Lodging, Boarding House Review in 2007 Georgian College Neighbourhood Strategy (2007)
Accessory Apartment Regulations	Not a permitted use in single detached housing	Allowed only when they existed prior to November 16, 1995, if there is sufficient evidence. Regulated by Planning Act.	Only permitted in some areas of the former City of Hamilton, staff aware of many illegal ones	Converted dwellings are permitted in some housing. Must be zoned R.2 or R.5. Minimum area of 450 m² and frontage of 12 metres	A two-unit house is legal under the City's Zoning By-law where; a) A two-unit house is a permitted use (in specific zones) b) The two-unit house is in a house constructed prior to 1945 and complies with the 'converted house' requirements of the Zoning By-law; c) The two-unit house was legally established under a former Zoning By-law, and continued in use ever since; or d) The two-unit house existed on May 22, 1996 and complied with the requirements of the Resident's Rights Act, 1994, and has continued in use ever since.
Lodging House Definition	Class 1 – 3 or fewer lodging units rented Class 2 - More than 3 lodging units rented	Lodging House Class One – a lodging house which is located in the whole of a building and: (i) occupied by four or more persons in addition	4 or more persons	"Lodging House" means a building or a part of a building, containing three to ten lodging units, which does not appear to function as a dwelling unit,	Small and Large Rooming, Lodging and Boarding Houses defined

		to the proprietor and his/her household; or (ii) occupied by six or more persons without a proprietor and his/her household. <u>Lodging House Class Two</u> – a lodging house located within a dwelling unit occupied by 4 or 5 persons without a proprietor and his/her household.		although one may be included with the lodging units. It includes, without limitation, a rooming house and a boarding house, a fraternity or sorority house. A lodging house may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas, such as living rooms, may or may not be provided.	
Specific Zoning Regulations for rental housing(i.e. Separation Distance)	- No separation distance - Trying to limit creation of small lot singles for student rentals - No zoning regulations that specify owner or renter or specific area - All single detached housing limited to a maximum of 5 bedrooms	The lodging house license is subject to the **Minimum Distance Separation (MDS) of 150 metres** in the following zones: GR1, GR2A, SD, SD-1, R, SR1, SR1A, SR1-10, SR2, SR2A, SR3, SR4 and FR. The lodging house license is subject to the **Minimum Distance Separation (MDS) of 75 metres** in the following zones: MD, MD1, MD2 and MD3 (3 properties have site specific exemptions)	Reviewing options for zoning by-law amendment limiting the number of bedrooms in houses	No separation for accessory apartments or lodging houses – instead only permitted in two zones.	75m MDS for small lodging houses located within low density residential areas
Area focus or City-wide?	Citywide, all properties with 1-4 rental units required to be licensed Developing Official Plan	Considering single and semi-detached, duplexes, triplexes and townhouses on a city wide basis	Considering single and semi detached housing only, on a city-wide basis	Rental units in certain neighbourhoods close to University of Ontario and Durham College.	City wide

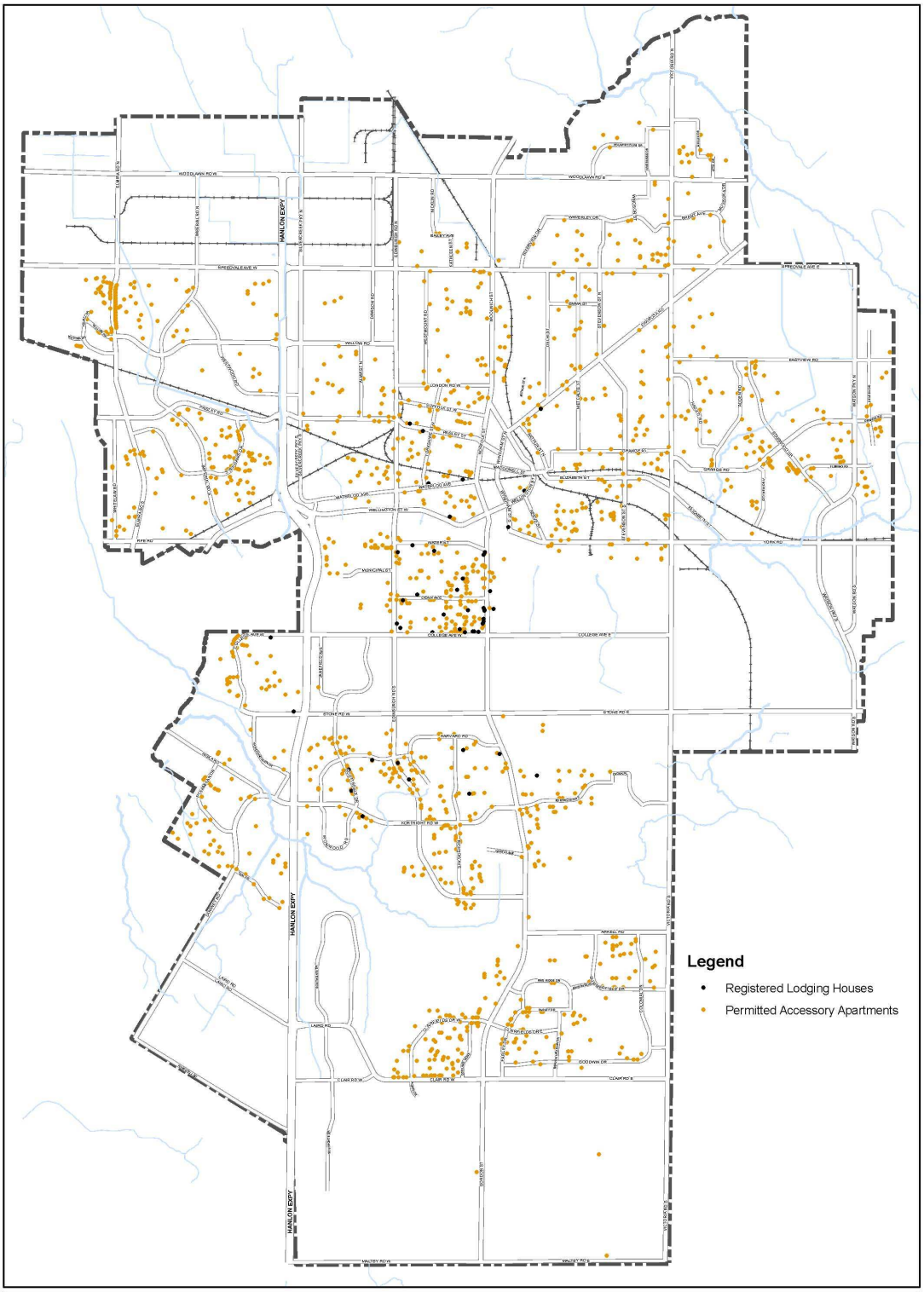
ATTACHMENT 3 – Municipal Practices Review

	Policies around defined "Near Campus Neighbourhoods"				
Licensing or Registration of Rental Units	New licensing program (March 2010) for all properties with 1-4 rental units (with a total of more than 3 bedrooms rented) - Self certification program requires fire inspection and 15% of properties will be randomly inspected	Reviewing and recommending a rental unit license program	Licensing or registering rental units under consideration at present in city-wide rental review	Licensing by-law	Licensing required for lodging/rooming /boarding houses
Fees	$25 annual licence fee	$280 annually recommended	To be determined	$250 annually	$300 annual licence fee
Primary Types of By-law Complaints	Large parties, parking, garbage left out	Noise, parking and garbage City wide. More densely populated around University, so more complaints in area	Property Standards, Long Grass and Weeds, Noise, Waste	Noise, parking and in summer months property standards (absentee landlords)	Legality of apartment or lodging house and front yard parking on grass
Use of Warnings and Fines	For garbage - 1 warning, then contractors come in and clean up property, charge costs to landlord plus an admin fee	Use- Fire Department is first contact, then Zoning. Compliance based, if co-operation then warning and compliance letters. Fines for parking on grass etc now done like a parking ticket, no warning.	1 warning then fines, property owner notified and can be fined as well for noise and nuisance issues.	Licence is first point of contact. Need to obtain licence and if not obtained proceed with charges. If property standards, compliance notice. Noise is a ticket issued.	Offence found- warning letter with $110 service fee for apartment and $55 for parking. Reinspect in two weeks and if no compliance, service fee for second letter of $550 for apartment and $275 for parking. Court is next step
Fine Amounts	Parking - $50 ticket Zoning – up to $3000 fine and prohibition order. Not having a licence – up to $25,000			Generally $250 for property standards, parking and $300 for noise. Not having a licence – up to $50,000	Parking on grass- $55 Apartment violation is $110

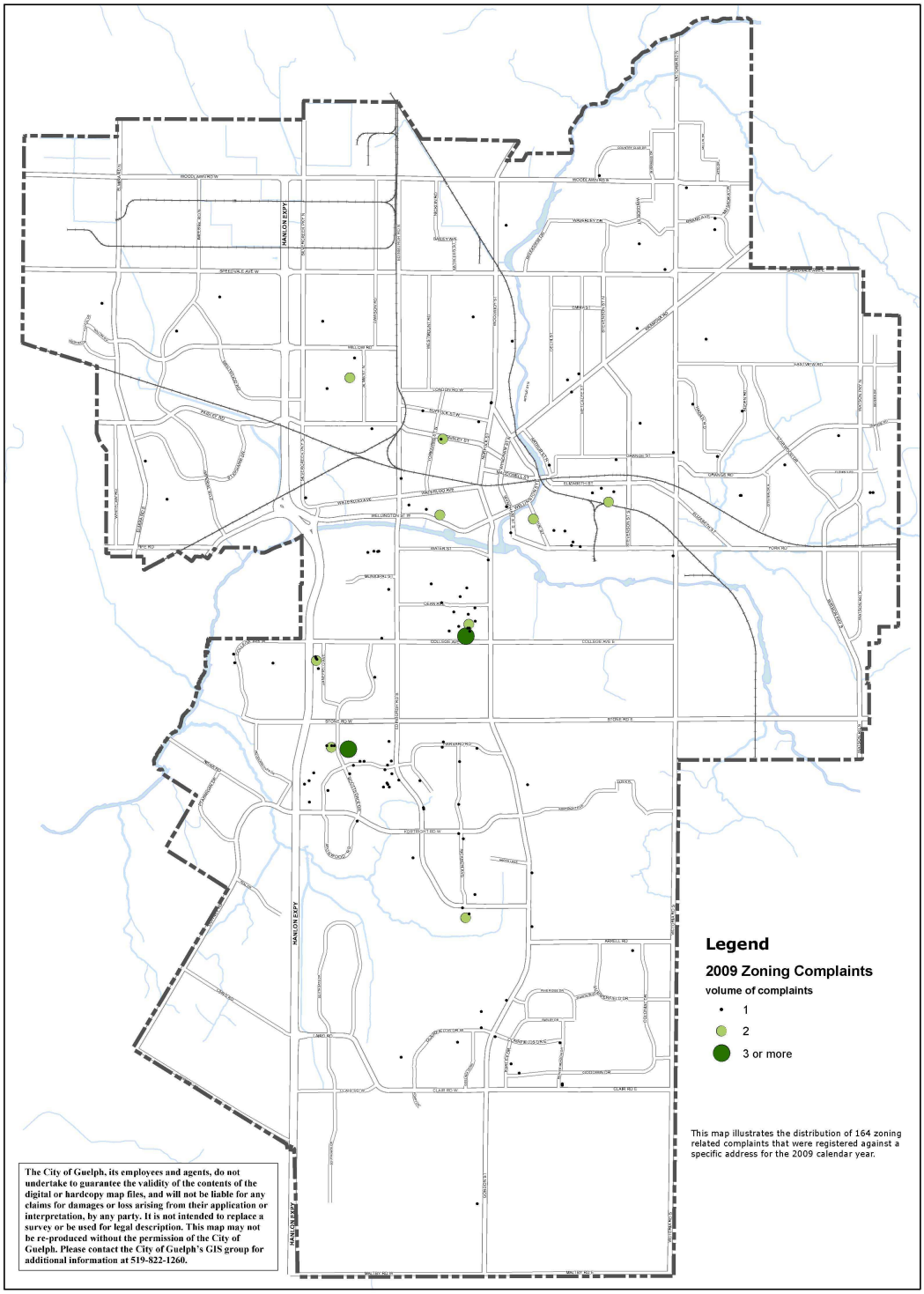
ATTACHMENT 3 – Municipal Practices Review

	for the first offence				
Owner or Tenant Charged	Garbage – owner Parking – tenant or car owner	Personal infractions (noise, parking) are tenant. Use is owner.	Tenant warned and owner notified, if infraction continues, owner can be charged.	Personal infractions (noise, parking) are tenant. Use is owner.	Parking is tenant. Use is owner in court on Part 3.
Monitoring and Inspections	Proactive enforcement since 1995 in areas near UWO - Visit problem areas 1-2X a week - Map complaints and use info to target areas		Recent approval of 18 month proactive enforcement pilot project – 6 part time by-law enforcement officers monitoring property standards, tidy yard by-law, parking across		Additional enforcement during April, Aug, Sept and October – focused on parking and exterior yard maintenance
Role of University or College in Off-Campus Student Behaviour	Joint UWO/Fanshawe and City mediator to help resolve neighbourhood issues; Fanshawe has a Student Code of Conduct; Good support from student union at Fanshawe and UWO;	Joint off-campus housing fair, door knocker program	Looking at opportunities for a City, University and College Liaison	Information sharing at this time, reviewing role of Town & Gown Committee	Town and Gown Committee
Education Materials	Student street captains share info with other students; Student videos, newspaper ads	Door knocker program – by-law staff and students visit neighbourhoods and provide info to new tenants about by-laws – Community Relations Division – neighbourhood guide, Neighbourhood Spirit Builder	Website with info for students and landlords	Website with info for students and landlords	Unknown.

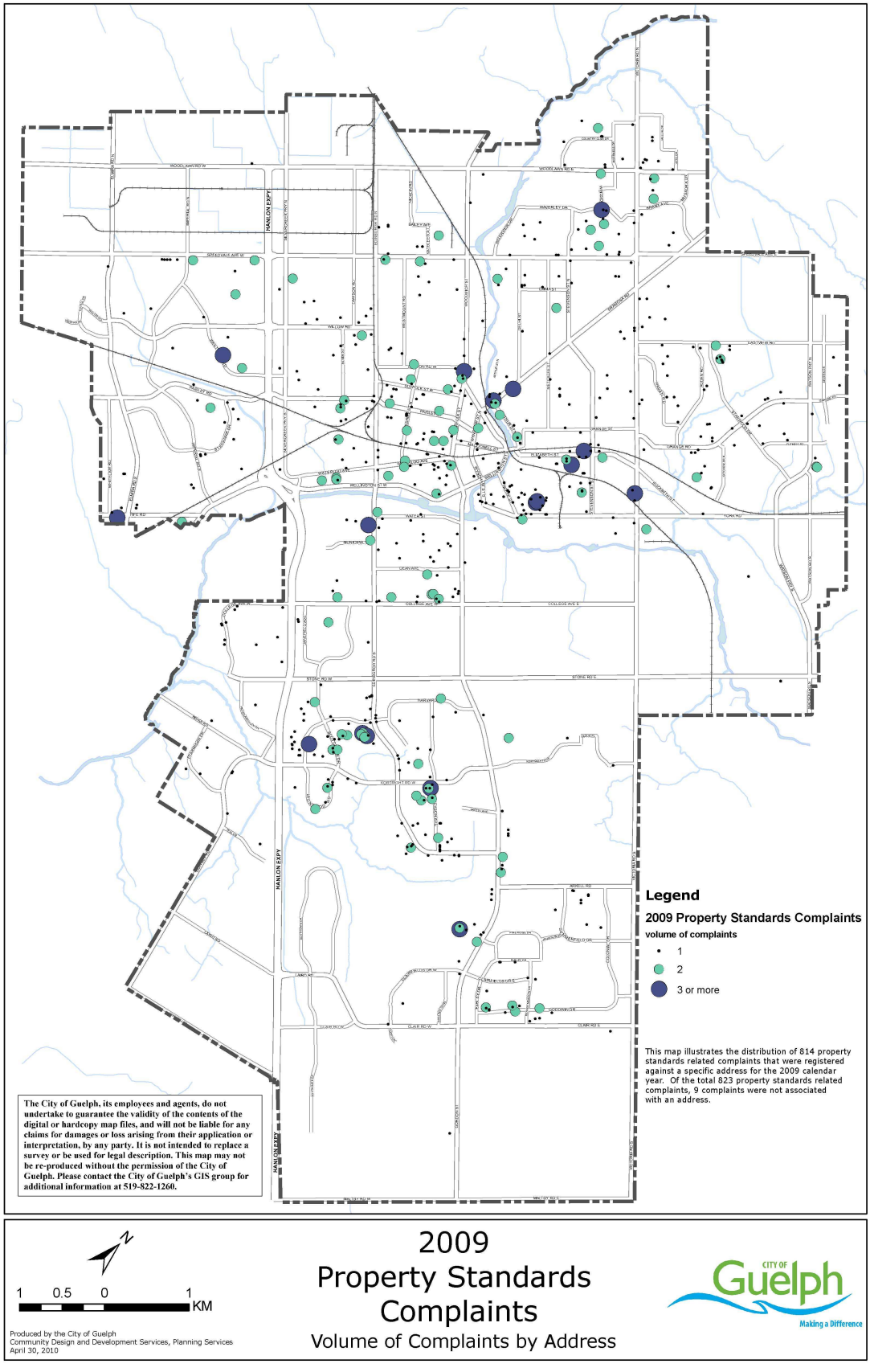
ATTACHMENT 4
Location of Approved Shared Rental Housing in Guelph



ATTACHMENT 5
Preliminary 2009 By-law Infraction Complaints Data



ATTACHMENT 5 continued



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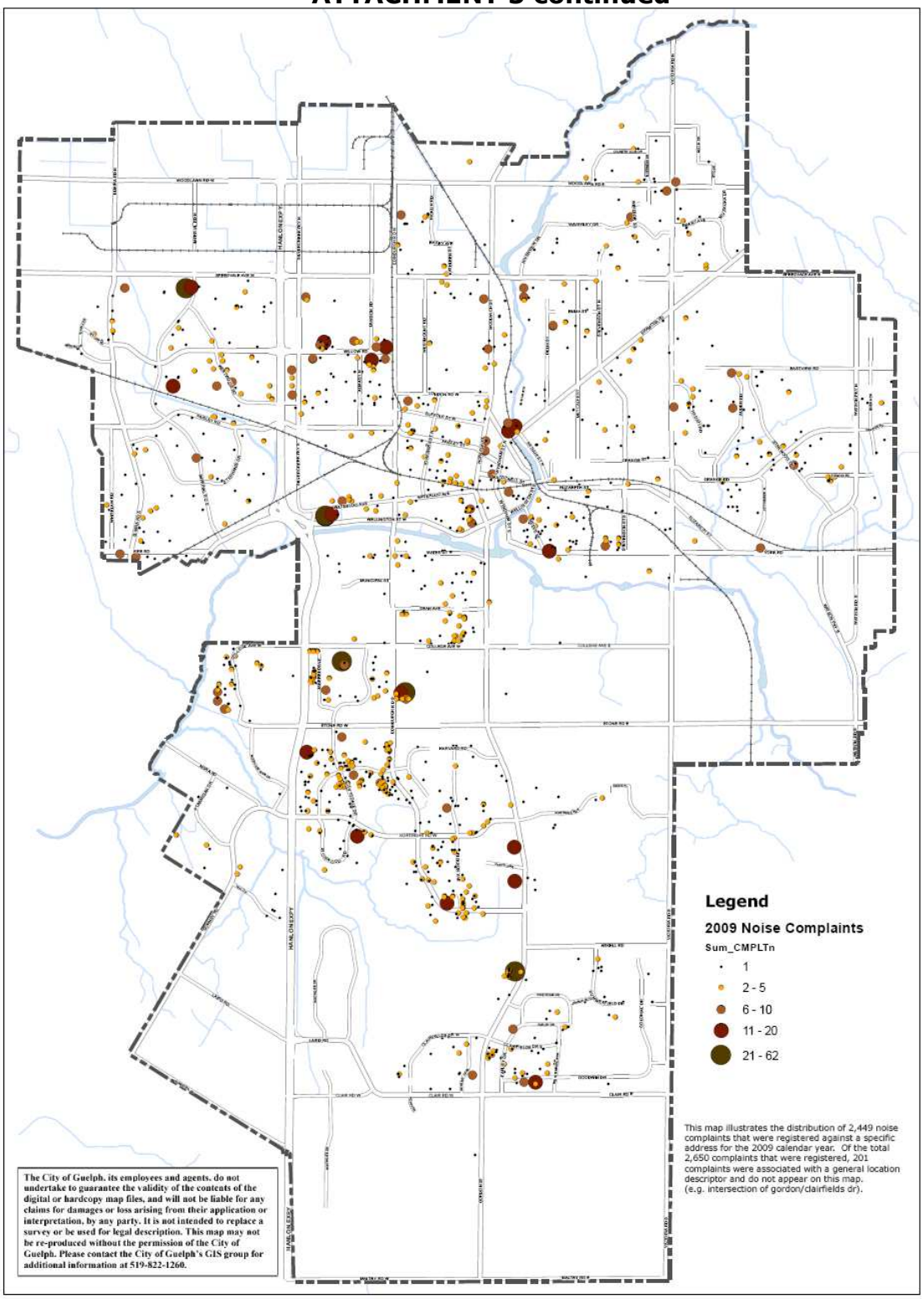

ATTACHMENT 6 – Proposed Shared Rental Housing Work Plan Summary

Short Term Measures (by September 2010)			
Type	Description of Tasks	Proposed Timing	Anticipated Costs
Additional Targeted By-law Enforcement	- Build on existing enhanced by-law enforcement program - Analysis of 2009 complaints data to determine geographic areas of focus	Mid-August to Mid-December at known peak periods of complaints (exact timing to be determined)	Additional staffing and vehicle in use $30,000 (Operations, By-law Enforcement)
Zoning By-law Amendment	- Review options to amend the Zoning By-law to better address properties with Two-Unit Houses where both units are rented (4 up 2 down) - Several options are under consideration, including separation distance, changes to definitions and changes to regulations regarding lodging houses and accessory apartments - Ward meetings and focus groups to be held to gauge opinions. Meetings to be held in the spring and summer of 2010	Zoning By-law Amendment could be brought to Council for a statutory public meeting in late 2010 or early 2011. Depending on public comments, the zoning by-law amendment could be considered for approval by Council in early 2011. (20 day appeal period would follow by-law adoption)	In Community Design and Development Services, current staff time – tasks have been re-prioritized to address this priority work.
Communications Plan	-Communication of short term measures will be researched, developed and implemented (i.e. Newspaper Ads and newsletters to residents outlining related shared rental housing changes such as the start of Additional By-law Enforcement and Zoning By-law Amendment Process)	By August, 2010	Current staff time – tasks to be re-prioritized. Materials Cost – to be determined – no

	- Update and distribute "Good Neighbour, Great Neighbourhoods" Guide, which provides information on City by-laws and facilities to residents		budget allocation
Longer-Term Measures (Fall 2010 to 2011)			
Zoning By-law Amendment	- Legal review is needed to determine potential implications and fit with provincial legislation - Meeting with public stakeholders recommended before statutory public meeting in front of Council to consider the draft by-law	By-law approval by early 2011.	
Rental Licensing By-law	-Develop by-law to require lodging houses and two-unit houses to have a licence -Consult public stakeholders on proposed by-law -Determine exact costs, resource requirements and timing of implementation	November to March to write by-law and gather public input	Additional Staffing and Start Up Costs. Licence fees can be based on cost recovery.
Review of Enforcement Procedures	-Review fines, fees, charges and procedures associated with related city by-laws (Noise, Parking, Zoning, Property Standards) - Review potential for "service charges" for nuisance properties - Explore alternative approaches to by-law enforcement considering staff and financial resource availability	September to December 2010	To be determined. Focus on methods of cost recovery.
Communications Plan	-Communications of Long Term Measures -Local Town and Gown Association together with the University of Guelph and public stakeholders -Review potential for one phone number for all neighbourhood complaints - Improved web tools	Late 2010 to early 2011	To be determined through review for 2011 Budget.

OUNRA Delegation to CDES Committee – May 17, 2010
Comments on Shared Rental Housing 2010-2011 Work Plan

'Shared Rental Housing 2010-2011 Work Plan' ..... Interestingly, the last time this matter was reviewed by this committee, on March 15th (2 months ago), the report presented was titled 'Shared Rental Housing Spring 2010 Work Plan'.....

It appears as though the timeline for this work is sliding off the rails.

Back in July of 2009 (10 months ago), City Council directed Community Design and Development Services to review the issue of two-unit rental houses (i.e. de-facto unlicensed lodging-houses) which have been multiplying like rabbits in some neighbourhoods in this city. Since that time the community has been reassured that the matter would be reviewed and appropriate changes in place by this Fall – in time to take effect for the upcoming school year, and the Municipal Elections in October.

But nothing has been concluded to date. And, reading the current report, it is obvious that this deadline will not be met. This situation is really disappointing and frustrating for residents in our community.

Looking at Attachment 6 of the report, and categorized under 'Short Term Measures – by September 2010', we see Zoning Bylaw Amendment, with options under consideration to better address properties with Two-Unit Houses etc. But the timeline for Council Approval is not until early 2011. In other words, nothing will have been resolved before the elections and all the reassurances to the community will ring hollow. This is likely to be a major issue during the elections.

As you are all aware, Old University Neighbourhood, and other areas in the city, are under continuous pressure as real estate agents actively search out properties to sell to investors for conversion to shared rental housing units. These real estate agents are being very successful, and the effect is that some areas are being transformed from pleasant places to live, into ghettoes. The de-stabilization of our community will continue until the bylaws are amended.

Once again, for the 4th time in the past 10 months, I am going to outline to this Committee what the OUNRA is looking for with regards to by-law amendments:

1 – We support the right of property owners to have an apartment in their homes.

But the term 'accessory apartment' must be redefined to pertain only to homes with the owners in residence. Such apartments should require periodic re-licensing, but no separation distance requirements between such properties.

2 – If a home does not have the owners in residence, and has a separate apartment in it, it automatically becomes a two-unit rental house (i.e. lodging house), with appropriate licensing and separation distance requirements.

3- If there are more than 3 lodging-units, in total, in any house (with or without a separate apartment), it must be classified as a lodging-house, with mandatory licensing, regulations and the 100m separation distance that such classification requires.

If this process cannot be completed by the Fall, we request that the City to put a moratorium on the registration of all new accessory apartments, as a way of slowing down the growth in numbers of unlicensed lodging houses.

Thank you.

My name is Donna Haley - for more than 25 years I have managed residential properties including student and rental housing & condominiums in Guelph. I am a professional property manager. I am also a landlord of legally accessorized housing that provides safe, affordable, accessible housing to students in Guelph. I have earned the trust of the owners I work for and the tenants I serve. I have also built good working relationships with various City Departments. In brief, I consider myself well qualified to speak on this issue.

In January I attended the Open House with respect to the Proposed Changes to Shared Rental Housing. I heard a number of things that caused me great concern as a property manager, landlord & taxpayer. I addressed the majority of my concerns in the Public Feedback Form, with the request that I be party to the process and offered to actively serve on the committee in this regard. To date I have not had an acknowledgement of my concerns or a reply from this committee or any elected Councilor in the City of Guelph. I have been totally ignored. (Why is that?)

I repeatedly asked for statistics to bear out the rationalization of the initial proposal, and upon receiving the agenda for today's meeting have finally been provided with *some* of that information with respect to the proposed: licensing bylaw; amendments to zoning bylaw; enforcement measures; and work plan.
In reviewing the statistics provided there is no basis for the licensing of ***legally accessorized units***.

- Licensing will not address the behavioral issues that seem to be at the heart of this matter.
- 92% of the complaints will not be addressed by licensing...
- as *safety concerns* and *behavioral issues* are not supported by these statistics, I believe that the issue here is not "*all* landlords mis-managing their properties" or "misbehaving students", but rather 'certain groups wanting to maintain or rollback the 'character' of their neighbourhood without considering the needs of other stakeholders', namely – our students.
- And, I do in fact encourage you to continue to use all available current bylaws & property standards to pursue those landlords that are not providing safe, well-managed housing – make the penalties hurt.

As of today, I am still uncertain of what the real agenda is. I have heard a lot of anecdotal statements that have no statistical backup as provided in the report prepared by Katie Nasswetter's office.
I am asking plainly and clearly two things:

1) What is the purpose of the licensing as proposed; and what is the intended benefit?
2) Why are **all**, and I stress ***"all"*** stakeholders - including *students & landlords*, **not** included in the discussion, terms of reference and this process?

In order for this to be a win-win situation, **all** stakeholders have to benefit.

I thank you for your time & consideration, and I truly look forward to being an active, heard, participant going forward.

Chair Piper, Madame Mayor, committee members and staff. I am speaking today as a resident of a near-university neighbourhood. My comments are specifically about absentee landlord student rentals. This is not nimbyism, as I was a U of G student who lived off campus.

This is a critical juncture in the life of many near-university neighbourhoods - either planning changes will stop the erosion of our neighbourhoods or the spectre of the Queens' student ghetto or Waterloo's Northdale area will become a reality.

How so? Because the city has allowed market forces to plan neighbourhoods. Investors buy up house after house and rent as many rooms as they can, thanks to the loophole in the 2005 shared rental housing bylaw. These rentals, in effect, create off campus dorms and tend to destabilize neighbourhoods. Students, by nature, are transient and are more interested in their studies and having a good time than in the future of a neighbourhood. To expect otherwise is naïve and unrealistic. When you are a home owner surrounded by students, you usually do not have neighbours – nobody helps with the snow, asks how you've been or even says a friendly hello.

So I come before you to plea to the city to save our near- university neighbourhoods. Good planning emphasizes diversity in ages, occupations and incomes with a balance struck between a variety of needs as people engage with their communities. When you have student housing concentrated in one area you lose this dynamic.

I find it very ironic to be even making this plea given the fact that the city on its web page trumpets that "neighbourhood groups are busy building vibrant communities in the city of Guelph". I must assume, then, that planning decisions would support such a statement.

You may, perhaps, think I am over stating what is happening. To illustrate my point I found three properties currently for sale – all directed at the investor/ absentee landlord and all using the accessory apartment approach to fill each

house with students. The three properties are within blocks of each other. Each is really a lodging house as they offer 5-6 bedrooms.

I am not against rental properties per se but in the concentration of student rentals in one area. With the universal student bus pass there is no reason why students can't live in many other parts of the city.

I repeat, again, that this is a very important issue in the life of some neighbourhoods. For instance, in the Old University area, many homes are owned by seniors. Such a demographic reality means that many houses are prime targets for investors.

Thank you for your consideration in this matter.

Sylvia Watson

From: Bradley Williams
Sent: May 16, 2010 10:50 PM
To: Katie Nasswetter
Subject: Re: shared rental housing report

Hi Katie,

Here are a few of things Off-Campus Living will be implementing in the coming academic year.

- "Right Foot Forward" - A community welcome that will occur September 11th and will involve students, willing community members, City of Guelph staff, Police, By-Law Officers, Fire and University Staff, who will be going door to door in designated communities delivering OCL Welcome Bags and talking with students and community members. There will be training for these participants, resources for students and community members to coexist better with one another.
- Off Campus Conduct Code - Will be set to go for September and will take a Restorative Justice/Alternative Dispute Resolution approach to dealing with concerns off campus.
- OCL is working on a community concerns web page that will allow community members to share concerns annonomously, but will also require them to share how they have worked to respond to the problem, and to offer solutions to a resolution. I will be respond to each of these situations, in person, as necessary.
- OCL Peers will be partnering with various groups across campus to do proactive outreach to Residence, different student orgs, and will be setting up tables and tents in various locations on and of campus to provide resources to students about civic minded behavior and student's responsibilities as members of the community.
- As well as many other smaller scale programs throughout the year.
- I sent all the Move Out Madness Stats, so any info you want to share about those would be fantastic.

Please share my sincere regrets for not being able to attend as I am at the Ontario Town and Gown Association Symposium in Ottawa.

Thanks and if you need anything further, please let me know. Good Luck!

Brad~

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Bradley Williams
Manager, Off-Campus Living
Department of Student Life
University of Guelph
Guelph, Ontario, CANADA
N1G 2W1
t.519.824.4120, ext. 56276
f.519.824-2705
www.studentlife.uoguelph.ca
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Completion of the 2010 Salamander Monitoring Program

CDES Committee Presentation

May 17, 2010

Rajan Philips & Suzanne Young

Overview

- Monitoring Program Background
- 2010 Monitoring Program
- F
- N
- A

Monitoring Program Background

- HCBP Draft Plan Approval
  - Council: February 21, 2005
  - OMB: November 8, 2006
- Endangered Species Act 2007 & Regulation 2008
  - Jefferson Salamander listed as threatened species
  - Draft Recovery Strategy 2009
- EAC Request and Agency Consultations
- 2009 Salamander Surveys
- Oct 2009: Council Request to Minister of Natural Resources

2009 Salamander Surveys

- **March-April** - Salamander Trapping Surveys – None Found
- **April-June** - Amphibian Mortality Survey on Laird Road
- **April 20, 2009** -Salamander found on Laird Road
- **Test Result** - Blue-spotted Jefferson-dominated unisexual salamander
- **June-July Larvae Surveys** - To identify potential breeding pond - None established

Monitoring Program Preparations

- August-Sept 2009: Discussions with MNR, Dr. Bogart and Natural Resources Solutions Inc (NRSI)
- **Oct 2009: Council Request** to Minister of Natural Resources
- **Confirmation by Ministers** - One-year of comprehensive monitoring program sufficient to establish presence / absence
- **Fall 2009 Site Visits** (MNR, Dr. Bogart, NRSI, Staff)
- **December 2009** - Monitoring Plan submitted to MNR

2010 Monitoring Program

Program Direction:

Primary Team: MNR, City Staff, NRSI

Consultation / Advice: Dr. Jim Bogart

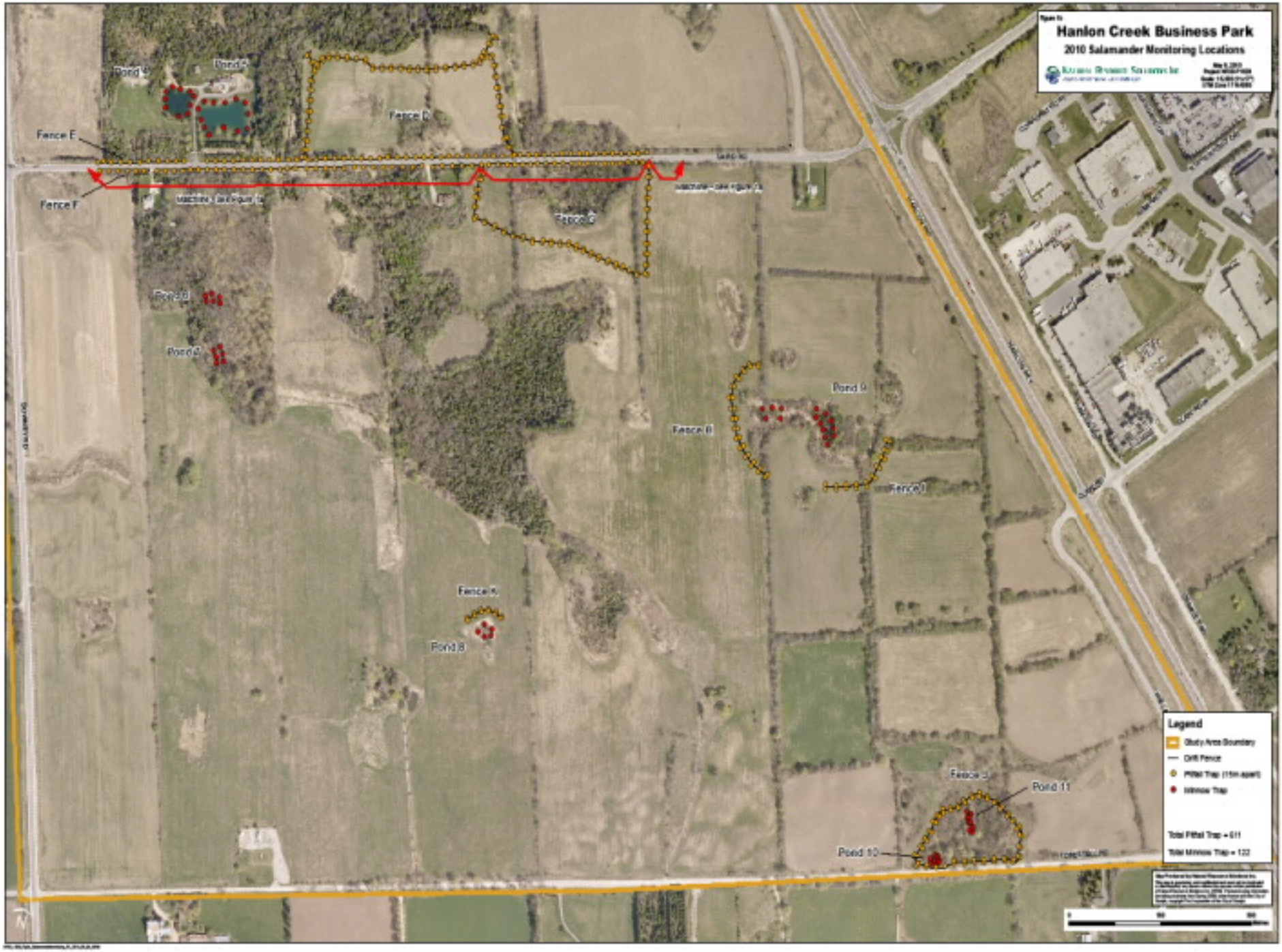
Program Implementation:

- 122 minnow traps in 12 potential breeding ponds
- 5.5 km silt fencing & 611 pitfall taps across the site to determine movement direction

Installation - November 2009; **Inspection**: March 2010

Start date - March 11, 2010; **End date -** April 30, 2010

Hanlon Creek Business Park
2010 Salamander Monitoring Locations
Pond 1
Fence A
Pond 2
Pond 11
Fence C
Fence B
Pond 13
Pond 12
Pond 3
Pond 4
Fence D
Fence E
Fence F
Fence G
Legend
Study Area Boundary
Drift Fence
Pitfall Trap (15m apart)
Minnow Trap
Total Pitfall Trap = 611
Total Minnow Trap = 122


Hanlon Creek Business Park
2010 Salamander Monitoring Locations
Pond 4
Pond 5
Fence D
Fence E
Fence F
Fence G
Pond 6
Pond 7
Pond 9
Fence H
Fence I
Fence K
Pond 8
Fence J
Pond 11
Pond 10
Legend
Study Area Boundary
Drift Fence
Pitfall Trap (15m apart)
Minnow Trap
Total Pitfall Trap = 611
Total Minnow Trap = 122

Findings

- **13** Salamanders were captured - tail clippings taken as samples for testing
- Samples analysed by Dr. Bogart for DNA
- **Results**- Captured salamanders were blue-spotted or blue-spotted dominant
- **Conclusion** - **No presence** of Jefferson or Jefferson-dominated polyploids
- Additional information on amphibian movement

Hanlon Creek Business Park
Location and Direction of Salamander Captures
Pond 1
Fence A
Pond 2
Fence B
Pond 3
Fence C
Pond 12
Pond 13
Pond A
Pond 5
Fence D
Fence E
Fence F
Fence G
Pond 6
Pond 7
Fence H
Pond 9
Fence I
Fence K
Pond 8
Fence J
Pond 11
Pond 10
Legend
Study Area Boundary
Drift Fence
Salamander Capture
Pitfall Trap (15m apart)
Minnow Trap
Study Area
Total Pitfall Trap = 511
Total Minnow Trap = 122

Next Steps

- Design and Construction Plans
  - Current Design & Construction Plans
  - Potential design refinements
  - Protection Measures during construction
- Laird Road Culverts
- Tendering and Construction

Acknowledgements

- Mayor and Council
- Ministry of Natural Resources
- Natural Resources Solutions Inc.
- Development Proponents and Consultants
- Drexler Construction
- City Staff

COMMITTEE REPORT

TO	**Community Development and Environmental Services Committee**
SERVICE AREA	Community Design & Development Services
DATE	May 17, 2010
SUBJECT	**Hanlon Creek Business Park – Completion of 2010 Jefferson Salamander Monitoring Program**
REPORT NUMBER	10-61

RECOMMENDATION

"THAT the Community Development and Design Services Report 10-61 dated May 17, 2010, entitled, "Hanlon Creek Business Park: Completion of 2010 Jefferson Salamander Monitoring Program", BE RECEIVED; and

AND THAT Council confirms that (a) a comprehensive salamander monitoring program for the Hanlon Creek Business Park subdivision development has been completed; (b) the results of the monitoring program indicate that there is no presence of Jefferson salamander within the Business Park; and (c) the results of the monitoring program enable the development of the Business Park to proceed immediately as a draft-approved plan of subdivision, including enhanced mitigation measures based on additional information gathered during the monitoring program, as outlined in this report;

AND THAT the Mayor convey this Report 10-61 dated May 17, 2010, along with a copy of Council's resolution, to the Minister of Natural Resources, Guelph MPP Liz Sandals, and MNR Guelph District Office Manager."

BACKGROUND

In October, 2009, the City requested the Minister of Natural Resources to confirm the following:

- A comprehensive Jefferson salamander monitoring program, undertaken in consultation with the Guelph District Office of the Ministry of Natural Resources and Dr. Jim Bogart during the 2010 spring months, would be sufficient to determine the presence or absence of Jefferson salamander within the Hanlon Creek Business Park.

- If no Jefferson salamander presence is established as a result of the 2010 monitoring program, the Ministry of Natural Resources will not object to the City proceeding with the development of the Hanlon Creek Business Park as a draft-approved plan of subdivision under the Planning Act.
- If the presence of Jefferson salamander is established as a result of the 2010 monitoring program, the City could enter into an agreement with the Minister to proceed with the development of the Hanlon Creek Business Park including the implementation of a mitigation plan to minimize impacts on and potentially enhance Jefferson salamander habitat within the Business Park. (The agreement process as per O.Reg. 242/08 made under the Endangered Species Act 2007, is outlined in Council Report 09-90, dated October 26, 2009, a copy of which is included in Attachment 1).

On December 17, 2009, the Honourable Donna Cansfield, Minister of Natural Resources wrote to the Mayor indicating that "a well designed and implemented Jefferson Salamander monitoring program can help determine whether Jefferson Salamanders and/or their habitat are present in the HCBP", and that if they are not present, "the city can continue development of the site as proposed and previously approved by various agencies."

Following the appointment of the Honourable Linda Jeffrey as the Minister of Natural Resources in January 2010, the Mayor wrote to the new Minister, informing her of the steps that were being taken to implement a comprehensive monitoring program in the spring of 2010. On March 25, 2010, the Honourable Linda Jeffrey wrote to the Mayor reconfirming the decision of her predecessor.

The letters of correspondence between the Mayor and the Minister of Natural Resources including the Council Report 09-90 of October 26, 2010, are included as Attachment 1.

Following the October 2010 Council resolution, City staff and consultants (Natural Resources Solutions Inc) worked with the Ministry Natural Resources Guelph District and Dr. Jim Bogart of the University of Guelph to design a comprehensive salamander monitoring program for the Hanlon Creek Business Park (HCBP).

The salamander monitoring program for the Hanlon Creek Business Park was undertaken from March 11, 2010 until April 30, 2010 by Natural Resources Solutions Inc (NRSI). The oversight for the monitoring work was provided by MNR Guelph District Office and the City's Environmental Planner in consultation with Dr. Jim Bogart. Thirteen salamanders were captured during the monitoring, tail clipping samples from which were tested at the University of Guelph laboratories by Dr. Jim Bogart. The tests concluded that

none of the captured salamanders were Jefferson Salamanders or Jefferson-dominated polyploids (Jefferson-dominated unisexuals)**.**

In light of the findings of the 2010 salamander monitoring program, MNR Guelph District has confirmed that (MNR's letter dated May 7, 2010, is included as Attachment 2):

> "all parties were confident that this monitoring program was rigorous enough to ascertain the presence of Jefferson Salamanders and the habitat they would use, if present, on the site … The tests concluded that none of the specimens caught and tested were Jefferson Salamanders or Jefferson dominated polyploids. Therefore there are no requirements for authorizations under the Endangered Species Act for the Hanlon Creek Business Park."

It should be noted that the 2010 monitoring work has provided additional information in regard to the location and movements of blue spotted salamanders and other amphibian species within the subdivision area. The new information will be used to consider refinements to the design of infrastructure facilities within the Hanlon Creek Business Park, enhance open spaces and habitat linkages where possible, and undertake measures for the protection of wildlife during construction activities. The proposed design refinements and construction measures honour the spirit of the Endangered Species Act even though no presence of threatened or endangered species has been established on the site.

The purpose of this report is to provide information to Council and the general public on the extensive efforts taken by the City and private developers, in consultation with MNR and Dr. Bogart, to ensure that the development proceeds in accordance with the Endangered Species Act that came into effect in 2007 after the Hanlon Creek Business Park subdivision had been draft-approved by the Ontario Municipal Board (OMB) in November 2006. The report provides an outline of these efforts including design of the salamander monitoring program, its implementation and findings, and potential design refinements and construction measures that will be considered in the development of the Hanlon Creek Business Park.

REPORT

The Hanlon Creek Business Park (HCBP) subdivision plan was approved by City Council on February 21, 2005, and, following appeals, by the Ontario Municipal Board (OMB Decision No. 3143) on November 8, 2006.

Following OMB's approval, the design of municipal services and stormwater management facilities for the first two of three phases of the subdivision

were completed and the required approvals from the Grand River Conservation Authority (GRCA) and the Ministry of the Environment (MoE) were obtained. The construction of Phase 1 and Phase 2 services was set to begin in 2009.

In April 2009, the Environmental Implementation Report (EIR) for Phase 1 and Phase 2 of the subdivision was presented to the City's Environmental Advisory Committee (EAC). EAC supported the EIR and identified a number of issues for further consideration by City staff and consultants, including:

> "That confirmation of the presence or absence of the Jefferson Salamander is provided and if confirmed, appropriate conservation measures consistent with the Endangered Species Act 2007 and the Recovery Strategy with MNR"

The provisions of the Endangered Species Act 2007 came substantially into effect on June 30, 2008, replacing the Endangered Species Act 1971. The ESA 2007 provides protection for endangered, threatened and extirpated species and habitats of threatened and endangered species. The Act protects species and habitats while providing for flexible tools to address activities within and adjacent to habitats of threatened and endangered species by way of permits, agreements and regulations.

The Act also provides for recovery planning and the development of recovery strategies by the province with legislated timelines. A Draft Recovery Strategy for the Jefferson Salamanders (*Ambystoma jeffersonianum*) undertaken by the Jefferson Salamander Recovery Strategy Development Team (chaired by Dr. Bogart) was released in 2009.

The potential presence of Jefferson Salamanders or Jefferson-dominated polyploids (Jefferson-dominated unisexuals) within the Hanlon Creek Business Park lands was not considered a possibility prior to the release of the Draft Recovery Strategy in 2009. However, following the release of the Drat Recovery Strategy, EAC request and discussions with Agencies and consultants, it was decided to carry out salamander minnow trap surveys in 2009.

NRSI conducted salamander trapping surveys with the use of un-baited minnow traps from March 27 to April 9, 2009, to assess the presence of Jefferson salamanders within potential habitat features within the HCBP. No salamander species were observed or trapped during the trap surveys.

Amphibian mortality surveys on Laird Road between Downey Road and the Hanlon Expressway were also conducted in the spring of 2009, in response to public requests to determine the impacts of vehicular traffic on amphibian

movement. The road mortality surveys were conducted by NRSI from April 20, 2009 to June 19, 2009. One salamander species, identified to be *Ambystoma laterale-(2) jeffersonium*, was observed dead on Laird Road on April 20, 2009.

Given the positive identification of the *Ambystoma laterale-(2) jeffersonium*, salamander larvae surveys were undertaken under the direction of MNR staff on June 17, July 6 and July 10, in an effort to establish the potential breeding pond of the specimen found on Laird Road. During the larvae surveys one dead specimen was found and submitted to Dr. Bogart for analysis. It was determined to be a frog tadpole. Both adult and tadpole wood frogs (*Rana sylvatica*) and an adult northern leopard (*Rana pipiens*) frog were also observed.

The larvae survey findings did not confirm the presence/absence of salamander breeding ponds. It was then decided in consultation with MNR to carry out a comprehensive salamander monitoring program in 2010 to establish the presence/absence of Jefferson salamanders within the HCBP.

Monitoring Program 2010

The design of the 2010 monitoring program was prepared by NRSI in consultation with the MNR Guelph District, City staff, and Dr. Bogart. A Primary Team (comprised of MNR staff, NRSI staff and the City Environmental Planner) was established to determine, in consultation with Dr. Bogart, the start and end dates of monitoring and for reviewing monitoring updates.

The final Monitoring Program submitted by NRSI to MNR on December 15, 2009, is included as Attachment 3 in this Report. The monitoring program design was based on un-baited minnow trap surveys within potential breeding ponds, and pitfall trap surveys to determine the direction of salamander movement to and from potential breeding ponds.

A total of 122 un-baited minnow traps were placed within twelve potential breeding ponds including wetlands, vernal pools and ponds in the subdivision. To determine the direction of salamander movement to and from potential breeding habitats, 5.5 km of drift fencing and 611 pitfall traps were installed in selected areas throughout the subdivision and along Laird Road.

The installation of fencing and traps was completed in November 2009, before the onset of winter conditions and inspected by MNR and City staff. The fencing and installations were inspected again on March 11, 2010, prior to commencement of the monitoring program, to repair damages and install additional pitfall traps. The monitoring commenced on March 11, 2010. Throughout the monitoring program weekly monitoring updates were

provided by NRSI to the Primary Team and Dr. Bogart. The NRSI report on the implementation and findings of the monitoring program is included as Attachment 4.

Monitoring was conducted from March 11 to April 30. The start and termination dates for the monitoring program were determined in consultation with MNR Guelph district staff and Dr. Bogart. Based on the daily record of observations, the peak amphibian movement period (frogs, toads and salamanders) occurred during the first week of April. .

A total of 13 salamanders were captured during the monitoring program. Tail clippings from each of the 13 salamanders were subjected to genetic analysis. The results of the analysis indicate that the samples collected were from either blue-spotted or blue-spotted dominant salamanders and not from Jefferson salamanders or Jefferson-dominated polyploids (Jefferson-dominated unisexuals).

The pitfall surveys along Laird Road also provided additional information pertaining to the movement of other amphibians, specifically frogs and toads. This information will be used to confirm locations for wildlife crossings along existing Laird Road as an interim measure which the City is proposing to undertake until the ultimate closure of existing Laird Road and replacement by a new Laird Road alignment to the south.

Design and Construction Plans

The current design of the HCBP subdivision provides for the protection of sensitive environmental areas within the subdivision including the integration of the central wetlands. The protected areas include identified and potential wildlife habitats. The design provides for low-impact development, groundwater recharge and stormwater management to sustain the natural watercourses and wetlands.

The current construction plans provide for undertaking approved tree removal and in-water construction works in conformity with the nesting needs of birds and the development stages of cold water fish species, respectively. Tree protection fencing and associated signage will be erected where required throughout the subdivision. Fencing and signage has already been erected around the Heritage Maple Grove.

The current construction measures also include:
- Sediment and erosion control fencing during construction
- Seeding of graded areas within 30 days
- Presence of an Environmental Inspector during construction activities

In addition to measures included in the current design and construction plans, new information gathered during the 2010 monitoring program in regard to locations and concentrations of amphibian movement will be reviewed to consider design refinements and construction measures for wildlife protection during construction activities.

Potential design refinements include the following:
- Changes to culverts and additional culvert crossings
- Narrowing of road widths where possible
- Enhancement of open spaces, linkages and their protection

Potential measures for wildlife protection during construction activities include:
- Information to construction crews to avoid harm to amphibians and Species of Special Concern (e.g. milk snake, snapping turtles, etc.) during construction activities
- Where possible to avoid heavy construction activities during peak amphibian movement periods

As previously indicated, the City will undertake the construction of amphibian movement culverts along Laird Road before the Fall of 2010 to reduce amphibian road mortality until the ultimate closure of existing Laird Road.

Although the 2010 monitoring program has concluded that there is no presence of endangered or threatened species within the Hanlon Creek Business Park, the aforementioned measures, based on information provided by the monitoring program, are being considered in the design and construction plans for the HCBP. These measures are consistent with the commitment, as noted in the October 26, 2009 Council report, to fully support the "precautionary principle", the central premise of the ESA which states that:

> "where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat."

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well functioning and sustainable City.
Goal 3: A diverse and prosperous local economy
Goal 5: A community-focused, responsive and accountable government
Goal 6: A leader in conservation and resource protection/enhancement

FINANCIAL IMPLICATIONS

Potential design refinements and construction measures can be accommodated within the overall servicing cost of the HCBP subdivision.

DEPARTMENTAL CONSULTATION

Economic Development and Tourism Services
Legal Services

COMMUNICATIONS

N/A

"original signed by Suzanne Young"

Prepared By:
Suzanne Young
Environmental Planner
(519) 822-1260, ext. 2356
suzanne.young@guelph.ca

"original signed by Rajan Philips"

Prepared By:
Rajan Philips, P.Eng.
Manager of Transportation Planning & Development Engineering
(519) 837-5604, ext. 2369
rajan.philips@guelph.ca

"original signed by Richard Henry"

Endorsed By:
Richard Henry, P.Eng.
City Engineer
(519) 837-5604, ext. 2248
richard.henry@guelph.ca

"original signed by Jim Riddell"

Recommended By:
James N. Riddell
Director of Community Design and Development Services
(519) 837-5616, ext. 2361
jim.riddell@guelph.ca

Attachments (4)

T:\ENGINEER\Engineering Council\2010

Attachment 1a

Office of the Mayor

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-837-5643
TTY 519-826-9771
F 519-822-8277
E mayor@guelph.ca

guelph.ca

October 28, 2009

The Honourable Donna Cansfield
Minister of Natural Resources
Ferguson Block 3rd Floor
77 Wellesley St. W.
Toronto, Ontario
M7A 1Z8

Dear Minister Cansfield.

Re: Hanlon Creek Business Park – Council Request to the Ministry of Natural Resources

I would like to share with you the resolution unanimously passed by City Council on October 26, 2009, concerning the development of the Hanlon Creek Business Park in light of the requirements of the Endangered Species Act. The full resolution is included in the attached report and we trust that our request for greater certainty in regard to proceeding with this development will receive your earnest consideration.

As outlined in the report, the City fully supports the objectives of the Endangered Species Act (ESA) and City staff and the City's consultants have been working with staff from the Ministry of Natural Resources (MNR) Guelph District Office and Dr. Jim Bogart to develop a process for proceeding with the Hanlon Creek Business Park (HCBP) development in the context of the ESA.

The City appreciates MNR staff cooperation in identifying areas where interim servicing work could be undertaken with minimal risk to potential Jefferson salamander habitat within the HCBP. To date, three areas of work have been identified in addition to the culvert crossing work that the City had to stop this year but will restart after July 1, 2010.

The City and its consultants are also preparing an extensive salamander monitoring program in consultation with Dr. Bogart and MNR staff. This program will be undertaken in the spring of 2010, and the City would like to have confirmation from the MNR that the 2010 monitoring work would be sufficient to establish the presence or absence of Jefferson salamander

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habitat within the HCBP. Our request is based on the knowledge of experts involved in this project and their familiarity with site conditions, in addition to Dr. Bogart's expressed opinion on this matter.

As indicated in the Council resolution, if no salamander habitat is identified at the end of the monitoring program, the City would like to proceed with the development of the subdivision as already approved by the Ontario Municipal Board in November, 2006. On the other hand, if salamander habitat is established, the City would like to proceed with development work under the 'agreement process,' as currently provided in O.Reg. 242/08. Our request to you in this regard is to allow the City to enter into an agreement with the Ministry even after the stipulated deadline of June 30, 2010, as it will not be possible for the Ministry and the City to finalize an agreement before this deadline. In considering this request, I would sincerely ask you to take into account the long history of studies, investigations, agency reviews and approvals that the HCBP subdivision has gone through.

Lastly, significant community, environmental, economic and infrastructure investments are involved in this project which is of importance not only for the Local Growth Plan objectives in Guelph but also for Provincial Growth Plan objectives in southwestern Ontario. These factors must also be taken into account while considering the City's request for greater certainty in proceeding with the development of the Hanlon Creek Business Park in the context of the Endangered Species Act.

Thank you for you consideration of Council's requests.

Sincerely,

Karen Farbridge
Mayor

Attach: (Council Resolution and Report)

cc: Liz Sandals, MPP, Guelph
Ian Hagman, Guelph District Manager, MNR
Dr. Jim Bogart, University of Guelph

Attachment 1b

COUNCIL REPORT

TO	**Guelph City Council**
SERVICE AREA	Community Design & Development Services and Economic Development & Tourism Services
DATE	October 26, 2009
SUBJECT	**Hanlon Creek Business Park – Council Request to the MNR**
REPORT NUMBER	09-90

RECOMMENDATION

"THAT the Community Development and Design Services and Economic Development and Tourism report dated October 26, 2009, with respect to the Hanlon Creek Business Park – Council Request to the MNR, BE RECEIVED; and

"THAT Council request the Minister of Natural Resources for confirmation that the comprehensive Jefferson salamander monitoring program, that the City will be undertaking in consultation with the Guelph District Office of the Ministry of Natural Resources and Dr. Jim Bogart, between March and May of 2010, would be sufficient to determine the presence or absence of Jefferson salamander habitat within the Hanlon Creek Business Park; and

"THAT Council request the Minister of Natural Resources, if no Jefferson salamander habitat is established as a result of the 2010 monitoring program, to confirm that the Ministry of Natural Resources will not object to the City proceeding with the development of the Hanlon Creek Business Park as an approved plan of subdivision under the Planning Act; and

"THAT Council further request the Minister of Natural Resources, if the presence of Jefferson salamander habitat is established as a result of the 2010 monitoring program, to allow the City to enter into an agreement with the Minister even after the June 30, 2010, deadline for agreements as currently provided in the Ontario Regulation 242/08, in order for the development of the Hanlon Creek Business Park to proceed along with the implementation of a mutually agreed upon mitigation plan to minimize adverse impacts of development on the Jefferson salamander habitat; and

"THAT Council inform the Minister of Natural Resources that the City, in consultation with the MNR Guelph District office and independent of the 2010 monitoring program, is planning to carry out interim works in specific areas within the Hanlon Creek Business Park that are of no risk to any potential Jefferson salamander habitat within the Park;

"AND THAT the Mayor write to the Minister of Natural Resources, Guelph MPP Liz Sandals, and MNR Guelph District Office Manager to convey Council's resolution and the background and circumstances thereto, as outlined in this report."

REPORT

The Hanlon Creek Business Park (HCBP) subdivision plan is based on ten years of studies, investigations, agency reviews and approvals. The subdivision plan was approved by City Council on February 21, 2005. Further to appeals, the plan was approved by the Ontario Municipal Board (OMB Decision No. 3143) on November 8, 2006.

Following the OMB approval, the City has prepared a comprehensive Environmental Implementation Report (EIR) as well as the design of municipal services and stormwater management facilities for the first two phases of the subdivision. The required approvals from the Grand River Conservation Authority (GRCA) and the Ministry of the Environment (MoE) were received and the construction of Phase 1 and Phase 2 services was set to begin in 2009.

However, work has been delayed following the discovery of a dead Jefferson salamander complex on April 20, 2009, during an amphibian road mortality survey on the existing Laird Road. Jefferson Salamander is one of the threatened species listed in O.Reg. 230/08 made under the Endangered Species Act of 2007 (ESA). The main purpose of the legislation is to protect species that are at risk and their habitats. Infrastructure and development activities, insofar as they are likely to harm species at risk, or damage or destroy their habitats, can proceed only pursuant to an agreement with the Minister of Natural Resources, or a permit issued by the Ministry of Natural Resources.

O.Reg. 242/08 includes a transition provision exempting development and infrastructure activities, including approved plans of subdivision, from the application of the ESA provided these activities have received their respective approvals before June 30, 2008, and the proponents of these activities have entered into an agreement with the Minister of Natural Resources before June 30, 2010, "to take reasonable steps to minimize adverse effects on the species."

The HCBP subdivision received OMB approval on November 8, 2006, and falls under the above-noted exemption category. However, for the City to enter into an agreement with the Minister, the presence of Jefferson salamander habitat within the HCBP needs to be established through a monitoring process. As the monitoring process and analysis cannot be completed before July, 2010, the City will not be able to meet the current deadline of June 30, 2010, to reach an agreement.

The main purpose of Council's request to the Minister of Natural Resources, as recommended in this report, is to allow the City to enter into an agreement with the Minister even after the June 30, 2010, deadline, if the 2010 monitoring process establishes the presence of salamander habitat within the HCBP lands.

In addition, as recommended in this report and discussed below, the City is also requesting the Minister for certainty in regard to the monitoring process, and for confirmation that if no salamander habitat is established at the end of the

monitoring program in 2010, the Ministry will not object to the City proceeding with the development of the HCBP as already approved.

Monitoring Process

Salamander monitoring is undertaken generally between the months of March and May. If salamander 'presence' is established during monitoring and subsequent analysis, it would be possible to delineate habitat areas and develop mitigation or enhancement measures. However, the more difficult challenge is to establish 'absence', and there appears to be no firm guidelines as to how many seasonal monitorings should be undertaken to prove 'absence'. The 2009 Draft MNR Study on Jefferson Salamander as part of the Ontario Recovery Strategy Series, recommends a 3-year monitoring program to demonstrate salamander 'absence'. But it is not clear if this is a general recommendation for guidance, or if it should apply to every situation.

In the case of the Hanlon Creek Business Park, Natural Resources Solutions Inc (NRSI), the City's Environmental Consultants, undertook salamander trap surveys during the spring of 2009. Monitoring methodologies were undertaken in consultation with MNR staff and Dr. Jim Bogart. NRSI followed recommended protocols that were also being used in other monitoring sites in Wellington County, Puslinch Township, and the City of Kitchener. While the presence of Jefferson salamander complex was confirmed in Kitchener sites, the monitoring exercise did not find any evidence in the HCBP or surrounding areas. The discovery of the dead salamander on Laird Road came after the salamander monitoring process had been concluded, during the subsequent amphibian mortality survey. Additional investigations, including further assessment of potential breeding habitat and larval surveys, were undertaken by the consultants with directions from MNR staff in June and July, 2009. No evidence of salamander presence was found.

MNR Guelph District staff have expressed the view that the 2009 results were not conclusive and that additional monitoring is necessary to confirm the presence or absence of Jefferson salamander within the HCBP. The City is now preparing to undertake monitoring again in 2010.

At the August 14, 2009, meeting attended by Dr. Bogart, MNR and City staff, and NRSI. Dr Bogart, who is the Chair of Jefferson Salamander Recovery Team and a contributing author of the draft Recovery Strategy for Jefferson Salamander in Ontario, stated that with a comprehensive and properly performed assessment in 2010, to target adult individuals, it would be possible to establish presence or absence of Jefferson salamander habitats within the HCBP.

NRSI and City staff are currently preparing the monitoring program for 2010 in consultation with Dr. Bogart and MNR staff. The broad parameters of a comprehensive monitoring program were identified at the September 23, 2009, meeting between MNR and City staff and consultants. On October 1, Dr. Bogart, accompanied NRSI Biologists and the City Environmental Planner on-site to review existing conditions and identify potential salamander breeding habitat. Based on comments received from MNR staff, Dr. Bogart's and NRSI's first hand knowledge of the site an extensive monitoring program, which will include 3 km of drift fencing, 500 pitfall traps and 86 minnow traps, is being prepared by NRSI. Written guidelines for carrying out physical monitoring will be prepared in advance and

included in the Plan. The entire monitoring plan will be finalized in consultation with MNR Guelph District staff and Dr. Bogart.

The City would like to have confirmation that based on Dr. Bogart's opinion and the comprehensive monitoring program that will be undertaken in 2010, the results obtained from the 2010 monitoring program would be sufficient to determine the presence or absence of Jefferson salamander within the HCBP. If no evidence of Jefferson salamanders or suitable habitat is found, the Ministry of Natural Resources should confirm that the Ministry has no objection to the City proceeding with the development of the Hanlon Creek Business Park as already approved under the Planning Act.

The City of Guelph fully supports the "precautionary principle", the central premise of the ESA which states that "where there is a threat of significant reduction or loss of biological diversity, lack of full of scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat." City staff and consultants have consistently proposed as a positive extension of this principle to incorporate reasonable mitigating features in the design of the subdivision based on the identification of potential salamander habitats within the HCBP.

Even while proceeding with the development of the HCBP as already approved, if no salamander habitat is established as a result of the 2010 monitoring process, the City will work with MNR Guelph District Office and Dr. Bogart in regard to carrying out design and construction activities in the vicinity of areas that could potentially be a salamander habitat. On the other hand, if Jefferson salamander habitat is established through the monitoring process, the City should be allowed to proceed with development under an agreement with the Minister, as discussed below.

Agreement Process

As noted earlier, the City will not be able to meet the June 30, 2010, deadline for entering into an agreement under the transition provision of O. Reg. 242/08. Given that the City has already undertaken salamander monitoring in 2009, and that the second year monitoring in 2010, that is being undertaken at the request of the MNR, cannot be completed before June 30, 2010, it is reasonable to request the Minister for an extension of the deadline for entering into an agreement in the event a salamander habitat is established within the HCBP.

The Hanlon Creek Business Park subdivision has gone through extensive public consultation, design review and approval processes and is ready for construction. City staff and consultants are confident that adequate salamander mitigation measures can be incorporated in the HCBP design if salamander habitat is established within the HCBP. They are also confident that the City would be able to meet the requirements for an agreement as envisaged by O.Reg. 242/08.

Interim Works

As Council is aware, the City is working with the MNR Guelph District office to carry out a number of interim works in the HCBP, independent of the monitoring program. The projects and their status are as follows:

- Hanlon Watermain and Utilities Crossing: This involves tunnelling under the Hanlon Expressway at the Clair Road alignment for watermain and utilities crossing. MNR has allowed this work to proceed. The work will commence in November, 2009, and will be completed by April, 2010.

- Servicing Projects: Three independent servicing projects have been identified in the north-western, northern and eastern parts of HCBP Phase 1. They are currently being reviewed by MNR. The City plans to commence construction work in these areas from January, 2010.
- Laird Road Culverts: Laird Road was closed in the evenings, for ten days, in September 2009, to allow for the safe passage of migrating amphibians. In order to avoid closing Laird Road again between March and June in 2010, the City will be installing drift fencing and traps on either side of Laird Road as part of the overall network of fencing and traps installed for salamander monitoring. The installation of fencing and traps will be undertaken during the month of November, 2009, and this arrangement is acceptable to MNR staff.

The City would like to inform the Minister of Natural Resources that in undertaking the proposed interim works, the City is making every effort and expending resources to keep the HCBP project moving forward while working with Ministry staff to meet the requirements of the Endangered Species Act.

Other Considerations

It is also necessary to emphasize the community, environmental, economic and investment contexts that make the Hanlon Creek Business Park development somewhat unique not only in Guelph but also in south-western Ontario.

The HCBP development is the centrepiece of Guelph's environmental stewardship and economic development. As a source of employment lands, this development is critical to Guelph's Local Growth Plan and to the Provincial Growth Plan projections pertaining to south-western Ontario. The subdivision plan provides for the integration and enhancement of the central habitat and wetland complex within the development lands. A hierarchy of transportation connections involving the adjacent Hanlon Expressway, internal roads, trails and bikeways are included to provide multimodal access for community, business and recreational uses. Services will be installed within the road allowances, while onsite design will ensure low impact development, groundwater recharge, and stormwater management to sustain the natural watercourses.

Full development also involves considerable investments. The servicing cost for Phases 1 and 2 is estimated to be $30M, and another $10M cost is anticipated for Phase 3 servicing. Of additional infrastructure investments, $1.5M has already been spent on interim improvements to the Hanlon Expressway intersections at Laird Road and Clair Road. The watermain and utilities crossing, noted above, will cost $1.8M. The Environmental Assessment for upgrading the at-grade Hanlon/Laird intersection to a new interchange has been approved by the Minister of the Environment. The Ministry of Transportation can now proceed with the design and construction of the new interchange at an estimated cost of $20M. The City is collecting Development Charges to pay its share of the cost of the new interchange that is being given priority to accommodate developments within the HCBP and on lands to the east of the Hanlon Expressway.

The City should emphasize the importance of the social, economic, environmental, and investment factors associated with Hanlon Creek Business Park development in order for the Ministry of Natural Resources to arrive at an informed and proportionate decision balancing the objectives of the Endangered Species Act and the Provincial and Local Growth Plan objectives. The recommended requests to the Minister of Natural Resources are reasonable requests and appropriate to the background and circumstances associated with the development of the Hanlon Creek Business Park.

If Council approves the recommended resolution, staff would prepare the letter from the Mayor to the Minister of Natural Resources, incorporating the Council resolution and attendant circumstances as outlined in this report.

CORPORATE STRATEGIC PLAN

Goal 3: A diverse and prosperous local economy

FINANCIAL IMPLICATIONS

As discussed in this report.

DEPARTMENTAL CONSULTATION

Economic Development and Tourism Services
Community Design and Development Services
Legal Services

COMMUNICATIONS

N/A

Prepared By:
Rajan Philips, P.Eng.
Manager of Transportation Planning & Development Engineering
(519) 837-5604, ext. 2369
rajan.philips@guelph.ca

Endorsed By:
Richard Henry, P.Eng.
City Engineer
(519) 837-5604, ext. 2248
richard.henry@guelph.ca

Recommended By:
Peter Cartwright
General Manager of Economic Development and Tourism
(519) 837-5600, ext. 2820
peter.cartwright@guelph.ca

Recommended By:
James N. Riddell
Director of Community Design and Development Services
(519) 837-5616, ext. 2361
jim.riddell@guelph.ca

T:\ENGINEER\Engineering Council\2009

Attachment 1c

cc Peter Cartwright

Ministry of Natural Resources

Office of the Minister

Room 6630, Whitney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Tel: 416-314-2301
Fax: 416-314-2216

Ministère des Richesses naturelles

Bureau du ministre

Édifice Whitney, bureau 6630
99, rue Wellesley Ouest
Toronto (Ontario) M7A 1W3
Tél.: 416-314-2301
Téléc.: 416-314-2216

Ontario

MNR3006MC-2009-3585

RECEIVED
City of Guelph
DEC 23 2009
Office of the Mayor

DEC 17 2009

Her Worship Karen Farbridge
Mayor
City of Guelph
City Hall
1 Carden Street
Guelph ON N1H 3A1

Dear Mayor Farbridge:

Thank you for your letter and council's resolution and report regarding the Hanlon Creek Business Park (HCBP) development and the potential implications of the *Endangered Species Act* (ESA). I am pleased to hear about the collaboration between the city and the Ministry of Natural Resources Guelph District to address Jefferson Salamander and their habitat at this site.

I am confident that a well designed and implemented Jefferson Salamander monitoring program can help determine whether Jefferson Salamanders and/or their habitat are present in the HCBP. If Jefferson Salamanders and/or their habitat are not found, the city can continue development of the site as proposed and previously approved by various agencies.

In the event that Jefferson Salamander and/or its habitat are confirmed on the site, the work may proceed pending an authorization under the ESA. I am pleased to note that discussions between my staff and yours have confirmed that the project is eligible for an agreement as per the regulations made under the ESA (O.Reg. 242/08). As noted in your correspondence, the provisions for entering into an agreement are transitional and expire June 30, 2010. For that reason, I suggest our staff work together to develop the draft terms of an agreement in advance of the monitoring work so that the groundwork is in place to make a decision late spring pending the outcome of the monitoring program.

My staff are committed to helping the city assess and protect Jefferson Salamander and its habitat at the HCPB, as well as providing direction to the city with regard to the ESA.

Thank you again for writing.

Sincerely,

Donna Cansfield

Donna Cansfield
Minister of Natural Resources

c: Liz Sandals, MPP, Guelph

Office of the Mayor

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-837-5643
TTY 519-826-9771
F 519-822-8277
E mayor@guelph.ca

guelph.ca

February 11, 2010

The Honourable Linda Jeffrey
Minister of Natural Resources
Room 6630 Whiney Block
99 Wellesley St. W.
Toronto, ON M7A 1W3

Dear Minister Jeffrey,

Re: City of Guelph Hanlon Creek Business Park

I would like to congratulate you on your appointment as Minister of Natural Resources. Also, as the Mayor of a municipality that has been dealing very cooperatively with the Ministry of Natural Resources over the last two years in regard to the application of the Endangered Species Act to a major development in Guelph, I extend to you my best wishes and Guelph's continuing support in regard to the administration of this challenging piece of conservation legislation.

The development that is of mutual interest to Guelph and the Ministry of Natural Resources (MNR) is the Hanlon Creek Business Park (HCBP). Significant community, environmental, economic and infrastructure investments are involved in this development project which is of importance not only for the Local Growth Plan objectives in Guelph but also for Provincial Growth Plan objectives in southwestern Ontario.

The City is the major landowner in this development along with two private landowners, Guelph Land Holdings and Belmont Equity Holdings Limited. The project includes a new interchange on Provincial Highway 6 at an estimated cost of $20 M and cost-shared between the City and the Ministry of Transportation. In addition, the City and the two private developers will provide municipal services at an estimated cost of $50 million.

The Draft Plan of Subdivision for HCBP was approved by City Council on February 21, 2005, and by the Ontario Municipal Board on November 8, 2006. Following the OMB decision, the required agency approvals for the construction of municipal services and environmental mitigation were obtained and the construction of Phase 1 and Phase 2 services was set to begin in 2009.

However, work has been delayed following the discovery of a dead hybrid Jefferson salamander on April 20, 2009, during an amphibian road mortality survey. Jefferson Salamander has been identified as a threatened species under the Endangered Species Act (ESA) of 2007. Work on the subdivision can now

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proceed only under an agreement between the landowners and the Minister of Natural Resources after verifying the presence of salamander habitat within the HCBP lands.

In October 2009, I wrote to the then Minister of Natural Resources, Donna Cansfield, pursuant to a City Council resolution requesting the Minister to allow the City to enter into an agreement with MNR if the presence of Jefferson salamander habitat were to be established within the HCBP lands as a result of the salamander monitoring program planned for the spring of 2010. In addition, the City also requested the Minister to confirm that if no salamander habitat is established at the end of the 2010 monitoring program, the City could proceed with the development of the HCBP.

By her letter dated December 17, 2009, Honourable Cansfield, confirmed that the City can proceed with development if Jefferson salamanders and/or their habitats are not found within the HCBP lands at the end of the 2010 monitoring program. The letter also confirmed that if salamanders were to be found, the City could enter into an agreement with MNR as per the regulations made under the ESA (O.Reg. 242/08). As the agreement provisions will expire on June 30, 2010, the Minister suggested that City and MNR staff should develop a draft agreement to be ready before the deadline pending the outcome of the monitoring program.

With this background, I am happy to inform you that City staff and our consultants, Natural Resources Solutions Inc (NRSI), have finalized a comprehensive monitoring program in consultation with MNR Guelph District staff and Dr. Jim Bogart of the University of Guelph. The monitoring program will be undertaken by NRSI during the months of March and April under the coordinated supervision of MNR District Office, Dr. Bogart, and City Environmental Planners. In addition, City and MNR staff and the two private landowners have begun preparing draft agreements including the outline of a mitigation plan pending the outcome of the monitoring program. The preparation of the agreements and mitigation plan has to be coordinated between the parties given the integrated nature of the subdivision.

We appreciate the Ministry's decision to enter into an agreement with the City and the landowners of the HCBP subdivision to develop the Hanlon Creek Business Park if salamander presence is established during the 2010 monitoring program. We also appreciate the Ministry's confirmation that the development of the Business Park could go ahead as per previous approvals if the monitoring program does not establish salamander presence within the subdivision lands.

As the final agreements are signed by the Minister of Natural Resources and the landowners, I wanted take this opportunity to provide you with the background and the most recent information on the Hanlon Creek Business

Office of the Mayor

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-837-5643
TTY 519-826-9771
F 519-822-8277
E mayor@guelph.ca

guelph.ca

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Park. The City staff and consultants along with the private landowners will carry out the monitoring program as planned and will have the draft agreements and the potential mitigation plan ready to be finalized for public review and signatures before the June 30th deadline, pending the outcome of the monitoring plan.

We look forward to working with MNR staff at the Guelph District Office and once again take this opportunity to express our appreciation for the support and cooperation we have been consistently receiving from the Ministry of Natural Resources in regard to the development of the Hanlon Creek Business Park.

Sincerely,

Mayor Farbridge

cc: Liz Sandals, MPP, Guelph
Ian Hagman, Ministry of Natural Resources Guelph District
Ian Thornton, Ministry of Natural Resources Guelph District

Office of the Mayor

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-837-5643
TTY 519-826-9771
F 519-822-8277
E mayor@guelph.ca

guelph.ca

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Attachment 1e

cc Peter C Kajan I' Han L

Ministry of Natural Resources

Office of the Minister

Room 6630, Whitney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Tel: 416-314-2301
Fax: 416-314-2216

Ministère des Richesses naturelles

Bureau du ministre

Édifice Whitney, bureau 6630
99, rue Wellesley Ouest
Toronto (Ontario) M7A 1W3
Tél.: 416-314-2301
Téléc.: 416-314-2216

Ontario

MNR4046MC-2010-242

MAR 25 2010

RECEIVED
City of Guelph
MAR 30 2010
Office of the Mayor

Her Worship Karen Farbridge
Mayor
City of Guelph
1 Carden Street
Guelph ON N1H 3A1

Dear Mayor Farbridge:

Thank you for your letter regarding the Hanlon Creek Business Park (HCBP) development in the City of Guelph. I appreciate your kind words on my appointment as Minister of Natural Resources, and your ongoing commitment to working with my Ministry in the implementation of the *Endangered Species Act* (ESA).

As you noted in your correspondence, the HCBP is an important project that has been developed through a comprehensive planning and approvals process and has included significant investment by the City of Guelph and private developers. I understand that a Jefferson-dominated polyploidy salamander was found within the business park study area. The presence of that threatened species resulted in the need for additional studies in order to determine the implications of the ESA.

As noted by my predecessor, Donna Cansfield, a well-designed and implemented Jefferson Salamander monitoring program can help determine whether the salamander and/or its habitat is in the HCBP. If Jefferson Salamander and/or its habitat are not found, the City can continue development of the site as previously approved. If Jefferson Salamander and/or its habitat are confirmed at the site, the City could apply for a permit under section 17(2)c of the ESA. The City is eligible for an agreement as per the Regulation (Reg. 242/08) under the ESA.

Again, thank you for writing. I look forward to continued co-operation between the Ministry of Natural Resources and the City of Guelph.

Sincerely,

Linda Jeffrey
Minister of Natural Resources

c: Liz Sandals, MPP, Guelph
Ian Hagman, District Manager, Guelph District Office
Ian Thornton, Planning & Information Management Supervisor, Guelph District Office

Ministry of Natural Resources | **Ministère des Richesses naturelles**

Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Telephone: (519) 826-4955
Facsimile: (519) 826-4929

Ontario

May 10, 2010

Her Worship Karen Farbridge
Mayor
City of Guelph
City Hall
1 Carden Street
Guelph ON N1H 3A1

Dear Mayor Farbridge:

I am writing to advise that the Hanlon Creek Business Park (HCBP) will not require an agreement or permit under the Endangered Species Act 2007 to proceed with development of the Hanlon Creek Business Park.

As you are aware, City staff and consultants (Natural Resources Solutions Inc) worked with the Ministry Natural Resources Guelph District (MNR) and Dr. Jim Bogart of the University of Guelph to design a comprehensive salamander monitoring program for the HCBP. All parties were confident that this monitoring program was rigorous enough to ascertain the presence of Jefferson Salamanders and the habitat they would use, if present, on the site.

On March 25, 2010 Minister Jeffrey reconfirmed previous Minister Cansfield's decision that, "If Jefferson Salamanders and/or their habitat are not found, the City can continue development of the site as proposed and previously approved by various agencies." The development remains subject to Provincial Legislation and approvals from the various regulatory agencies.

During the monitoring program that commenced on March 12, 2010 and concluded on April 30, 2010, thirteen salamanders were captured, sampled, and subsequently tested by Dr. Jim Bogart at the University of Guelph. The tests concluded that none of the specimens caught and tested were Jefferson Salamanders or Jefferson dominated polyploids. Therefore there are no requirements for authorizations under the Endangered Species Act for the Hanlon Creek Business Park.

I want to also take this opportunity to thank City staff for the working with the MNR on developing and implementing the monitoring program. Rajan Philips and Suzanne Young were especially helpful, professional, and pragmatic in developing solutions to meet the requirements of all parties.

Sincerely,

Ian Hagman
District Manager
Guelph District
Ministry of Natural Resources

C: Peter Cartwright, City of Guelph
David Kemper, Belmont Equity Holdings
Bill Luffman, Guelph Land Holdings

NATURAL RESOURCE SOLUTIONS INC.
Aquatic, Terrestrial and Wetland Biologists

December 15, 2009

Karolyne Pickett
Species at Risk Biologist
Ministry of Natural Resources, Guelph District
1 Stone Road
Guelph, Ontario
N1G 4Y2

Dear Ms. Pickett,

Re: Hanlon Creek Business Park
2010 Salamander Monitoring Plan

Natural Resource Solutions Inc. (NRSI) would like to thank the Ministry of Natural Resources (MNR), Guelph District, for their input and guidance in the development of the 2010 Salamander Monitoring Plan for the Hanlon Creek Business Park (HCBP). Based on MNR comments and in consultation with the City of Guelph, Belmont Equity Partners Inc. and Cooper Construction Limited, NRSI has made revisions to the draft Salamander Monitoring Plan submitted to you on Friday October 9, 2009. The revised 2010 Salamander Monitoring Plan and Maps, showing location of fencing and pitfall and minnow traps are appended to this letter.

A) Monitoring Requirements
In preparing this plan, NRSI has taken into account the following requirements outlined by MNR staff at the September 23, 2009 meeting that was attended by City staff, Belmont Equity and Cooper Construction representatives, and the project consultants:

- Input from Dr. Jim Bogart
- Plan showing monitoring locations including drift fencing
- Monitoring duration including start date and end date
- Protocol for daily monitoring indicating monitoring times, responsiveness to weather changes etc.
- Use of best practices based on the experiences of salamander monitoring elsewhere in Ontario

Dr. Jim Bogart took part in the site visit undertaken by NRSI and City staff on October 1, 2009 to review habitat features on-site and identify monitoring locations, including drift fencing prior to the preparation of the draft Plan. It is our understanding that MNR consulted with Dr. Jim Bogart during their review of the draft Monitoring Plan. The finalized Monitoring Plan incorporates modifications to the earlier draft plan based on input provided by MNR, via the email-letter dated November 2, 2009. Overall, the Monitoring Plan is consistent with the best practices and experiences of salamander monitoring in Ontario, including the direct experience of NRSI in salamander monitoring in Guelph and Kitchener/Waterloo.

Head Office: 225 Labrador Drive, Waterloo, Ontario, N2K 4M8 **Tel:** (519) 725-2227 **Fax:** (519) 725-2575 | **Web:** www.nrsi.on.ca
Sault Ste. Marie: 111 Elgin Street, Unit 201, Sault Ste. Marie, Ontario, P6A 6L6 **Tel:** (705) 253-0620 **Fax:** (705) 253-0670 | **Email:** info@nrsi.on.ca

The protocol for daily monitoring is outlined in the attached Monitoring Plan, which includes changes made on the basis of MNR's input. The protocol for determining monitoring duration including start and end dates, as well as the reporting structure involving NRSI-MNR-City staff are outlined in Part C) of this letter.

B) MNR Comments & NRSI Clarifications

MNR's email-letter, dated November 2, 2009, included specific comments/questions in regard to the proposed Salamander Monitoring Plan. We offer the following clarifications:

i. "*We recommend that permission be sought to survey both ponds located on the private property located north of Laird Road, just east of Downey Rd.*"

The City has been successful in contacting the private landowner along Laird Road to obtain permission to set-up minnow traps within their ponds for the 2010 spring monitoring. Approximately 16 minnow traps will be placed within the ponds by NRSI staff prior to the on-set of salamander movement in early spring 2010 (i.e. mid-March).

ii. "MNR reiterates that it is not standard protocol to conduct a habitat use study concurrently with a pond survey, as is proposed here. The standard protocol is to first identify ponds used for breeding by the species as per the minnow trap methodology described above, and to carry out the habitat use study…"

Within the proposed plan of development for the Hanlon Creek Business Park, potential salamander breeding and over-wintering habitats are being retained. As minnow trap surveys were conducted within potential breeding ponds in spring 2009, the focus of the 2010 monitoring is salamander movement throughout the business park. Monitoring protocol provided by Dr. Jim Bogart states that:

> "… *drift fences when combined with pitfall traps are very effective method for monitoring populations and for obtaining density estimates over time. Some breeding ponds that are small and concise maybe completely surrounded with a drift fence so every individual entering or leaving the pond can be observed and marked. When the ponds are larger or when the terrain is not suitable for extensive fences, population estimates or directionality can be obtained with a random array of drift fences.*"

Jefferson salamanders are known to have strong pond fidelity from year to year, meaning that they are likely to return to the same breeding pond annually despite a pond being dry or having unsuitable breeding habitat. The drift fencing and pitfall traps will allow NRSI to document movement of salamanders to potential pond locations that may be dry in 2010. Further, salamander pond surveys and habitat use studies have been undertaken concurrently in other areas and NRSI has carried out concurrent investigation in sites in Kitchener.

iii. "Fence installation should not occur prior to November 15, to ensure that all salamanders have reached their over-wintering habitat."

As noted below, installation of the drift fencing and pitfall traps throughout the business park was undertaken after November 16, 2009.

iv. "The proposal consists of installing five new culverts under Laird Road to provide road-crossing structures for frogs and toads....Given that salamanders can exhibit an aversion to culverts, we are worried that installing culverts prior to the habitat use study may alter

current natural movement patterns of salamanders across the road, therefore leading to false results during the pond surveys and habitat use study. Consequently, MNR does not recommend installing these new culverts at this time."

During the meeting on October 14, 2009 with the City, NRSI and MNR, the City confirmed with the MNR that no culverts would be installed along Laird Road in November 2009, as earlier planned, in light of the requirement to install fencing and traps along Laird Road as part of the 2010 monitoring. This position was further confirmed in the Council Report and letter sent to the Minister of Natural Resources. The City agreed to install barrier fencing and pitfall traps along the north and south side of Laird Road to mitigate for amphibian movement during their breeding season (March – June 2010). The installation of fencing along Laird Road has now been completed. The City has indicated that the construction of culverts on Laird Road for amphibian migration will be undertaken after the conclusion of the monitoring program in 2010.

v. Proposed Methodology:

1) *How are you defining "suspect Jefferson salamander"?*
   Salamanders that resemble either blue-spotted (*Ambystoma laterale*) or Jefferson will be identified as 'suspect' Jefferson salamanders.

2) *What will become of individuals found dead?*
   Any dead/injured individuals will be documented. Dead individuals will be placed beneath adjacent leaf litter for decomposition. Tail clippings will be collected from suspect Jefferson salamanders for DNA extractions and microsatellite examination.

3) *Is there a rationale for using clippers instead of a scalpel for collecting tail tissue?*
   Clippers will allow NRSI staff to sample suspect Jefferson salamanders efficiently as clippers are sharp, fast and ensure more precise sample size.

4) *When checking traps, please record whether the animal captured is likely a recapture (i.e. the tail appears already clipped)*
   Any individuals noted to be possible recaptures will be recorded on NRSI's 'Trap Checking Form'.

C) Monitoring Duration & Reporting Arrangement

The protocol and methodology outlined in the Monitoring Plan will be strictly followed during the monitoring period. The following staff members from MNR, NRSI and the City will form the Primary Team to share information, updates and mutually agreed directions on a weekly basis during the monitoring program:

MNR: Karolyne Pickett and Ken Cornelisse
NRSI: Tara Brenton
City of Guelph: Suzanne Young

Information, updates and directions will be shared by emails, telephone calls followed by emails confirming the matters discussed. All directions to field staff and follow-up actions will be recorded and transmitted promptly. The Primary Team members will undertake joint site inspections at agreed upon intervals. Additionally, the Primary Team will determine the dates of commencement and conclusion of the monitoring program in consultation with Dr. Jim Bogart.

City staff have spoken with Dr. Jim Bogart and confirmed his availability for consultation during the monitoring period, particularly in regard to determining the start and end dates of the monitoring program.

D) Installation Work

Installation of the drift fencing and pitfall traps throughout the business park began after November 16, 2009. Installation of fencing and pitfall traps, as shown on the plans prepared by NRSI with MNR changes incorporated, was carried out by Drexler Construction under NRSI supervision. Pitfall traps will be closed for the winter months to ensure no wildlife mortalities occur. The minnow traps will be installed in the spring of 2010. Table 1 summarizes the total amount of fencing, pit fall traps and minnow traps that will be used for salamander monitoring in 2010:

Table 1: Fencing, Pit Fall and Minnow Trap Installation

	North (excl. Laird Rd)	South (excl. Laird Rd)	Laird (North)	Laird (South)	Private Property	Total
Drift Fencing (m)	2181	1450	890	927	0	5448
Pitfall Traps	299	198	63	64	0	624
Minnow Traps	37	52	0	0	16	105

On December 11, 2009, MNR, City of Guelph and NRSI staff undertook a site inspection of the installation work in the company of Drexler representatives. A further inspection will be carried out by NRSI and City staff in early March 2010 to ensure that the fencing and traps are functional prior to the commencement of the monitoring program. The following items were discussed during the site visit:

- Minnow traps density within the private property ponds along Laird Road (reducing minnow trap density from 35 to 16)
- Break in fencing between northeast corner of Block 15 and Open Space Block – potential to leave space open or determine best methods to close gap, and
- The use of un-coated galvanized minnow traps vs. coated minnow traps

It is requested that these items be discussed by NRSI and MNR staff prior to March 2010 to ensure MNR staff are satisfied with the final monitoring plan.

We once again thank the Ministry of Natural Resources, Guelph District, for their input and guidance in developing the 2010 Salamander Monitoring Plan and look forward to MNR's continuing co-operation in carrying out the monitoring work in 2010.

Sincerely,
Natural Resource Solutions Inc.

Tara Brenton, B.Sc., Certified Arborist
Terrestrial and Wetland Biologist

C: Ken Cornelisse, MNR
Dr. Jim Bogart, University of Guelph
Peter Cartwright, City of Guelph
Suzanne Young, City of Guelph
David Kemper, Belmont Equities
Bill Luffman, Cooper Construction

NATURAL RESOURCE SOLUTIONS INC.
Aquatic, Terrestrial and Wetland Biologists

Hanlon Creek Business Park
2010 Salamander Monitoring Plan
December 15, 2009

Introduction

Natural Resources Solutions Inc (NRSI) has prepared the 2010 Salamander Monitoring Plan for the Hanlon Creek Business Park (HCBP) on behalf of the City of Guelph, Belmont Equity Partners and Cooper Construction. The focus of the Monitoring Plan will be to re-assess presence/absence of suitable breeding habitat for Jefferson salamander (*Ambystoma jeffersonianum*) and determine presence/direction of any salamander movements to and from natural areas within the HCBP lands. The Monitoring Plan has been developed following extensive discussions involving NRSI, Ministry of Natural Resources, Guelph District (MNR), Dr. Jim Bogart from the University of Guelph and City staff. The background to undertaking salamander monitoring and the methodology for field monitoring and data analysis are presented herein. The Monitoring Plan has been finalized following review by and input from the MNR, Guelph District.

In spring 2009, NRSI conducted salamander trapping surveys with the use of un-baited minnow traps from March 27 to April 9, to assess the potential presence of Jefferson salamander within potential habitat features on-site. No salamander species were observed or trapped during the trap surveys. However, on April 20 2009, NRSI biologists observed one salamander, identified to be *Ambystoma laterale-(2) jeffersonianum*, dead on Laird Road while conducting a road mortality survey to determine the impacts of vehicular traffic on amphibian movement across Laird Road.

Results obtained from 2010 monitoring will be supplemented by findings from 2009 surveys (minnow trap surveys, larval surveys, review of habitat characteristics and Laird Road amphibian mortality surveys).

Methods

Initial habitat characterization has been based on vegetation mapping completed by NRSI (2004) and approved by the Grand River Conservation Authority (GRCA 2000), as well as first-hand knowledge of the study area. Salamander survey locations have been chosen based on available mapping, existing literature, and input and guidance from the MNR, Guelph District and Dr. Jim Bogart.

Prior to conducting salamander surveys within the HCBP, NRSI will obtain the following permits in order to trap and/or handle potential wildlife:

- OMNR Wildlife Animal Care Committee – Animal Care Protocol
- Wildlife Scientific Collector's Authorization under the Endangered Species Act (2007)

Salamander Trap Surveys
Based on previous project experience and consultation with agencies (MNR, GRCA) and experts (Dr. Bogart), an effective method for surveying salamanders is trapping adults during the breeding season.

Approximately 105 un-baited minnow traps will be placed in all potential breeding locations (a total of 11 ponds) for salamanders within the subject property and their location recorded with a handheld GPS (see Figure 1 and 2). This will include wetlands, vernal pools and ponds. The traps will be put out in early spring during peak salamander breeding when salamanders emerge from their overwintering sites and migrate to breeding ponds. The timing of the breeding season varies depending on temperature and spring rains; however, it is not anticipated to begin before mid-March. NRSI will correspond closely with Dr. Bogart and MNR to ensure traps are set out prior to the on-set of the movement period. Traps will be checked daily and any species captured will be photographed and documented. Traps will be set every day from on-set of salamander movement (i.e. mid-March) to the end of April to ensure maximum success. The start and end of monitoring will be confirmed based on discussions with staff of the MNR as well as Dr. Bogart.

The following methods will be utilized by NRSI biologists during trap surveys in 2010:

i) Trap Setting

- Attach a long rope to minnow trap and submerge into water (trap openings completely or partially submerged). Secure rope to a nearby tree or shrub branch.
- Place traps near pond edge in emergent woody vegetation (i.e. willows, red-osier dogwood, and other suitable egg mass attachment areas)
- In areas where upland habitat is present, place traps adjacent to shoreline nearest upland habitat in water deep enough to submerge trap
- Situate traps evenly throughout habitat to ensure thorough coverage
- Flag the location of the trap and label appropriately
- Complete 'NRSI Salamander Survey Trap Setting Form' (see attached)
    - Fill out one form for each wetland or vernal pool where traps are set (describing wetland habitat and surrounding conditions)
    - Record UTM location of each trap and mark on airphoto

ii) Trap Checking

- Remove trap from water
- Complete 'NRSI Salamander Survey Trap Checking Form' (see attached). Record the following:
    - Trap # (ex. SAL-001)
    - All species caught in trap (i.e. frogs, beetles, fish, salamanders etc.)
    - Photograph, measure and sex (if possible) any salamander species observed
    - Number of each species observed
    - Sample number (1, 2, 3, etc.) for any suspect Jefferson salamander tail clippings obtained
    - Indicate if captured salamanders are recaptures (i.e. tail already clipped)
    - Indicate if trap re-set in same location.

- Collect tail clippings from suspect Jefferson salamander and release all specimens caught in trap at trap site [any salamanders that resemble blue-spotted (*Ambystoma laterale*) or Jefferson will be identified as 'suspect' Jefferson salamanders]
- Any dead/injured individuals will be documented and placed beneath adjacent leaf litter for decomposition. Tail clippings will be collected from suspect Jefferson salamanders for DNA extractions and microsatellite examination.
- Walk around the wetland/vernal pool and complete a visual inspection for egg masses. Fill in appropriate information on trap check form and photograph all egg masses observed.

iii) Tail Clipping:
As genetically 'pure' Jefferson salamanders are virtually impossible to identify visually, small tail clippings (approximately 5mm) of all suspect Jefferson salamanders encountered during trap surveys will be collected and preserved in 70% ethanol for subsequent DNA extractions and microsatellite examination. The salamanders will then be released at the location they were captured. In the unlikely event that injuries or death occur, the MNR will be notified by way of the weekly updates and a summary report at the end of the survey season. DNA extraction and analysis will be performed at the University of Guelph by Dr. Jim Bogart. Tail clipping will involve the following steps:

- NRSI biologists will put on clean, un-used gloves at each wetland/vernal pool site
- One person will gently hold the suspect Jefferson while the other person uses clippers to snip off the tail tip (approx. 5mm) [clippers will allow NRSI staff to sample suspect Jefferson efficiently as clippers are sharp, fast and ensure more precise sample size]
- The tail clipping will be placed in a sample tube and immersed in 70% ethanol
- Record project number, sample number, wetland location and date of collection on sample tube
- Salamander will be returned to the edge of the water and observed to ensure it is uninjured (runs or swims away)
- Clippers and any other equipment used (e.g. ruler) will be sanitized with an alcohol swab
- Any salamander injuries or circumstances of death will be documented

Pitfall Trap Surveys
To determine direction of salamander movement to and from potential breeding habitats, drift fencing, along with pitfall traps have been installed in selected areas throughout the subject property and along Laird Road. Fence and pitfall locations have been chosen to best represent locations where salamander movement may occur based on suitable habitat and also assess movements of adult salamanders into areas that may have inadequate water levels necessary for breeding (i.e. detect movement of adult salamanders even when in-water traps do not detect them) (see Figures 1, 2 and 3).

To ensure fencing and pitfall traps were installed prior to salamander movement period in spring 2010 and to avoid installation of posts when the ground is frozen, drift fencing and pitfall traps were installed by the contractor under NRSI supervision after November 16, 2009. Approximately 5448m of drift fencing and 624 pitfall traps were installed throughout the Business Park and on the north and south sides of Laird Road. Prior to

on-set of salamander movement in spring 2010, fencing and pitfall traps will be inspected by NRSI to ensure no damage has occurred over the winter due to heavy snowfall/icy conditions. Any damages will be corrected before monitoring begins.

Drift fencing is comprised of light-weight Terrafix fencing (approximately 1m in height) with wooden stake supports. Various lengths of fencing were chosen that were best suited to the surrounding habitat features. Fencing was keyed into the ground approximately 10-15cm to ensure salamanders are encouraged to move along the fence line. Deflector fencing, approximately 2-3m in length, was placed at residential and agricultural driveways, to encourage salamander movement away from laneways during the monitoring season. Drift fencing installed within natural areas (i.e. outside of agricultural fields) was installed by the contractor by hand under NRSI supervision. Pitfall traps were inserted in the ground every 15m along both sides of the drift fence, approximately 20cm in the ground, except along Laird Road, where pitfall traps were inserted along one side of the drift fence every 15m (side furthest from Laird Road). Pitfall traps are comprised of un-used paint cans with appropriately sized lids. The paint cans are approximately 3.7 litres, 14cm in diameter and 19cm deep. Each pitfall trap will have:

- holes drilled in the bottom to drain water
- a tight fitting lid for instances when traps are to be closed
- a wet sponge appropriately sized to fit in the bottom of each pitfall trap to prevent desiccation of amphibians

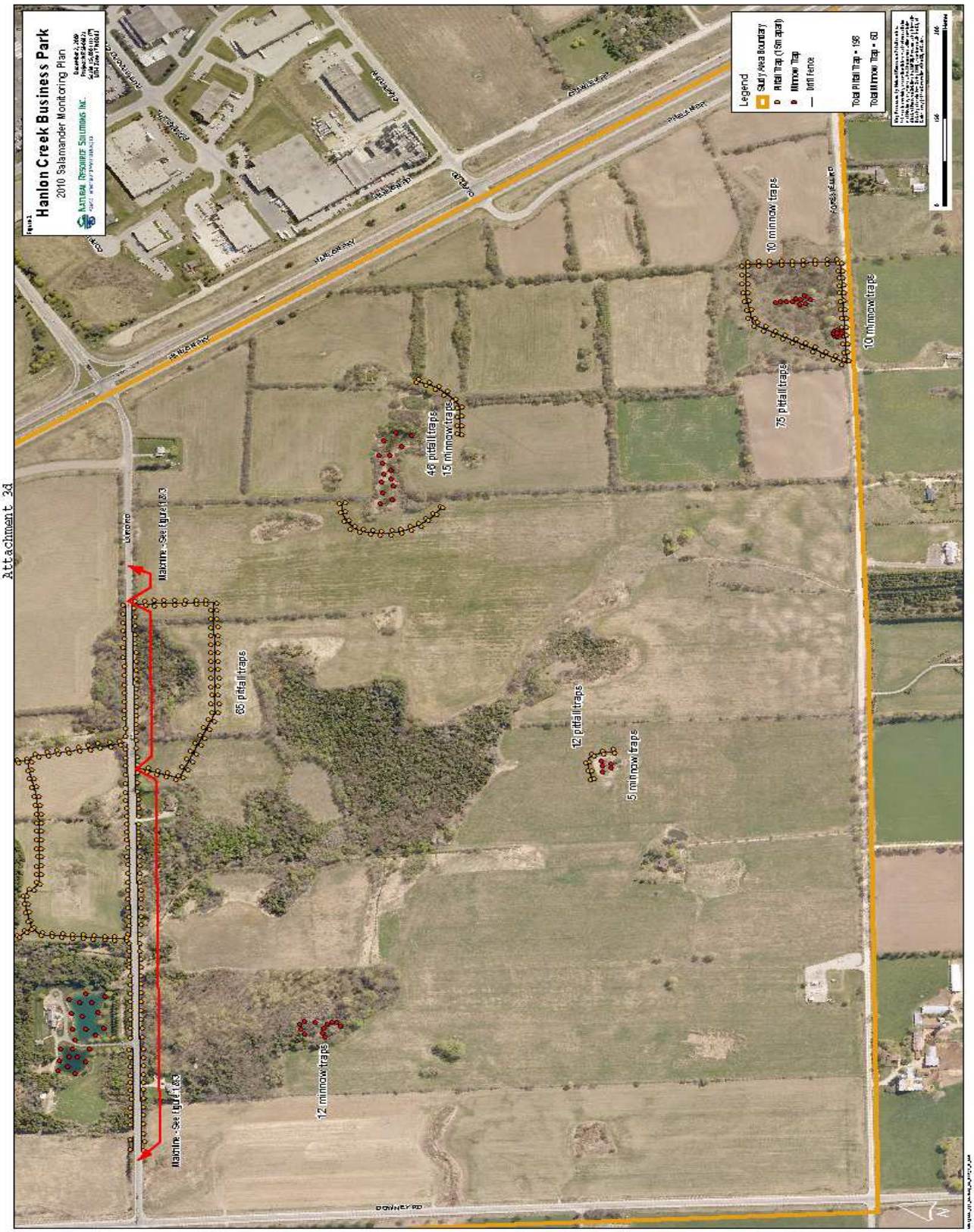
Pitfall traps will be prepared and opened up in early spring (i.e. mid-March). Traps will be checked daily from prior to the on-set of salamander movement to the end of April to ensure maximum success. The start and end of the monitoring period will be determined by the primary team in consultation with Dr. Bogart. Any species captured will be photographed and documented and then released in the appropriate direction, away from traps and drift fencing. Using the same methodology as outlined under salamander trap surveys, tail clippings of all suspect Jefferson salamanders will be collected and preserved in 70% ethanol for subsequent DNA extractions and microsatellite examination.

Monitoring Duration
The dates of commencement and conclusion of monitoring will be determined by the (MNR-City of Guelph-NRSI) Primary Team in consultation with Dr. Jim Bogart. Field monitoring is expected to be carried out from about mid-March to the end of April, 2010. DNA extraction and analysis will be undertaken during May and June, 2010.

Data Analysis and Reporting
Weekly status reports will be prepared by NRSI and circulated to the Primary Team. DNA extraction and analysis will be performed at the University of Guelph by Dr. Jim Bogart. The results of the salamander monitoring program will be summarized in a written report at the conclusion of the monitoring period.

Attachment 3c

Attachment 2d



Attachment 3e

NATURAL RESOURCE SOLUTIONS INC.
Aquatic, Terrestrial and Wetland Biologists

May 10, 2010 1028

Peter Cartwright
General Manager, Economic Development & Tourism Services
City of Guelph
City Hall, 1 Carden Street
Guelph, ON. Canada N1H 3A1

Dear Mr. Cartwright,

Re: Hanlon Creek Business Park
2010 Jefferson Salamander Monitoring Program Implementation & Results

This report details the implementation and results of the comprehensive salamander monitoring program within the Hanlon Creek Business Park (HCBP) subdivision, undertaken by Natural Resource Solutions Inc. (NRSI) to re-assess presence/absence of suitable habitat for Jefferson salamander (*Ambystoma jeffersonianum*) and determine presence/direction of any salamander movements to and from natural areas within the Business Park. The monitoring was carried out between March 11, 2010 and April 30, 2010. Thirteen salamanders were captured and laboratory tests have concluded that none of them were Jefferson salamander or a Jefferson-polyploid, dominated by the Jefferson salamander genome.

Prior to the 2010 monitoring program, NRSI carried out adult salamander surveys in 2009 within the HCBP. The 2009 surveys involved setting un-baited minnow traps in potential breeding ponds which were checked daily between March 27 and April 9, 2009. No salamanders were caught in the minnow traps during the monitoring period. In order to further assess potential salamander breeding habitat and determine the presence/absence of the Jefferson salamander, the OMNR recommended salamander larval surveys be conducted. Salamander larval surveys were conducted on June 17, 2009, by NRSI biologists and OMNR staff under the direction of OMNR Species at Risk Biologist. NRSI biologists conducted further larval surveying daily from July 6 to July 10, 2009. No salamander larvae were observed during these surveys.

In spring 2009, concerns were also raised by the public about amphibian mortalities along Laird Road. In order to assess amphibian movement across Laird Road within the Hanlon Creek Business Park as well as determine areas of concentrated movement, NRSI was retained by the City of Guelph to conduct nighttime road mortality surveys along Laird Road. These surveys were conducted twice a week from April 20 to June 18, 2009. During these surveys one salamander was observed which was documented as a road mortality. The specimen was collected and tissues samples were sent to Dr. Jim Bogart at the University of Guelph for DNA analysis.

Results of the DNA microsatellite analysis indicated that the salamander found on Laird Road was a member of the blue spotted-Jefferson salamander complex (*Ambystoma laterale-jeffersonianum*), dominated by the Jefferson salamander genome (LJJ).

Head Office: 225 Labrador Drive, Waterloo, Ontario, N2K 4M8 **Tel:** (519) 725-2227 **Fax:** (519) 725-2575 | **Web:** www.nrsi.on.ca
Sault Ste. Marie: 111 Elgin Street, Unit 201, Sault Ste. Marie, Ontario, P6A 6L6 **Tel:** (705) 253-0620 **Fax:** (705) 253-0670 | **Email:** info@nrsi.on.ca

The genetically pure Jefferson salamander is listed both federally and provincially as a Species at Risk (COSEWIC 2010; OMNR 2010). This species has a highly unique and complex reproductive biology which includes a number of genetic 'combinations' resulting in individuals with multiple sets of chromosomes from the Jefferson salamander and/or the blue-spotted salamander (*Ambystoma laterale*).

Although the specimen found on Laird road was not a genetically pure Jefferson salamander, it was determined to be a Jefferson-dominated polyploid. This indicates that at some point genetically pure Jefferson salamanders were present in the area, as the Jefferson-dominated polyploids require the pure Jefferson salamander as a sperm donor.

Following the discovery of the Jefferson-dominated salamander on Laird Road and consultations involving OMNR, Dr. Jim Bogart and City staff, it was decided to undertake a comprehensive salamander monitoring program during the spring of 2010 to determine the presence/absence of Jefferson salamander within the HCBP. NRSI developed a comprehensive salamander monitoring plan, in close consultation with OMNR staff, City staff and Dr. Bogart. The finalized monitoring plan was circulated to OMNR, City of Guelph and the private developers of the HCBP on December 15, 2009. The Monitoring Plan is included in a Technical Appendix submitted separately. A Primary Team was developed which was comprised of OMNR staff, NRSI biologists and the City's Environmental Planner. The Primary Team, in consultation with Dr. Bogart, was responsible for setting the start and end dates of the monitoring program, and reviewing monitoring data. The monitoring program was designed to identify potential salamander habitat within the Hanlon Creek Business Park including breeding ponds, upland habitat, and migration corridors.

This report details specifically the sampling methodology employed and the results of salamander surveys within the Hanlon Creek Business Park during the 2010 monitoring period as they relate to the Jefferson Salamander. General amphibian movement within the study area is also discussed. A detailed analysis of the data collected during the 2010 monitoring period as it relates to other taxonomic groups will be discussed in a separate report.

Methods

Based on previous project experience and consultation with agencies (OMNR, GRCA) and experts (Dr. Bogart), an effective method for surveying salamanders is trapping adults during the breeding season with the use of un-baited minnow traps and pitfall traps.

Salamander Trapping Surveys

The following methodology was developed in close consultation with OMNR staff, City staff and Dr. Bogart which is detailed the Technical Appendix. In order to trap adults within potential breeding ponds, 122 un-baited minnow traps were placed in a total of 12 ponds[1] throughout the study area (Table 2). Refer to Figure 1a and 1b for the locations of all potential breeding ponds where minnow traps were set. Enhanced mapping of each trapping location is provided in the Technical Appendix. Minnow traps were set on

[1] A 13th pond (labeled as pond 12) was searched for egg masses but did not contain enough water to set minnow traps

several dates beginning on March 11, 2010. In some cases ice thaw time and water levels (i.e. some surface-fed ponds did not contain enough water to accommodate a trap until after all the snow melted) influenced the start of the trapping. All minnow traps, with the exception of SAL-068 in Pond 11 (set on March 22) were set by March 19. The dates that each trap was set is detailed in the Technical Appendix.

At the time minnow traps were set, staff of NRSI completed a 'trap setting form' which documented in detail the habitat present at each trapping location and recorded each trap's location with a handheld GPS. Each minnow trap was submerged in water and attached to a long string which was secured to a nearby tree or shrub branch. Traps were placed parallel to the pond edge and whenever possible within or near emergent woody vegetation (i.e. willows, red-osier dogwood, and other suitable egg mass attachment areas) and situated evenly throughout the pond to ensure thorough coverage. The nearby tree or branch was flagged and marked with the trap number.

Each trap was checked and reset daily until April 30, 2010[2]. Each potential breeding pond was visited daily by NRSI staff and all species captured in the minnow traps were documented on a detailed survey recording form. On the last day of monitoring (April 30, 2010) all minnow traps were checked for the last time and removed from the ponds. The monitoring period of March 11, 2010 to April 30, 2010 was based on average nighttime temperatures, humidity and precipitation as well as recommendations from Dr. Bogart and OMNR staff and was ratified by the Primary Team.

Each day while checking minnow traps, NRSI biologists also conducted visual surveys for salamander egg masses in each pond. If amphibian egg masses were observed their location was flagged and recorded with a handheld GPS. Photos were taken of each egg mass and information such as species, attachment location, size of egg mass, and depth of water was recorded.

In order to assess potential salamander movement within the study area a combination of silt fences and pitfall traps were strategically put in place throughout the subject property (Figure 1a and 1b). Eleven fences (each assigned a letter A to K), totaling more than 5.5km in length, were erected around potential breeding ponds and within potential movement corridors in the fall of 2009. The silt fencing was comprised of light-weight Terrafix fencing (approximately 1m in height) with wooden stake supports. Fencing was keyed into the ground approximately 10-15cm to ensure wildlife was encouraged to move along the fence line. Deflector fencing, approximately 2-3m in length, was placed at residential and agricultural driveways, to encourage wildlife movement away from laneways during the monitoring season. Silt fencing installed within natural areas (i.e. outside of agricultural fields) was installed by the contractor by hand under NRSI supervision. Pitfall traps were inserted in the ground every 15m along both sides of the drift fence, approximately 20cm in the ground, except along Laird Road, where pitfall traps were inserted along one side of the drift fence every 15m (side furthest from Laird Road). Pitfall traps were comprised of un-used paint cans with appropriately sized lids. The paint cans were approximately 3.7 litres, 14cm in diameter and 19cm deep.

[2] Traps in pond 6 and pond 1 were removed prior to April 30 due to no water. Refer to Technical Appendix for the dates each minnow trap was set and removed from the pond.

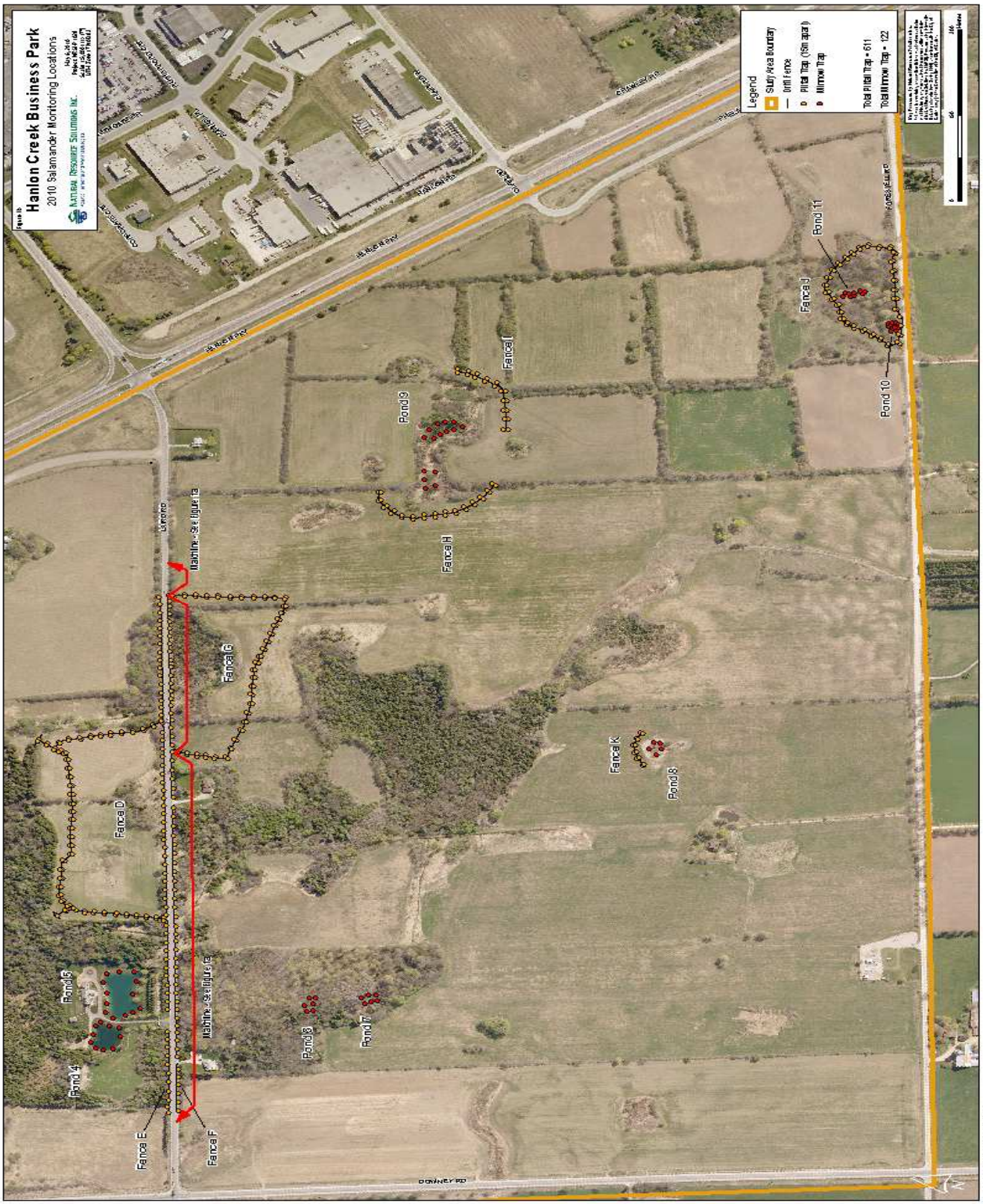
Each pitfall trap was assigned a number which was spray painted on the silt fence along with the corresponding fence letter (i.e. A16). Each paint can had holes in the bottom of it to allow water to drain. An untreated, cellulose sponge was placed in the bottom of each pitfall trap to hold moisture and some detritus was also placed in the can to provide cover.

On March 11, 2010 a total of 611 pitfall traps were set which involved removing the paint can lids and dampening the sponges. Each pitfall trap was checked daily and all species captured, with the exception of small insects and arachnids, were documented on a detailed recording form. All species caught in the traps were released on the opposite side of the fence in the direction they appeared to be travelling. Specimens caught in open agricultural fields were walked to the nearest area of vegetative cover in the direction they appeared to be travelling. All pitfall traps were checked for the last time and closed on April 30, 2010 with the exception of the pitfall traps along Laird Road (Fence E and F) which will be monitored until the end of the amphibian breeding season.

As genetically 'pure' Jefferson salamanders are virtually impossible to identify visually, small tail clippings (approximately 5mm) of all salamanders considered to be members of the blue spotted-Jefferson salamander complex encountered during trap surveys were collected and preserved in 70% ethanol for subsequent DNA extractions and microsatellite examination at the University of Guelph by Dr. Jim Bogart.

NRSI biologists put on clean, un-used gloves at each wetland/vernal pool site when handling all amphibian species. When taking tail clippings, one person would gently hold the salamander while the other person used sharp, sanitized clippers to snip off the tail tip (approx. 5mm). The tail clipping was placed in a sample tube and immersed in the ethanol solution. Each sample tube was labeled with the project number, sample number, trap number, date of collection, and name of collector. Each salamander was photographed and measurements were taken of each specimen from the tip of their nose to the tip of their tail (before being clipped) and from the tip of their nose to their vent. The salamanders were then released at the location they were captured and observed to ensure they demonstrated healthy behavior i.e. ran or swam away. Salamanders caught in pitfall traps were released in the closest natural area on the side of the fence they appeared to be travelling. All equipment used during sample collection (i.e. clippers, rulers, etc.) was sanitized with an alcohol swab.

Hanlon Creek Business Park
2010 Salamander Monitoring Locations
Legend
Study Area Boundary
Drift Fence
Pitfall Trap (15m apart)
Minnow Trap
Total Pitfall Trap = 611
Total Minnow Trap = 122
Pond 1
Fence A
Pond 2
Fence B
Pond 3
Fence C
Pond 13
Pond 12
Fence D
Fence E
Fence G
Pond 5
Pond 4
Fence E
Machine - See figures 1b
Machine - See figures 1b
DOWNEY RD


Hanlon Creek Business Park
2010 Salamander Monitoring Locations
Legend
Study Area Boundary
Drift Fence
Pitfall Trap (15m apart)
Minnow Trap
Total Pitfall Trap = 611
Total Minnow Trap = 122
Fence D
Fence E
Fence F
Fence G
Fence H
Fence I
Fence J
Fence K
Pond 3
Pond 4
Pond 5
Pond 7
Pond 8
Pond 9
Pond 10
Pond 11
Machine - See figure 1a
Machine - See figure 1a
DOWNEY RD

Results

Salamander Survey Results

Over the course of the 2010 monitoring period a total of 5360 minnow trap events and 30,550 pitfall trap events occurred. A total of 13 salamanders were captured (Table 2). The location of each salamander trapped is shown on the Technical Appendix. Three genetically distinct salamanders were captured during the 2010 monitoring. This included one genetically pure blue-spotted salamander (LL) as well as 12 polyploid (LLJ & LLLJ) members of the complex dominated by the blue-spotted salamander genome (11 triploid i.e. 3 sets of chromosomes and 1 tetraploid i.e.4 sets of chromosomes. According to the Jefferson Salamander Recovery Strategy polyploids dominated by the blue-spotted salamander genome are not indicative of Jefferson salamander.

No Jefferson salamanders or members of the blue-spotted-Jefferson complex dominated by the Jefferson salamander genome were trapped within the Hanlon Creek Business Park during the 2010 monitoring period.

Based on the intensity of the monitoring effort and the abundance of salamanders observed in other Guelph project areas where NRSI conducted surveys, it appears that the population of complex salamanders occupying the Hanlon Creek Business Park is small. NRSI conducted daily egg mass searches in 13 ponds throughout the study area however no salamander egg masses were observed. NRSI observed viable salamander egg masses at other project area locations in Guelph during the monitoring period therefore it can be concluded that the methodology and timing of surveys was appropriate.

Table 1. Results of Mitochondrial DNA Analysis of Salamander Captured During the 2010 Monitoring Period

Date	Trap #	Scientific Name	Common Name	ID
29-Mar-10	B10	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
29-Mar-10	B13	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
29-Mar-10	B2	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
29-Mar-10	B21	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
29-Mar-10	B21	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
3-Apr-10	A29	*Ambystoma laterale*	Blue-spotted salamander	LL
3-Apr-10	B21	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
3-Apr-10	E13	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
4-Apr-10	B4	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLLJ
4-Apr-10	B46	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
6-Apr-10	A30	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
6-Apr-10	D85	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ
8-Apr-10	A30	*Ambystoma laterale-jeffersonianum*	Complex dominated by blue-spotted genome	LLJ

General Movement Trends

A total of 2550 individual specimens representing 22 species were caught in the pitfall traps represented by 5 taxonomic groups. Almost half of all specimens captured in the pitfall traps were amphibians, while mammals, reptiles, larger insects, and crustaceans represented small numbers. For the purposes of this report, analysis focuses on general amphibian movement observations within the study area which are discussed in more detail below and shown on the Technical Appendix.

Table 2. Pitfall Trapping Results by Species for the 2010 Monitoring Period

Group	Scientific Name	Common Name	Number of Trap Events
Amphibian	*Ambystoma jeffersonianum-laterale*	Blue-Spotted Salamander/Complex dominated by the blue-spotted genome (LL/ LLJ& LLLJ)	21*
	Bufo americanus	American Toad	846
	Hyla versicolor	Gray Tree Frog	1
	Pseudarcris crucifer crucifer	Northern Spring Peeper	7
	Rana clamitans melanota	Green Frog	27
	Rana palustris	Pickerel frog	3
	Rana pipiens	Northern Leopard Frog	75
	Rana sylvatica	Wood Frog	1347
		Frog sp.	1
Crustacean	*Cambaridae (Family)*	Crayfish sp.	43
Insect	*Orgyia sp.*	Tussock Moth Caterpillar	1
	Pyrrharctia isabella	Wooly Bear Caterpillar	3
		Caterpillar sp.	2
Mammal	*Arvicolinae (Subfamily)*	Vole sp.	1
	Condylura cristata	Star-nosed mole	5
	Microtus pennsylvanicus	Meadow Vole	4
	Napeozapus insignis	Woodland Jumping Mouse	1
		Shrew sp.	85
Reptile	*Chrysemys picta*	Garter Snake	66
	Storeria occipitomaculata occipitomaculata	Northern Red-bellied Snake	7
	Storeria dekayi dekayi	Northern Brown Snake	5

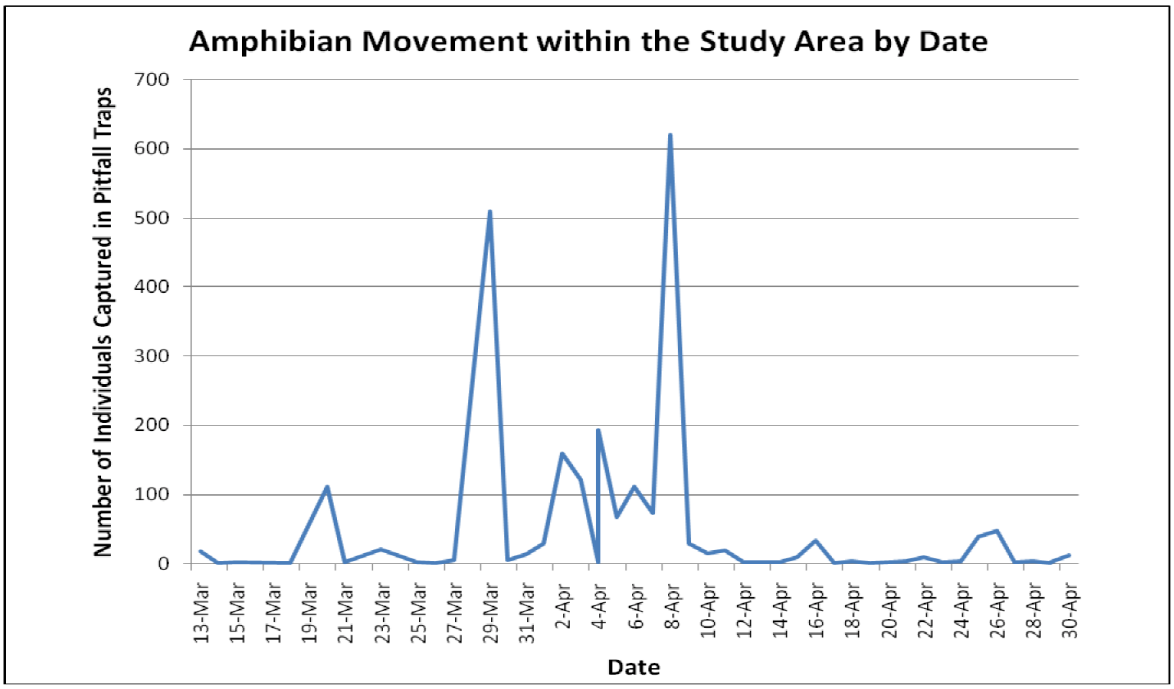
***There were 8 recaptures of salamanders within the study area (only 13 individuals were observed)**

Over half (52.8%) of all amphibian movement observed within the study area were wood frogs (*Rana sylvatica*) which are known to have explosive spring migrations in early spring. American toad (*Bufo americanus*) was also observed in relatively high numbers representing 31.1% of amphibians caught in the minnow traps. Northern leopard frog (*Rana pipiens*), green frog (*Rana clamitans melanota*), and salamanders were observed moving through the study area less frequently, representing 2.9%, 1.1%, and 0.7% respectively. Grey tree frog (*Hyla versicolor*), spring peeper (*Pseudarcris crucifer*

crucifer), and pickerel frog (*Rana palustris*) each represented less than 0.5% of amphibians observed moving throughout the study area.

Based on the locations of the pitfall captures along the segments of fencing, small movement patterns (less than 50 individuals per fence segment) were most commonly observed (refer to Technical Appendix for movement locations). Larger movement patterns of amphibians (mainly wood frogs and American toad) were observed heading northeast from the central natural area north of Laird Road toward pond 9 which were caught along Fence B. Another relatively large movement area, comprised entirely of wood frogs and American toads, was observed heading northwest to pond 9 which were trapped along Fence I.

The majority of movement occurred in late March and early April although two distinct large movements occurred following rain events during the nights of March 28/29 and April 7/8.



Summary

To assess potential salamander breeding habitat and determine the presence/absence of the Jefferson salamander within the Hanlon Creek Business Park, NRSI conducted the following surveys:

- un-baited minnow trap surveys within potential salamander breeding ponds in spring 2009 (March 27 to April 9)
- salamander larval surveys on June 17, 2009 with OMNR staff

- daily larval surveys from July 6 to July 10, 2009
- amphibian movement surveys along Laird Road in spring 2009, and
- comprehensive salamander monitoring program, including un-baited minnow traps, silt fencing and pitfall traps in spring 2010 (March 11 to April 30)

No salamander species were observed during the un-baited minnow trap surveys or larval surveys conducted in 2009. One member of the blue-spotted Jefferson salamander complex (*Ambystoma laterale-jeffersonianum*), dominated by the Jefferson salamander genome (LJJ) was observed dead along Laird Road during amphibian movement surveys.

During the 2010 comprehensive salamander monitoring program, 13 salamanders were captured. These specimens were analyzed to be genetically pure blue-spotted salamander (LL) and members of the complex dominated by the blue-spotted genome (LLJ, LLLJ). No Jefferson salamanders or members of the blue-spotted Jefferson complex dominated by the Jefferson salamander genome were trapped within the Hanlon Creek Business Park during the 2010 monitoring period.

Based on laboratory results obtained from the 2010 comprehensive salamander monitoring program, Dr. Jim Bogart from the University of Guelph confirmed the following:

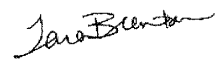
"NRSI submitted several samples from different areas. None of their samples were A. jeffersonianum, all were Blue-spotted salamanders and most were Blue-spotted dominated unisexuals and that would include the HCBP. The mystery salamander from last year (a Jefferson dominated unisexual or LJJ) remains a mystery and no similar salamander was found.

From these data, and I know that NRSI did everything possible to find all breeding ponds and migratory routes, it would appear that there is not a breeding population of Jefferson salamanders in that area at this time. It could well be that the LJJ was a remnant from some historical population in the area because we may expect some females could still reproduce by gynogenesis even if they now all use blue-spotted male salamanders. Obviously, Blue-spotted males are driving the breeding system now."

The largest movements of amphibian species, primarily wood frog and American toad, were observed moving along Fence B in late March/early April. To preserve amphibian populations and maintain important migration corridors identified through the intense movement study conducted by NRSI, it is recommended that feasibility of mitigation measures (i.e. barrier fencing, naturalized corridors, etc.) be examined in areas where concentrated movements occurred.

Sincerely,

Natural Resource Solutions Inc.



Tara Brenton, B.Sc., Certified Arborist
Terrestrial and Wetland Biologist

References

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COMMITTEE REPORT

TO	**Community Development and Environmental Services Committee**
SERVICE AREA	Environmental Services
DATE	May 17, 2010
SUBJECT	**Conversion in the Method of Collection of Organic Waste**
REPORT NUMBER	

RECOMMENDATION

"THAT the report of the Director of Environmental Services concerning conversion to a cart-based curbside waste collection system for organic waste be approved;

AND THAT staff be directed to convert the method of collection of organic waste only to a cart-based system;

AND THAT staff report back to Council in June 2010 with recommendations on the preferred alternative to modifying the City's waste collection system to facilitate cart-based collection."

BACKGROUND

City staff, our consultants and contractors have met with staff from the Ministry of Environment (MOE) several times over the last year regarding the siting, design and operational plans for the new Organic Waste Processing Facility (OWPF) and in particular have discussed the required amendments to the *Certificate of Approval* (C of A) and the associated public consultation program. The intent has been to ensure that the MOE staff were aware of the design of the Organic Waste Processing Facility and our anticipated timelines for approvals and construction.

Although MOE staff expressed concerns with the City's practice of collecting organic waste at curbside in plastic bags, discussions between City and MOE staff had been focussed on including appropriate "conditions of approval" in the C of A to address this and any other concerns.

REPORT

During recent discussions held April 2010, MOE staff indicated for the first time that the draft *Certificate of Approval* would include a condition of approval prohibiting the City from receiving waste collected through a bag-based collection system. In addition, staff expect a condition specifying a phased approach to converting the

collection of organic waste from a bag-based to a cart-based system over a three year period, beginning during 2012.

MOE staff have indicated that a draft *Certificate of Approval* will be provided to the City on May 13, 2010. Once received, the City can either accept the draft C of A, or request amendments to the conditions of approval contained in the C of A.

As construction of the Organic Waste Processing Facility cannot proceed without a final *Certificate of Approval*, construction is now on hold. A decision by Council to convert, as a minimum, the collection of the organic waste stream to a cart-based system is expected to be required to comply with the Certificate of Approval and to enable construction to proceed. Any need to negotiate the conditions of approval proscribed by the MOE in the draft *Certificate of Approval* will further delay the construction of the new OWPF. Staff are aware that the MOE has recently issued a C of A to another facility with similar conditions regarding the prohibition of receiving bag-based organic waste.

Fortunately, in anticipation of preparing a future report to Council on optional modifications to our curbside waste collection program, including consideration of cart-based programs, staff had already conducted substantial research on best management practices for residential waste collection and the implications to the City with respect to our program and financial policies, operations and equipment in response to several emerging issues.

In addition, staff had contacted other municipalities to determine the issues that were reported by their residents when they converted to a cart-based program. Specifically, Toronto, Hamilton, Kingston, Waterloo, Halton, Peel, Southgate, Durham and Ottawa were chosen due to their types of programs, operations and equipment. In addition, due diligence visits were made to the solid waste operations of Toronto, Hamilton, Kingston and Southgate to research and complete time studies to further determine and analyze the effects of changes on all city operations and on relevant stakeholders.

Although many alternative collection systems are possible, and several alternative collection systems have been evaluated by staff (including manual cart collection for only the organics stream), two primary alternatives have been determined to provide the best options and are presented in the attachments in detail in comparison to the base case, i.e.:

Alternative 1: Fully automated cart collection for all three waste streams;

Alternative 2: Semi automated cart collection for only the organics stream; and

Base Case: Status quo with conversion to fully automated cart collection starting in 2017.

The "base case" scenario describes the collection system that would likely have evolved over time in the absence of the current direction from the MOE. The base case is no longer a viable option as it would not comply with the Certificate of Approval.

The draft analysis indicates that conversion to fully automated cart collection for all three waste streams has a higher initial capital cost but a lower annual operating cost than the other alternatives considered, and is the lowest cost alternative based on both net cost (operating plus capital) and net present value.

This report recommends that staff be directed to convert the method of collection of the organic stream only to carts, but does not recommend a preferred cart-based collection system, as some information remains outstanding, i.e.:

- The conditions of approval in the draft *Certificate of Approval* to be issued by the Ministry of the Environment, expected May 13, 2010;
- The results of our application for CIF grant funding for the collection of the recyclable material stream only, expected mid-June; and
- A review of the final business plan/investment case analysis by BMA Management Consulting Inc.

Once the additional outstanding information described above has been received, staff will report to Council in June 2010 including a recommendation on the preferred alternative to modifying the City's waste collection system to facilitate cart-based collection.

The attached draft Business Plan - Investment Case Analysis assesses the alternatives under consideration based on the information available to date.

NOTICE REQUIREMENTS
N/A

CORPORATE STRATEGIC PLAN

Strategic Objective 1.2: *Municipal sustainability practices that become the benchmark against which other cities are measured*.

Strategic Objective 5.1: *The highest municipal customer service satisfaction rating of any comparable-sized Canadian community*.

Strategic Objective 6.4: *Less waste per capita than any comparable Canadian city.*

FINANCIAL IMPLICATIONS

The conversion to waste collection in carts was not identified in the 2010 Capital Budget as it was not known until April 2010 to be a requirement of the MOE Certificate of Approval. Issuance of debt, as outlined in the attached Business Plan, would be within our debt issuing limits, but would reduce our flexibility to fund future capital projects.

DEPARTMENTAL CONSULTATION
Finance Department

COMMUNICATIONS
N/A

ATTACHMENTS
Draft Business Plan – Investment Case Analysis

"original signed by Dean Wyman"
_____

Prepared By:
Dean Wyman
Manager of Solid Waste Resources
519-822-1260 ext. 2053
dean.wyman@guelph.ca

"original signed by Janet Laird"
_____

Recommended By:
Janet L. Laird, Ph.D.
Director of Environmental Services
519-822-1260, ext 2237
janet.laird@guelph.ca

Business Plan – Investment Case Analysis

Executive Summary

In April 2010, Ministry of Environment staff indicated to City staff that the draft *Certificate of Approval* (C of A) for the Organics Waste Processing Facility will include a condition of approval preventing the facility from accepting any organic waste that is collected through a waste collection program that permits the use of plastic bags.

As construction of the Organic Waste Processing Facility cannot proceed without a valid C of A, construction is now on hold. A decision by Council to convert, as a minimum, the collection of the organic waste stream to a cart based system is required for construction to proceed.

The staff report to Council accompanying this draft investment analysis recommends that staff be directed to convert the method of collection of the organic stream only to carts, but delays a recommendation on a preferred cart-based collection system. Once additional outstanding information has been received, staff will report to Council in June 2010 including a recommendation on the preferred alternative. This draft investment case analysis assesses the alternatives under consideration based on information available to date.

Research has been conducted on best management practices for residential waste collection and the implications to the City with respect to its program policy, operations and equipment in response to several emerging issues:

- The Ministry of Environment (MOE) initiative to reduce plastic bag use by 50% by 2012;
- An IPSOS Reid Public Affairs Survey conducted by staff which revealed strong resident support for increased yard waste collection (85%) which would be facilitated by conversion to a cart based system;
- Council's adoption of the recommendations of the Solid Waste Management Master Plan (SWMMP), which called for an investigation of converting the residential waste collection program to cart collection to improve waste diversion and reduce operating costs; and
- The recent indication from MOE staff that the draft *Certificate of Approval* for the Organics Waste Processing Facility (OWPF) will include a condition of approval preventing the facility from accepting organic waste that is collected through a waste collection program that permits the use of plastic bags.

The investment case analysis contained in this report assesses two alternative cart-based collection systems against a "base case" scenario (i.e. the collection system that would likely evolve over time in the absence of the current direction from the

MOE). The draft analysis indicates that conversion to fully automated cart collection for all three waste streams has a higher initial capital cost but a lower annual operating cost than the other alternatives considered, and is the lowest cost alternative based on net present value (see summary table).

Staff will report to Council in June regarding any modifications to the investment case analysis contained in this report which may be required as a result of information which remains outstanding, i.e.:

- The conditions of approval in the draft *Certificate of Approval* to be issued by the Ministry of the Environment, expected May 13, 2010;
- The results of our application for CIF grant funding, expected mid-June; and
- A review of the final business plan/investment case analysis by BMA Management Consulting Inc.

Background

The City of Guelph's current waste management program and infrastructure consists of the following:

1. The City collects waste, recyclables and organics at the curb from all single family dwellings and some smaller multi-residential units, as well as some businesses in the downtown core;
2. The City's Wet-Dry+ collection program is mandated by City By-law which requires source separation of all three waste streams. Each of the three waste streams must be placed in the appropriate transparent, colour-coded bag;
3. Wet and dry materials are collected weekly; waste is collected bi-weekly. In the downtown core, all streams are collected daily, Monday to Friday;
4. Yard waste (grass clippings, leaves, hedge trimmings, brush, branches and tree limbs (less than 5cm)) are collected at the curb twice per year (spring/fall) by an external contractor.

Staff has conducted research on best management practices for residential curbside waste collection and the implications of various alternatives with respect to our program policy, operations and equipment in response to several key issues:

- **Provincial targets for reducing use of plastic bags:** In May 2007, the Ministry of Environment (MOE) set a voluntary provincial target to reduce plastic bag use by 50% by 2012. As a result, staff from many municipalities, including Guelph, have investigated the costs/benefits of converting waste collection programs to a cart-based system. In addition, many calls have been received from our residents asking for the elimination of bags from the waste system. There is strong community support for waste minimization (94%), but more specifically there is strong support for the reduction of plastic film (70% support reduced commercial/retail usage; *SWMMP, Appendix A8*).

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- **Local demand for increased yard waste collection**: In July 2008, IPSOS Reid Public Affairs presented the 2008 Citizen Satisfaction Survey for the City of Guelph revealing that 85% of residents are supportive of an increase in the frequency of yard waste pickup and 67% are supportive of having one additional pick up per year at the cost of $1 to their annual tax bill. This demand for increased yard waste collection has not been adopted to date due to annual budget constraints. Conversion to carts would enable increased yard waste collection without operational cost impacts to the curbside waste collection program.
- **Implement the recommendations of the SWMMP**: In September 2008, Guelph City Council adopted the recommendations of the Solid Waste Management Master Plan (SWMMP). One of the recommendations in that Master Plan was that staff investigate the conversion of the residential waste collection program to fully automated cart collection to minimize waste disposal, increase diversion and ensure fiscal responsibility.
- **Implement best management practice:** Fully automated cart collection of residential waste has been determined to be a best management practice by: *Waste Diversion Ontario* (WDO Report #1053087, Bluewater); the *City of Los Angeles*, *California*; and by the *Solid Waste Association of North America* (SWANA).

Based on the research conducted to date, staff had been planning to bring forward a future report to Council recommending conversion to a cart-based collection system. However, the timing for full conversion would have been determined based on the age of the current fleet and our policies regarding fleet replacement, debt issuance and the capital budget. Capital costs would have been brought forward in the 5th of a future capital budget forecast, for Council's consideration.

However, in April 2010, Ministry of Environment staff verbally indicated to City staff that the draft *Certificate of Approval* for the Organics Waste Processing Facility will include a condition of approval preventing the facility from accepting any organic waste that is collected through a waste collection program that permits the use of plastic bags.

As construction of the Organic Waste Processing Facility cannot proceed without a valid *Certificate of Approval*, construction is now on hold. A decision by Council to convert, as a minimum, the collection of the organic waste stream to a cart based system is required for construction to proceed.

Project Description

Of the two alternatives considered, only the fully automated cart collection will satisfy the five of the key issues mentioned above:

1) Minimize plastic bags for all three streams;
2) Allow residents weekly yard waste up to the limit of the container;

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3) Meet the recommendations of the SWMMP to minimize waste disposal, increase diversion and ensure fiscal responsibility;
4) Transition to best management practice; and
5) Comply with the *Certificate of Approval* to be issued by the MOE for the OWPF requiring that organics be collected in an alternative means to plastic bags.

Environment Analysis

Various alternative cart-based programs have been considered by staff (see below). Other municipalities have been contacted to determine the issues that were encountered by their residents when they converted to a cart-based collection system. Toronto, Hamilton, Kingston, Waterloo, Halton, Peel, Southgate, Durham and Ottawa were chosen due to the types of programs, operations and equipment employed.

In addition, due diligence visits were made to the solid waste operations of Toronto, Hamilton, Kingston and Southgate to research and complete time-and-motion studies to further determine and analyze the potential effects of changes on operational and staffing considerations, and our customers.

The input obtained on program design is summarized in Attachment 1: *Municipal Cart Program Analysis*.

The potential impact on our residents is summarized in Attachment 2: "*Potential Resident Concerns"*.

Alternatives

Although many alternative collection systems are possible, and several alternative collection systems have been considered by staff, including manual cart collection for only the organics stream, two primary alternatives have been determined to provide the best options and are presented below in detail in comparison to the base case, i.e.:

Alternative 1: Fully automated cart collection for all three waste streams;
Alternative 2: Semi automated cart collection for only the organics stream; and
Base Case: Status quo with conversion to fully automated cart collection starting in 2017. (Note – the base case would not comply with the anticipated draft Certificate of Approval.)

Alternative #1 - Fully Automated Cart Collection Program for all 3 Waste Streams:

- Convert curb side waste collection from three coloured plastic bags to three coloured carts, one for each waste stream: organics, recyclables and garbage;
- Phase in the replacement of the current manual waste collection vehicles with fully automated cart collection vehicles over three years starting in 2012;

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- Utilize vehicles with split compartments to collect recycling stream biweekly; such that recyclables and organics are collected on alternate weeks to garbage and organics;
- Provide one organic waste cart, one recyclables cart and one garbage cart at no cost to each household;
- Remove all sources of plastics including diapers and hygiene products from the organic waste system;
- Allow residents to top up their organic waste cart with yard waste up to the limit of the container each week and eliminate the spring and fall yard waste curbside collection; and
- Provide a promotion package to each household which includes a kitchen catcher, paper bag liners, and educational program materials.

Efficiencies and Effectiveness:

- Fully automated equipment would reduce the required waste collection fleet from 19 trucks to 15 trucks, reducing operating costs and Guelph's carbon footprint;
- Improved customer satisfaction, i.e. the City of Toronto Recycling Container Pilot Project, (*Waste Diversion Organization Report#1045190*) showed highest resident satisfaction rates of 93% for cart collection when compared to bag collection;
- Organic waste diversion is expected to increase as a result of the increased level of service being offered to residents by allowing yard waste to be collected weekly with organic waste;
- Carts also reduce waste generation and associated disposal costs by approximately 2.2% due to reduced plastic film residue (*Guelph Bag Audit, May 2009*);
- Converting from manual collection to automated collection allows for a reduction in replacement staff costs related to staff injuries (90%), illness rates (50%) and modified job duties (90%) as well as reduced WSIB claims (90%) (*City of Vancouver, Automated Collection of Solid Waste*), due to:

    1. Elimination of the need for waste collection staff to physically handle waste bags;
    2. Minimization of exposure to bio-hazardous waste and the likelihood of exposure to needles, glass or other sharp objects;
    3. Minimization of repetitive strain injuries to back, shoulder, elbow, wrist, knees and physical fatigue for collection staff;
    4. Reduction in direct exposure to the unfavourable weather such as rain, snow, ice and exposure to extreme hot and cold temperatures;
    5. Minimization of exposure to traffic while working at the side and rear of the collection vehicles.

- Automated cart collection also allows for a more diverse workforce (e.g. physical ability, gender and age);
- Carts are expected to reduce staff time and cost in dealing with curbside collection issues. For example, during the 2008/2009 winter season, there

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were 195 resident calls where waste was not collected as a result of placement on snow banks, resulting in higher costs associated with resolving customer complaints including staff time to respond and to collect the waste; and

- Carts reduce litter in neighbourhoods resulting from wind blowing bags away from the curb. Carts also deter animals from tearing bags open. Uncollected bags are unsightly and result in complaints from residents, again requiring staff time and resources.

Cost (see summary Table below):
The life cycle of the collection vehicles is seven years and our current fleet has vehicles with a range of ages and therefore replacement timelines. As the two alternatives assessed require immediate changes to fleet, whereas the "Base Case" envisions vehicle turn-over as currently planned over several years, the financial analysis has been completed over two vehicle "generations".

As shown in the draft summary table below, conversion to a fully automated cart collection system for all three waste streams: wet, dry and clear (Alternative #1) has a higher initial capital cost but a lower annual operating cost than the other alternative and the Base Case. As a result, the net cost (operating plus capital) for Alternative #1 is approximately $1 million lower than the Base Case, and $8 million lower than the semi automated Alternative #2. Alternative #1 is also the lowest cost alternative based on net present value.

Since this option has been identified by as a best practice, Environmental Services staff has applied for a *Continuous Improvement Fund (CIF)* grant from *Waste Diversion Ontario (WDO)* to cover the applicable portion of the capital costs associated with the recyclable stream. If successful, we anticipate grant funding in the range of $1 to $2 million.

The City's grant application was endorsed by the CIF Projects Committee on May 6, 2010 and will be presented to the CIF Board on June 3, 2010 for the final decision. Staff expect to hear the outcome of our application shortly thereafter.

Alternative #2 - Semi Automated Cart Collection Program for only the Organic Stream:

- Convert curbside organic waste collection only from bags to carts (recyclables and garbage would remain in bags);
- Retain current waste collection vehicles and retrofit with semi automated cart tippers during 2011;
- Maintain current collection frequency (i.e. organics and recyclables weekly; waste bi-weekly)
- Provide one green/wet cart at no cost to each household; and
- The remaining changes to the organics program, as outlined above in Alternative #1, would be applied (i.e. remove all sources of plastics from the organic waste stream; allow residents to top up their organics cart with yard waste; eliminate the spring and fall yard waste collection; and provide a promotion package to each household).

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Efficiencies and Effectiveness:

- Organic waste diversion is expected to increase as a result of the increased level of service being offered to residents by allowing yard waste to be collected weekly with organic waste;
- Carts for organic waste will deter animals from opening bags;
- Improved customer satisfaction due to partial cart collection compared to bag collection; and
- Partial conversion to carts will reduce plastic film residue to landfill.

Cost (see summary Table below):

As shown in the draft summary table below, conversion to a semi automated cart collection system for the organic waste stream only (Alternative #2) has both a significantly higher net cost and a significantly higher net present value cost than the Alternative #1 and the Base Case.

This option is not considered best practice and is not eligible for a CIF grant. In addition, conversion of our fleet to semi-automated system could have significant financial implications if the province were to ban the collection of waste in plastic bags, requiring the City to convert to fully automated collection system after investing in an alternative system.

This alternative is not recommended for further consideration.

Base Case – Status Quo with Conversion to Fully Automated Cart Collection Starting in 2017

- In the absence of the current communication from MOE staff regarding the anticipated condition of approval in the draft C of A which will require that organic waste not be collected in bags, staff would have brought forward a future report recommending conversion to a cart based collection system during an upcoming budget deliberation process, with costs to be included in year 5 of the capital forecast;
- As a base case, this alternative assumes phased-in replacement of the current manual waste collection vehicles with fully automated cart collection vehicles and the purchase of carts over 3 years, but starting in 2017;
- As the phased-in conversion proceeds, the changes to the organics program, as outlined above in Alternative #1, would be applied (i.e. conversion to a 3 cart system, bi-weekly collection of recyclables, provision of carts at no cost to each household, remove all sources of plastics from the organic waste stream; allow residents to top up their organics cart with yard waste, eliminate the spring and fall yard waste collection, and provide a promotion package to each household).

Efficiencies and Effectiveness:

All of the issues relating to efficiency and effectiveness listed above under Alternative #1 would ultimately apply to the Base Case, but would be delayed as the 3-year phase in would occur during 2017-2019 rather than 2012-2014.

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Cost (see summary Table below):
As shown in the draft summary table below, conversion to a fully automated cart collection system for all three waste streams: wet, dry and clear in the Base Case has a net cost (operating plus capital) approximately $1 million higher than Alternative #1.

The Base Case also has a somewhat higher net present value.

Financial Summary of Waste Collection Options
(Note: All values are 13 year totals)

Cost Summary	**Alternative #1 Fully Automated Cart Collection – No CIF Grant (million)**	**Alternative #2 Organics Only in Carts (million)**	**Base Case Convert to Fully Automated Carts Starting in 2012 (million)**
1st Generation Capital costs (debt)	$12.0	$8.8	$2.0
2nd Generation Capital Costs (reserves)	$5.1	$6.2	$12.9
Annual Operating Changes	($5.8)	$4.4	($2.6)
Net Cost (Capital plus Operating)	$11.3	$19.4	$12.3
Net Present Value (discounted at 5%)	$8.4	$13.3	$8.8

Project Risk Assessment

Operational Risks:
- The project may have an impact on Guelph residents. Considerations on the impact on Guelph residents are summarized in Attachment 2.
- Impacts on Solid Waste Resources staff include increased training requirements for operating and maintaining automated equipment, in addition to the following compliance requirements:

  1. Ministry of Environment - Certificate of Approvals;
  2. Ministry of Transportation –Highway Traffic Act;
  3. Ministry of Labour – Compaction Guidelines;
  4. ANSI – Standards 245.1; and
  5. By-laws Number (2003)-17070 Municipal Solid Waste Collection By-law.

Financial Risk:
- Additional debt will move the City closer to our debt limits;
- Additional debt will reduce our flexibility to fund unforeseen capital projects in the future.

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Cost/Benefit Analysis

A draft cost/benefit analysis, including Net Present Value calculations has been completed by staff from the Finance Department with input by Solid Waste Resources staff (see summary table). Alternative #1 has the lowest Net Cost and the lowest Net Present Value, is the only alternative that satisfies all key issues identified in Background section, satisfies the MOE's expected conditions of approval to be issued in the draft *Certificate of Approval*, complies with the industry best practice, and is eligible for CIF grant funding.

Conclusion and Recommendation

This analysis will be finalized and recommendations prepared once the outstanding information described above has been received and incorporated.

Implementation Strategy

Due to the City's policies dealing with the capital budget and the issuance of debt, staff recommend that any conversion to carts and the associated purchase of capital equipment be phased in over a minimum 3-year period. The Organic Waste Processing Facility is due to open during the 4th quarter 2011. Therefore, purchasing the first phase of capital equipment would occur during 2011, however due to the length of time required for delivery, the first one-third of the City would be converted to the cart-based system during 2012. The second and final thirds of the City would be converted during 2013 and 2014, respectfully.

A final project schedule will be dependent on the phase-in requirements specified in the final Certificate of Approval, a draft of which is expected to be received from the MOE on May 13, 2010.

Strategic Alignment

This project will support the following Strategic Plan Objectives:

Strategic Objective 1.2: *Municipal sustainability practices that become the benchmark against which other cities are measured*.

Strategic Objective 5.1: *The highest municipal customer service satisfaction rating of any comparable-sized Canadian community*.

Strategic Objective 6.4: *Less waste per capita than any comparable Canadian city.*

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Attachment 1: Municipal Cart Program Analysis

Municipality	Length of Project	Specific Project Outcomes	Critical Success Factors	Project Cost	Benefits Achieved	What the Organizations Would Have Done Differently/Lessons Learned
Southgate	1 year	Overall increased diversion, increased collection efficiencies	Fully automated collection, small rural community of 6900 homes		Increased diversion, increased collection efficiences	Southgate regrets using 240L for recyclables. Southgate now knows they should have gone with 360L for blue (exchanged upon request). Some residents have multiple blue bins and some residents complain that additional bins must be purchased.
Kingston	1 year	Overall increased diversion, increased collections inefficiencies	Food based, paper only organics program, larger organics cart allows residents to top up their organics bin with their yard waste		Increased diversion	They should have only offered their residents one size of green carts. Their only real complaint was all the extra work and confusion the two sizes of carts created. By giving the downtown area the smaller bins they caused some problems with non-downtown residents who saw the smaller cart and then called the City requesting an exchange be done for the smaller bin. This created a huge problem because the trucks used to collect the downtown area allows for the smaller carts which can be emptied manually. However, outside of the downtown core a different style of truck is used where the collector cannot collect manually.
Toronto	6 years	Overall increased diversion, their plastic bag based organics program results in contamination issues	Fully automated collection		Increased diversion	The biggest problem with the rollout of the blue and grey bins was that residents had a choice of bin size. Delivery of bins was extremely complicated because as bins were being delivered many residents changed their minds once they saw the bin and would refuse delivery or they wanted to exchange for a different size. This created a huge problem with distribution and customer service. Overall, there were 50,000 residents that requested they switched sizes.
Waterloo	3 years	Overall increased diversion for those households that participate, but as a paper based program only, participation rates tend to be lower	Primarily food only paper based organics program, 3 year roll out across the Region		Increased diversion	Emphasize the importance and possible options of paper liners in a paper based food only program. For example, the cost of “Bag to Earth” paper bag liners were a turn off to many residents so they would purchase biodegradable bags instead thinking this was a cheaper yet acceptable option. Many retailers in the Region of Waterloo stocked their shelves with compostable, biodegradable and paper liners. So this was very confusing for residents. There are now cheaper options for paper bag liners and the Region of Waterloo sells them at cost as well to help residents.

Municipality	Length of Project	Specific Project Outcomes	Critical Success Factors	Project Cost	Benefits Achieved	What the Organizations Would Have Done Differently/Lessons Learned
Hamilton	1 year	Overall increased diversion, increased collections inefficiencies, health and safety concerns with manual cart collection	Larger cart allows residents to top up their organics bin with their yard waste		Increased diversion	Only offer one size of green cart to residents. They City of Hamilton offered a 45 L Rehrig cart to downtown areas (space constrictions) and larger 120L carts to all other neighbourhoods. This caused a lot of extra phone calls to the call centre; residents that live in non-downtown areas requesting the smaller bins instead. Yard Waste is a huge issue within their program. Allowing yard waste in the green carts has cause several issues: 1. Carts can be overweight (some residents filled it with grass clippings only or food waste only) 2. Ratio of yard waste vs. food waste is difficult to estimate 3. This inability to control the ratios of yard waste to food waste makes it difficult to manage to C to N ratio, which then affects the process and final product 4. Semi-automated collection was inefficient in comparison to automated collection. Injury rate was higher due to drivers
Peel	1 year	Overall increased diversion, lincreased collections inefficiencies, low overall participation rates with no bylaw in place , contamination issues due to ongoing resident confusion between compostable and biodegradable bags	Food only organics program		Increased diversion	When Peel Region rolled out their program in April 2007, they allowed the residents a 6 month grace period for contamination. This was counter productive and allowed the residents to become complacent. It was difficult to encourage compliance and participation after allowing such a long grace period.The Green Cart Program is running relatively well, however there is no waste bylaw or enforcement staff. This makes it difficult to encourage compliance, often the yuk factor is a deterrent. There is a two bag limit in Peel Region; however the bags can be any colour (black) so residents don't have to sort or participate in the Organics Green Cart Program.
Ottawa	1 year	Increased diversion	Larger cart allows residents to top up their organics bin with their yard waste		Increased diversion	

Municipality	Length of Project	Specific Project Outcomes	Critical Success Factors	Project Cost	Benefits Achieved	What the Organizations Would Have Done Differently/Lessons Learned
Halton	1 year	Overall increased diversion, increased collections inefficiencies, health and safety concerns with manual cart collection	Strictly food only organics program that has a high participation rate because they allow the use of compostable bags and paper liners.		Increased diversion	Not allow compostable liners, because residents are still confused about compostable vs. biodegradable. Allowing the use of compostable liners is the largest source of confusion which contributes to contamination. Halton Region believes that rolling out the program to all 140,000 homes at once was at times challenging. The cart delivery was tendered out to Kendrew; they had a lot of problems with missed deliveries and duplication of efforts. The Region didn't have a system in place to deal with missed deliveries, so Halton Region staff was running around for weeks after the launch of organics program delivering carts.
Durham	3 years	Increased diversion, confusion between compostable and biodegradable bags, issues with the stability of the cart chosen	Food only organics program,		Increased diversion	Durham Region launched their program in July 2006. The summer may not be the best time of the year to launch an organics program for several reasons. 1. Residents are away over the summer on holidays/ cottages. 2. The Yuk Factor was an issue, it was a very hot/humid summer. Like other municipalities, Durham Region experienced a lot of confusion over the issue of compostable vs. biodegradable bags. They wished they only allowed paper liners. No waste bylaw or enforcement staff made it difficult to hold residents accountable for non-compliance to the program. Durham Region worked closely with their contractor (Miller Waste) to create some standards: the collection staff now leaves explanatory stickers on non-compliant waste. More staff needed in the call center to help with the increased number of resident phone calls. This would have been helpful in the first 3 months of the program. The 40 L Norseman green cart is a good cart and quite easy to empty into the truck, however it is quite top heavy. This makes it easier for vermin to knock it over. Work with area retailers to stock their shelves with acceptable liners such as compostable and paper. This will make it easier to residents to comply. The biodegradable or OXO bags are generally cheaper than the compostable or paper liner bags so this simply fuelled the confusion. This confusion was one of their biggest challenges.

Attachment 2: Potential Resident Concerns

Potential Resident Concern	Resolution
Program Cost: Some residents may be concerned with the tax supported cost of carts and converting the collection fleet. Other residents continue to try to implement their own containers, such as blue boxes or carts. The current problem with these containers is that they must be manually collected and returned to the curb since the City does not possess any automated equipment.	Although the cost associated with fully automated cart collection for all three waste streams has a capital cost of 10-12 million, there is an approximate operating savings of $500,000 per year. Residents are also required to repeatedly make small purchases of bags that add up in cost over time, providing a payback to residents on the tax supported cost of the carts. Introduction of carts without going to fully automated equipment would increase the amount of time and labour and would require additional trucks, resulting in increased costs.
Storage of carts: Storage can be an issue for some residents who have space limitations. For most residents, wheeled carts are also easier to move and set out at the curb than multiple cans and bags that must be lifted and carried to the curb enabling residents to support providing storage space for carts.	Best practices from other municipalities have shown there are many options for resident's to store carts, such as a) store it wherever you currently keep your waste bags; b) in the garage; c) in the backyard; d) in an outdoor storage unit; or e) by the side of the house. These solutions prove to work well with few issues, even in large urban centers such as the City of Toronto's downtown, where any extreme exceptions will allow for waste to be collected in bags. Other municipalities have also sent out City staff to assist residents in situations where storage space is extremely limited, to investigate, examine and help resolve individual concerns. Municipal bylaws may need to be amended to address property standards for acceptable storage locations of carts outside.
Pests: Many residents are concerned about the attraction of pests or vermin, especially if they are storing their carts outdoors. Some believe keeping the organics in a cart could pose a problem with pests or vermin on their collection day, or if they put their cart at the curb at night, they are concerned that the cart might get knocked over.	As Guelph already collects organics at the curb in bags, switching to carts should raise limited amount of concerns from residents.
Odour: Residents are often concerned with the odours associated with a cart based paper liner organics program. They believe that placing all of their organics loose without a plastic bag in the green cart will amplify the odour.	A strong promotion and education campaign showing residents ways in which they can reduce these issues has been successful in other municipalities. Some municipalities placed a great emphasis on the importance of providing cost effective paper liners to keep the expenses manageable for residents (e.g. increasing retail options, selling paper bags at cost by the municipality and promoting the use of newsprint liners, flour or sugar bags). Newspaper is the easiest and most cost effective paper liner available and can be used to soak up the liquid. Giving residents options is the key to handling this issue and has been effective in other municipalities. Loss of revenue from some newsprint being used in the organics program and not going to the MRF should have a minimal effect on revenue since the average commodity price of newsprint has dropped from $121 per tonne in 2008 to $65 per tonne in 2009 (Source: Steward Edge Price Sheet).

Potential Resident Concern	Resolution
Organics "yuk" factor: The current green transparent bags serve to contain odour and liquids secreted from the organics, thus, minimizing residents' objections to the "yuk" factor.	As Guelph has already been separating their organics for many years, the "yuk" factor should not be a significant issue. Moving from a plastic bag program to one using carts will be easier than starting a completely new program. Again, a strong promotion and education campaign can help alleviate concerns. Kraft paper bags with a compostable cellulose liner, although more expensive, work similar to plastic liners and help contain the liquid for the more discerning residents.
Sorting Compliance: The Wet-Dry+ program has experienced a high level of compliance because transparent bags enable visual validation of sorting compliance. Collection staff can identify improperly sorted bags and can tag unacceptable bags and leave them at the curb.	One of the concerns with going to automated tipping and opaque carts is that collection drivers will not know if the contents in the cart are properly sorted. One option is to install cameras inside the hopper so that the driver can see the contents as the cart is tipped. Unfortunately, the driver will only know after the cart has been emptied, but as other municipalities (e.g. Southgate) have shown, the driver can tag the cart with a label outlining the issue and have bylaw staff follow-up with residents if it happens on second occurrence. On the third occurrence, carts will be left uncollected at the curb.
Plastics in Organics Stream: Guelph currently allows plastics such as diapers and hygiene products in the organics stream.	It was found that most municipalities preferred to have an organics program that does not allow any source of plastics, such as sanitary products or diapers (Waterloo, Kingston, Halton, Peel, Durham). Municipalities concluded that this would be the best way to minimize contaminants and achieve the highest market value for the compost. In order for Guelph to achieve the highest market price for the final compost product, it is recommended that Guelph does not allow any source of plastics such as diapers or hygiene products in the organic stream. The removal of diapers and sanitary products should reduce the "yuk" factor and help alleviate concerns.
Compostable / Biodegradable Liners: Some municipalities thought that by allowing their residents to use compostable liners (Waterloo, Halton, Peel, Durham), they would provide their residents a cheaper alternative than paper liners, as well as, reduce the "yuk" factor. Unfortunately, many retailers stocked their shelves with both compostable liners, as well as, biodegradable liners causing confusion to residents and leading to a continued source of contamination and lower market value to their final compost product.	As liners are also a potential source of plastic, many municipalities evaluated the different liner options: paper, compostable (certified compostable liners with the Biodegradable Products Institute logo) and biodegradable plastic bags. The paper liners readily break down in the composting process, whereas the compostable liners partially break down. The biodegradable liners do not decompose and are disposed as residue. Also, the usage of compostable or biodegradable bags defeats the purpose of moving from a bag based program to a cart based program. Plastic bag liners, biodegradable and compostable bag liners are not an option for Guelph. Guelph will only be allowed to use paper liners due to the regulated requirements from the MOE for our CofA.
Pet Waste: One of the more controversial contents of the organics stream is pet waste. Waterloo and Southgate both accept pet waste. Guelph currently accepts pet waste and kitty litter in the organics program	It is recommended to continue accepting pet waste in the organics stream in order to maintain a high diversion rate, satisfy residents that prefer this option and minimize confusion to residents. Guelph has also publicly announced its intent to accept Waterloo's organics which allows pet waste. It is important to keep in mind that in the case of business disruptions to the operation of our organics facility, the contents of our waste need to be accepted at an alternative OPF, such as Aim Environmental Group in Hamilton. Other concerns have been raised by neighbours of the WRIC that pathogens could be released during the composting process, although the compost processing temperature does exceed the necessary temperature required to destroy pathogens.

Potential Resident Concern	Resolution
Size of Organics Cart: The traditional 48L green cart (used in municipalities such as Peel, Halton, Waterloo and Durham) is intended for food waste only and is not large enough to include yard waste. It can only be emptied manually since the girth and height is too small for an automated collection grasp arm. This cart is less stable and easier to tip over due to its dimensions. It is also ergonomically challenging for both residents and collection staff as it is awkward to wheel to the curb since it is only 27" high. Kingston and Ottawa have provided the 80L cart to residents.	It is recommended that the City of Guelph adopt the usage of an 80L to 120L size cart for organics. This size range allows enough space for all of the food waste in addition to some space that can be used by residents to top up with yard waste. This will help address one of residents' primary concerns to increase the frequency of curb side yard waste collection more than twice per year; once in the spring and once in the fall. This range of cart size would also be large enough to warrant eliminating the spring and fall yard waste collection. If the cart was any larger than 120L, problems could arise with overweight bins and excessive ratios of yard waste, which has lead to compost processing issues in Hamilton where two bags of yard waste is allowed in addition to the 120L cart. Guelph will be operating the same organic composting process that is used in Hamilton, so the quantity of yard waste needs to be limited. Aim Environmental mentioned that the 120L cart without the additional two bags would provide an acceptable ratio of yard waste for processing.
Spring and fall curbside yard waste collection: Residents may have concerns with the elimination of the spring and fall yard waste collection.	Kingston offered their residents an 80L organics cart to increase yard waste curb side collection service to allow a limited amount of yard waste in the organics bins by letting their residents top up their green cart with yard waste. Kingston decided this program would provide residents with additional curb side yard waste collection, since they only offered yard waste collection once a year in the fall. An 80L-120L cart would provide enough space to provide a weekly quantity of yard waste in a more fiscally responsible manner.
Biweekly bluebag collection: Residents may be concerned with the loss of service implementing biweekly collection of recyclables.	As Guelph already collects its clear waste on a biweekly schedule, most residents will accept this change and realize the cost savings efficiencies. The loss of service in the recyclables program can also be offset with the increased level of service of yard waste collection, as per the strong interest indicated on the IPSOS survey (85% of residents are supportive of an increase in the frequency of yard waste pickup). The cart also provides additional storage space for recyclables.
Carts on street: Another concern that may be raised by residents is that emptied carts will remain on the curb/ sidewalk after collection.	A proactive promotion and education program, as well as, changes to the bylaw with proactive enforcement may need to be addressed regarding the removal of the carts by residents.
Downtown Collection: There are several issues that need to be addressed in the downtown area: lack of storage space for carts, parked cars and one-way streets. Many residents in the older area in and around downtown may not have sufficient space to store three carts. There is also an issue for collections as a result of reaching carts behind parked cars and collecting carts on both sides of a one-way street.	It is recommended that these areas may continue to use the current transparent bags for cases where storage is not possible. It is recommended that one truck in the fleet has a drop frame style truck which also has the automated side load split so that bags can be manually tossed in addition to carts being automatically collected. A rear semi-manual split truck could also be used to collect this area. It is also recommended to add a split stream "M" class truck with a semi-automated arm to the fleet for either the collections team leader or the bylaw staff to collect waste when addressing or responding to resident concerns or complaints.

COMMITTEE REPORT

TO	**Community Development and Environmental Services Committee**
SERVICE AREA	Environmental Services
DATE	May 17, 2010
SUBJECT	**Approval of Water and Wastewater Long-Range Financial Plan 017-301 (2010) as Required Under Ontario Regulation 453/07**
REPORT NUMBER	

RECOMMENDATIONS

"THAT the report of the Director of Environmental Services dated May 17, 2010 entitled 'Approval of Water and Wastewater Long-Range Financial Plan 017-301 (2010) as Required Under Ontario Regulation 453/07' be received;

AND THAT Council, as the owner of the Guelph municipal drinking water system, approve the Water and Wastewater Long-Range Financial Plan 017-301 (2010) in compliance with Ontario Regulation 453/07,

AND THAT staff submit the Water and Wastewater Long-Range Financial Plan 017-301 (2010) to the Province by July 1, 2010 in compliance with Ontario Regulation 453/07;

AND THAT the Water and Wastewater Long-Range Financial Plan be updated annually and included in the annual Water and Wastewater User Pay budgets presented to Council."

BACKGROUND

Some of the following background information has been taken from the Environment Commissioner of Ontario website www.eco.on.ca.

Following the May 2000 water tragedy in Walkerton, Justice Dennis O'Connor released his Report of the Walkerton Inquiry; the report recommended that the provincial government require all owners of municipal water systems to obtain a licence for the operation of their drinking-water systems and that municipal owners be required to submit a financial plan as a condition of obtaining this licence.

Justice O'Connor identified financial planning as necessary to ensure that drinking-water systems become self-financing and sustainable; the Financial Plans would ensure that systems have adequate funds to finance both ongoing operational costs

and infrastructure repairs and upgrades as required. Sustainable financial planning would entail two components: first, a "full-cost accounting" of the water system (including the long-term infrastructure needs) to determine the true cost of providing safe water; and second, a "full-cost recovery" plan to determine how the municipality will raise the funds necessary to cover the full costs.

In December 2002, the Ontario government passed the Safe Drinking Water Act (SDWA) with provisions to establish a new Municipal Drinking Water Licence Program. The SDWA requires that, in order for municipal drinking-water systems to obtain a Drinking Water Licence ("Licence"), every owner must have all of the following elements in place:

- a Permit to Take Water (PTTW) (as required by the Ontario Water Resources Act);
- a Drinking Water Works Permit (DWWP) (i.e., a permit to establish or alter a drinking-water system);
- an Operational Plan (OP) (that documents the operating authority's quality management system);
- an Accredited Operating Authority (i.e., proof that the body in charge of operating the drinking water system has been accredited by a third-party audit); and
- a Financial Plan (Ontario Regulation 453/07 Financial Plans was promulgated in 2007 and outlines the requirements for Financial Plan development and submission – see Appendix "A" for details).

In August 2009, Guelph Waterworks first obtained the Licence and corresponding DWWP. Work is ongoing in relation to both the Operational Plan and "full scope" Operating Authority Accreditation and should be completed in late 2010 or early 2011. In brief, the Financial Plan must:

1. Be approved by the municipal council as owner of the system;
2. In Guelph's case, be submitted to the Provincial Ministry of Municipal Affairs and Housing by July 1, 2010. Financial Plans are currently not required to be approved by the Province;
3. Be made available to the public and posted on the City's web site;
4. As a minimum, be updated before every five-year Licence renewal;
5. Detail the following system financial information for a minimum period of six years:
    a) Total revenues (broken down into water rates, user charges and other revenues);
    b) Total expenses (broken down into amortization expenses, interest expenses and other expenses);
    c) Annual and accumulated surplus or deficit;
    d) Details of the system's projected financial position for each year (itemized by total financial assets, total liabilities, net debt, and non-financial assets);
    e) Details of the system's projected cash flow; and
    f) Financial information relating to the replacement of lead service pipes.

REPORT

In January 2010, staff from the Waterworks and Wastewater Divisions of Environmental Services as well as the Finance Department hired an experienced external consultant to assist with preparation of a Water and Wastewater Long-Range-Financial Plan (WWLRFP) to meet the requirements of Regulation 453/07.

Traditionally, based on a common revenue base, the Water and Wastewater User Pay Budgets have been developed and approved together. For this reason, staff has also developed a Wastewater specific financial plan for Council's information and approval. At this time, a Wastewater financial plan is not required by the Province.

The financial information base for the WWLRFP originates in the following documents previously compiled by staff:

- The approved 2010 Waterworks and Wastewater User Pay Operating and Capital Budgets and Capital Forecast;
- The 2010 City of Guelph Public Sector Accounting Board (PSAB) reporting;
- The Water and Wastewater Rate Model;
- The approved General Reserve and Reserve Fund Policy; and
- The approved Debt Management Policy.

The goal of the WWLRFP is to "provide the City with a realistic and informed view of operating and capital expenditures needed over time to maintain the integrity and health of its physical infrastructure and to accommodate growth and new environmental standards".

The following challenges to long-term financial sustainability are identified in the WWLRFP:

- Increased operating and capital expenses;
- Increased cost of regulatory compliance, including the removal of lead from drinking water and compliance with the Nutrient Management Act;
- Increased costs of asset renewal and replacement;
- Increased growth related capital expenditures;
- Declining consumption and impact on rate revenue; and
- Limited reserve funds.

Even with these challenges, current water and wastewater rates remain low in relation to comparator municipalities, capital debt is declining or non-existent, and the infrastructure replacement funding gap is narrowing. Over the six-year term of the WWLRFP, rates are projected to increase between 5.8% and 7.2% annually.

The Water and Wastewater Long-Range Financial Plan in Accordance with O. Reg. 453/07 Schedule A Financial Plan 017-301 (2010) is included as Appendix B to this report.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well-functioning and sustainable city;
Goal 5.5: A high credit rating and strong financial position; and
Goal 6.3: A safe and reliable local water supply.

FINANCIAL IMPLICATIONS

The WWLRFP does not alter the Council-approved 2010 Water and Wastewater Operating and Capital Budgets and Forecasts. Information on the effects of the WWLRFP on future budgets will be included within the draft 2011 User Pay Budgets.

DEPARTMENTAL CONSULTATION

A staff team consisting of representatives from Environmental Services, Community Design and Development Services - Engineering Services, and the Finance Department were responsible for developing the WWLRFP.

COMMUNICATIONS

Waterworks staff will advertise the availability of the WWLRFP, provide copies for public at Woods Station, and post a copy on the City website. The WWLRFP will be updated annually and related information will be included in the proposed annual User Pay budget package.

ATTACHMENTS

- Appendix "A" – Detailed Overview of the Requirements of the Financial Plan Regulation (O. Reg. 453/07);
- Appendix "B" – the Water and Wastewater Long-Range Financial Plan in Accordance with O. Reg. 453/07 Schedule A Financial Plan 017-301 (2010)

Prepared By:
Brigitte Roth
Quality Assurance Coordinator
(519) 822-1260, ext. 2195
brigitte.roth@guelph.ca

Original Signed by:

Recommended By:
Peter Busatto
Manager of Waterworks
(519) 822-1260, ext. 2165
peter.busatto@guelph.ca

Original Signed by:

Recommended By:
Janet Laird, Ph.D.
Director of Environmental Services
(519)822-1260, ext. 2237
janet.laird@guelph.ca

Original Signed by:

Recommended By:
Margaret Neubauer
Director of Finance
519-822-1260 ext. 5606
margaret.neubauer@guelph.ca

APPENDIX "A"
Detailed Overview of the Requirements of the
Financial Plan Regulation (O. Reg. 453/07)

The Financial Plans Regulation (O. Reg. 453/07) defines the requirements for Financial Plans for municipal drinking water systems that are required as part of the application process for a drinking water licence under Part V of the Safe Drinking Water Act, 2002 (SDWA). The approach assists municipalities in building capacity to plan for the long-term financial viability of drinking water systems.

While the Financial Plans Regulation requires municipalities to undertake financial planning for drinking water systems only, the Guideline has been structured so that it can be used in the preparation of financial plans for drinking water and wastewater services.

Below is a summary of Guelph's financial plan requirements (as per O. Reg. 453/07):

1. The financial plans must be approved by a council resolution.
2. The financial plans must apply to a period of at least six years.
3. The first year to which the financial plans must apply is 2010.
4. The financial plans must include the following:

    i. Details of the proposed or projected **financial position** of the drinking water system itemized by:
        A. Total financial assets*,
        B. Total liabilities*,
        C. Net debt*,
        D. Non-financial assets that are tangible capital assets, tangible capital assets under construction, inventories of supplies and prepaid expenses, and
        E. Changes in tangible capital assets that are additions, donations, write downs and disposals.

    *Applies only if the information referred is known to the owner at the time the financial plans are prepared.

    ii. Details of the proposed or projected **financial operations** of the drinking water system itemized by,
        A. Total revenues, further itemized by water rates, user charges and other revenues,
        B. Total expenses, further itemized by amortization expenses, interest expenses and other expenses,
        C. Annual surplus or deficit, and
        D. Accumulated surplus or deficit.

iii. Details of the drinking water system's proposed or projected **gross cash receipts and gross cash payments** itemized by,
   A. Operating transactions that are cash received from revenues, cash paid for operating expenses and finance charges*,
   B. Capital transactions that are proceeds on the sale of tangible capital assets and cash used to acquire capital assets,
   C. Investing transactions that are acquisitions and disposal of investments*,
   D. Financing transactions that are proceeds from the issuance of debt and debt repayment,
   E. Changes in cash and cash equivalents during the year*, and
   F. Cash and cash equivalents at the beginning and end of the year*.

   *Applies only if the information referred is known to the owner at the time the financial plans are prepared.

iv. Details of the extent to which the information described in subparagraphs i, ii and iii relates directly to the replacement of lead service pipes as defined in section 15.1- 3 of Schedule 15.1 to Ontario Regulation 170/03 (Drinking Water Systems), made under the Act.

5. The owner of the drinking water system must,
   i. Make the financial plans available, on request, to members of the public who are served by the drinking water system without charge,
   ii. Make the financial plans available to members of the public without charge through publication on the Internet, if the owner maintains a website on the Internet, and
   iii. Provide notice advising the public of the availability of the financial plans under subparagraphs i and ii, if applicable, in a manner that, in the opinion of the owner, will bring the notice to the attention of members of the public who are served by the drinking water system.

6. The owner of the drinking water system must give a copy of the financial plans to the Ministry of Municipal Affairs and Housing.

Financial plans can be amended, as required. The requirements of the Financial Plans Regulation do not prevent a person from providing additional information in financial plans prepared for the purpose of meeting the requirements of the Act.

* * * * *

BMA
Management Consulting Inc.

Water and Wastewater Long-Range Financial Plan

In Accordance with O.Reg. 453/07

Schedule A Financial Plan 017-301

City of Guelph

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Water and Wastewater Long Range Financial Plan Forecast

Introduction to Long Range Financial Planning

Water/Wastewater Long Range Financial Planning

The City of Guelph, along with other Ontario municipalities that are responsible for the provision of drinking water, are required to meet the requirements set out in the Financial Plans Regulations O.Reg.453/07. While the regulations are directed at **water systems**, the approach undertaken by the City was to undertake a similar process for the City's **wastewater systems**.

The financial environment for municipal government has fundamentally changed. The City of Guelph has to fund programs and services it provides within a limited funding framework—namely, it must address rising costs, the demands of growth, increased service responsibilities related to regulatory and legislative requirements and an aging infrastructure with relatively flat revenue streams (conservation initiatives result in a decrease in the base upon which rates are generated).

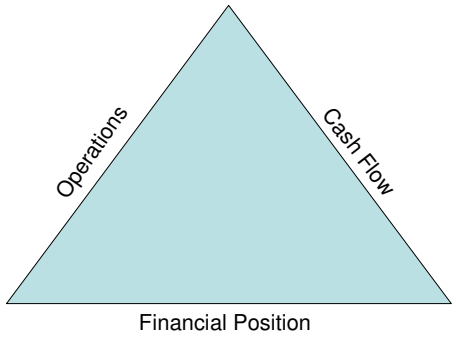
The City of Guelph is taking a proactive approach and has recognized the need for a long-term financial planning process that assesses the financial implications of current and proposed policies as well as Council approved decisions in its water and wastewater operations.

Ontario Reg. 453/07 provides the following parameters with regards to s.30 (1) part b of the SDWA for new water systems:

- Financial plan must be approved by Council resolution (or governing body) indicating that the drinking water system is financially viable;
- Financial plan must include a statement that the financial impacts have been considered and apply for a minimum six year period (commencing when the system first serves the public);
- Financial plan must include detail regarding proposed or projected financial operations itemized by total revenues, total expenses, annual surplus/deficit and accumulated surplus/ deficit (i.e. the components of a "Statement of Operations" as per PSAB) for each year in which the financial plans apply;
- Financial plans are to be made available to the public upon request and at no charge;
- If a website is maintained, financial plans are to be made available to the public through publication on the Internet at no charge; and
- Notice of the availability of the financial plans is to be given to the public.

The components of the financial plans indicated by the regulation are consistent with the requirements for financial statement presentation as set out in section PS1200 of the Canadian Institute of Chartered Accountants (CICA) Public Sector Accounting Handbook.

The categories can be found in three statements:



The Statement of Cash Flow and the Statement of Change in Net Financial Position are required statements going forward. The Statement of Change in Financial Position reports on whether enough revenue was generated in a period to cover the expenses in the period and whether sufficient resources have been generated to support current and future activities. The Statement of Cash Flow reports on how activities were financed for a given period which provides a measure of the changes in cash for that period.

The categories of financial information have been developed;

- to ensure that they provide a sound picture of the financial position of a drinking water system;
- to ensure that they are aligned with municipal financial statements prepared on a full accrual accounting basis, beginning on January 1, 2009; and
- to be a balance between encouraging more comprehensive and consistent financial planning for municipal water services, and accommodating existing municipal practices.

The goal is to provide the City with a realistic and informed view of operating and capital expenditures needed over time to maintain the integrity and health of its physical infrastructure and to accommodate growth and new environmental standards. As such, a Long Range Financial Plan (LRFP) creates a more purposeful approach to long-term financial management and helps align short term actions with long term financial strategies.

This document puts the City's water and wastewater financial condition in perspective, discusses the current challenges and risks and provides a financial forecast, consistent with the strategic direction of the City. The plan also provides a framework for guiding the annual budget and the financial planning over a longer horizon. The LRFP helps to understand the implications that today's decisions have on future budgets.

Principles of Financial Sustainability

The Ministry of the Environment released a guideline ("Towards Financially Sustainable Drinking-Water and Wastewater Systems") that provides possible approaches to achieving sustainability. The Province's Principles of Financially Sustainable Water and Wastewater Services are provided below:

- **Principle #1**: Ongoing public engagement and transparency can build support for, and confidence in, financial plans and the system(s) to which they relate.
- **Principle #2**: An integrated approach to planning among water, wastewater, and storm water systems is desirable given the inherent relationship among these services.
- **Principle #3**: Revenues collected for the provision of water and wastewater services should ultimately be used to meet the needs of those services.
- **Principle #4**: Life-cycle planning with mid-course corrections is preferable to planning over the short-term, or not planning at all.
- **Principle #5**: An asset management plan is a key input to the development of a financial plan.
- **Principle #6**: A sustainable level of revenue allows for reliable service that meets or exceeds environmental protection standards, while providing sufficient resources for future rehabilitation and replacement needs.
- **Principle #7**: Ensuring users pay for the services they are provided leads to equitable outcomes and can improve conservation. In general, metering and the use of rates can help ensure users pay for services received.
- **Principle #8**: Financial Plans are "living" documents that require continuous improvement. Comparing the accuracy of financial projections with actual results can lead to improved planning in the future.
- **Principle #9**: Financial plans benefit from the close collaboration of various groups, including engineers, accountants, auditors, utility staff, and municipal council.

The LRFP will be instrumental in the City's ability to meet the Provincial reporting requirements included in O.Reg. 453/07 for water operations and has been developed in recognition of the above noted principles.

Importance of a Long Range Financial Plan

A LRFP is a framework to guide the City in planning and decision-making to help ensure that the City:

- Has a plan to protect and maintain its assets;
- Has a reasonable degree of stability and predictability in the rate burden;
- Has a fair sharing in the distribution of resources between current and future ratepayers;
- Has sustainable cash flows in the long term;
- Maximizes its financial flexibility;
- Minimizes financial vulnerability during economic downturns; and
- Maintains programs and services at their desired levels.

General Approach to Preparing the City's LRFP

The LRFP identifies the key financial strategies that will influence the building of a sustainable long-term financial future and takes into account:

- Expected expenses and capital outlays for each year of the plan;
- Expected revenues for each year and their source;
- Performance measures to enable assessment of the Council's strategic priorities;
- Assumptions that have been used in the development of the LRFP; and
- Sensitivity analysis on key assumptions most likely to affect long-range financial planning and sustainability to ensure that the City is aware of the key levers that will impact the LRFP and that should be monitored over time

The LRFP is Dynamic—Regular Updates Will Be Undertaken

Although great effort has been made to present accurate financial projections, based upon the data available at this time, a LRFP is a dynamic document and should be updated and re-evaluated, on an ongoing basis. As such, the 2010 Water and Wastewater LRFP should be considered a work-in-progress.

It is not an exercise in precision, rather it is intended for use as a forecasting tool to ensure that the City is on the right course to meet its financial obligations and future challenges. The intent is to provide Council with regular updates to this document, so it will be useful in the ongoing cycle of business planning and budgeting.

Financial plans are only required to be updated in conjunction with every application for licence renewal (i.e. every 5 years), however, there are many potential circumstances that could occur within the short to medium term that would affect the assumptions in the projections for operating and capital. Council priorities, planning policies, changes to service levels, consumption projections and infrastructure requirements, will certainly lead to changes and the LRFP should be adjusted to reflect these changes as they occur.

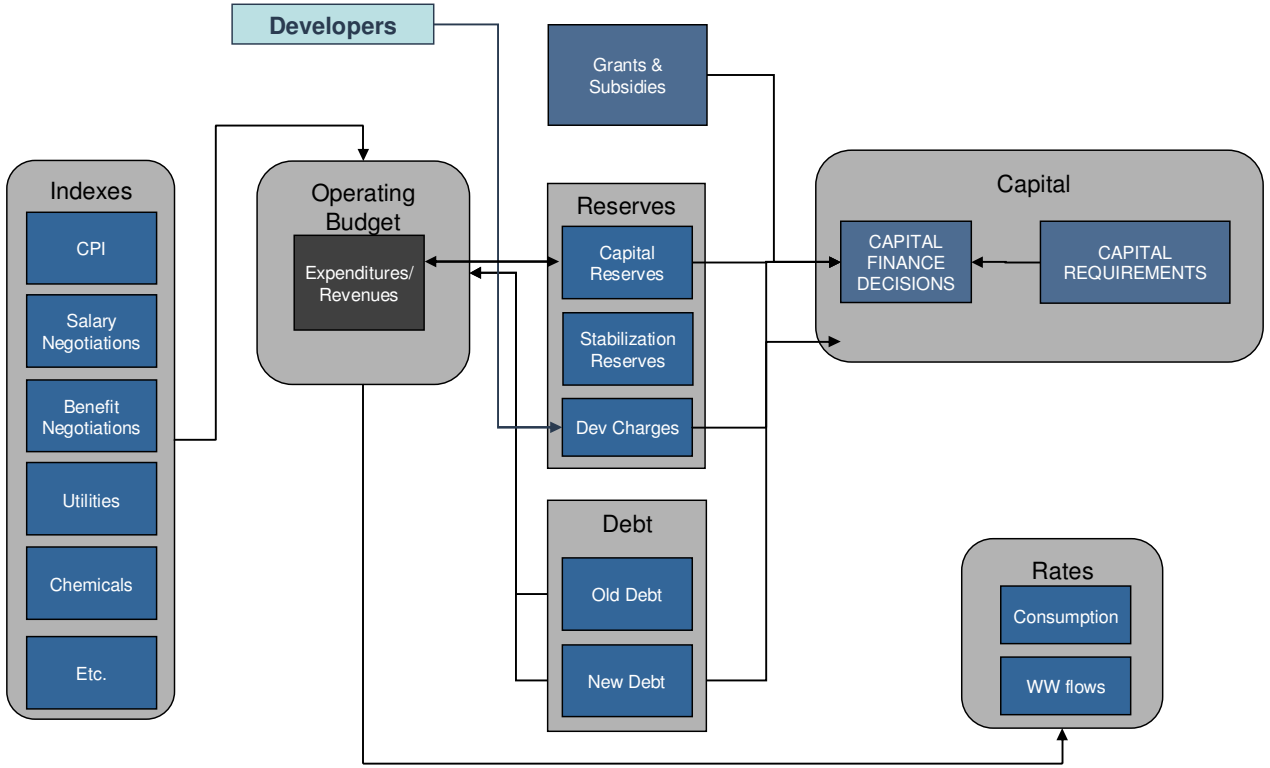
It is anticipated that updates to the LRFP will:

- Amend the assumptions, projections and strategies, as required, based on changes in the municipal environment;
- Continue building awareness of future changes in current operating and capital spending and funding levels;
- Assist the City in determining the extent of its financial challenges;
- Reconfirm the key financial goals and strategies that should guide future planning; and
- Spur the development of actions in future business plans that would respond to the long-term strategies.

Water and Wastewater Model and Situational Analysis

Model Development

The LRFP is developed based on an analysis of all factors impacting the capital and operating budget, including financing plans, consumption and wastewater flow forecasts. This forecast also includes assumptions with respect to growth and development charge revenues, interest rates impacting reserves and debt issuance. As shown below, due to the inter-relationship between all components of the plan, changes in any of the assumptions will potentially have an impact throughout the LRFP.



Challenges/Risks

The following summarizes the key challenges, risks and opportunities to long-term financial sustainability which have been addressed as part of the plan:

- ***Increasing Costs, Many of Which are Uncontrollable***—A number of the City's water and wastewater costs are increasing at a pace faster than inflation, including electricity. Assumptions have been made to reflect the impact of these increased costs on future operating budgets.
- ***Regulatory Compliance***—Guelph must submit a corrosion control plan to the MOE by Oct. 15, 2010. The preliminary estimated cost of the plan ranges from $2 million to $20 million over 5 years. Staff's best estimate at this time is $3 million and this has been included in the LRFP. Additional analysis is scheduled for completion in the fall of 2010. Should the costs exceed the financial forecast of $3 million, this will pose additional challenges with respect to the capital program and will require modifications to the financial plan.
- ***Asset Renewal/Replacement***—The City identified $43.5 million and $20.2 million related the replacement of existing water and wastewater assets over the next 6 years.
- ***Growth Related Capital Expenditures***—The need for an exponentially more expensive commitment to new water and wastewater infrastructure to allow the City to support growth levels mandated in the Province's "Places to Grow" growth strategy. The forecast includes $37.0 million and $63.7 million in growth related capital requirements in water and wastewater respectively over the next 6 years.
- ***Challenges with Respect to Revenue Stability***—The City has limited stabilization reserve funds available in case of budget shortfalls. Annual transfers to the stabilization reserves have been included in the forecast to bring the Stabilization Reserves to 10% of current operating expenditures in accordance with the City's policy.
- ***Revenue Challenges Related to Reduced Consumption***—Water production has been declining while population has been increasing. This is expected to continue over the forecast period due primarily to the success of the water conservation program. While this reduces the overall consumption of water which aids in conservation and future capital requirements, this places increased pressure on rate increases.
- ***Nutrient Management Act***—Funding for the implementation of biosolids management options to meet regulatory requirements is a budget driver.

Water and Wastewater Forecast

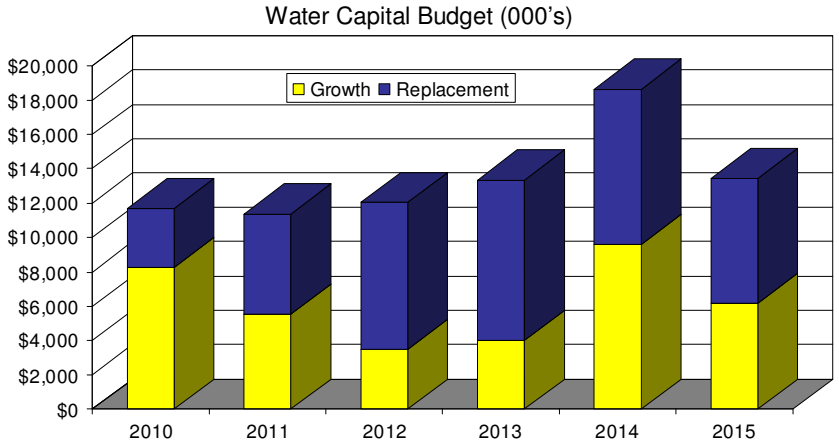
Key Assumptions

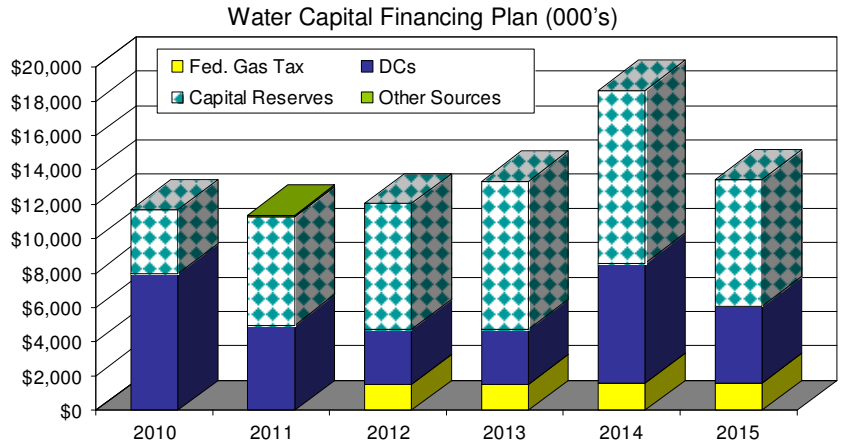
The following provides the key assumptions in the Forecast:

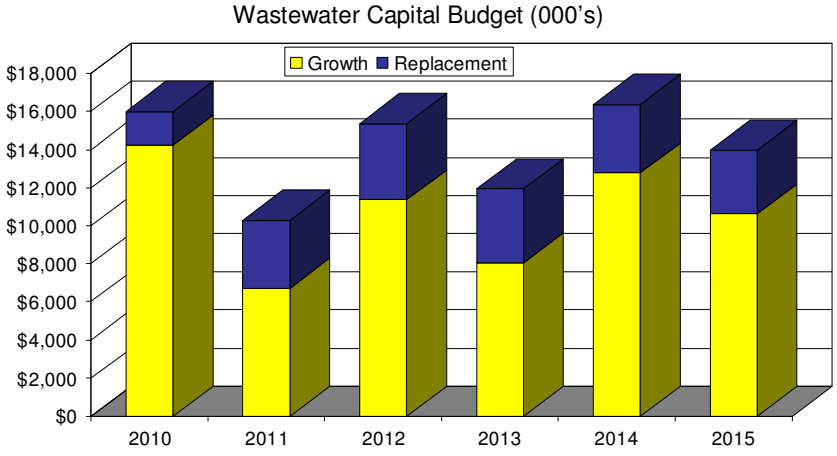
- ***Capital Projects***—The 6-year Water and Wastewater Capital Forecast is based on the 2010 Capital Budget.
- ***Water & Wastewater Capital Reserves***—The opening balance for 2010 Water and Wastewater Capital Reserves and Reserve Funds are based on the year-end estimated balance for 2009.
- ***Sources of Financing***—Capital Reserves were used as the primary source of financing as defined in the City's Capital Budget document.
- ***Gas Tax Funding***—The model assumes gas tax revenues available to support water capital in the amount of $6.15 million from 2012-2015.
- ***Debt Issuance Interest Rates***—No new debt has been forecast.
- ***Service Standards***—Water and wastewater programs are maintained at their current service levels
- Expenditure increases for many municipal services to maintain existing level of services is based on :
  - Salary and wage increases based on future projected increases (5.0% annually, including merit increases);
  - Benefit increases based on future projected increases (5.0% annually);
  - Water supply, water transmission and distribution costs projected increases (3% annually); and
  - Wastewater plant operations and sewer maintenance projected increases (3% annually).
- Reserve contributions vary annually and have been used to ensure full funding of the capital plan and in accordance with the City's capital reserve policies.

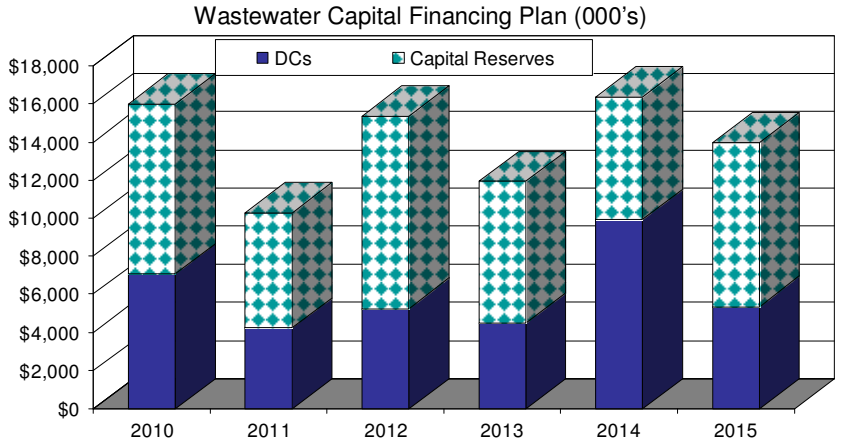
Capital Budget—Type of Project and Financing Plan

The proposed financing strategy, in the long range financial plan, gradually moves the City toward full cost recovery and builds reserves based on the replacement costs of the underlying assets. The following graphs reflect the capital that can be undertaken to address the replacement of existing infrastructure as well as the growth related capital for water and wastewater and the associated sources of financing.









Reserve Fund and Debt Policy Summary

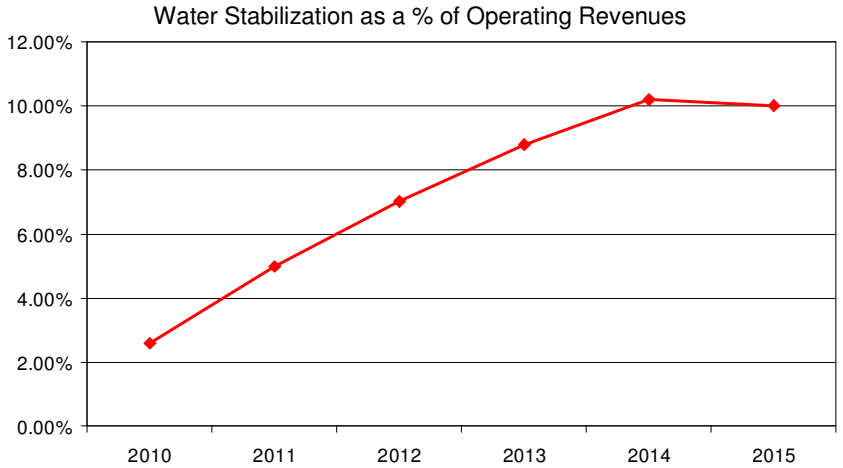
Adequate reserves are important to mitigate the City's financial risk and to strengthen the City's ability to withstand negative impacts on revenues from economic fluctuations and unforeseen expenditure requirements. Reserves and reserve funds are accumulated net revenues which are set aside for future expenditures. Reserves and reserve funds are a critical component of a municipality's long-term financing plan. The importance of maintaining reserves is to:

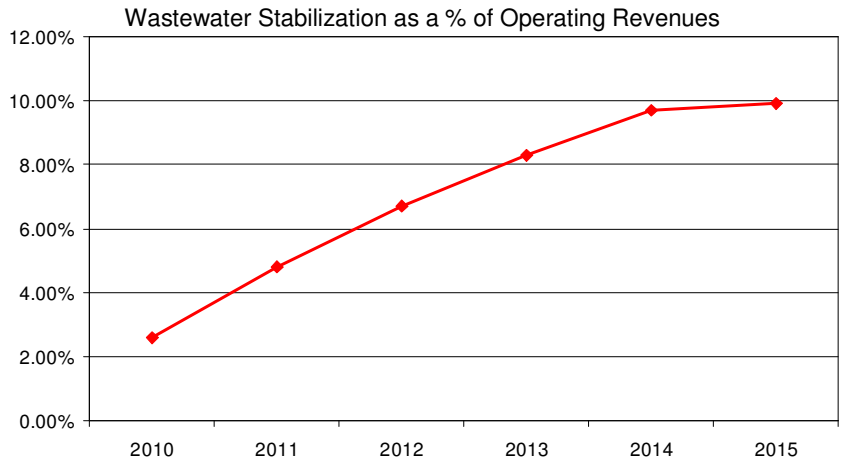
- Provide stability of tax rates and user fees in the face of variable and uncontrollable factors (e.g. interest rates, changes in subsidies, increase in fuel prices);
- Provide financing for one-time or short-term requirements without permanently impacting the tax and utility rates;
- Make provisions for acquisition and replacement of assets and infrastructure that are currently being consumed and depreciated;
- Avoid spikes in funding requirements of the capital budget by reducing reliance on long-term debt borrowing;
- Provide a source of internal financing;
- Ensure adequate cash flows;
- Provide flexibility to manage debt levels and protect the municipality's financial position; and
- Provide for liabilities that have been incurred in the current year but will not be paid for until future years.

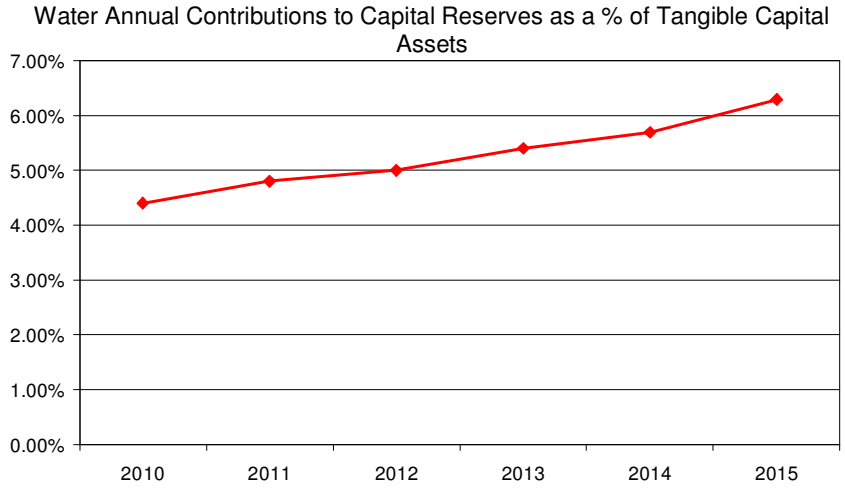
"Debt management may be defined as the process of providing for the payment of interest and principal payments on existing debt, and the planning for new debt issuance at a level which will optimize borrowing cost and not impair the financial position of the municipality." (Ministry of Municipal Affairs and Housing). Together with the General Reserve and Reserve Fund Policy, the Debt Management Policy sets fiscally-prudent financial targets to ensure that the City can adequately plan for and fund future capital needs in a responsible manner. Targets for achieving a favourable financial position have been established for debt and reserves and include:

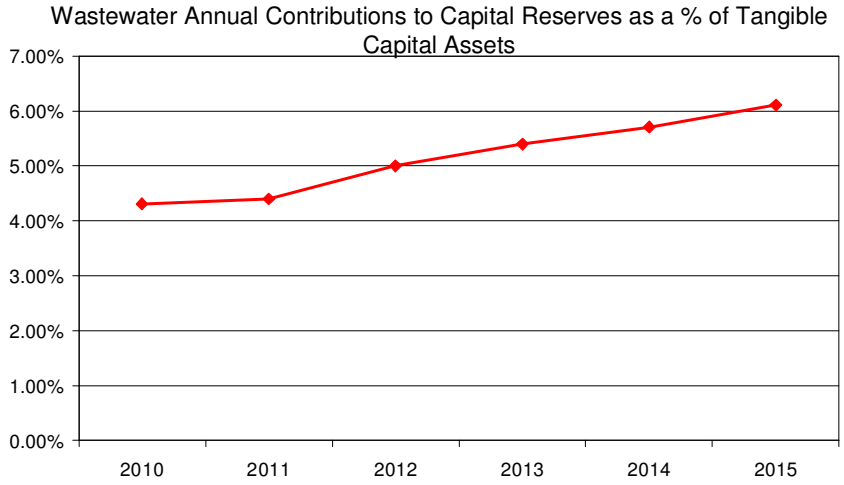
- Debt to Reserve Ratio of 1:1 – Municipal credit rating agencies recommends a debt to reserve ratio of 1:1; in other words, for every $1 in debt, there should be $1 in reserves.
- Reserves 8% - 10% of Operating Revenue – Working reserves should be at least 8% - 10% of operating revenue to help manage cash flow issues and deal with emergency situations.
- Life Cycle Reserve Fund Contributions as a % of Asset Value – Annual contributions to capital reserves should be 2-3% of the asset value for waste water and water. Asset value is defined as the purchase price less accumulated depreciation. Life Cycle Reserve Fund is the City's Capital Reserve Fund used for the replacement of existing assets.

Reserve Fund Summary





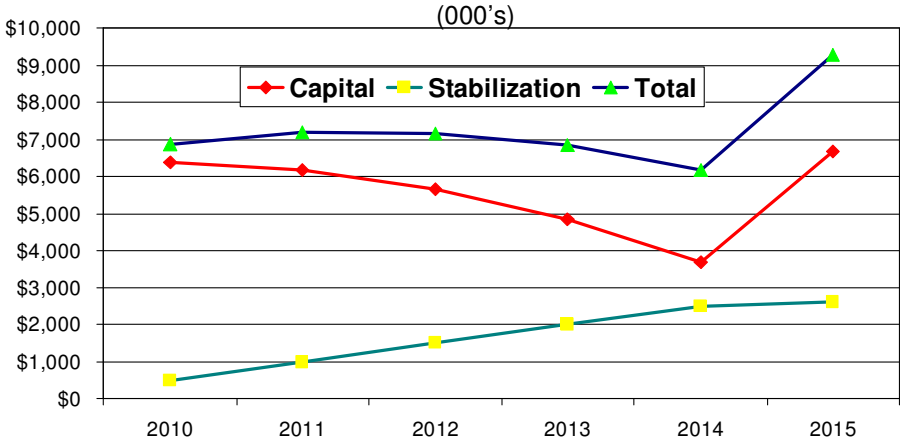




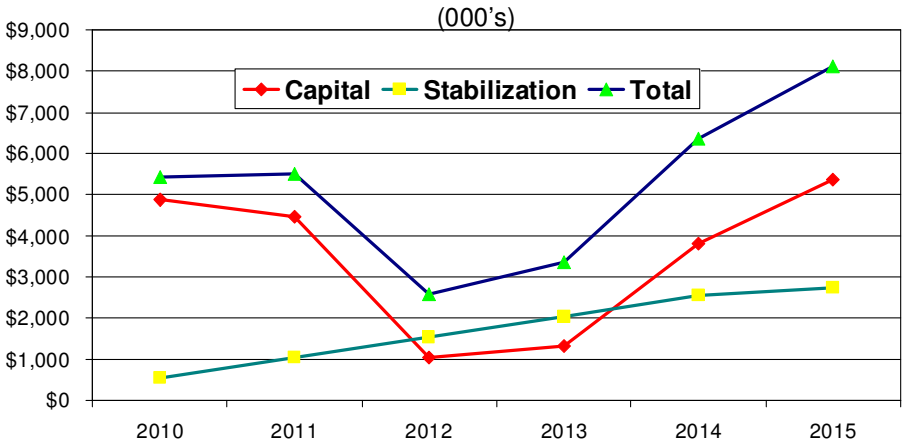
As shown above, in accordance with the City's policy. Stabilization Reserves as a % of Operating Revenue will be at 10% by 2015 to help manage cash flow issues. Further, the forecast adheres to the City's policy for annual contributions to the Life Cycle Reserve Fund Contributions as a % of Asset Value (minimum of 2-3% waste water and water).

Reserve Fund Summary

Water Stabilization and Capital Reserves Year End Forecast Balance



Wastewater Stabilization and Capital Reserves Year End Forecast Balance



Given that a number of the City's costs are fixed and a full allocation of these costs to be recovered from the fixed monthly charge is not being recommended (in an effort to balance other goals and objectives such as affordability and conservation), stabilization reserves have been established.

As shown above, there will be significant capital requirements in the next several years to fund water capital requirements but reserves will begin to build from 2014-2015. Wastewater reserves are expected to begin increasing from 2012-2015. The above noted forecast includes both the Capital and Stabilization Reserves. Should revenue shortfalls occur in any year, this will reduce the forecasted reserves available.

Summary of Operating Budget Requirements

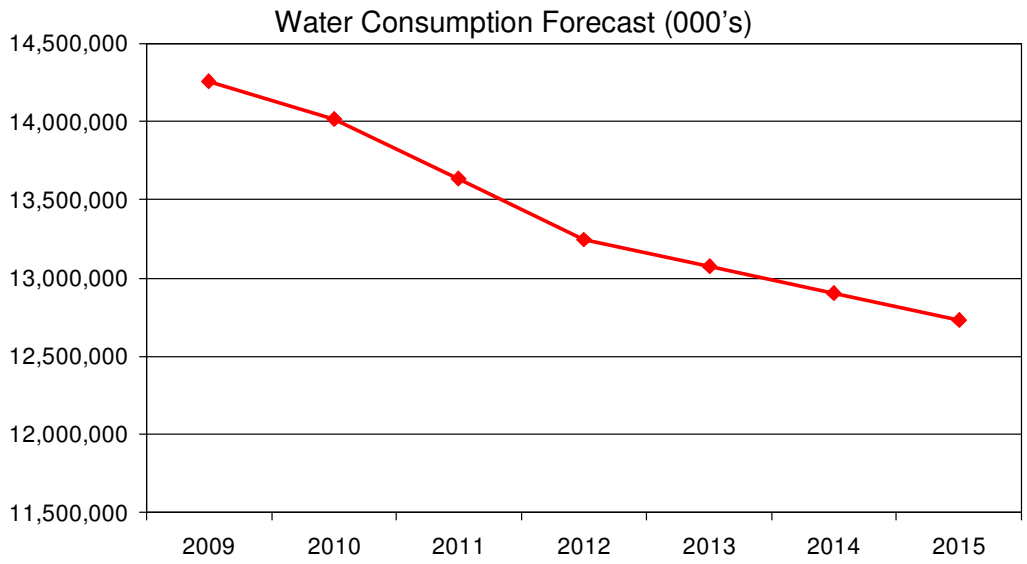
The City's objective in establishing the Water and Wastewater rates is to avoid large fluctuations from year to year and are set at a level to adequately cover current operating costs, maintain and repair the City's existing asset base and replace assets where appropriate.

Efforts are being made in this plan to gradually grow/maintain the Reserve Funds to provide a source of funding for the ongoing replacement/ refurbishment of capital assets and provide a reasonable level of stabilization funds to deal with future operating fund deficits and emergency situations. The following tables reflect the forecast expenditure requirements.

As shown below the increases in consolidated water and wastewater expenditures range from 5.7% to 7.1% from 2010 to 2015.

	2010	2011	2012	2013	2014	2015
Water Total Requirements	$ 19,047	$ 20,185	$ 21,356	$ 22,845	$ 24,454	$ 26,083
Wastewater Total Requirements	$ 20,588	$ 21,719	$ 22,950	$ 24,500	$ 26,271	$ 27,865
Total Water and Wastewater Requirements	$ 39,636	$ 41,904	$ 44,306	$ 47,345	$ 50,725	$ 53,948
% change Water		6.0%	5.8%	7.0%	7.0%	6.7%
% change Wastewater		5.5%	5.7%	6.8%	7.2%	6.1%
% change Total		5.7%	5.7%	6.9%	7.1%	6.4%

Consumption Forecast



As a result of an aggressive conservation program, the City is forecasting a reduction in total water consumption over the 6-year forecast period which will increase the water and wastewater rates. Between 2010-2011, there is a forecast reduction of 1.7% in consumption and an additional 2.7%-2.8% annually between 2011-2013. From 2013-2015, the annual reduction in consumption is estimated to be 1.3% annually. This forecast includes growth related to new construction as well as reductions related to the conservation initiatives.

Reporting Requirements—O.Reg. 453/07

Water and Wastewater Reporting Requirements—O.Reg. 453/07

While the O. Reg. 453/07 only applies to Water, the City has prepared statements for both water and wastewater operations. Paragraph 4 of subsection 3(1) of the regulation requires that financial plans include the following:

1. Details of the proposed or projected ***financial position*** of the drinking water itemized by:
    a. total financial assets
    b. total liabilities
    c. net debt
    d. non-financial assets that are tangible capital assets, tangible capital assets under-construction, inventories of supplies and prepaid expenses
    e. changes in tangible capital assets that are additions, donations, write-downs and disposals

2. Details of the proposed or projected ***financial operations*** of the drinking water system itemized by:
    a. Total revenues, further itemized by water rates, user charges and other revenues
    b. Total expenditures itemized by amortization expenses, interest expenses and other expenses
    c. Annual surplus or deficit
    d. Accumulated surplus or deficit

3. Details of the drinking water systems proposed or projected gross ***cash receipts or gross cash payments (cash Flows)*** itemized by:
    a. Operating transactions that are cash received from revenues, cash paid for operating expenses and financing charges
    b. Capital transactions that are proceeds on sale of tangible capital assets and cash used to acquire capital assets
    c. Investing transactions that are acquisitions and disposal of investments
    d. Financial transactions that are proceeds from the issuance of debt and debt repayment
    e. Changes in cash and cash equivalents during the year
    f. Cash and cash equivalents at the beginning and end of the year

Statement of Financial Operations—Water

(in 000's)

	2010	2011	2012	2013	2014	2015
Water Total Revenues						
Rate Revenues	$ 17,363	$ 18,453	$ 19,574	$ 21,012	$ 22,566	$ 24,138
Miscellaneous Revenues	$ 1,684	$ 1,729	$ 1,776	$ 1,825	$ 1,876	$ 1,929
Interest Earned - Reserves	$ -	$ -	$ -	$ -	$ -	$ -
Total Revenues	$ 19,047	$ 20,182	$ 21,350	$ 22,837	$ 24,442	$ 26,067
Water Total Expenses						
Operating Expenses						
Administration	$ 2,304	$ 2,419	$ 2,540	$ 2,667	$ 2,800	$ 2,940
Billing and Collection	$ 461	$ 484	$ 508	$ 534	$ 560	$ 588
Water Conservation	$ 1,334	$ 1,400	$ 1,470	$ 1,544	$ 1,621	$ 1,702
Water Supply	$ 3,868	$ 3,984	$ 4,103	$ 4,226	$ 4,353	$ 4,484
Transmission / Distribution	$ 4,415	$ 4,548	$ 4,684	$ 4,824	$ 4,969	$ 5,118
DC Exempt Reserve Transfer	$ 910	$ 750	$ 750	$ 750	$ 750	$ 750
Total Operating Expenses	$ 13,291	$ 13,585	$ 14,056	$ 14,545	$ 15,054	$ 15,583
Debt Charges						
Debt Charges - Interest Payments						
Amortization Expense						
Water Assets	$ 4,052	$ 3,957	$ 3,940	$ 4,153	$ 4,348	$ 4,601
Total Expenses	$ 17,344	$ 17,541	$ 17,996	$ 18,698	$ 19,403	$ 20,184
Annual Surplus/(Deficit)	$ 1,703	$ 2,641	$ 3,354	$ 4,138	$ 5,040	$ 5,884

Revenues are expected to growth by 37% over the forecast period while expenses are anticipated to rise by 16%. As a result the annual surplus grows from $1.7 million to $5.9 million. These funds are required to ensure funding is available for the replacement of tangible capital assets.

Statement of Cash Flow/Cash Receipts—Water

(in 000's)

	2010	2011	2012	2013	2014	2015
Total Revenues	$ 19,047	$ 20,182	$ 21,350	$ 22,837	$ 24,442	$ 26,067
Cash Paid For						
Operating Costs	$ 13,291	$ 13,585	$ 14,056	$ 14,545	$ 15,054	$ 15,583
Debt Repayment - Debt Interest	$ -	$ -	$ -	$ -	$ -	$ -
Cash Provided From Operating Transactions	$ 5,756	$ 6,597	$ 7,294	$ 8,291	$ 9,388	$ 10,484
Capital Transactions						
Acquisition of TCA	$ 20,423	$ 11,367	$ 12,046	$ 13,340	$ 18,643	$ 13,419
Finance Transactions						
Proceeds from Debt Issues						
Proceeds from Other Sources	$ -	$ 92	$ -	$ -	$ -	$ -
Proceeds from DCs	$ 7,963	$ 4,972	$ 3,207	$ 3,223	$ 7,009	$ 4,463
Proceeds from Gas Tax	$ -	$ -	$ 1,516	$ 1,500	$ 1,568	$ 1,568
Debt Repayment - Principal						
Increase/(Decrease) in Cash Equivalents	$ (6,705)	$ 295	$ (29)	$ (326)	$ (679)	$ 3,096
Cash and Cash Equivalents at Beginning Balance	$ 13,583	$ 6,878	$ 7,173	$ 7,144	$ 6,818	$ 6,140
Cash and Cash Equivalents at Ending Balance	$ 6,878	$ 7,173	$ 7,144	$ 6,818	$ 6,140	$ 9,236

The financial plan developed shows that cash from operations is maintained at over $6 million over the forecast period.

Statement of Financial Position—Water

(in 000's)

	2010	2011	2012	2013	2014	2015
Financial Assets						
Cash	$ 6,878	$ 7,173	$ 7,144	$ 6,818	$ 6,140	$ 9,236
Liabilities						
Debt - Principal Outstanding	$ -	$ -	$ -	$ -	$ -	$ -
Net Financial Assets	$ 6,878	$ 7,173	$ 7,144	$ 6,818	$ 6,140	$ 9,236
Non-Financial Assets						
Tangible Capital Assets	$ 120,239	$ 127,214	$ 134,880	$ 143,627	$ 157,477	$ 166,296
Cash as a % of Net Fixed Assets	5.7%	5.6%	5.3%	4.7%	3.9%	5.6%
Debt as a % of Net Fixed Assets	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Tangible capital assets are expected to grow by approximately $43 million or 36% over the forecast period.

Statement of Financial Operations—Wastewater

(in 000's)

	2010	2011	2012	2013	2014	2015
Wastewater Total Revenues						
Rate Revenues	$ 19,602	$ 20,733	$ 21,962	$ 23,511	$ 25,282	$ 26,875
Miscellaneous Revenues	$ 986	$ 986	$ 986	$ 986	$ 986	$ 986
Interest Earned - Reserves	$ -	$ -	$ -	$ -	$ -	$ -
Total Revenues	$ 20,588	$ 21,719	$ 22,948	$ 24,497	$ 26,268	$ 27,861
Wastewater Total Expenses						
Operating Expenses						
Administration	$ 3,304	$ 3,470	$ 3,643	$ 3,825	$ 4,016	$ 4,217
Billing and Collection	$ 461	$ 484	$ 508	$ 534	$ 560	$ 588
Wastewater Conservation	$ 770	$ 809	$ 849	$ 892	$ 936	$ 983
Plant Operations	$ 8,057	$ 8,299	$ 8,548	$ 8,804	$ 9,068	$ 9,340
Building & Equipment	$ 221	$ 228	$ 235	$ 242	$ 249	$ 256
Sanitary Sewer Maint.	$ 1,147	$ 1,181	$ 1,217	$ 1,253	$ 1,291	$ 1,329
DC Exempt Reserve Transfer	$ 760	$ 750	$ 750	$ 750	$ 750	$ 750
Total Operating Expenses	$ 14,721	$ 15,220	$ 15,750	$ 16,300	$ 16,871	$ 17,465
Debt Charges						
Debt Charges - Interest Payments	$ 60	$ 23	$ -	$ -	$ -	$ -
Amortization Expense						
Wastewater Assets	$ 5,872	$ 6,442	$ 5,092	$ 5,458	$ 5,703	$ 5,686
Total Expenses	$ 20,654	$ 21,685	$ 20,842	$ 21,758	$ 22,574	$ 23,152
Annual Surplus/(Deficit)	$ (66)	$ 33	$ 2,106	$ 2,739	$ 3,693	$ 4,709

Revenues are expected to growth by 35% over the forecast period while expenses are anticipated to rise by 12%. As a result, the annual surplus grows from a deficit of $66,000 in 2010 to an annual surplus of $4.7 million by 2015. These funds are required to ensure funding is available for the replacement of tangible capital assets.

Statement of Cash Flow/Cash Receipts—Wastewater

(in 000's)

	2010	2011	2012	2013	2014	2015
Total Revenues	$ 20,588	$ 21,719	$ 22,948	$ 24,497	$ 26,268	$ 27,861
Cash Paid For						
Operating Costs	$ 14,721	$ 15,220	$ 15,750	$ 16,300	$ 16,871	$ 17,465
Debt Repayment - Debt Interest	$ 60	$ 23	$ -	$ -	$ -	$ -
Cash Provided From Operating Transactions	$ 5,807	$ 6,475	$ 7,198	$ 8,197	$ 9,396	$ 10,395
Capital Transactions						
Acquisition of TCA	$ 21,972	$ 10,284	$ 15,366	$ 11,929	$ 16,363	$ 13,986
Finance Transactions						
Proceeds from Debt Issues						
Proceeds from Other Sources	$ -	$ -	$ -	$ -	$ -	$ -
Proceeds from DCs	$ 7,072	$ 4,252	$ 5,260	$ 4,511	$ 9,944	$ 5,357
Proceeds from Gas Tax	$ -	$ -	$ -	$ -	$ -	$ -
Debt Repayment - Principal	$ (613)	$ (376)	$ -			
Increase/(Decrease) in Cash Equivalents	$ (9,706)	$ 67	$ (2,908)	$ 779	$ 2,977	$ 1,766
Cash and Cash Equivalents at Beginning Balance	$ 15,134	$ 5,428	$ 5,495	$ 2,588	$ 3,367	$ 6,344
Cash and Cash Equivalents at Ending Balance	$ 5,428	$ 5,495	$ 2,588	$ 3,367	$ 6,344	$ 8,110

The financial plan developed improves the cash position from $5.4 million to $10.1 million over the forecast period.

Statement of Financial Position—Wastewater

(in 000's)

	2010	2011	2012	2013	2014	2015
Financial Assets						
Cash	$ 5,428	$ 5,495	$ 2,588	$ 3,367	$ 6,344	$ 8,110
Liabilities						
Debt - Principal Outstanding	$ 376	$ -	$ -	$ -	$ -	$ -
Net Financial Assets	$ 5,052	$ 5,495	$ 2,588	$ 3,367	$ 6,344	$ 8,110
Non-Financial Assets						
Tangible Capital Assets	$ 120,239	$ 127,214	$ 134,880	$ 143,627	$ 157,477	$ 166,296
Cash as a % of Net Fixed Assets	4.5%	4.3%	1.9%	2.3%	4.0%	4.9%
Debt as a % of Net Fixed Assets	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%

Tangible capital assets are expected to grow by approximately $42.9 million or 36% over the forecast period.

INTERNAL MEMO

CITY OF Guelph
Making a Difference

DATE May 20, 2010

TO **Mayor and City Council**

FROM Peter Busatto, Manager of Waterworks
DIVISION Waterworks
DEPARTMENT Environmental Services

SUBJECT **Typographical Error on Page 23 of Water and Wastewater Long-Range Financial Plan Document**

Included as Attachment B with Community Development and Environmental Services (CDES) Committee report CDES-2010-A.27 for a CDES committee meeting on May 17, 2010, the Mayor and Council were provided with a copy of the following report:

> *"Water and Wastewater Long-Range Financial Plan in Accordance with O.Reg. 453/07 Schedule A Financial Plan 017-301" (the Report).*

Staff have subsequently identified a typographical error on page 23 (the last page of the report) that does not impact on the analysis and conclusions presented in the report.

To correct this error, please find attached an accurate copy of Page 23 to replace the existing Page 23 in the Report.

Please feel free to contact me if you require additional information on this issue.

Peter L. Busatto
Manager of Waterworks

Waterworks Division
Environmental Services
Location: Woods Station, 29 Waterworks Place

T 519-337-5627 x 2165
F 519-822-8837
E peter.busatto@guelph.ca

Attachement: Replacement Page 23 for *"Water and Wastewater Long-Range Financial Plan in Accordance with O.Reg. 453/07 Schedule A Financial Plan 017-301"*

Statement of Financial Position—Wastewater

(in 000's)

	2010	2011	2012	2013	2014	2015
Financial Assets						
Cash	$ 5,428	$ 5,495	$ 2,588	$ 3,367	$ 6,344	$ 8,110
Liabilities						
Debt - Principal Outstanding	$ 376	$ -	$ -	$ -	$ -	$ -
Net Financial Assets	$ 5,052	$ 5,495	$ 2,588	$ 3,367	$ 6,344	$ 8,110
Non-Financial Assets						
Tangible Capital Assets	$ 145,937	$ 149,029	$ 159,203	$ 165,574	$ 176,234	$ 184,534
Cash as a % of Net Fixed Assets	3.7%	3.7%	1.6%	2.0%	3.6%	4.4%
Debt as a % of Net Fixed Assets	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%

Tangible capital assets are expected to grow by approximately $38.6 million or 26% over the forecast period.

COMMITTEE REPORT

TO	**Community Development and Environmental Services Committee**
SERVICE AREA	Community Design and Development Services
DATE	May 17, 2010
SUBJECT	**180 Gordon Street - Brownfield Redevelopment Community Improvement Plan – Financial Incentive Request**
REPORT NUMBER	10-51

RECOMMENDATION

"THAT Community Design and Development Services Report 10-51, dated May 17, 2010 regarding requests for financial assistance pursuant to the City of Guelph Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street **BE RECEIVED**; and

THAT the request for financial assistance made by 879132 Ontario Inc. under the Environmental Study Grant program pursuant to the Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street, to an upset total of $10,000 upon the completion of a Phase 2 Environmental Site Assessment and an additional grant to an upset total of $10,000 upon the completion of a Remedial Work Plan, **BE APPROVED**; and

THAT the request for financial assistance made by 879132 Ontario Inc. under the Tax Assistance During Rehabilitation Program pursuant to the Brownfield Redevelopment Community Improvement Plan for the property known municipally as 180 Gordon Street, for a duration of up to 3 years from the commencement of remedial work at the property subject to the terms and conditions attached hereto as Attachment D, **BE APPROVED**; and

THAT Council direct staff to prepare a by-law to implement municipal tax assistance during rehabilitation in accordance with the Municipal Act and that the appropriate information and material be sent to the Province requesting relief from the education portion of the taxes for the property known municipally as 180 Gordon Street for a duration of up to 3 years from the commencement of remedial work at the property; and

THAT staff be directed to proceed with the finalization of Environmental Study Grant, Tax Cancellation, and Information Sharing Agreements with 879132 Ontario Inc. to the satisfaction of the Director of Community Design and Development Services and the Director of Corporate Services/City Solicitor; and

THAT the Mayor and Clerk are authorized to sign the Environmental Study Grant, Tax Cancellation, and Information Sharing Agreements."

SUMMARY

This report recommends approval of the following requests for financial assistance under the City's Brownfield Community Improvement Plan (CIP):

- Environmental Study Grant (maximum $10,000)
- Environmental Site Assessment (maximum $10,000)
- Tax Assistance During Rehabilitation (a total of $12,121.71 over the three (3) years).

The total financial impact of the three programs would be $32,121.71.

BACKGROUND

Guelph's Brownfield Community Improvement Plan (CIP)

The City's Brownfield Redevelopment CIP was approved by the Minister of Municipal Affairs and Housing in March of 2004 and subsequently amended by City Council on July 7, 2008 to make the Tax Increment-Based Grant program available to the entire Community Improvement Plan Area, which includes the subject Site (See Attachment C).

The purpose of the CIP is to stimulate private sector investment in the reuse and redevelopment of brownfield sites that otherwise would not be redeveloped without assistance. The CIP programs partially offset the costs associated with site assessment and remediation. The premise of the CIP is that modest City investment in the clean-up and redevelopment of brownfield sites will result in improved environmental and neighbourhood conditions while creating additional tax revenues in the longer term, that would not otherwise be realized if the brownfield site remained vacant or underutilized.

Importance of Brownfield Redevelopment

The City's records indicate that there are approximately 420 potential brownfield properties currently within the City. Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean up. These sites pose a potential threat to the quality of Guelph's groundwater-based drinking water supply and surface water resources, such as the Speed and Eramosa Rivers.

The Brownfield CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's water supply and the water quality of the City's rivers, which are important fisheries and well as aesthetic and recreational resources.

There are a number of additional benefits to redevelopment of brownfield sites. For example, they are often strategically located within existing built up areas of the

City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these area. The redevelopment of these sites would also remove the negative stigma often associated with some brownfield properties, which increases the value of subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environmental and Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of Greenfield land from being developed; and for every dollar invested in a brownfield redevelopment, it is estimated that $3.80 is invested in the economy.

As the City moves forward with the implementation of its Growth Management Strategy, Community Energy Plan and source water protection planning, the redevelopment of brownfield sites will play an increasingly important role in the achievement of the City's strategic goals and in particular the intensification targets for the Built-up Areas of the City.

Site Background

The subject property is known municipally as 180 Gordon Street (Site). The 0.16 hectare (0.41 acre) site is located on the east side of Gordon Street south of the Speed River (see Attachment A).

The Site has historically been used as an automobile service station (1936 – 2003) and more recently as a car and truck rental establishment (1995-2003). The Site is designated General Residential and Core Greenlands in the City's Official Plan. A small portion of the Site is located within the floodplain which is regulated by the Grand River Conservation Authority and is subject to the Flood Plains provisions contained within Section 7.14 of the City's Official Plan (see Attachment B).

The Site is zoned C1-19 (Specialized Convenience Commercial), which permits a Vehicle Service Station and FL (Floodway Zone), which permits Conservation Area, Flood Control Facility, Outdoor Sportsfield Facilitates, Recreation Trail, and/or Wildlife Management Area (See Attachment B). While City and Grand River Conservation Authority staff have had discussions with the Owner about planning and floodplain considerations for site redevelopment, no formal development application has been submitted.

Significance of Clean-up and Redevelopment of 180 Gordon Street

The cleanup and redevelopment of this Site is significant for the following reasons:

a) the lands are within the City's Built-up Area (as set out in Official Plan Amendment 39) which, by 2015 and for each year thereafter, must accommodate at least 40% of the City's annual residential development;
b) the close proximity of the Site to environmentally sensitive ecosystems within the Speed River valley;

c) in terms of Source Protection Planning, the removal of contamination beneath this Site would address a current threat to surface water and groundwater quality; and
d) provide increased tax assessment on a property that has been vacant for the past 5 years.

REPORT

The Owner of 180 Gordon Street has submitted the following applications under the City's Brownfield Redevelopment CIP:

a) Environmental Study Grant program application to partially offset costs associated with undertaking a Phase 2 Environmental Site Assessment and preparing a Remedial Work Plan (see Attachment D); and

b) Tax Assistance During Rehabilitation program application requesting the cancellation of municipal and education taxes during the rehabilitation and potentially during redevelopment of the Site (see Attachment E).

Environmental Study Grant Application

Environmental Study Grants are available to offset part of the cost of preparing a Phase 2 Environmental Site Assessment (ESA) and/or a Remedial Work Plan under the City's Brownfield Redevelopment CIP. The Owner has submitted a Phase 1 and 2 ESA Report for the Site in support of the Environmental Study Grant applications. The report concludes that the concentrations of a number of contaminants in the soil and groundwater beneath the Site exceed the current Ministry of the Environment (MOE) Standards and the revised MOE Standards which come into force on July 1, 2011.

Specifically, the application requests Environmental Study Grants for the following:

a) Additional Phase 2 ESA work to determine the depth of groundwater contamination beneath the Site. The cost of this work is estimated to range from $50,000 to $70,000; and

b) Preparation of Remedial Work Plan, which will identify the recommended method to clean up the contaminants beneath the Site, prevent potential off-site contamination from migrating back onto the Site, and obtain a Record of Site Condition (RSC). The cost of this work is estimated at $20,000.

The RSC is required to be filed with the Ministry of the Environment (MOE) and the Ministry determines if the environmental condition of the soil and groundwater beneath the Site are suitable for the proposed land use.

If this grant request is approved, the Environmental Study Grants would reimburse up to 50 percent of the cost of the Phase 2 ESA Work, up to a maximum of $10,000 (whichever is the lesser) upon the submission of a Phase 2 ESA Report and up to 50 percent of the cost of preparing a Remedial Work Plan, up to a maximum of $10,000 (whichever is the lesser), upon the submission of a completed Plan.

All program application requirements have been satisfied for this request and Community Design and Development Services staff support the grant request.

Tax Assistance During Rehabilitation Application

The Tax Assistance During Rehabilitation program is also available as an incentive for the cleanup and redevelopment of brownfield sites. Under the program, the City can freeze or cancel all or a percentage of the municipal taxes during site cleanup and redevelopment. The City can also request that the Province provide relief from the education portion of taxes.

Should Council approve the request for Tax Assistance During Rehabilitation, a by-law must be passed to implement the tax assistance in accordance with the Municipal Act. Before the City passes a tax cancellation by-law, approval must be issued by the Province in order to provide relief from the education portion of the taxes.

Currently, the Site is taxed at the vacant commercial land rate. The total 2009 tax levy was $7,652.85 (the City portion being $4,040.57 and the education portion being $3,612.15). This program is typically approved for up to 3 years while rehabilitation and redevelopment occurs, which would total $22,958.16 (the City portion being $12,121.71 and the education portion being $10,836.45).

While it is not a requirement of the CIP, the submission of a Remedial Work Plan is typically required with an application for Tax Assistance During Rehabilitation. Based on preliminary discussions, Community Design and Development Services staff understand that the Owner intends to complete the cleanup of the Site subject to approval of these applications. Because the Provincial approval process for the cancellation of education taxes can take up to six months, staff recommend that the request for tax assistance be considered by Council at this time. The cancellation of taxes will not commence until remedial work has begun at the Site.

If a Record of Site Condition is not filed within three years of the commencement of the tax cancellation, the Owner will be required to reimburse the City for the value of the municipal tax assistance provided under this program. Terms and conditions that will form the basis of the tax cancellation agreement are set out in Attachment D.

CORPORATE STRATEGIC PLAN

The approval of financial assistance will achieve the following Strategic Plan Goals:

Goal 1: An attractive, well-functioning and sustainable city;
Goal 2: A healthy and safe community where life can be lived to the fullest; and
Goal 6: A leader in conservation and resource protection/enhancement.

FINANCIAL IMPLICATIONS

Environmental Study Grant Application

Should the grant application be approved, the Owner would be eligible for a total of $20,000 upon submission of a Phase 2 ESA Report and Remedial Work Plan.

Tax Assistance During Rehabilitation Application

Based on the 2009 tax assessment, cancellation of municipal taxes for three years would total $12,121.71, if approved. The Province would be asked to forgive $10,836.45 in education taxes over the three years.

The brownfield reserve fund currently has sufficient funds to accommodate the grant request.

DEPARTMENTAL CONSULTATION

Community Design and Development Services (Engineering Services)
Finance

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment A: Location Map
Attachment B: Zoning Map
Attachment C: Community Improvement Project Area
Attachment D: Environmental Study Grant Application – Remedial Work Plan
Attachment E: Tax Assistance During Rehabilitation Application
Attachment F: Terms and Conditions of Tax Assistance During Rehabilitation Program

Original Signed by:

Prepared By:
Greg Atkinson MCIP, RPP
Policy Planner
519-837-5616 ext. 2521
greg.atkinson@guelph.ca

Original Signed by:

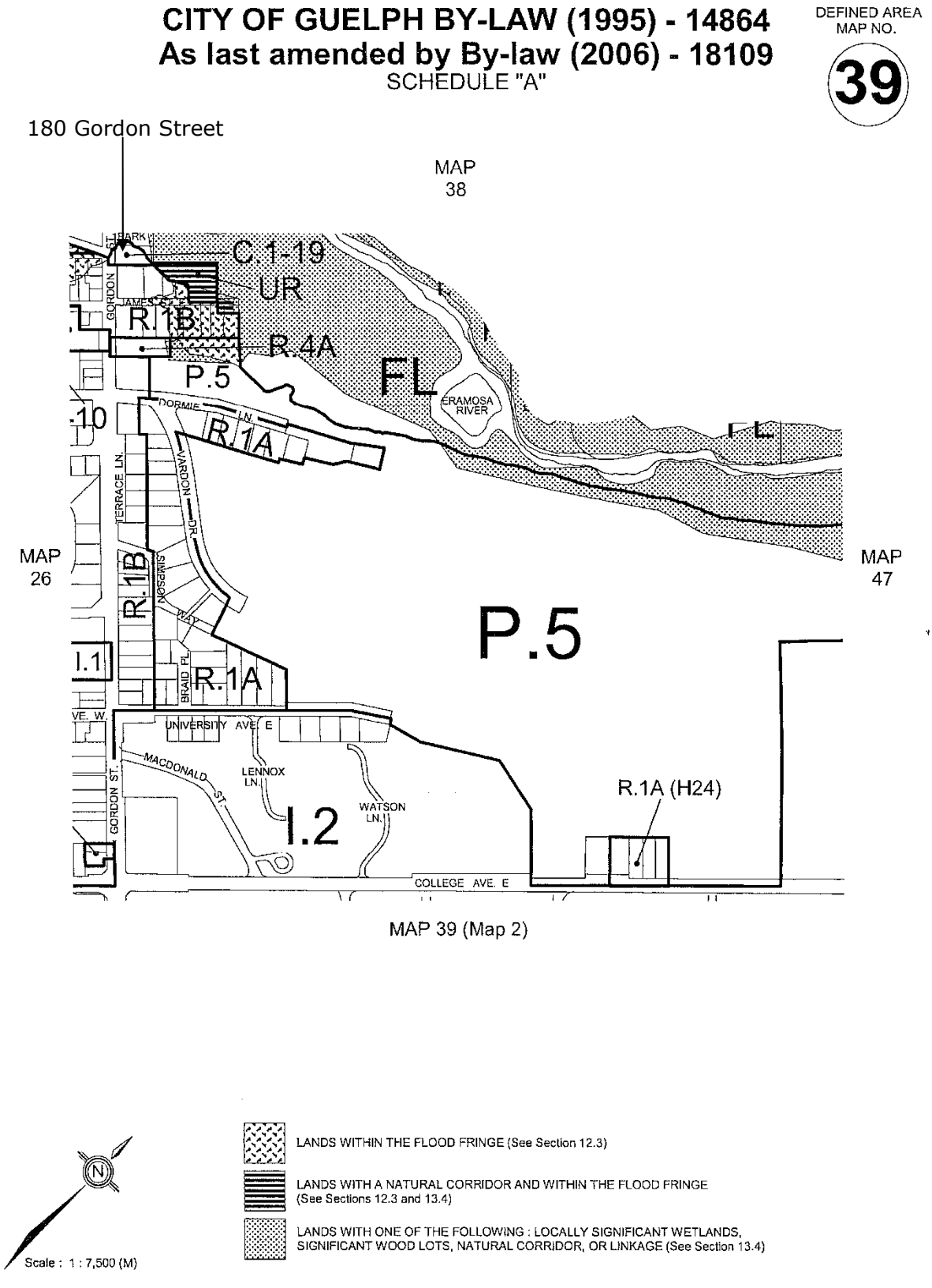
Recommended By:
Marion Plaunt MES, MCIP, RPP
Manager of Policy Planning and Urban Design
519-837-5616 ext. 2426
marion.plaunt@guelph.ca

Original Signed by:

Recommended By:
James N. Riddell
Director of Community Design and Development Services
579-837-5616 ext. 2361
jim.riddell@guelph.ca

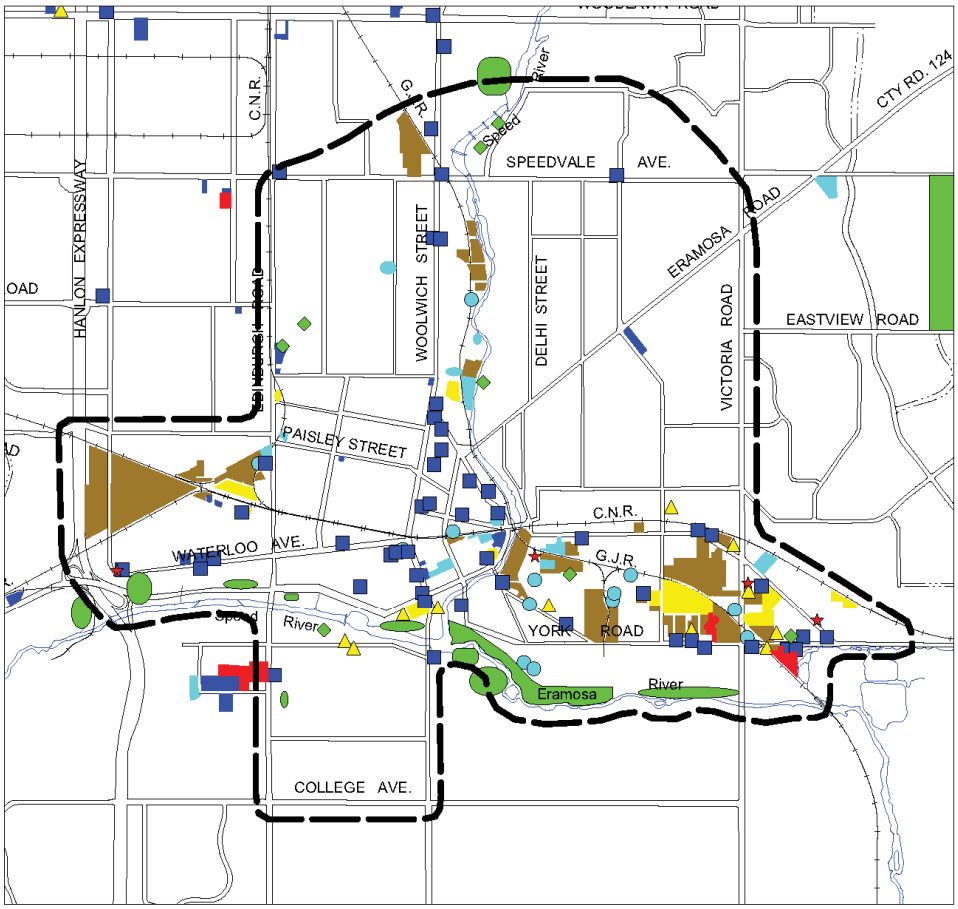
Attachment A: Location Map

Attachment B: Zoning Map



Attachment C: Community Improvement Project Area

Figure 3. POTENTIAL BROWNFIELDS SITES IN THE COMMUNITY IMPROVEMENT PROJECT AREA



TYPES OF BROWNFIELD SITES

Scale 1:35,000 metres

- MANUFACTURING / CHEMICAL PLANT
- AUTO WRECKING YARD / SCRAP METAL / FOUNDARIES
- COAL, OIL, FUEL, SALT STORAGE
- AUTO SERVICE / GAS STATIONS
- LANDFILL SITES
- ESTABLISHED & VACANT INDUSTRIAL USES
- COMMUNITY IMPROVEMENT PROJECT AREA

Prepared by the Planning Division
July 2002

Attachment D: Environmental Study Grant Application

Brownfield Redevelopment Community Improvement Plan
Environmental Study Grant Application Form

PART A: General Instructions

- Community Design and Development Services Staff must be consulted prior to completing and submitting this application.
- As much detail as possible should be submitted regarding a proposed brownfield project. If you require more space than is provided on this form, please attach additional pages and/or documents. Do not simply reference sections in appended reports or documents.
- All environmental reports submitted to the City must be signed and sealed by a Qualified Person as defined by Ontario Regulation 153/04 under the *Environmental Protection Act* as amended from time to time.
- Applications must be acknowledged by Community Design and Development Services Staff as being 'complete'. Applications will not be acknowledged until all required information and material is submitted with the application form.
- Completed applications are accepted and processed on a first come first served basis.
- The total amount of financial assistance provided by the City for the purpose of brownfield redevelopment (i.e. including financial contributions obtained outside of the Brownfield Redevelopment Community Improvement Plan) cannot exceed the eligible costs set out in the Community Improvement Plan.
- All requests for financial assistance under the Brownfield Redevelopment Community Improvement Plan require City of Guelph Council approval.
- Applications should be submitted to: **Community Design and Development Services**
  Location: 1 Carden Street, 3rd Floor
  Phone: 519-837-5616
  Fax: 519-837-5640
  Email: planning@guelph.ca

PART B: CONDITIONS & RESTRICTIONS

- Grants must be approved prior to the start of any applicable environmental study.
- Funds will not be issued until the City receives the results of the study. If the environmental study is not submitted within two (2) years the grant will be reallocated.
- The amount of any Environmental Study Grant(s) will be deducted from the eligible redevelopment costs available for tax increment-based grant funding.
- Grants related to the costs of completing a Phase 2 Environmental Site Assessment (ESA) and or Remedial Work Plan will be reimbursed up to 50% or to a maximum of $10,000 (See BRCIP for exception).
- Studies submitted to the City must be completed by a qualified, independent consultant.
- Properties having a Minister's Order for clean-up are not eligible.
- No more than two (2) Environmental Study Grants will be awarded for a particular redevelopment.
- Properties in tax arrears are not eligible.

PART C: Applicant Information

Name of Registered Property Owner: 879132 Ontario Inc.

Address of Registered Property Owner: [redacted]

Phone Number: [redacted] Fax Number: [redacted]

Email Address: [redacted]

Agent Information (If applicable)

Name of Agent: _____

Address of Agent: _____

_____

Phone Number: _____ Fax Number: _____

Email Address: _____

PART D: Property Information

Address of Subject Property: 180 Gordon Street, Guelph, ON

Legal Description (e.g. Lot and Plan No.): "Part of Lot A, Plan 302 together with the right-of-way as described in Inst. #743914"

Official Plan Designation: _____

Zoning: C1-19 Vehicle Service Station

Current Use(s): Vacant

Size of Property: 0.41 acres

Existing Buildings:

☐ Yes (please specify size)

☒ No

Building 1: N/A

Building 2: N/A

Building 3: N/A

Property Details (e.g. history, easements, outstanding work orders, or other relevant details):

Since the property was once a gasoline station, work was completed by MTE to address the issue of petroleum hydrocarbons and BTEX compounds remaining in the soil. The addition of Waterloo Emitters and the passage of time, the July 2008 ground water sampling results reported no detections of petroleum hydrocarbons or BTEX compounds in any of the wells.

Has or will this property received grants/loans or other financial assistance from the City or other level of Government? ☐ Yes ☒ No

If yes, please specify type and amount of financial assistance received: N/A

PART E: Environmental Information

Please describe any known or suspected environmental contamination issues (e.g. soil or groundwater related) affecting the site including the types of contaminants, extent, causes (brief site history), underground storage tanks, above ground storage tanks, etc.

Subsequent to the remediation of petroleum hydrocarbons and BTEX compounds on the property, it was discovered in the fall of 2009 while conducting tests for a Phase II Environmental Site Assessment that land within the Table 1 sensitive area contained buried cinders, slag, ash and debris. Further investigation has revealed that this matter was most likely deposited on the property when the City of Guelph completed retaining walls along the Speed River and then backfilled the area now known as Marianne's Park & a section of 180 Gordon Street with landfill of a questionable nature.

Has a Phase 1 Environmental Site Assessment been conducted? ☒ Yes ☐ No

Has a Phase 2 Environmental Site Assessment been conducted? ☒ Yes ☐ No

Has any remediation been conducted at the Site? ☒ Yes ☐ No

(*If the answer to any of the above questions is 'Yes', please attach the appropriate Report to this application*)

Environmental Consultant Information

Name of Environmental Consultant: Carol Mitchell

Address of Environmental Consultant: MTE Consultants Inc.
520 Bingemans Centre Drive, Kitchener, ON N2B 3X9

Email Address: cmitchell@mte85.com

Phone Number: 519-743-6500 Fax Number: 519-743-6513

PART F: Project Information

Is this property currently or previously subject to any City approvals (e.g. Re-zoning, site plan control, etc)? ☐ Yes ☒ No

If Yes, please provide brief description and file number: Project #33140-500 MTE Remedial work on 180 Gordon Street in Guelph

Please provide a description of the proposed redevelopment (attach site sketch):

MTE has completed various studies on the Site including a Phase II ESA in 2006 and a groundwater remediation from 2007 to 2009; the most recent included tests required for Phase I and II Environmental Site Assessments in 2009 to support a potential application for a Record of Site Condition. During tests for the Phase II investigation, the land within the Table I sensitive area was found to contain buried cinders, slag, ash and debris. This discovery has triggered a remediation program to remove the impacted soil. This remediation is ongoing but currently on hold

Page 4

ELIGIBLE COSTS

Please indicate which eligible costs the requested funding will be applied to:

- ☒ Phase 2 Environmental Site Assessment
- ☒ Remedial Work Plan

PART G: Complete Application Checklist

The following information and material must accompany a complete application:

- ☒ Phase 1 Environmental Site Assessment that recommends a Phase 2 Environmental Site Assessment is required to investigate potential on-site contamination.
- ☒ A Phase 2 Environmental Site Assessment proposal including a scope of work and cost estimate.
- N/A ☐ Written consent from the property owner for a prospective purchaser to conduct the environmental study (if applicable).

PART H: Sworn Declaration

I/WE HEREBY APPLY for a grant(s) under the City of Guelph Brownfield Redevelopment Community Improvement Plan.

I/WE HEREBY AGREE to abide by the terms and conditions of the City of Guelph Brownfield Redevelopment Community Improvement Plan (please refer to Plan for additional details).

I/WE HEREBY AGREE to enter into any Agreement with the City of Guelph where specified in the Brownfield Redevelopment Community Improvement Plan.

I/WE HEREBY CERTIFY that the information contained in this application is true, correct and complete in every respect and may be verified by the City of Guelph by such inquiry as it deems appropriate, including inspection of the property for which this application is being made.

I/WE HEREBY GRANT PERMISSION to the City, or its agents, to inspect the subject property prior to, during, and after environmental remediation, site rehabilitation and project construction.

I/WE HEREBY AGREE that the program(s) for which application has been made herein is subject to cancellation and/or change at any time by the City in its sole discretion, subject to the terms and conditions specified in the Program. Participants in the program whose application has been approved and who have entered into the Agreement(s) with the City, will continue to receive grant payments, subject to their Agreement.

I/WE HEREBY AGREE that all grants will be calculated and awarded in the sole discretion of the City. Notwithstanding any representation by or on behalf of the City, or any statement contained in the program, no right to any grant arises until it has been duly authorized, subject to the applicant meeting the terms and conditions of the Brownfield Redevelopment Community Improvement Plan

and any Agreement. The City is not responsible for any costs incurred by the Owner/Applicant in any way relating to any program, including, without limitation, costs incurred in anticipation of a grant.

Lorie Jocius for 879132 Ontario Inc.
Name of Property Owner or Applicant | Title

Lorie Lynn Jocius
Signature of Property Owner or Applicant | February 22, 2010
Date

Carol Mitchell, P.Eng.
Name of Qualified Person (Environmental Consultant) Q Pesa | Senior Environmental Engineer
Title MTE Consultants Inc.

Carol Mitchell
Signature of Qualified Person (Environmental Consultant) | Feb. 23, 2010
Date

PART I: Next Steps

PRIOR TO ISSUANCE OF FUNDS (to be filled out by City Staff)

- ☐ Environmental study grant agreement entered into with the City.
- ☐ Information sharing agreement entered into with the City.
- ☐ One electronic and one hard copy of the Phase 2 Environmental Site Assessment and Remedial Work Plan must be submitted to the City
- ☐ Invoices from the environmental consultant indicating complete payment must be submitted to the City.

Attachment E: Tax Assistance During Rehabilitation Application

Brownfield Redevelopment Community Improvement Plan
Tax Assistance and Tax Arrears Cancellation Application Form

PART A: General Instructions

- Community Design and Development Services Staff must be consulted prior to completing and submitting this application.
- As much detail as possible should be submitted regarding a proposed brownfield project. If you require more space than is provided on this form, please attach additional pages and/or documents. Do not simply reference sections in appended reports or documents.
- All environmental reports submitted to the City must be signed and sealed by a Qualified Person as defined by Ontario Regulation 153/04 under the *Environmental Protection Act* as amended from time to time.
- Applications must be acknowledged by Community Design and Development Services Staff as being 'complete'. Applications will not be acknowledged until all required information and material is submitted with the application form.
- Completed applications are accepted and processed on a first come first served basis.
- The total amount of financial assistance provided by the City for the purpose of brownfield redevelopment (i.e. including financial contributions obtained outside of the Brownfield Redevelopment Community Improvement Plan) cannot exceed the eligible costs set out in the Community Improvement Plan.
- All requests for financial assistance under the Brownfield Redevelopment Community Improvement Plan require City of Guelph Council approval.
- Applications should be submitted to: **Community Design and Development Services**
  Location: 1 Carden Street, 3rd Floor
  Phone: 519-837-5616
  Fax: 519-837-5640
  Email: planning@guelph.ca

PART B: CONDITIONS & RESTRICTIONS

- A complete application must be submitted prior to the commencement of any eligible work (i.e. applications cannot be applied retroactively).
- Purchaser must be a bona fide arm's length purchaser or lien holder.
- Tax arrears cancellation and tax cancellation programs may be used in conjunction with other brownfield or heritage-related incentives provided that the cumulative application of all incentives received does not exceed the site assessment and remediation costs.
- The City and the property owner must enter into a tax cancellation agreement specifying the terms and where appropriate the duration of the tax cancellation, the total amount of tax cancellation, the owner's obligations should owner default of the agreement and any other requirements specified by the City.
- The timing and conditions that apply to municipal property tax assistance may vary form those provided by the Province for matching education property tax assistance.
- A Ministry of the Environment-acknowledged Record of Site Condition must be filed within a specified timeframe.
- If a record of site condition is not filed with the specified time period, any tax cancellation or tax arrears cancellation shall be immediately repaid to the City.

PART C: Applicant Information

Name of Registered Property Owner: 879132 Ontario Inc.

Address of Registered Property Owner: [redacted]

Phone Number: [redacted] Fax Number: [redacted]

Email Address: [redacted]

Agent Information (If applicable)

Name of Agent: _____

Address of Agent: _____

_____

Phone Number: _____ Fax Number: _____

Email Address: _____

PART D: Property Information

Address of Subject Property: 180 Gordon Street, Guelph, ON

Legal Description (e.g. Lot and Plan No.): "Part of Lot A, Plan 302 together with the right-of-way as described in Inst. # 743914"

Official Plan Designation: _____

Zoning: C1-19 Vehicle Service Station

Current Use(s): Vacant

Size of Property: 0.41 acres

Existing Buildings:

☐ Yes (please specify size)

☒ No

Building 1: N/A

Building 2: N/A

Building 3: N/A

Property Details (e.g. history, easements, outstanding work orders, or other relevant details):

Since the property was once a gasoline station, work was completed by MTE to address the issue of petroleum hydrocarbons and BTEX compounds remaining in the soil. The addition of Waterloo Emitters and the passage of time, the July 2008 ground water sampling results reported no detections of petroleum hydrocarbons or BTEX compounds in any of the wells.

Has or will this property receive(d) grants/loans or other financial assistance from the City or other level of Government? ☐ Yes ☒ No

If yes, please specify type and amount of financial assistance received: N/A

PART E: Environmental Information

Please describe any known or suspected environmental contamination issues (e.g. soil or groundwater related) affecting the site including the types of contaminants, extent, causes (brief site history), underground storage tanks, above ground storage tanks, etc.

Subsequent to the remediation of petroleum hydrocarbons and BTEX compounds on the property, it was discovered in the fall of 2009 while conducting tests for a Phase II Environmental Site Assessment that land within the Table 1 sensitive area contained buried cinders, slag, ash and debris. Further investigation has revealed that this matter was most likely deposited on the property when the City of Guelph completed retaining walls along the Speed River and then backfilled the area now known as Marianne's Park & a section of 180 Gordon Street with landfill of questionable nature.

Has any remediation been conducted at the Site? ☒ Yes ☐ No

(If the answer to any of the above questions is 'Yes', please attach the appropriate Report to this application)

Environmental Consultant Information

Name of Environmental Consultant: Carol Mitchell

Address of Environmental Consultant: MTE Consultants Inc.
520 Bingemans Centre Drive, Kitchener, ON N2B 3X9

Email Address: cmitchell@mte85.com

Phone Number: 519-743-6500 Fax Number: 519-743-6513

PART F: Project Information

Is this property currently or previously subject to any City approvals (e.g. Re-zoning, site plan control, etc)? ☐ Yes ☒ No

If Yes, please provide brief description and file number: Project #33140-500 MTE Remedial work on 180 Gordon Street in Guelph

Please provide a description of the proposed redevelopment (attach site sketch):

MTE has completed various studies on the Site including a Phase II ESA in 2006 and a groundwater remediation from 2007 to 2009; the most recent included tests required for Phase I and II Environmental Site Assessments in 2009 to support a potential application for a Record of Site Condition. During tests for the Phase II investigation, the land within the Table I sensitive area was found to contain buried cinders, slag, ash and debris. This discovery has triggered a remediation program to remove the impacted soil. This remediation is ongoing but currently on hold.

ELIGIBLE COSTS

Please indicate which eligible costs the requested funding will be applied to:

- ☐ Accrued tax arrears
- ☒ All or a percentage of municipal taxes during site clean up and redevelopment

PART G: Tax Information

Current property taxes paid annually: $ 5,805.72 (2009)

Are there any outstanding assessment appeals? ☐ Yes ☒ No

Is this property in tax arrears? ☐ Yes ☒ No

If Yes, specify amount of tax arrears: N/A

Has the City's Treasurer recommended that the tax arrears be written off? ☐ Yes ☒ No

Has this property been the subject of a failed tax sale? ☐ Yes ☒ No

If yes, specify details: _____

Have tax arrears previously been cancelled (in whole or in part) on this property under any City pr Provincial program?

☐ Yes ☒ No

PART H: Complete Application Checklist

The following information and material must accompany a complete application:

- ☒ The Phase 2 Environmental Assessment report(s) that delineate the vertical and horizontal extent of on-site contamination and conclude that Ministry of the Environment generic standards cannot be met in order to file a Record of Site Condition.
- N/A ☐ The Risk Assessment report(s) and supporting contamination characterization reports must be submitted to the City demonstrating that risk-based site-specific cleanup criteria cannot be met in order to file a Record of Site Condition.
- ☒ A detailed Remedial Work Plan including a scope of work and cost estimate.
- N/A ☐ Written consent from the property owner for a prospective purchaser to conduct the environmental study (if applicable) and site remediation.

For requests to cancel tax arrears

- ☐ Conformation form the City's Finance department of at least 3 years of accrued tax arrears.
- ☐ Confirmation form the City's Finance department that a tax sale has failed and that the City Treasurer recommends that the tax arrears be written off.
- ☐ Demonstration that the amount of tax arrears plus estimated clean-up costs exceed the clean value of the land (please attach documents).
- ☐ A copy of a signed offer to purchase.
- ☐ A declaration that the owner is not selling to a related interest.

PART I: Sworn Declaration

I/WE HEREBY APPLY for a grant(s) under the City of Guelph Brownfield Redevelopment Community Improvement Plan.

I/WE HEREBY AGREE to abide by the terms and conditions of the City of Guelph Brownfield Redevelopment Community Improvement Plan (please refer to Plan for additional details).

I/WE HEREBY AGREE to enter into any Agreement with the City of Guelph where specified in the Brownfield Redevelopment Community Improvement Plan.

I/WE HEREBY CERTIFY that the information contained in this application is true, correct and complete in every respect and may be verified by the City of Guelph by such inquiry as it deems appropriate, including inspection of the property for which this application is being made.

I/WE HEREBY GRANT PERMISSION to the City, or its agents, to inspect the subject property prior to, during, and after environmental remediation, site rehabilitation and project construction.

I/WE HEREBY AGREE that the program(s) for which application has been made herein is subject to cancellation and/or change at any time by the City in its sole discretion, subject to the terms and conditions specified in the Program. Participants in the program whose application has been approved and who have entered into the Agreement(s) with the City, will continue to receive grant payments, subject to their Agreement.

I/WE HEREBY AGREE that all grants will be calculated and awarded in the sole discretion of the City. Notwithstanding any representation by or on behalf of the City, or any statement contained in the program, no right to any grant arises until it has been duly authorized, subject to the applicant meeting the terms and conditions of the Brownfield Redevelopment Community Improvement Plan and any Agreement. The City is not responsible for any costs incurred by the Owner/Applicant in any way relating to any program, including, without limitation, costs incurred in anticipation of a grant.

Lorie Jocius for 879132 Ontario Inc.
Name of Property Owner or Applicant — Title

Lorie Lynn Jocius
Signature of Property Owner or Applicant — Date: February 22, 2010

Carol Mitchell, P. Eng.
Name of Qualified Person (Environmental Consultant) — Title: Senior Environmental Engineer, MTE Consultant Inc.

C Mitchell.
Signature of Qualified Person (Environmental Consultant) — Date: Feb. 23, 2010

PART J: Next Steps

PRIOR TO COMMENCEMENT OF TAX CANCELLATION (to be filled out by City Staff)

- ☐ Information sharing agreement entered into with the City.
- ☐ An agreement must be entered into by the property owner and the City, regarding the details of the tax cancellation.
- ☐ City staff to request that the Province provide relief from education portion of taxes.

Attachment F: Terms and Conditions of Tax Assistance During Rehabilitation Program

Should City of Guelph Council approve the request for financial incentives under the Brownfield Redevelopment Community Improvement Plan (CIP) the following terms and conditions shall apply:

Tax Assistance During Rehabilitation

1. Prior to the temporary reduction or cancellation of municipal taxes during the rehabilitation and redevelopment period 879132 Ontario Inc. shall:
    a. Submit a Remedial Work Plan that is satisfactory to the Director of Community Design and Development Services.
    b. Enter into Tax Cancellation and Information Sharing Agreements with the City, which will specify the duration of the program. This agreement shall be satisfactory to the Director of Community Design and Development Services and the Director of Corporate Services/City Solicitor.
    c. Acknowledge that under the Brownfields Financial Tax Incentive Program the timing of and conditions that apply to municipal property tax assistance may vary from those for matching education property tax assistance as provided by the Province.
    d. Ensure remedial works have commenced at 180 Gordon Street.
    e. Establish milestones that must be met prior to the annual continuation of the program.
    f. Reimburse the City for the value of the municipal tax assistance provided under this program if a Ministry of the Environment-acknowledged Record of Site Condition is not provided to the City within 3 years of the commencement of the program.

CONSENT REPORT OF THE
EMERGENCY SERVICES, COMMUNITY SERVICES
& OPERATIONS COMMITTEE

May 25, 2010

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

Your Emergency Services, Community Services & Operations Committee beg leave to present their FOURTH CONSENT REPORT as recommended at its meeting of May 17, 2010.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Emergency Services, Community Services & Operations Committee will be approved in one resolution.

1) Fire Services – Office of the Fire Marshal Annual Compliance Report

THAT the Office of the Fire Marshal "Annual Compliance Report" dated May 17, 2010 be received;

AND THAT the Mayor and the Director of Emergency Services be authorized to sign the declaration of compliance in completing all the necessary requirements as stated in Clause 2(1)(a) of the Fire Protection and Prevention Act.

2) Emergency Services Grant Opportunity – Radio Interoperability

THAT the report dated May 17, 2010 with respect to the Emergency Services grant opportunity, be received for information;

AND THAT the Director of Emergency Services (or his delegate) be authorized to apply for said grant when the next grant application release date is known, act as the primary applicant for said grant and obtain support from partnered applicants.

3) Noise Control Bylaw Exemption Request – ABS Friction Corporation, 10 Kingsmill Avenue

THAT an exemption from Schedule "A" of the Noise Control By-law (2000)-16366, as amended, to permit noise associated with the manufacturing process in association with the ABS Friction Corporation, located at 10 Kingsmill Avenue within the City of Guelph between June 1 and September 5 from 9:00 p.m. to 7:00 a.m. Monday through Friday and from 9:00 p.m. to 9:00 a.m. on Saturdays, Sundays and Holidays be approved for 2010.

4) Festival Italiano – Noise Control By-law Exemption

THAT an exemption from Schedule A of Noise Control By-law (2000)-16366, as amended, to permit noise from the various activities associated with the Festival Italiano, including the amplification of music and speech and the operation of midway rides and generators between the hours of 12:00 p.m. to 11:00 p.m. and the crowd noise from 12:00 p.m. to 1:00 a.m., from July 9th to July 11th, 2010, be approved.

5) Long Term Monthly Parking Agreement with Co-Operators General Insurance Company, Skyline Real Estate Holdings Inc., Skyline Incorporated and Skyway Estates Inc.

THAT the Mayor and Clerk be authorized to sign an agreement with Co-operators General Insurance Company, Skyline Real Estate Holdings Inc., Skyline Incorporated and Skyway Estates Inc. for the provision of monthly parking permits subject to the final approval of the agreement by the Director of Operations and the City Solicitor.

All of which is respectfully submitted.

Councillor Findlay, Chair
Emergency Services, Community Services
& Operations Committee

PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE AGENDA FOR THE MAY 17, 2010 MEETING.

COMMITTEE REPORT

TO	**Emergency Services, Community Services and Operations Committee**
SERVICE AREA	Emergency Services
DATE	May 17, 2010
SUBJECT	**Fire Services – Office of the Fire Marshal Annual Compliance Report**
REPORT NUMBER	

RECOMMENDATION

That the Office of the Fire Marshal "Annual Compliance Report" be received; and

That the Mayor and the Director of Emergency Services be authorized to sign the declaration of compliance in completing all the necessary requirements as stated in clause 2(1)(a) of the Fire Protection and Prevention Act.

BACKGROUND

The Fire Protection and Prevention Act mandate the following municipal responsibility;

2. (1) Every municipality shall,

(a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and

(b) Provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

REPORT

The Office of the Fire Marshal monitors to ensure a municipality is compliant to minimum requirements for public education regarding fire safety and fire prevention.

The Guelph Fire Department maintains documentation relating to public education and fire prevention activities in addition to maintaining an emergency response capability. However, emergency response members are active in promoting public education regarding fire safety during on duty hours. Firefighters promoting fire safe practices during a fire hall tour or while at a community event is a good example of the opportunity to educate during non emergencies. Attachment # 1 "Annual Compliance Report" provides the Office of the Fire Marshal with a snapshot of activities since the last compliance report was filed.

CORPORATE STRATEGIC PLAN

Goal 2: A healthy and safe community where life can be lived to the fullest.

Goal 5: A community-focused, responsive and accountable government.

FINANCIAL IMPLICATIONS

Completing the Annual Compliance report has been accomplished within the 2010 operating budget.

DEPARTMENTAL CONSULTATION

COMMUNICATIONS

ATTACHMENTS

Attachment # 1 "Annual Compliance Report – Corporation of the City of Guelph

"original signed by John Osborne" "original signed by Shawn Armstrong"

Prepared By:
John Osborne,
Deputy Chief, Emergency Services,

Guelph Fire Department
john.osborne@guelph.ca

Recommended By:
K.Shawn Armstrong,
Director/Fire Chief, Emergency Services,
shawn.armstrong@guelph.ca

Annual Compliance Report
Corporation City of Guelph
Emergency Services – Fire Department

Ministry of Community Safety and Correctional Services
Office of the Fire Marshal

Preface

The Municipal Fire Protection Information Survey submitted to the Office of the Fire Marshal (OFM) dated **March 17, 2010** enabled the Fire Marshal to issue **Corporation of the City of Guelph** a Certificate of Compliance on {Date of Certificate} in regard to the public fire safety education and fire prevention requirements of clause 2(1)(a) of the *Fire Protection and Prevention Act, 1997.*

Part of the requirement to maintain your municipality's compliance status is to keep the OFM informed of any significant changes to activities, directions or programs. This is accomplished by the submission of the Annual Compliance Self-Assessment Form. The form allows the OFM to verify ongoing compliance.

The form is also used to provide information if the municipality has reason to believe that it is not in compliance. The form has a section to describe briefly the reason for non-compliance, the actions that need to be taken to achieve compliance and the impact taking these actions will have on the municipality.

The annual compliance report is used by the OFM to monitor your municipality's status with respect to continuing to meet the minimum requirements. All activity should be reported for each of these requirements. Appropriate documentation must be available, to the OFM to demonstrate that your efforts to maintain compliance are ongoing. Such documentation may include tracking reports, documents relating to smoke alarm programs and activities, public education and inspection activities, and a Simplified Risk Assessment that is reviewed annually. The Annual Compliance Report will consist of:

- **An annual review of the Simplified Risk Assessment of the community**
    - To identify any significant changes in factors that have an impact on fire risk
    - To evaluate existing programs
    - To list additional, revised or discontinued programs

- **The continuation of a smoke alarm program with home fire escape planning**
    - Tracking form stating the number of smoke alarms distributed
    - Tracking form listing the number of smoke alarm inspections, violations and resulting fines or convictions
    - Results of smoke alarm surveys
    - List of specific activities and samples of smoke alarm education materials distributed
    - Program evaluation documents

- **Distribution of fire safety education materials**
    - Tracking form showing the quantity and type of material distributed
    - Tracking form listing public education initiatives and events.
    - Samples of public education materials distributed
    - Public education program evaluation documents

- **Ontario Fire Code inspections upon complaint or request**
    - Tracking form listing inspections conducted upon complaint or request, and resulting actions
    - Tracking form listing routine inspections and resulting actions

The Annual Compliance Report is due on the anniversary date of your most recent award of compliance. Please complete the attached form, sign the declaration and return them to your local OFM fire protection adviser.

Should you have any questions regarding the report, please contact your local OFM fire protection adviser.

DECLARATION OF COMPLIANCE

We, the undersigned declare that the information provided is true and accurate. Further, we declare that the municipality of Corporation of the City of Guelph has completed all the necessary requirements for continued compliance with the public fire safety education and fire prevention requirements stated in clause 2(1)(a) of the Fire Protection and Prevention Act, 1997.

Shawn Armstrong _____ _____

Name **Date**

Director Emergency Services - Fire Chief
Emergency Services – Guelph Fire Department

"A fire chief is the person who is ultimately responsible to the council of a municipality that appointed him or her for the delivery of fire protection services", subsection 6(3) of the Fire Protection and Prevention Act, 1997.

Karen Farbridge _____ _____

Name **Date**

Head of Council
Corporation City of Guelph

Compliance Self Assessment Form

Municipal Information

Name of Municipality	Corporation of the City of Guelph
Address of Municipality	1 Carden St. Guelph, Ontario N1H 3A1
Telephone Number of Municipality	(519)-822-1260
Municipal Website	Guelph.ca
Reeve or Mayor	Karen Farbridge
CAO or Clerk	Hans Loewig
Fire Chief	Shawn Armstrong
MFPIS Contact if other than Fire Chief	
Date of Award of Compliance	April 2008
Annual Compliance Report Due Date	April 2010
OFM Fire Protection Adviser	Thomas Evered

Compliance Self Assessment Form

Form must be completed, declaration must be signed, and both must be returned to your local OFM fire protection adviser

Simplified Risk Assessment

1. Date the Simplified Risk Assessment was reviewed, and person who conducted the review	Date: Dec. 2003 Conducted By: **Randy Gillis FPO Accreditation Coordinator** June 2007 Conducted By: **Tony Sabatini ACFPO** Yes ☒ No ☐
2. List any major changes	Major Changes: (such as change in council direction, policy, staffing or demographics) Joint Initiative on addressing fire safety issues in shared rental housing units in Guelph have been implemented. Predominantly addressing risks relating to student housing

Smoke Alarm Program with Home Escape Planning

1. Review conducted of implemented smoke alarm and home escape planning programs	Date: Dec 2009 Conducted By: **Kim Hodgson and Shawn Armstrong** Yes ☒ No ☐
2. Have there been any changes / additions to your smoke alarm program since you received your Certificate of Compliance?	Yes ☒ No ☐ Reason for Changes: **Charges along with Education have been approached more aggressively to increase the awareness and increase compliance to provincial legislation.**
3. Does your department charge for smoke alarm violations?	Yes ☒ No ☐ **Education is the main focus, with consideration given to charges when landlords/occupants do not communicate that they realize the seriousness of not having working smoke alarms. Charges are also laid "post fire scene" when smoke alarms are found to be absent or not working**
4. Does your department have an operational guideline to deal with cases of non-compliance of Ontario Fire Code smoke alarm requirements in dwellings?	Yes ☒ No ☐

Distribution of Fire Safety Education Materials

1. Review conducted of implemented program for the distribution of fire safety education materials.	Yes ☒ No ☐ Conducted By: **Kim Hodgson -- CFPO**
2. Are you targeting the high risk groups identified in your Simplified Risk Assessment?	Changes: Nil Yes ☒ No ☐
3. Have there been any changes or additions to your public education program since you received your Certificate of Compliance?	Yes ☒ No ☐ Conducted By: **Kim Hodgson** Changes: **Fire Safety Education Trailer is a primary teaching aid. Fire Safety Concert (Mary Lambert) was held to introduce younger children to fire safe strategies..**

Inspections upon Request or Complaint

1. Do you still provide inspections upon request or complaint?	Yes ☒ No ☐ Conducted By: **Fire Prevention Officers**
2. Number of request inspections	# of Request Inspections in 2008: **965** # completed: **965**
3. Number of complaint inspections	# of Complaint Inspections in 2008: **181** # completed: **181**

Non-Compliance with clause 2(1)(a) of the *Fire Protection and Prevention Act, 1997*

Describe any reasons for non-compliance with clause 2(1)(a) of the Act. Describe actions required to achieve compliance with clause 2(1)(a) of the Act. Describe the impact of these actions on the community.	Rationale: **This section of the Act is being complied with.**

Factors That Have an Impact on the Delivery of Minimum Mandated Requirements

Describe any changes having an impact on the delivery of services by the fire department. Such changes may include any of the following:

Changes in direction from municipal council:

- There are no changes in direction of council at this time and they remain in support of the Fire Department. The Establishing and Regulating by-law has been updated as of July 2009

Changes in fire department policy/direction:

- Emphasis is being put on education throughout the community and attending community functions promoting fire safety.

Changes in fire department staffing levels:

- No changes at this time. New station is under construction. Estimated completion date of the south end emergency services facility is August 2010. Staffing considerations will be forwarded to Council for approval as part of the 2011 budget process

Changes in bylaws or policy direction:

- Fire Safety Plan Lock Box By- Law has been implemented and enforcement is in progress with education of owners and managers through media and open houses.
- The Establishing and Regulating by-law has been updated as of July 2009

Growth or decline in population, housing or industry:

- Construction of housing is lower than in the past 2 years. Industry is stable with some growth. Building permit requests have been in decline since 2008

Change in financial status, e.g., budget, overall revenues, tax base, etc

- Budgets have been reduced to 2009 levels with only slight increases to maintain existing service levels. In 2010, no new services have been implemented due to budget constraints, but not significantly to affect the delivery of Fire Safety Messages.

Other significant changes:

- Headquarters in the downtown is being renovated to improve efficiencies in day to day operations. The building will provide a training room/ community room and completely accessible facilities
- The current headquarters is in a neighborhood district with two major high-rises geared to persons with disabilities. The availability of newer facilities will provide all Publics with access to Fire Safety Public Education from this renewed facility.

Programs or Activities Exceeding Minimum Requirements

List any programs or activities conducted by the municipality or fire department that demonstrate its commitment to provide services beyond the minimum acceptable model. This is also an opportunity to share with others what you consider to be a best practice or an innovative program or activity.

- Continued commitment to promote fire safety through education. Accomplished by attending community events, hosting open houses conducting inspections.
- Hands on training sessions for citizens provided through the Fire Safety Education Trailer, Extinguisher Training with use of Fire Pan training simulator and partnership with the University to promote Fire Safety to students.
- Finalization of meeting the requirements of Accreditation in conformance with the Commission Fire Accreditation International.
- In process of having FPO's all certified by the OFM as Fire Prevention Officers.
- Partnerships with Neighbourhood Organizations, Coalitions and Task Forces which are comprised of citizens, businesses, city departments, police services and councilors to address the fire safety needs and concerns of interest groups.
- Working on improving the interoperability of emergency services working in Wellington County through the development of an interoperability working group.

COMMITTEE REPORT

TO	**Emergency Services, Community Services and Operations Committee**
SERVICE AREA	Emergency Services
DATE	April 22nd, 2010
SUBJECT	**Emergency Services Grant Opportunity – Radio Interoperability**
REPORT NUMBER	

RECOMMENDATION

That the report dated April 22nd, 2010 with respect to the Emergency Services grant opportunity, be received for information:

And that the Director of Emergency Services (or his delegate) be authorized to apply for said grant when the next grant application release date is known, act as the primary applicant for said grant and obtain support from partnered applicants.

BACKGROUND

Emergency's can impact all City departments and can cross jurisdictional borders. It is important that public safety agencies have the ability to talk across disciplines and jurisdictions via voice communications systems, exchanging voice and/or data with one another on demand, in real time, when needed, and as authorized.

REPORT

Serious emergency situations or disasters require a coordinated response from a number of public safety, other City, other government and non governmental agencies. The potential always exists that an emergency originating in the City (e.g. – a hazmat incident) could impact neighbouring jurisdictions such as Wellington County or vice versa.

Currently the Guelph Police Service often interacts with the Wellington O.P.P. during day to day operations. Similarly the Guelph Fire Department dispatches all fire departments within Wellington County and is part of a mutual aid agreement which is a reciprocal agreement to assist Township Fire Services. The Guelph Wellington Emergency Medical Service (GWEMS) provides service to the entire area.

Emergency Services has been examining opportunities to improve interoperability among its core partners. An interoperability conference was hosted at the Guelph Police Service in February. In March a 'working group' from Guelph and Wellington got together to look at how interoperability could be improved and what could be done to move forward in a positive manner.

The working group found that there were a number of issues that could be solved by utilizing existing technologies. These issues require coordination, standard operating guidelines and training to be successful. Some examples of ongoing interoperability activities are:

- Wellington County Fire Departments are utilizing existing technologies thereby improving interoperability with the Guelph Fire Department as they "link" into the City of Guelph's radio system.
- Guelph Police Service and Guelph Fire Department have agreed to improve dispatchers training and testing of the mutual aid talk group. They are working on a memorandum of understanding that will improve how that talk group will be utilized during an emergency or disaster.
- The Ministry of Health and Long Term Care provides ambulance dispatching in most of the Province of Ontario through Central Ambulance Communication Centres (CACC). Guelph Police and Fire are negotiating a memorandum of understanding with the Cambridge CACC that would see a certain level of interoperability at a supervisory level become available during an emergency or disaster.

Further work is required in the following areas:

- Ensuring all agencies understand their communication requirements in the future and that they work together to further improve interoperability.
- To pursue cost saving initiatives in the area of hardware, software and personnel usage.
- Understanding Industry Canada's new interoperability standards. (To commence in approximately 2013) that will require first responder agencies to have a certain level of communications equipment in place.
- Understanding changes and risks from Ontario's Government Mobile Communications Bureau. The Province is currently investigating a new communications network, (currently slated for 2016) that could impact the current system utilized by the City. If Bell Mobility does not successfully bid on this project the current interoperability features we have with the O.P.P. and County Fire departments will be reduced.

The working group felt that it is reasonable for the City of Guelph and Wellington County to create a long term strategic plan to improve interoperability. An opportunity in the form of a research grant from the Canadian Police Research Centre (CPRC) is available. The CPRC is an agency that exists "**To harness science and technology knowledge to strengthen police, fire and emergency medical services across Canada.**"

Guelph and Wellington first response agencies could partner in a grant application to the CPRC once the next grant application release date is known (currently they are talking about June 2010 but that could be pushed back). The intention would be to utilize grant funding to hire a consultant to research common interoperability requirements of all agencies. Further to determine what future opportunities exist by developing a strategic plan or road map that all agencies could reference when considering new communication equipment. The Strategic Plan would provide the '**methodology**' needed to have numerous agencies move forward to improving interoperability in partnership.

The application would ask that CPRC provide the funds for the consultant and indicate that the local partner agencies would provide 'in kind' (access to first responders for interviews, provision of space for interviews and research, etc) funding only that would involve no cash outlay. This has been done successfully in other jurisdictions.

Partnering with other emergency service agencies is the best chance of successfully receiving the research funding. It would be natural for Guelph and Wellington to coordinate activities on this application as agencies currently work together on first response issues.

If the committee authorizes the Director of Emergency Services to move forward with the grant application it will be coordinated by City Staff and signatories from representative emergency services in Guelph and Wellington will be obtained. If the grant application is successful this would be a long term project that would take from one to two years to complete. Appropriate progress reports would be submitted as the project moves forward.

CORPORATE STRATEGIC PLAN

2.4 – The lowest crime rate and best emergency services record of any comparable-sized Canadian city.

FINANCIAL IMPLICATIONS

No budget implications. Possibility of access to research grant funds.

DEPARTMENTAL CONSULTATION

Emergency Services, Guelph Police Service

COMMUNICATIONS

N/A

ATTACHMENTS

N/A

"original signed by Harry Dunning"

Prepared By:
Harry Dunning
CEMC
519-822-1260 ext. 2127
harry.dunning@guelph.ca

"original signed by Shawn Armstrong"

Recommended By:
Shawn Armstrong
Director of Emergency Services
519-822-1260
shawn.armstrong@guelph.ca

COMMITTEE REPORT

TO	**Emergency Services, Community Services and Operations Committee**
SERVICE AREA	Operations Department
DATE	May 17, 2010
SUBJECT	**Noise Control Bylaw Exemption Request - ABS Friction Corporation, 10 Kingsmill Avenue**

RECOMMENDATION

"THAT an exemption from Schedule "A" of the Noise Control Bylaw (2000)-16366, as amended, to permit noise associated with the manufacturing process in association with the ABS Friction Corporation, located at 10 Kingsmill Avenue within the City of Guelph between June 1 and September 5 from 9:00 p.m. to 7:00 a.m. Monday through Friday and from 9:00 p.m. to 9:00 a.m. on Saturdays, Sundays and Holidays be approved for 2010.

BACKGROUND

In April 2009, City Council approved a noise exemption for ABS Friction Corporation from May 30, 2009 to September 5, 2009. Originally ABS Friction Corporation requested a 3 year exemption, similar to other manufacturing establishments, however staff recommended a 1 year exemption so that an exemption procedure for all requests based on quantifying the noise generated could be developed. In addition, staff recommended a 1 year exemption so that any concerns received from the neighbourhood surrounding 10 Kingsmill Avenue during the 2009 exemption could be addressed. No complaints have been received by staff or ABS Friction Corporation during the 2009 period.

The cost of having a consultant assist staff with the creation of a noise monitoring program was higher than anticipated resulting in the program not being created to date. However staff proposes to continue their effort in having a program developed by year end for submission to committee for their review and consideration.

REPORT

ABS Friction Corporation is located at 10 Kingsmill Avenue (see attached map) in an industrial/residential area and manufactures vehicle brake pads and associated products 24 hours a day. Thirty to forty staff work the evening shift from 3:30 p.m. to 11:30 p.m. and an additional ten to fifteen people work the overnight shift from 11:30 p.m. to 7:30 a.m.

While these shifts have been operating for a number of years, in order not to be in violation of the Noise Bylaw, ABS Friction Corporation has requested an exemption from the Noise Control Bylaw. It should be noted that the noise generated from overnight shifts is typically lower than that of the daytime shift and is mostly associated with air handling equipment and material handling equipment (tow motor).

Given that no noise concerns were received by ABS Friction Corporation or Bylaw Compliance and Enforcement staff in 2009, either during or after the noise exemption, staff are recommending that a noise exemption for only the 2010 year be granted. This will allow staff to continue their efforts to develop an exemption procedure for all requests based on quantifying the noise generated. Attachment A to this report highlights the location of ABS Friction Corporation facility and the adjacent area.

Public notice of this exemption request was advertised in the Guelph Mercury on May 8, 2010 (see Attachment "B").

ALTERNATIVES

Require ABS Friction Corporation to comply with the City's Noise Control Bylaw and cease their manufacturing process at 9:00 p.m.

CORPORATE STRATEGIC PLAN

3.1 Thriving and sustainable local employment opportunities

FINANCIAL IMPLICATIONS

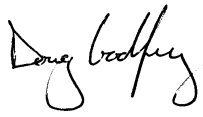
None

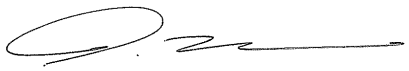
COMMUNICATIONS

ABS Friction Corporation has been advised that this will be presented to the Environmental Services, Community Services and Operations Committee on May 17, 2010.

ATTACHMENTS

Attachment "A" - Map of location
Attachment "B" - Public Notice





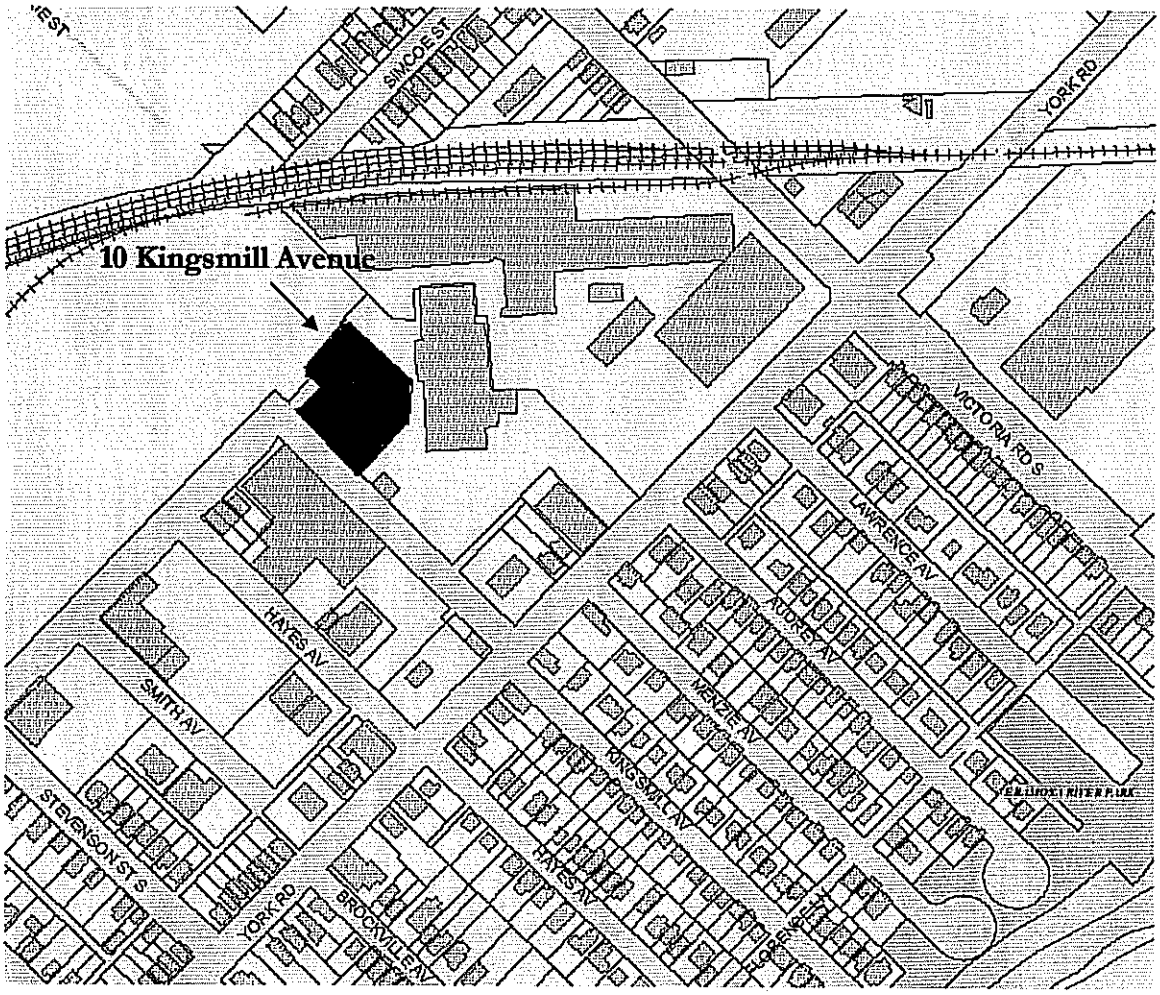
Prepared By:
Doug Godfrey
Supervisor, Parking Reg. & Enforcement
519-822-1260 x2520
doug.godfrey@guelph.ca

Recommended By:
Allister McILveen
Manager, Traffic & Parking
519-822-1260 x2275
allister.mcILveen@guelph.ca

Recommended By:
Derek McCaughan
Director, Operations
519-822-1260 x2018
derek.mccaughan@guelph.ca

ATTACHMENT A

Map of Location



ATTACHMENT B

PUBLIC NOTICE

Noise Control By-law Exemption

ABS Friction/ABS ONTIME Logistics at 10 Kingsmill Avenue has applied for an exemption to the City of Guelph Noise Control By-law which prohibits noise associated with the manufacturing process from 9:00 p.m. to 7:00 a.m. Monday thru Friday and from 9:00 p.m. to 9:00 a.m. on Saturdays, Sundays and Holidays. The applicant is requesting an exemption in order to operate evening and overnight shifts from June 1 to September 5, 2010.

The application will be presented to the City of Guelph's Emergency Services, Community Services and Operations Committee in a public meeting on May 17, 2010 at 5:00 p.m. in City Hall Committee Room 112, 1 Carden Street, Guelph, ON.

As with all applications, if you wish to speak to the Committee about this application, please contact Dolores Black, Assistant Council Committee Coordinator at 519-822-1260 x2269 no later than May 14, 2010. If you are unable to attend this Committee meeting and wish to make comment, send your written comments to Dolores Black, 1 Carden Street, N1H 3A1 no later than May 14, 2010.

For more information, please contact:
Doug Godfrey
Supervisor, Parking Regulation and Enforcement
519-822-1260 x 2520
Or by-email to Doug.Godfrey@guelph.ca

COMMITTEE REPORT

TO	**Emergency Services, Community Services and Operations Committee**
SERVICE AREA	Operations
DATE	May 17, 2010
SUBJECT	**Festival Italiano - Noise Control Bylaw Exemption**

RECOMMENDATION

"THAT an exemption from Schedule A of Noise Control By-law (2000)-16366, as amended, to permit noise from the various activities associated with the Festival Italiano, including the amplification of music and speech and the operation of midway rides and generators between the hours of 12:00 p.m. to 11:00 p.m. and the crowd noise from 12:00 p.m. to 1:00 a.m., from July 9th to July 11th, 2010, be approved."

BACKGROUND

The Italian Canadian Club of Guelph is holding the 17th annual *Festival Italiano* from 4:00 p.m. Friday, July 9th to 8:00 p.m. Sunday, July 11th, 2010 on their property located at 135 Ferguson Street in Guelph. Most activities will take place within their parking lot located directly to the north of the Club.

In 2009, through public consultation, a mitigation plan was created and implemented to address various concerns regarding the event.

REPORT

Staff are recommending that Council support a noise exemption for the 2010 event based on the following information:

Guelph Police Service support the noise exemption.

Following the 2009 event, staff reviewed the records for enforcement during the time frame of the event and found that 3 concerns were received. None of the concerns were related to noise issues.

Public notice of this exemption request was advertised in the Guelph Mercury on May 8, 2010(see Attachment "A")

ALTERNATIVES

Permit the event to occur without an exemption to the City's Noise Bylaw. This would have significant implications on the success of the event.

Staff are of the opinion there is a finite size of event that can be permitted at this location. As the event continues to grow in popularity, it may be necessary to work with the event organizers to relocate it to a location that can better accommodate the number of people, activities, and noise.

CORPORATE STRATEGIC PLAN

2.6 A well-connected and accessible community that values diversity, multiculturalism, volunteerism and philanthropy.

FINANCIAL IMPLICATIONS

No cost

DEPARTMENTAL CONSULTATION

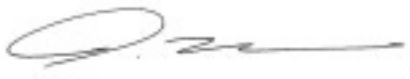
Guelph Police Service

COMMUNICATIONS

The Italian Canadian Club was advised that this report will be presented to the Environmental Services, Community Services and Operations Committee on May 17, 2010.

ATTACHMENTS

Attachment "A" – Public Notification of the Exemption Request



_____

Prepared By:
Doug Godfrey
Supervisor, Parking Regulation & Enforcement
(519) 822-1260 ext 2520
Doug.Godfrey@guelph.ca

_____

Recommended By:
Allister McILveen
Manager, Traffic & Parking
(519) 822-1260 ext 2275
Allister.McILveen@guelph.ca

_____

Recommended By:
Derek J. McCaughan
Director, Operations Department
(519) 822-1260 ext 2018
Derek.McCaughan@guelph.ca

Attachment A

PUBLIC NOTICE

Noise Control By-law Exemption

The Italian Canadian Club of Guelph has applied for an exemption to Schedule A of the City of Guelph Noise Control By-law (2000)-16366, as amended, to permit noise from the various activities associated with the Festival Italiano including the amplification of music and speech and the operation of midway rides and generators between the hours of 12:00 p.m. to 11:00 p.m. and the crowd noise from 12:00 p.m. to 1:00 a.m., from July 9th to July 11, 2010.

The application will be presented to the City of Guelph's Emergency Services, Community Services and Operations Committee in a public meeting on May 17, 2010 at 5:00 p.m. in City Hall Committee Room 112, 1 Carden Street, Guelph, ON.

As with all applications, if you wish to speak to the Committee about this application, please contact Dolores Black, Assistant Council Committee Coordinator at 519-822-1260 x2269 no later than May 14, 2010. If you are unable to attend this Committee meeting and wish to make comment, send your written comments to Dolores Black, 1 Carden Street, N1H 3A1 no later than May 14, 2010.

For more information, please contact:
Doug Godfrey
Supervisor, Parking Regulation and Enforcement
519-822-1260 x 2520
Or by e-mail to Doug.Godfrey@guelph.ca

COMMITTEE REPORT

TO	**Emergency Services, Community Services and Operations Committee**
SERVICE AREA	Operations
DATE	May 17, 2010
SUBJECT	**Long Term Monthly Parking Agreement With Co-operators General Insurance Company, Skyline Real Estate Holdings Inc., Skyline Incorporated and Skyway Estates Inc.**
REPORT NUMBER	

RECOMMENDATION

THAT the Mayor and Clerk be authorized to sign an agreement with Co-operators General Insurance Company, Skyline Real Estate Holdings Inc., Skyline Incorporated and Skyway Estates Inc. for the provision of monthly parking permits subject to the final approval of the agreement by the Director of Operations and the City Solicitor.

BACKGROUND

The existing parking agreement between Co-operators General Insurance (CGIC) and the City of Guelph was entered into on December 6, 2004 and provides monthly parking permits to CGIC employees at various locations throughout the downtown; namely the East Parkade, West Parkade, and the Neeve Street Parking Lot. The monthly permit fees are based upon the current Council approved rates at each of the facilities. The expiry date of the existing parking agreement with CGIC was recently extended to May 31st, 2010 to allow for this matter to be concluded.

In 2009, staff were approached by CGIC and Skyline Incorporated to discuss a proposed tenancy by CGIC within the Gummer Building on Douglas Street, thereby consolidating CGIC's presence with the City's downtown and ensuring the continued redevelopment and occupation of the Gummer building. The proposal was contingent upon a satisfactory number of parking permits being made available to CGIC. This is a significant step in continuing to make the downtown a place of community focus and destination.

The following report clarifies the relationship between CGIC, Skyline Real Estate Holdings Inc. (Skyline), Skyline Incorporated (SI) and Skyway Estates Inc. (Skyway), summarizes key elements of the proposed parking agreement and provides a synopsis of the financial commitment through the tenure of the agreement.

REPORT

Relationship of Signing Parties

CGIC's head office and ancillary offices are located at 130 and 98 Macdonell Street respectively, which are currently owned by Skyline and leased by CGIC pursuant to a lease agreement between CGIC and Skyline for a term expiring September 30, 2023.
SI and Skyway are the owners of the 'Gummer Building' located at 1 Douglas Street. CGIC has entered into a conditional lease with SI and Skyway for additional office space to be used by their employees. The latest information provided to staff indicates that the occupancy of the Gummer Building by employees of CGIC will commence on or about summer 2011.

Comparison between the Existing and Proposed Parking Agreement

As part of the proposed agreement CGIC has requested an additional 200 permits, 100 of which are the permits that were previously committed in 2007 to SI on behalf of the owners of the Gummer Building, for use by its tenants. The proposed agreement indicates that it satisfies the commitment made to SI in the letter of October 16, 2007. Table 1 below summarizes a comparison of the key elements of the existing parking agreement to the proposed agreement. The guiding principles used to develop the conditions of the proposed agreement, such as using best efforts to find alternate parking locations within the downtown when permit holders are displaced through facility repairs and/or the provision of a shuttle service if the alternate parking facility is located outside of the downtown are consistent with the principles that staff use and would continue to apply, when dealing with all permit holders.

Table 1 – Comparison Summary of Key Elements between the Existing and Proposed Parking Agreement

Existing Agreement	Proposed Agreement	Staff's Comments
The existing agreement is between CGIC and the City of Guelph.	The proposed agreement includes the City of Guelph, CGIC, Skyline, SI and Skyway; Skyline owns the buildings at 130 Macdonell where CGIC leases office space. SI and Skyway are the owners of 1 Douglas Street (known as the Gummer Building) where CGIC has entered into a lease agreement for additional office space to be used by its employees.	Staff have no objection to the parties included within the agreement as CGIC leases space in these facilities.
A 5 year term, extended on consent to May 31, 2010.	A 13 year term with an automatic option for renewal by CGIC and the Gummer Building Owners (GBO's), respectively, for up to 3 additional 5-year terms. The term of the agreement for Skyline would run with the term for CGIC. The City may reduce the number of Permits upon renewal due to	Staff have no objection to the 13 year term and renewals for the following reasons: • The term aligns with the term of lease between CGIC and the other parties to the agreement • The 13 year term is a substantial financial commitment to the City

	an Uncontrollable Circumstance, on a proportionate basis, if the total off-street parking inventory in the identified area of the downtown has decreased	as well as meeting the needs of a major downtown employer
The facilities will continue to be maintained by the City.	The facilities will continue to be maintained by the City.	No Change
A block of 466 permits at current rates.	A block of 666 permits at current rates committed as follows; • 466 are committed to CGIC for its employees. • 100 are committed to CGIC for future employees to be located at the Gummer Building. • 100 are committed to the Gummer Building to be assigned to CGIC under the Agreement. Option for the GBO's to resume use of up to 100 permits for remainder of the term of the agreement, in the event that the agreement terminates as between the City and CGIC, or the lease between the GBO's and CGIC terminates. In this case, the GBO's would be bound by the same provisions that apply to CGIC in respect of the permits.	As of Summer 2011 the current commitment would increase by 200 to 666. The commitment of 466 monthly permits represents 29% of the total number of off street spaces that are currently available. The increase in Summer 2011 to 666 permits represents 41% of the total number of off street spaces that we have currently.
CGIC administers and issues permits for a fee of 3.5% of the net permit fees to be remitted to the City.	CGIC administers and issues permits for a fee of 3.5% of the net permit fees to be remitted to the City. The City may resume administration of the permits on any anniversary date provided that 60 days notice is given.	Provides the opportunity for the City to take back the administration of the permits.
One monthly payment to the City of Guelph from CGIC.	One monthly payment to the City of Guelph from CGIC.	No Change
The monthly permit fees will be priced in accordance with other facilities and may be adjusted by Council as required during the term of the contract with 30 days notice.	The monthly permit fees will be priced in accordance with other facilities and may be adjusted by Council as required during the term of the contract with 30 days notice.	No Change
Public use of the East Parkade continues outside of Designated Hours (7am to 5pm on any business day) and on weekends, evenings and for special event parking. Permit holders entering during Designated Hours can, with certain limitations, remain at no additional cost.	Public use of the East Parkade continues outside of Designated Hours (7am to 5pm on any business day) and on weekends, evenings and for special event parking. Permit holders entering during Designated Hours can, with certain limitations, remain at no additional cost.	No Change
Termination clauses include: • CGIC can reduce number of permits with 30 days	Termination clauses include: • CGIC can reduce number of permits with 30 days	Due to the length of the term of the proposed agreement CGIC has extended their commitment

notice, and if no permits remain, the agreement is deemed to be terminated; • The City can terminate for default (if the issues is not corrected within 15 days); • City can terminate for sale of facility with 30 days notice; • Automatic termination in the event of bankruptcy or insolvency of CGIC.	notice, and if no permits remain issued to CGIC, the agreement is deemed to be terminated as between CGIC and the City; • The City can terminate for default (if the issue is not corrected within 15 days); • Automatic termination in the event of bankruptcy or insolvency (provided that if one of the GBO's declares bankruptcy, etc. the remaining Gummer Building Owner may continue with the agreement in certain circumstances); • If the date for occupancy of the Gummer Building by CGIC is never finalized, the agreement may be terminated as between the GBO's and the City, at their request, and the 100 permits previously committed would be dealt with under the letter of October 16, 2007; • It should be noted that the termination of the agreement in respect of one party does not result in termination regarding the other party(ies); • In the case that the City sells a parking facility to a party other than Skyline or one of its affiliates, the city at its option, would negotiate with the purchaser to so that the permit holders would remain at the facility, or provide alternate parking.	to the downtown. There is no 'general' termination clause; rather the agreement provides that the City will use best efforts to provide alternative parking arrangements in cases of circumstances that generate loss of monthly parking supply at affected Parking Lots. Where alternate parking is located outside the identified area in the downtown, then the City would provide a shuttle service for up to 90 days after which CGIC may choose to provide the shuttle service at its cost (in the case of uncontrollable circumstances or a parking lot deemed unsafe, the City would not provide a shuttle service, but CGIC could choose to do so); if, in either case, CGIC provides a shuttle service, the parking permit fees would be waived for the affected permit holders for that time (up to a maximum of 18 months (540 days))

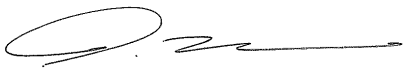
This agreement will contribute to the financial stability of the parking operation in the downtown and contribute to the daily utilization of the City's parking inventory. In addition, this agreement will ensure that we meet the long-term parking needs for a major downtown employer and reinforce CGIC's continued presence within the downtown. Finally, the execution of this agreement sees the recommencement of the reconstruction of the Gummer Building which is currently on hold. All of the above will assist in the continued economic viability of the downtown.

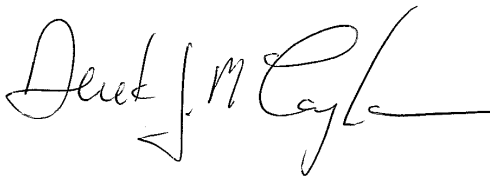
CORPORATE STRATEGIC PLAN
Goal 1, Objective 1.5
Goal 5, Objectives 5.2, 5.3 and 5.4

FINANCIAL IMPLICATIONS
The annual operating budgets will reflect the projected revenues from this agreement.

DEPARTMENTAL CONSULTATION
Corporate Services - Legal

COMMUNICATIONS
The Downtown Guelph Business Association has been provided a copy of the report in advance of the Committee meeting.





Prepared By:
Allister McILveen
Manager, Traffic and Parking
519-822-1260 X2275
allister.mcilveen@guelph.ca

Recommended By:
Derek J. McCaughan
Director, Operations Department
519-837-5628 X2018
derek.mccaughan@guelph.ca

CONSENT REPORT OF THE
FINANCE, ADMINISTRATION & CORPORATE SERVICES COMMITTEE

May 25, 2010

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

Your Finance, Administration & Corporate Services Committee beg leave to present their FOURTH CONSENT REPORT as recommended at its meeting of April 12, 2010.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Finance, Administration & Corporate Services Committee will be approved in one resolution.

1) Automatic Increase of Building Permit Fees

THAT the Report (No. 19-26) on Automatic Increase of Building Permit Fees from the Community Design and Development Services Department, dated April 12, 2010, be received;

AND THAT Council approve the automatic increase of Building Permit Fees to be equal to the increase to the City of Guelph's Tax-Supported Operating Budget plus 20 percent of the increase.

All of which is respectfully submitted.

Councillor Vicki Beard, Chair
Finance, Administration & Corporate Services Committee

Please bring the material that was distributed with the Agenda for the April 12, 2010 meeting.

COMMITTEE REPORT

TO	**Finance, Administration and Corporate Services Committee**
SERVICE AREA	Community Design and Development Services
DATE	April 12, 2010
SUBJECT	**Automatic Increase of Building Permit Fees**
REPORT NUMBER	10-26

RECOMMENDATION

THAT the Report (No. 10-26) on Automatic Increase of Building Permit Fees from the Community Design and Development Services Department, dated April 12, 2010, be received; and

THAT Council approve the automatic increase of Building Permit Fees to be equal to the increase to the City of Guelph's Tax-Supported Operating Budget plus 20 percent of the increase; and

THAT Council approve the attached Schedule of Permit Fees, effective June 1, 2010.

REPORT

In 2009, City Council approved an increase to Building Permit fees – the first since January 1, 2005. In the Community Design and Development Services Report to Council, staff also advised that they were currently reviewing all viable options for the implementation (in 2010) of an automatic increase of Building Permit fees on an annual basis.

Automatic Increase of Building Permit Fees

Various indexing options were reviewed and the criteria that is typically used (ie: Construction and Labour Costs) to calculate the annual index rates are not relevant to the factors (Employee Compensation Costs, Supplies and Overhead) that contribute to the increase in the costs to administer and enforce the Building Code Act.

Therefore, staff recommends that the automatic annual increase be equal to the increase to the City of Guelph's Tax-Supported Operating Budget plus 20% to fund a healthy Building Stabilization Reserve Fund. The increase for 2010 would be 3.66% + 0.73%

(20% of 3.66%) which equals 4.39%. Building Permit fees continue to be approximately 1.5% of the Construction Values of the majority of new Building projects.

For comparison purposes, the following chart illustrates what other neighbouring municipalities have implemented or will be proposing in 2010.

2010 Building Permit Fees	
Waterloo	No increase - may reduce. 2009 revenues exceeded projections. No additional revenue required at this time for Reserve Fund.
Kitchener	5.2% increase approved. Projected revenues to cover expenses and to assist in building Reserve Fund including capital project for on-line applications.
Cambridge	5.0% increase approved. Remain comparable to City of Kitchener's fees.

It is further recommended that the increase be effective June 1st of each year to allow time for staff to review the Year-end Building Stabilization Reserve Fund Balance, consult with our Industry Partners and advertise the required Public Notice.

Building Services Management staff had a meeting on March 10, 2010 with representatives from the Guelph & District Homebuilders Association to discuss the potential increase of Building Permit fees in 2010 and future automatic increases on an annual basis. The rationale for these proposed increases was thoroughly explained and after a discussion period, general support was received.

Public Notice

As required by the Building Code Act, when a municipality is proposing changes to their Building Permit fees, the municipality must hold a public meeting concerning the proposed changes and must provide a minimum of 21 days notice prior to the public meeting, which will be the Council meeting on May 25, 2010. A public Notice will be advertised in the Guelph Tribune on April 29, 2010.

CORPORATE STRATEGIC PLAN

Government & Community Involvement
Goal #5: A community-focused, responsive and accountable government.

FINANCIAL IMPLICATIONS

An increase in Building Permit fees will assist staff in balancing Building Code revenues against costs and maintaining a related Building Stabilization Reserve Fund. The Building Code Act provides that surplus fees can be placed in a Reserve Fund to ensure that a municipality does not suffer negative financial impacts that would otherwise occur during slow times in the often volatile construction industry.

DEPARTMENTAL CONSULTATION

Finance Department

COMMUNICATIONS

- A Public Notice will be advertised in the Guelph Tribune on April 29, 2010, as required by the Building Code Act.
- An Information Notice will be sent to Industry partners affected by the increase in Building Permit fees.

ATTACHMENTS

- Appendix 'A' - Schedule of Permit Fees

original signed by Bruce Poole

Prepared By:
Bruce A. Poole
Chief Building Official
837-5615, Ext. 2375
bruce.poole@guelph.ca

original signed by Susan Aram

Reviewed By:
Susan Aram
Deputy Treasurer
837-5610, Ext. 2300
susan.aram@guelph.ca

original signed by James Riddell

Recommended By:
James N. Riddell
Director
Community Design and
Development Services
837-5617, Ext. 2361
james.riddell@guelph.ca

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Schedule of Permit Fees
- Effective June 1, 2010

SCHEDULE "A"
of By-law Number

Fees for a required Permit are set out in this Schedule and are due and payable upon submission of an application for a Permit.

Classes of Permits		Permit Fee ($ per sq. foot)	Flat Fee ($)
CONSTRUCTION - NEW BUILDINGS, ADDITIONS, MEZZANINES			
Group A:	**Assembly Buildings**		
	(Shell)	1.71	
	(Finished)	1.95	
	Outdoor Patio		155.00
	Outdoor Public Pool		730.00
Group B:	**Institutional**		
	(Shell)	1.84	
	(Finished)	2.11	
Group C:	**Residential**		
	SDD, Semi Detached, Row, Townhouse, Duplex	1.04	
	Garage/Carport (per bay), Shed, Deck, Porch, Exterior Stairs		80.00
	Exterior Ramps, Hot Tubs		80.00
	Swimming Pools		155.00
	Apartment Building	0.99	
	Hotels/Motels	1.65	
	Residential Care Facility	1.35	
Group D:	**Business and Personal Services**		
	Office Buildings (shell)	1.40	
	Office Buildings (finished)	1.65	
Group E:	**Mercantile**		
	Retail Stores (shell)	0.92	
	Retail Stores (finished)	1.16	
Group F:	**Industrial**		
	Warehouse, Factories (shell)	0.58	
	Warehouse, Factories (finished)	0.72	
	Parking Garage	0.62	
Farm Building		0.35	
Foundation		0.10	
Conditional Permit		0.10	
INTERIOR FINISHES: All Classifications			
Interior finishes to previously unfinished areas (including finishing of residential basements and major renovations).		0.33	
ALTERATIONS/RENOVATIONS: All Classifications			
Alterations and renovations to existing finished areas, new roof structures.		0.30	
MINOR ALTERATIONS:			
Partitions, washrooms, new entry, minor demolitions (500 sq. ft. or less).			80.00
SPECIAL CATEGORIES:			
Air Supported Structures		0.37	
Temporary Tents/per application, Temporary Buildings			155.00
Portables - each (excludes port-a-pak)			80.00
Major Demolitions (more than 500 sq. ft.)		0.002/155.00 min.	
Change of Use Permit			155.00
MISCELLANEOUS:			
Fireplace/Woodstove (each)			80.00
Exterior Ramps (excluding SDD Ramps)			155.00
Retaining Wall (per linear foot)		3.00	
Balcony Guard (replace per linear foot)		0.60	
Ceiling (new or replace per square foot)		0.05	
Reclad Exterior Wall (per square foot)		0.05	
All Designated Structures (except retaining walls, public pools & signs)			315.00
Storefront (replace)			155.00
Elevator, Escalator, Lift			315.00
Demising Wall/Firewall			80.00
MECHANICAL WORK: (Work independent of building permit)			
HVAC Permit (residential per suite)			80.00
HVAC Permit (non-residential)		0.10	
Sprinkler System (N.F.P.A. 13) or Standpipe System (N.F.P.A. 14)		0.04/155.00 min.	
Commercial Kitchen Exhaust Systems, Spray Booths, Dust Collectors			155.00
ELECTRICAL WORK: (Work independent of building permit)			
Fire Alarm System and Electrical Work		0.04/155.00 min.	
Electromagnetic Locks (each) and Hold Open Devices (each)			35.00
PLUMBING WORK: (Work independent of building permit)			
Plumbing Permit (per fixture)			13.00
Hot Water Heaters (each)			35.00
Testable Backflow Prevention Devices (each)			80.00
Catchbasins/Manholes/Roofdrains (each)			13.00
Building Services (per group) -SDD, Semi-Detached, Duplex			80.00
Building/Site Services (per linear foot), excluding SDD, Semi-Detached, Duplex		0.63	
SEWAGE SYSTEMS:			
New Installations			470.00

Replacement or Alteration		235.00

(continued)

(Schedule "A" – continued)

- A minimum Permit fee of $80.00 shall be charged for all work where the calculated Permit fee is less than $80.00.
- For classes of Permits not described in this Schedule, a reasonable Permit fee shall be determined by the Chief Building Official.
- Floor area of the proposed work is to be measured to the outer face of exterior walls (excluding residential attached garages) and to the centre line of party walls, firewalls or demising walls.
- In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work, e.g. tenant suite.
- Mechanical penthouses and floors, mezzanines, lofts, habitable attics and interior balconies are to be included in all floor area calculations.
- Except for interconnected floor spaces, no deductions are made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, etc.).
- Unfinished basements for single detached dwellings (including semi, row, townhouse and duplex) are not included in the floor area.
- Attached garages and fireplaces are included in the Permit fee for single detached dwellings (including semi, row, townhouse and duplex).
- Where interior alterations and renovations require relocation of sprinkler heads, standpipe components or fire alarm components, no additional charge is applicable.
- Ceilings are included in both new shell and finished (partitioned) Buildings. The Permit fees for ceilings only apply when alterations occur in existing Buildings. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements are not chargeable.
- Where Demolition of partitions or alterations to existing ceilings are part of an alteration or renovation Permit, no additional charge is applicable.
- Corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major occupancy for the floor area on which they are located.
- The occupancy categories in this Schedule correspond with the major occupancy classifications in the Ontario Building Code. For multiple occupancy floor areas, the Permit fees for each of the applicable occupancy categories may be used, except where an occupancy category is less than 10% of the floor area.
- For rack storage use, apply the square footage charge that was used for the Building.
- A temporary Building is considered to be a Building that will be erected for not more than one year.
- Additional Permit fees are not required when the Sewage System is included with the original Building Permit.

Refund of Permit Fees

In the case of withdrawal or abandonment of an application or abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall, upon written request of the Owner or Applicant, determine the amount of paid Permit fees that may be refunded to the Owner or Applicant, if any, as follows:

a) 80 percent (80%) if administrative functions only have been performed;
b) 70 percent (70%) if administrative and zoning functions only have been performed;
c) 50 percent (50%) if administrative, zoning and plans examination functions have been performed;
d) 35 percent (35%) if the Permit has been issued and no field inspections have been performed subsequent to Permit issuance;
e) 5 percent (5%) shall additionally be deducted for each field inspection that has been performed after the Permit has been issued;
f) No refund shall be made of an amount that is less than the minimum Permit fee applicable to the work;
g) No refund shall be made after two years following the date of Permit Application where the Permit has not been issued or one year following the date of Permit issuance.

CONSENT REPORT OF THE GOVERNANCE COMMITTEE

May 25, 2010

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

Your Governance Committee beg leave to present their FOURTH CONSENT REPORT as recommended at its meeting of May 10, 2010.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of Governance Committee will be approved in one resolution.

1) Council Remuneration 2011-2014

THAT Council approve the Guiding Principles for Council Remuneration as outlined in Appendix A;

AND THAT Council approve the municipal Comparator Group used for the purposes of determining Council Remuneration (contained in this report);

AND THAT Council approve the 60th percentile as the competitive position for the purpose of determining the 2011 compensation Job Rate for the Mayor and Members of Council positions;

AND THAT the salary for the position of Mayor for the Council term commencing 2011 be set at $88,983.86;

AND THAT the salary for the position of City Councillor for the Council term commencing 2011 be set at $29,706.39;

AND THAT no changes be made to the current benefits provided to the Mayor and Members of Council, including OMERS pension;

AND THAT the current annual method of compensation adjustments for the Mayor and Members of Council be retained (i.e. That in non-election years, the remuneration for the Mayor and Members of Council be automatically adjusted by the same percentage increase received by the City's management staff.);

AND THAT the current policy of conducting a formal market review for Council every four years during the last year of the Council's term of office be maintained;

AND THAT the implementation of the recommended salaries for the Mayor and Councillors be effective January 1, 2011;

AND THAT the members of the Citizen's Review Committee for Council Remuneration be thanked for their time and work on the committee.

1) **Review of Mandates of Advisory Committees**

THAT the criteria outlined in the report of the Director of Information Services/Clerk dated May 10, 2010, be used in the review of the mandates of the City's advisory committees.

All of which is respectfully submitted.

Please bring the material that was distributed with the Agenda for the May 10, 2010 meeting.

Citizen's Review Committee Recommendation for Council Remuneration

Committee Members

Name	Position	Organization
Ms. Janet Roy	President	Premium HR Solutions
Ms. Moragh Lippert	Branch Manager	Meridian Credit Union
Mr. Lloyd Longfield	President/CAO	Guelph Chamber of Commerce
Mr. George Arndt	President	ESP Employee Solutions
Ms. Mireille Valliere	HR Advisor, Labour Relations/ WSIB	Bell Technical Solutions Inc

Methodology

- Committee Members met several time between February – April 2010
- Established Guiding Principles
- Established Comparator Group
- Competitive Position (percent rank)
- Reviewed Benefit Information within Comparator Group
- Reviewed Salary Information within Comparator Group

Compensation Philosophy and Guiding Principles

The philosophy is to base the compensation for Members of Council on realistic standards so that elected officials of the city may be compensated according to their roles and responsibilities.

Compensation plan that …

1. Is fair and reasonable and will attract a diverse and representative pool of candidates from Guelph residents wishing to seek election to Council but also be seen as fair by tax payers;

2. Recognizes that the work of the mayor and council is demanding and important and as such they should be appropriately compensated;

Compensation Philosophy and Guiding Principles

3. Recognizes the complexity, responsibilities, time commitments and accountabilities associated with the role of Mayor and Council;

4. Is aligned to the 60th percentile (similar to the City's non-union employees) of the comparator group and is appropriate for the average full-time earnings within the community;

5. Applies an appropriate ratio between the role of a part-time councillor and that of a full-time mayor;

6. Must demonstrate fiscal responsibility and align to the Strategic Plan for the City of Guelph.

Comparator Group Criteria

Criteria used to establish the comparator group:

1. Operating Budget
2. Scope of Service (Tier of Municipality)
3. Population
4. Size of Council
5. Ratio of Voters to each Member of Council
6. Average Family Income

Comparator Group

City of Barrie

City of Brantford

City of Chatham-Kent

City of Kingston

City of Kitchener

City of Sudbury

Town of Oakville

City of Waterloo

Region of Waterloo

Note: All these municipalities are within the Council approved Municipal Comparators

Competitive Position

The Citizen Review committee recommends the 60th Percentile because….

1. Demonstrates the value of the position of Mayor and City Councillor;

2. Demonstrates fair compensation that is aligned with performance expectations.

Competitive Position

And it achieves…

1. Financial Responsibility;

2. Fairness and reasonableness to attract and retain a diverse pool of candidates;

3. Appropriate compensation for responsibilities, time commitments and accountabilities;

4. Aligns to compensation practices within the City of Guelph.

Competitive Position – Result for Mayor

CITY OF GUELPH
CITIZEN COMMITTEE TO REVIEW REMUNERATION
COMPENSATION ANALYSIS

MAYOR	
Current Salary for Mayor	**$78,372.73**
Current percentile ranking	**38.30**
Percentile of comparators' data	**Salary**
40th	$78,882.44
45th	$80,472.72
50th	$82,063.00
55th	$85,523.43
60th	**$88,983.86**
65th	$93,442.91
70th	$98,900.58
75th	$104,358.24
80th	$105,898.14

Competitive Position – Result for Councillor

Councillors	
Current Salary for Councillors	**$28,796.85**
Current percentile ranking	**58.10**
Percentile of comparators' data	**Salary**
40th	23,867.95
45th	24,332.50
50th	24,797.05
55th	27,251.72
60th	**29,706.39**
65th	31,071.58
70th	31,347.29
75th	31,623.00
80th	34,281.80

Recommended Salary for Mayor and Councillor

CITY OF GUELPH

Recommended Salary for Mayor and Councillors

MAYOR	
Current Salary for Mayor	**$78,372.73**
Current percentile ranking	**38.3**
60th	$88,983.86
Difference	$10,611.13

Councillors	
Current Salary for Councillors	**$28,796.85**
Current percentile ranking	**58.1**
60th	29,706.39
Difference	$909.54 ($909.54 x 12 = $10,914.48)

Comparator Group Increases for 2010

The last time Council approved a salary adjustment based on market data was 2003.

Note: in 2003 both the Mayor and Council were part-time elected officials.

Position	From	To
Councillor	$11,666.72	$16,000.00
Mayor	$36,000.12	$43,333.33

Council rejected a salary adjustment in 2006 even through market data showed that City of Guelph Members of Council were lagging.

Implementation Recommendation

Given the current economic climate and decision of other Council's within the recommended comparator group for increases in 2010, the Citizen's Committee recommends one of the following for implementation of the recommended increases:

Option 1: **Implementation of the recommended salaries effective January 1, 2011.**

Option 2: **Implementation of the recommended salaries in equal instalments during the term of Council until 60th percentile is reached.**

Option 3: **Implementation of the recommended salaries subject to economic recovery of the City's revenue of 4 million dollars.**

Benefits – Extended Health, Dental, Pension, etc. – No Recommended Changes

CITY OF GUELPH - BENEFITS COMPARISON FOR MAYOR
CITIZENS REVIEW COMMITTEE FOR COUNCIL REMUNERATION
*** Not part of the Members of Council benefit package**

REMUNERATION DESCRIPTION	GUELPH	SUMMARY OF INFORMATION FOR THE MAYOR	SUMMARY OF INFORMATION FOR COUNCIL
GROUP LIFE	Yes	9:9 yes	8:9 yes
DEPENDENT LIFE	Yes	4:9 yes 4:9 no 1:9 optional	4:9 yes 4:9 no 1:9 optional
ACCIDENTAL, DEATH & DISMEMBERMENT	Yes	6:9 yes 3:9 no	4:9 yes 5:9 no
EXTENDED HEALTH BENEFITS	Yes	9:9 ER Paid	8:9 ER Paid 1:9 optional EE paid
DENTAL BENEFITS	Yes	9:9 ER Paid	8:9 ER Paid 1:9 optional EE paid
*PAYMENTS IN LIEU OF BENEFITS	No	0:9 no	0:9 no
*OMERS PENSION	No	3:9 yes OMERS 5:9 no OMERS 1:0 RRSP	3:9 yes OMERS 6:9 no OMERS
*PAYMENTS IN LIEU OF PENSION	No	0:9 no	0:9 no

Benefits – Mileage, Travel, Lodging, Meals, etc – No Recommended Changes

CITY OF GUELPH - BENEFITS COMPARISON FOR MAYOR
CITIZENS REVIEW COMMITTEE FOR COUNCIL REMUNERATION

REMUNERATION DESCRIPTION	GUELPH	SUMMARY OF INFORMATION FOR THE MAYOR	SUMMARY OF INFORMATION FOR COUNCIL
LEASED VEHICLE	No	2:9 get leased vehicles	0:9 get leased vehicles
MONTHLY CAR ALLOWANCE	No	5:9 get a monthly allowance average 575.37/month	2:9 get a monthly allowance average 201.40/month
FUEL REIMBURSEMENT RATE PER KM	0.45	8:9 fuel reimbursement average .47/km	9:9 fuel reimbursement average .472/km
LODGING	Reasonable & customary	9:9 have some form of lodging expense	9:9 have some form of lodging expense
DAILY TOTAL	$70.00	9:9 have some form of meal per diem. The average daily maximum is $63.13 1:7 reimburses at 100% of costs incurred.	9:9 have some form of meal per diem. The average daily maximum is $55.63. 1:9 reimburses at 100% of costs incurred.

Conclusion

The Citizen Committee on Council Remuneration reached consensus on all recommendations in this report.

They recommend Council approve the salaries and competitive position, however, request that Council consider the current economic situation before implementation.

COMMITTEE REPORT

TO	**Governance Committee**
SERVICE AREA	Human Resources
DATE	**May 10, 2010**
SUBJECT	**Council Remuneration 2011 - 2014**
REPORT NUMBER	HR-10-03

RECOMMENDATION

THAT Council approve the Guiding Principles for Council Remuneration as outlined in Appendix A;

That Council approve the municipal Comparator Group used for the purposes of determining Council Remuneration (contained in this report);

That Council approve the 60th percentile as the competitive position for the purpose of determining the 2011 compensation Job Rate for the Mayor and Members of Council positions;

That the salary for the position of Mayor for the Council term commencing 2011 be set at $88,983.86.

That the salary for the position of City Councillor for the Council term commencing 2011 be set at $29,706.39.

That no changes be made to the current benefits provided to the Mayor and Members of Council, including OMERS pension.

That the current annual method of compensation adjustments for the Mayor and Members of Council be retained (i.e. That in non-election years, the remuneration for the Mayor and Members of Council be automatically adjusted by the same percentage increase received by the City's management staff.).

That the current policy of conducting a formal market review for Council every four years during the last year of the Council's term of office be maintained.

BACKGROUND

In October 2009, Council approved the establishment of a Citizen Review Committee to review and make recommendations to Council respecting Council remuneration for the 2011 – 2014 council terms.

Recruitment for five citizen volunteers was conducted in November/December 2009 to review the matter of compensation as it relates to public office, reflect on fiscal and corporate objectives as outlined in the Compensation report for non-union staff, consider compensation adjustments supported by market data and comparable municipalities in terms of scope, size and nature of elected officials' work, review compensation data and proposals prepared by City staff, and oversee preparation and presentation of a final report and recommendations to Council for its approval.

In considering the citizen applicants, knowledge of Human Resource Management, specifically compensation and pay policies, and an understanding of the role of elected officials were considered an asset.

The following citizens were selected to participate on the Citizen Committee following the recruitment in November/December 2009:

Ms. Janet Roy, President, Premium HR Solutions
Ms. Moragh Lippert, Branch Manager, Meridian Credit Union
Mr. Lloyd Longfield, President/CAO, Guelph Chamber of Commerce
Mr. George Arndt, President, ESP Employee Solutions
Ms. Mireille Valliere, HR Advisor, Labour Relations/WSIB, Bell Technical Solutions Inc.

The Terms of Reference for the Citizen Committee are outlined in Appendix B.

The Director, Human Resources and Manager, Compensation, Benefits/Payroll provided staff support to the Citizen Committee, which met from the period February – April 2010.

Meetings focused on the establishment of Guiding Principles for Council Remuneration, the selection of an appropriate comparator group of municipalities based on established criteria to compare compensation practices, the establishment of an appropriate competitive position (i.e. the percentile where to situate City of Guelph Council remuneration relative to the other municipalities within the comparator group), a review of total compensation (i.e. salary and benefits, annual compensation adjustments where applicable), a review of the recommended salaries against the Guiding Principles, and development of the recommendations above.

REPORT

In total, the Citizen Committee for Council Remuneration met five times to deliberate the issue of compensation for the Mayor and Members of Council.

Following a review of the Terms of Reference for the Committee, members spent time in each meeting reviewing background information gathered to support their work.

This information included: previous Council approved documents related to Council remuneration, information concerning the roles/responsibilities of municipal councils, the Mayor and Members of Council, survey information estimating time commitments for the Mayor and Members of Council and compensation survey data from multiple Ontario municipalities related to salary, benefits and other perquisites. Cities from other regions of Canada were also reviewed for best practices and review processes relating to establishing elected official's remuneration.

Reviewing the matter of compensation as it related to public office in a manner that reflects the duties, responsibilities, skill, effort, authority and decision-making requirements placed on the Mayor and Members of Council, required a set of Guiding Principles to provide direction and an ability to anchor recommendations made with respect to what appropriate compensation levels should be.

The recommended set of Guiding Principles are outlined in Appendix A. They base the compensation for the Mayor and Members of Council on realistic standards so that elected officials of the city may be compensated according to their roles in order to attract citizens of the highest quality to public service.

Fairness, reasonableness, and fiscal responsibility are characteristics of the Guiding Principles that recognize the complexity and importance of issues dealt with by City Council and recognize that elected officials' work is demanding and requires significant time commitment.

Comparator Group

In order to determine an appropriate compensation for the Mayor and Members of Council, a set of criteria was required to determine what other municipalities to compare to.

The Terms of Reference for the Citizen Review Committee detail as one of its functions was to "enable compensation adjustments (that) are supported by market data and comparable municipalities in terms of scope, size and nature of work."

To that end, the following criteria were developed by the Committee to guide decision making related to the selection of appropriate comparator municipalities.

1. Operating Budget
2. Size of Council
3. Ratio of voters to each Member of Council
4. Population
5. Scope of services (Tier of Municipality)
6. Average family income in the municipality.

Applying these criteria within Ontario, the following municipalities were selected as appropriate comparators for the purposes of establishing compensation for elected officials:

1. City of Barrie
2. City of Brantford
3. City of Chatham-Kent
4. City of Kingston
5. City of Kitchener
6. City of Sudbury
7. Town of Oakville
8. City of Waterloo
9. Region of Waterloo

(N.B. The above municipalities are within the current Council approved Municipal Comparator Group)

Competitive Position

In keeping with the Guiding Principles for Council Remuneration, the Citizen Review Committee recommended that the 60th percentile appropriately demonstrates the value of the position of Mayor and City Councillor, and demonstrates fair compensation that is aligned with the performance expectations of these senior roles within the City.

Setting the competitive position at the 60th percentile achieves the following:

1. Financial responsibility: this level represents middle ground between the 50th and the 75th percentiles from other municipalities; Council remuneration does not migrate to the top of the comparator group, yet is not at the bottom and therefore mitigates the risk of systemically lagging behind;
2. Fairness and reasonableness to attract a diverse and representative pool of candidates for elected office;
3. Reflect appropriate compensation for the Mayor and Members of Council in view of the responsibilities, time commitment and accountability associated with these roles;
4. Aligns compensation practices for other positions within the City.

Salary

Analysis was conducted using the above list of comparator municipalities to determine what the salary level should be for the position of Mayor and City Councillor.

The current salaries for the Mayor and City Councillor for 2010 respectively are:

Mayor: $78,372.73 (full time) City Councillor: $28,796.85 (part time)

Within the comparator group of municipalities, the current Mayor's salary is at the 38th percentile, while the City Councillor salary is at the 58% percentile.

Based on the 60th percentile of the above comparator group of municipalities, the recommended salaries for the positions of Mayor and City Councillor are:

Mayor: $88,983.86 (full time) City Councillor: $29,706.39 (part time)

Analysis conducted of the comparator group indicated that no additional compensation is provided for items such as chairing committees, or representing the City on an agency, board or commission.

The Citizen Review Committee was keenly aware that recommending this increase in view of the current economic recession may be viewed as problematic.

Recognizing this, the Committee wished to make an important distinction. That is, the salary recommendation above is for the position of Mayor and City Councillor. In other words, the recommendation to Council is to set only the salary for the position at the above levels.

The implementation of the recommended salary as it affects incumbents in the positions is where Council can choose to adopt one of three alternatives:

1) Implementation of the compensation adjustments effective January 1, 2011.
2) Implementation of the compensation adjustments in equal installments during the Council term 2011-1014 so that the Mayor and Councillor compensation will achieve the 60th percentile by the end of the next council term.
3) Implementation of the compensation adjustments subject to economic recovery of the City's revenue of 4 million dollars.

If Council chooses alternative one, commencing with the new term of Council, the salaries for Mayor and City Councillor would be adjusted as above.

However, in light of the current economic recession, Council may choose to defer the adjustments as per alternative 2) or 3). Both of these alternatives incorporate

the commitment to adjust the salaries to the 60th percentile of the comparator group, but on a timeline that is either phased in or to occur subject to certain criteria.

Alternative 2) would see equal adjustments phased in over each year of the next Council term, ending in the Mayor and City Councillor positions achieving the 60th percentile of the comparator group.

Alternative 3) would see the salaries for the Mayor and City Councillor positions adjusted at such time as recovery to the City's revenues would occur. Council will recall that the 2010 budget projected a revenue shortfall of approximately 8 million dollars. Current economic indicators suggest that there are preliminary signs of economic recovery locally, provincially and nationally, yet it is premature to suggest that these recent trends are an indicator of longer term recovery.

The Citizen Review Committee felt there needed to be some concrete milestone indicators in place should Council wish to defer the salary adjustments subject to some indicators of recovery. The Committee felt that an example of a milestone trigger would be a 50% recovery of the revenue shortfall projected for 2010 (i.e. 4 million dollars).

This alternative would only see the Mayor and City Councillor salaries adjusted at such time as there has been the above described recovery to city revenues, the timing of which is not predictable, but is tied to the economic performance of the City to some measurable extent.

Benefits

Following an analysis of the benefits provided to the Mayor and Members of Council in each of the comparator municipalities when compared to those provided in the City of Guelph, no change is recommended at this time.

In each case, the benefits provided to the Mayor and Members of Council in the comparator group mirror or are the same as those provided to the City of Guelph Mayor and Members of Council.

Benefits reviewed (that are provided unless indicated otherwise) specifically were:
Group Life Insurance
Dependant Life Insurance
Accidental Death and Dismemberment
Extended Health Benefits
Dental Benefits
OMERS (not provided)
Leased Vehicles (not provided)
Monthly Car Allowance (not provided)
Mileage Reimbursement
Lodging (reasonable and customary)
Meal per Diem

ALTERNATIVES

Council could not approve the above recommendations with respect to the salary levels for the positions of Mayor and City Councillor. This is not recommended as the Mayor and City Councillor compensation would not adhere to the Guiding Principles developed by the Citizen Review Committee. Deferring increases will only make the gap worse in future terms of Council, making it harder to meet the terms of the guiding principles.

Council could recommend an alternative not described above regarding the implementation of the proposed salary adjustments for the Mayor and City Councillor.

CORPORATE STRATEGIC PLAN

The recommendation in consistence with the Corporate Strategic Plan, specifically:

Goal 5:	*"A community focused, responsive and accountable government"*
Objective 5.6:	*"Organization excellence in planning, management, human resources and people practices; recognized as a top employer in the community."*

FINANCIAL IMPLICATIONS

The total cost of compensation adjustments recommended in this report is: $21,525.61.

For the Mayor's position, the total compensation adjustment is $10,611.13.
For the City Councillor position, the total compensation adjustment is $10,914.48 for the 12 Councillor positions.

Should Council adopt alternative 2) described above, the annual adjustments for the Mayor and City Councillor positions would be $5,381.40.

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

Appendix A
Appendix B

"original signed by Lynne MacIntyre"
_____
Prepared By:
Lynne MacIntyre
Manager of Compensation, Benefits & HRIS
905-837-5601 ext. 2256
lynne.macintyre@guelph.ca

"original signed by Mark Amorosi
_____
Prepared By:
Mark Amorosi
Director of Human Resources
905-837-5601 ext. 2281
mark.amorosi@guelph.ca

Recommended By: Council Remuneration Citizen Committee

"original signed by Janet Roy"
_____
Ms. Janet Roy

"original signed by Moragh Lippert"
_____
Ms. Moragh Lippert

"original signed by Mireille Valliere"
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Ms. Mireille Valliere

"original signed by Lloyd Longfield"
_____
Mr. Lloyd Longfield

"original signed by George Arndt"
_____
Mr. George Arndt

Appendix A

Guiding Principles for City of Guelph Council Remuneration

The philosophy is to base the compensation for the Mayor and Members of Council on realistic standards so that elected officials of the city may be compensated according to their roles and responsibilities.

To achieve the above, a Compensation plan reflects one that:

Is fair and reasonable and will attract a diverse and representative pool of candidates from Guelph residents wishing to seek election to Council but also be seen as fair by taxpayers;

Recognizes that the work of the mayor and council is demanding and important and as such they should be appropriately compensated;

Recognizes the complexity, responsibilities, time commitments and accountabilities associated with the role of Mayor and Council;

Is aligned to the 60th percentile (similar to the City's non-union employees) of the comparator group and is appropriate for the average full-time earnings within the community;

Applies an appropriate ratio between the role of a part-time councilor and that of a full-time mayor;

Must demonstrate fiscal responsibility and align to the Strategic Plan for the City of Guelph.

Appendix B

CITY OF GUELPH
REVIEW OF COUNCILLORS' REMUNERATION

TERMS OF REFERENCE

PURPOSE:

To appoint a Citizen's Committee to review and establish Elected Officials remuneration.

ACCOUNTABILITIES

Supported by staff from Human Resources, the Committee will provide recommendations on base compensation for Elected Officials.

In developing its recommendations, the Committee will recognize that benefits currently provided to Elected Officials constitute an integral part of the overall compensation package.

FUNCTIONS:

Reflect on fiscal and corporate objectives as outlined in the Compensation report for non-union staff.
Review the matter of compensation as it relates to public office.
Enable compensation adjustments that are supported by market data and comparable municipalities in terms of scope, size and nature of work.
Review data and proposals submitted by staff from Human Resources
Oversee preparation and presentation of a final report and recommendations to Council for its approval

MEMBERSHIP

The Committee will consist of 5 members selected from the community, based on expressions of interest solicited by placing an advertisement in Guelph's local newspaper. The Chair of the Committee will be chose by the members at its first meeting.

Members of the Committee will undertake to attend each meeting as required and the Committee will remain in force until Council approves recommendations in these matters, or such time as the Committee is formally disbanded.

In the event a member is unable or unwilling to continue to serve, a replacement will be appointed by the City Clerk from the expressions of interest previously received. The members of the Committee, including the Chair, shall serve in a volunteer capacity only with no remuneration other than for reasonable expenses incurred by attending meetings.

TIMEFRAME:

The Committee will be established by November 30th, 2009 and will attempt to make its recommendations in respect of compensation for elected officials by February 22, 2010.

COMMITTEE REPORT

TO	**Governance Committee**
SERVICE AREA	Information Services
DATE	May 10, 2010
SUBJECT	**Review of Mandates of Advisory Committees**
REPORT NUMBER	

RECOMMENDATION

THAT the criteria outlined in the report of the Director of Information Services/Clerk dated May 10, 2010, be used in the review of the mandates of the City's advisory committees.

BACKGROUND

Advisory committees are established at Council's discretion and provide a means of regular, on-going community input with respect to particular issues and policies. Advisory committees usually report to a specific Standing Committee and have a relationship with a specific City Department. Some advisory committees have an on-going function, while others are created to deal with a specific issue and are established for a limited period of time. Committees can be tremendous assets if they are carefully mandated with specific goals aligned with important and current priorities, and have regular assessment of effectiveness to validate whether they should continue to operate. It was noted during the governance review in 2008, that the volume of advisory committees has increased the meeting workload for all involved.

During its governance review in 2008, Council recognized that the function of all advisory committees should be reviewed to ensure that no overlap or duplication of function exists. As a result, Council directed that the mandates and terms of advisory committees be reviewed prior to the end of each term of Council.

REPORT

Staff are suggesting that the following criteria be used in the review of the mandates of our advisory committees to determine if:

- the existence of the advisory committee is mandated by legislation?
- the advisory committee's mandate is still achievable or has been achieved?
- the advisory committee's mandate is aligned with the Strategic Plan and Council's priorities?
- the focus or context of the advisory committee has shifted from its original mandate?

- there is another advisory committee in existence that could deal with this mandate?
- the mandate or work of the committee is sufficient public interest and community support?
- the advisory committee has made measurable progress towards achieving its mandate?
- the advisory committee is holding regular meetings?
- the advisory committee is serving its function well, coming up with real solutions and providing informed recommendations to Council?
- the advisory committee is conducting its business in accordance with the principles of openness, accountability and transparency?

Once the advisory committees have been evaluated against the above criteria, staff will report back to the Governance Committee with the results. This would allow Council to make any changes prior to the commencement of the next term and the major appointment process that occurs at that time.

CORPORATE STRATEGIC PLAN

This recommendation supports Goal 5 of the Strategic Plan to have a community-focused, responsive and accountable government.

FINANCIAL IMPLICATIONS

n/a

DEPARTMENTAL CONSULTATION

n/a

COMMUNICATIONS

If adopted, staff will consult with the various advisory committees and staff liaisons to conduct the review.

ATTACHMENTS

n/a

"original signed by Lois Giles"

_____

Recommended By:

Lois A. Giles
Director of Information Services/Clerk.
(519)822-1260 x 2232
lois.giles@guelph.ca

GUELPH CITY CITIZEN ADVISORY COMMITTEES

Name of Committee	Mandatory/ Discretionary	Reporting Relationship	Departmental Affiliation	Duration
Accessibility Advisory Committee	Mandatory	FACS	Corporate Svcs.	On-Going
Council Remuneration Committee	Discretionary	GOV	Human Resources	Limited & Task Specific
Downtown Coordinating Committee	Discretionary	CDES	Economic Dev't.	On-Going
Environmental Advisory Committee	Discretionary	CDES	CDDS	On-Going
Economic Development Advisory Committee	Discretionary	CDES	Economic Dev't.	On-Going
Guelph Cycling Transportation Advisory Committee	Discretionary	CDES	CDDS	On-Going
Guelph Sports Hall of Fame Board of Directors	Discretionary	ECO	Community Svcs.	On-Going
Guelph Twinning Committee	Discretionary	CDES	Economic Dev't.	On-Going
Heritage Guelph	Discretionary	CDES	CDDS	On-Going
Locomotive 6167 Advisory Committee	Discretionary	ECO	Operations	On-Going
Mayor's Task Force on Community Energy	Discretionary	CDES	Environmental Svcs.	Limited & Task Specific
Municipal Property & Building Naming Committee	Discretionary	CDES	CDDS	Limited & Task Specific
Physician Recruitment	Discretionary	CDES	Economic Dev't.	Limited & Task

and Retention Committee				Specific
Recreation & Parks Master Plan/South End Comm. Centre Advisory Committee	Discretionary	ECO	Community Svcs.	Limited & Task Specific
River Systems Advisory Committee	Discretionary	CDES	CDDS	Limited & Task Specific
Transit Ad-Hoc Committee	Discretionary	ECO	Community Svcs.	On-Going
Transit Growth Strategy Advisory Committee	Discretionary	ECO	CDDS	Limited & Task Specific
Water Conservation & Efficiency Strategy Update Public Advisory Committee	Discretionary	CDES	Environmental Svcs.	On-Going
Well Interference Committee	Discretionary	CDES	Environmental Svcs.	Limited & Task Specific

CONSENT REPORT OF THE
COUNCIL AS COMMITTEE OF THE WHOLE

May 25, 2010

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

Your Council as Committee of the Whole beg leave to present their Fifth CONSENT REPORT as recommended at its meeting of April 26, 2010.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Council as Committee of the Whole will be approved in one resolution.

1) CITIZEN APPOINTMENT TO THE BOARD OF TRUSTEES OF THE ELLIOT COMMUNITY

THAT Jackie Wojcicki be appointed to the Board of Trustees of the Elliot Community for a one year term expiring November 2010.

2) CITIZEN APPOINTMENTS TO THE GUELPH SPORTS HALL OF FAME BOARD OF DIRECTORS

THAT Sandra Pitt and Brian Tatarnic be appointed to the Guelph Sports Hall of Fame Board of Directors for a one year term ending November 2010.

All of which is respectfully submitted.

CONSENT AGENDA

May 25, 2010

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) **PROPOSED DEMOLITION OF 1897 GORDON STREET, WARD 6** THAT Report 10-57 regarding the proposed demolition of a detached dwelling at 1897 Gordon Street, City of Guelph, from Community Design and Development Services, dated May 25, 2010, be received; AND THAT the proposed demolition of a detached dwelling at 1897 Gordon Street, be deferred until the Proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications for a residential subdivision development for this property are considered by City Council.	Approve
A-2) **HANLON CREEK BUSINESS PARK – PHASE 1, STAGE 2 (PART 'A') CONTRACT NO. 2-1014** THAT the tender of Capital Paving Inc. be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract No. 2-1014 for the Hanlon Creek Business Park – Phase 1, Stage 2 (Part 'A') for a total tendered price of $3,033,237.93 including GST and contingency with actual payment to be made in accordance with the terms of the contract.	Approve
B ITEMS FOR DIRECTION OF COUNCIL	
C ITEMS FOR INFORMATION OF COUNCIL	

attach.

COUNCIL REPORT

TO	**Guelph City Council**
SERVICE AREA	Community Design and Development Services
DATE	May 25, 2010
SUBJECT	**Proposed Demolition of 1897 Gordon Street, Ward 6, Guelph**
REPORT NUMBER	10-57

RECOMMENDATION

"THAT Report 10-57 regarding the proposed demolition of a detached dwelling at 1897 Gordon Street, City of Guelph, from Community Design and Development Services, dated May 25, 2010, BE RECEIVED; and,

THAT the proposed demolition of a detached dwelling at 1897 Gordon Street, BE DEFERRED until the Proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications for a residential subdivision development for this property are considered by City Council".

BACKGROUND

An application to demolish the existing detached dwelling at 1897 Gordon Street has been received by Community Design and Development Services.

The subject property is located on the westerly side of Gordon Street, south of Clair Road. The property is zoned "A" (Agricultural) in the Township of Puslinch Zoning By-law, No. 19/85. The Agricultural zone permits: agricultural and intensive agricultural uses; single detached dwelling; home occupation; retail farm sales outlet; existing churches, schools, community halls and nursing homes; wayside pit; forestry and woodlots; open space and conservation areas; fish and wildlife management areas; and a public use.

The existing dwelling on the subject property is a large bungalow that was constructed in 1954. The dwelling is not listed on the City's Inventory of Heritage Properties.

A Zoning By-law Amendment application was submitted for this property in January of 2003 to develop this site for a residential condominium development. Following discussions with City Staff, the development proposal was amended and an Official Plan Amendment application and Draft Plan of Subdivision were submitted in 2008. At the same time, the 2003 Zoning By-law Amendment application was modified to reflect the revised proposal. The development proposed at this time is a residential plan of subdivision consisting of detached, townhouse and apartment dwellings.

The applicant considers the existing dwelling to be a liability and expensive to maintain and, therefore, they are requesting to demolish the existing dwelling at this time.

REPORT

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

The proposal is to demolish the existing dwelling and not replace it with another dwelling until such time as a Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment are approved. The development applications are currently under review and a Public Meeting was held on January 12, 2009 to receive public input regarding these applications. Through the review process and at the Public Meeting several issues have been identified relating to: the density and layout of the subdivision; access to the development and connection with the surrounding area; servicing; stormwater management; existing natural heritage and wetland features and the Community Energy Plan. These issues must be resolved before any recommendation on the development applications can be made. Based on the nature of the outstanding issues and the 2010 Development Priorities Plan, the Plan of Subdivision will not be considered for approval in 2010.

Typically, in instances where there is an existing dwelling on a property that is also being considered for redevelopment, a recommendation on the proposed demolition of the dwelling is made by Planning staff at the same time as recommendations are being made on the development applications. This ensures that the City's housing stock is not being reduced before additional units are approved. The existing dwelling on the subject property could be maintained and rented until such time as the redevelopment is approved and can proceed. In this instance, the applicant is requesting to demolish the existing dwelling prior to having approval for redevelopment which may result in this property being vacant for a number of years.

The current zoning of the site would allow for the existing dwelling to be replaced with a single detached dwelling. As this property is in the City's Greenfield Area, it is not desirable for the existing dwelling to be replaced with only one new dwelling. In order to meet intensification targets, this site should be developed in accordance with the Local Growth Management Strategy and the Growth Plan for the Greater Golden Horseshoe. The demolition of the existing dwelling is premature until such time as this property is approved for development and the applicable zoning permits additional dwelling units to be constructed.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well-functioning and sustainable city.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

None

COMMUNICATIONS

A sign was posted on the property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

ATTACHMENTS

Schedule 1 - Location Map
Schedule 2 - Site Photograph

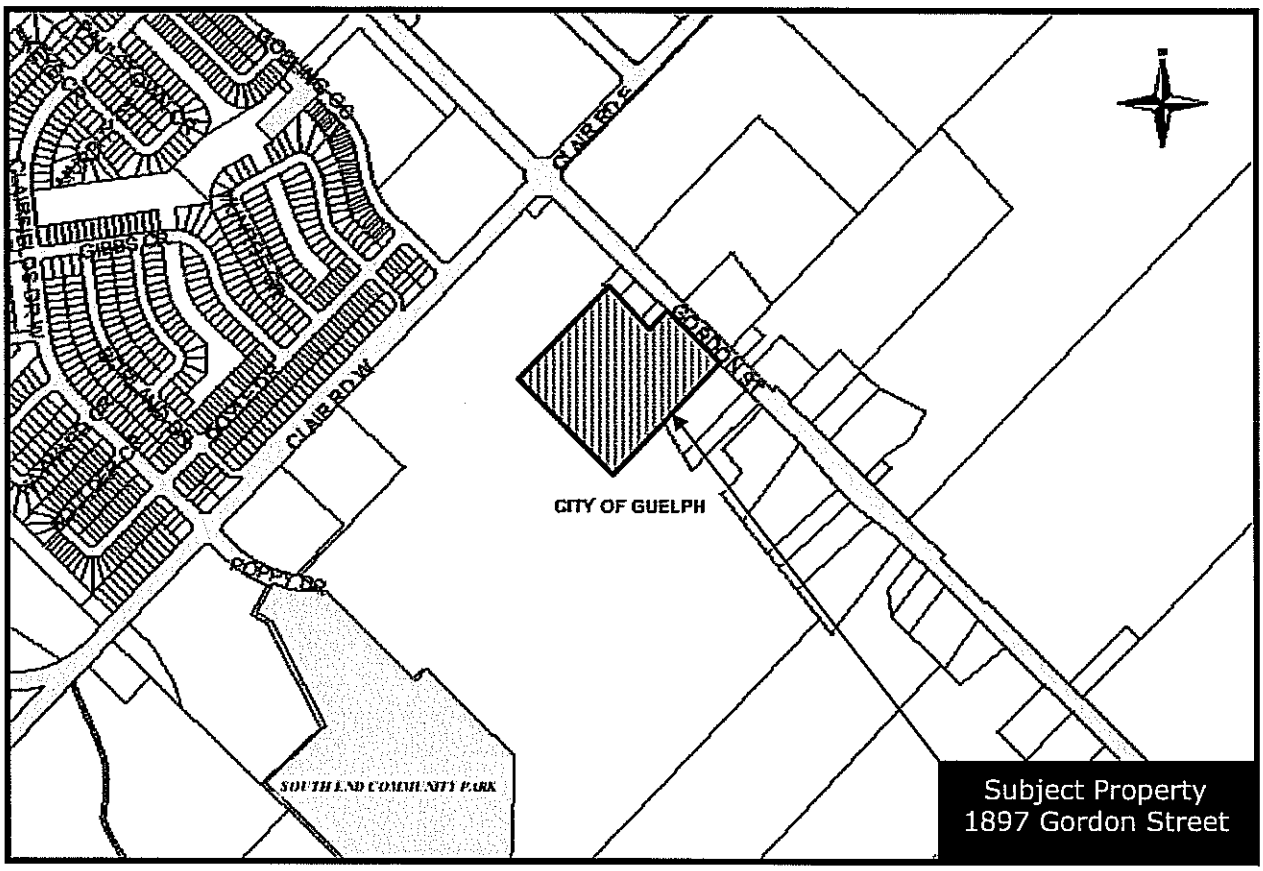
Prepared By:
Stacey Laughlin
Development and Urban Design Planner
519.837.5616 x2327
stacey.laughlin@guelph.ca

Recommended By:
R. Scott Hannah
Manager of Development and
Parks Planning
519.837.5616 x2359
scott.hannah@guelph.ca

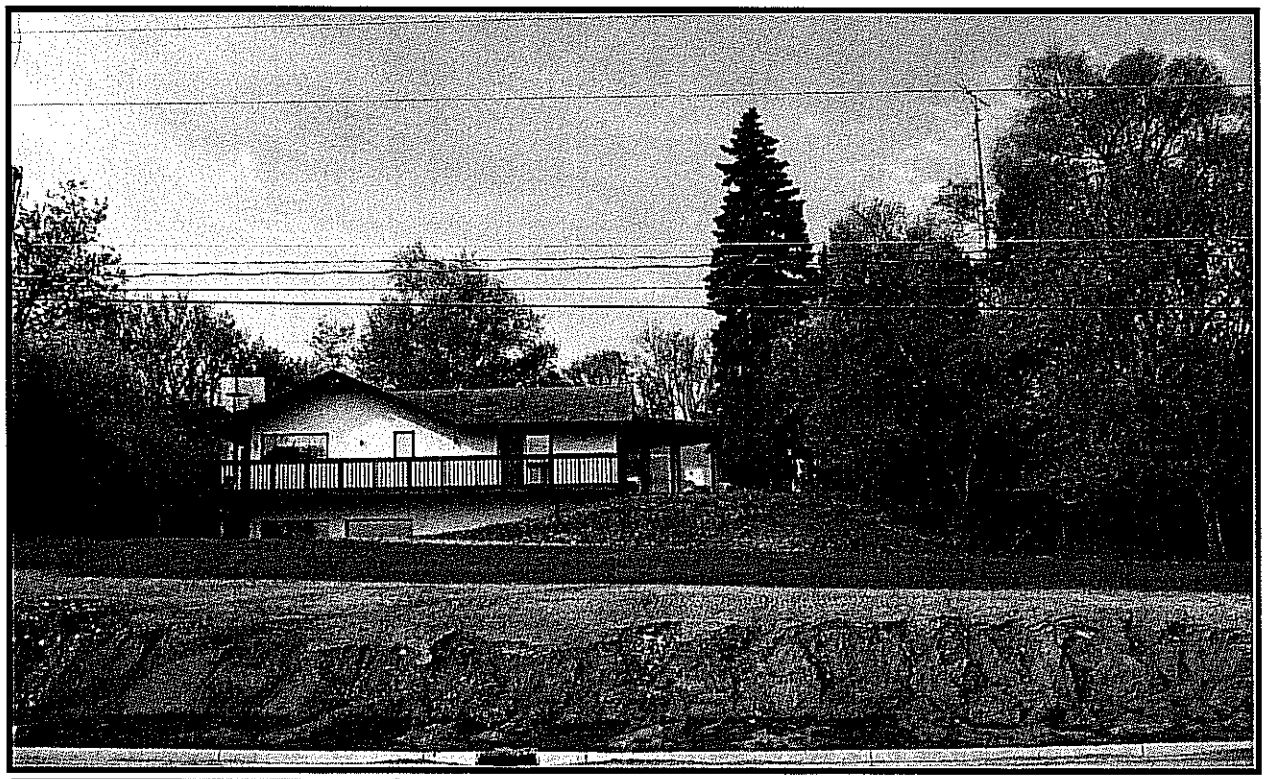
Recommended By:
James N. Riddell
Director of Community Design and Development Services
519.837.5616 x2361
jim.riddell@guelph.ca

T:\Planning\DRAFT REPORTS\2010\(10-57) 1897 Gordon St Proposed Demolition (Stacey).docx

SCHEDULE 1 – Location Map



SCHEDULE 2 – Site Photograph (May 2010)



COUNCIL REPORT

TO	**Guelph City Council**
SERVICE AREA	Community Design and Development Services
DATE	May 25, 2010
SUBJECT	**Hanlon Creek Business Park – Phase 1, Stage 2 (Part 'A') Contract No. 2-1014**
REPORT NUMBER	10-65

RECOMMENDATION

"THAT the tender of Capital Paving Inc. be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract No. 2-1014 for the Hanlon Creek Business Park – Phase 1, Stage 2 (Part 'A') for a total tendered price of **$3,033,237.93** including GST and contingency with actual payment to be made in accordance with the terms of the contract."

BACKGROUND

The Hanlon Creek Business Park (HCBP) – Phase 1, Stage 2 (Part 'A') project is located on the northwest portion of the HCBP lands along Downey Road. The project limits are presented in Attachment A. The work under this contract includes the following:

- Installation of municipal services (watermain, sanitary and storm sewers, and sidewalk) on Downey Road from the Kortright IV subdivision to Hanlon Creek Boulevard (Road A);
- Installation of municipal services (watermain, sanitary and storm sewers, and multi-use boulevard trail) on Road A;
- Off-road stone dust trails;
- Expansion and upgrades to the existing stormwater management (SWM) pond; and
- Realignment and restoration of the Downey watercourse.

The Road 'A' Culvert project, which is located approximately 150 metres east of the Phase 1, Stage 2 project, will re-commence in July 2010. Earthworks and municipal servicing for the remainder of the Phase 1 development lands are scheduled to commence later in the summer of 2010.

REPORT

Tenders for the above-mentioned project were received on April 30, 2010 as follows (excluding GST and provisional items):

1) Capital Paving Inc. $2,588,798.03
2) Network Site Services Ltd $2,602,519.22
3) Drexler Construction Limited $2,625,103.92
4) Dig-Con International Limited $5,357,448.80

The tenders were reviewed for conformance with the tendering requirements outlined in the contract documents as well as for mathematical errors. All tenders were found to be in order.

The lowest tenderer, Capital Paving Inc. of Puslinch, has completed similar works in the area and has been recommended by the City's consultant to carry out this work for the City. City staff therefore recommend that Contract No. 2-1014 for the Hanlon Creek Business Park – Phase 1, Stage 2 (Part 'A') be awarded to Capital Paving Inc. for a total tendered price of $3,033,237.93 including GST and contingency with actual payment to be made in accordance with the terms of the contract.

CORPORATE STRATEGIC PLAN

This project supports the following goals and objectives in the 2007 Strategic Plan:

- Goal 3 – "A diverse and prosperous local economy".
  - Strategic objective 3.1 – Thriving and sustainable local employment opportunities
  - Strategic objective 3.3 – The highest ratio of any southern Ontario city of people who live and work in the same community
- Goal 6 – "A leader in conservation and resource protection/enhancement".
  - Strategic objective 6.1 – Coordinated management of parks, the natural environment and the watershed.

FINANCIAL IMPLICATIONS

As noted in the attached Budget and Financing Schedule, funding for this project is included in the approved budget for Hanlon Creek Business Park Development (SS0002) to cover the work of this contract in the amount of $3,033,237.93 including GST and contingency.

DEPARTMENTAL CONSULTATION

Community Design and Development Services, Operations and Environmental Services staff have reviewed the design drawings. Finance staff have provided the attached Budget and Financing Schedule.

COMMUNICATIONS

Residents and businesses in the area will be notified of the construction.

ATTACHMENTS

- A - Location Plan
- B - Budget and Financing Schedule

Original Signed by:

Prepared By:
Colin Baker, P.Eng.
Environmental Engineer
(519) 822-1260, ext. 2282
colin.baker@guelph.ca

Original Signed by:

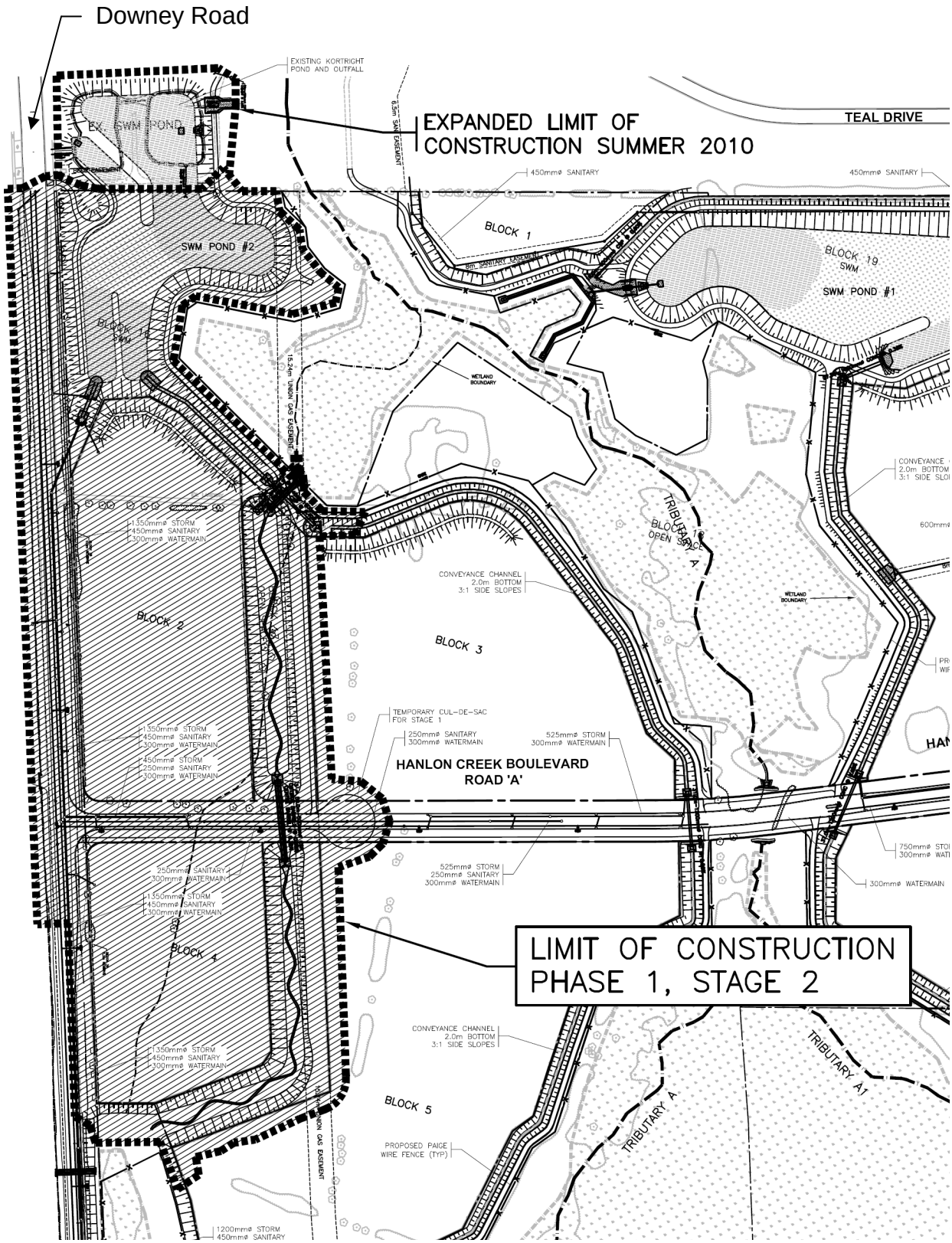
Endorsed By:
Richard Henry, P.Eng.
City Engineer
(519) 822-1260, ext. 2248
richard.henry@guelph.ca

Original Signed by:

Recommended By:
James N. Riddell
Director of Community Design
and Development Services
(519) 822-1260, ext. 2361
jim.riddell@guelph.ca

T:\ENGINEER\Engineering Council\2010

ATTACHMENT A – LOCATION PLAN



Budget and Financing Schedule

JDE Project number: SS0002
Project name: ***Hanlon Creek Business Park- Ph1, Stage 2 Services***
Prepared by: Sarah Purton
Contract #: 2-1014
Date: May 12, 2010

	Total Cost	External Financing			Internal Financing		
		Grants & Subsidies	Dev't Charges	Other	Current Revenues	City Reserves	Debt
A. Budget Approval & Additional Funding							
SS0002 Hanlon Creek Business Park	10,000,000	0	0	0	0	0	10,000,000
Add: Additional Funding from DC Exempt	100,000	0	0	0	0	100,000	0
Add: Additional Funding from Direct Developer Contributions	3,174	0	0	3,174	0	0	0
Budget Approval	**10,103,174**	**0**	**0**	**3,174**	**0**	**100,000**	**10,000,000**
B. Budget Requirement							
Tender Price: Capital Paving Inc. (including GST)	3,033,238						
Less: GST Credit	144,440						
Add: HST (calc @ 1.76%)	53,385						
City Share	**2,942,183**	0	0	924	0	29,121	2,912,137
plus: Expenditures to Date - SS0002	5,394,739	0	0	1,695	0	53,396	5,339,648
plus: Committed Work on Exisiting POs & Contracts - SS0002	684,120	0	0	215	0	6,771	677,134
plus: Future Work - SS0002	1,082,132	0	0	340	0	10,711	1,071,081
TOTAL BUDGET REQUIREMENT	**10,103,174**	**0**	**0**	**3,174**	**0**	**100,000**	**10,000,000**
C. Surplus / (Deficit)	0	0	0	0	0	0	0
D. Revised project budget	**10,103,174**	**0**	**0**	**3,174**	**0**	**100,000**	**10,000,000**

Note: HST has been calculated assuming all work is completed after July 1, 2010.
This demonstrates the maximum exposure to the City with respect to this project.

Please recycle!

- **BYLAWS** –

- **May 25, 2010 –**	
By-law Number (2010)-19000 A by-law to remove Part of Block 153, Plan 61M152 designated as Parts 73 to 82 inclusive, Reference Plan 61R11254 in the City of Guelph from Part Lot Control. (66-76 Edwards St.)	To remove land from part lot control to create 6 on-street townhouse lots to be known municipally as 66 – 76 Edwards St.
By-law Number (2010)-19001 A by-law to authorize the acquisition of property described as Part of Lot 56, Plan 412, designated as Part 2, Reference Plan 61R11362, City of Guelph.	To authorize the acquisition of property for road widening (Westmount Road Reconstruction).
By-law Number (2010)-19002 A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 1671 Gordon Street and legally described as Part of Lot 9, Concession 7, City of Guelph, Part 1 of 61R-9745, City of Guelph, to permit the development of 14 townhouse units (File ZC0607).	To amend the City of Guelph's Zoning By-law.
By-law Number (2010)-19003 A by-law to amend By-law Number (2009)-18725, being a by-law to continue and regulate the Guelph Fire Department. (organizational chart and mission statement)	To amend the by-law to continue and regulate the Guelph Fire Department with respect to an updated organizational chart and mission statement.
By-law Number (2010)-19004 A By-law to amend By-law Number (2009)-18726, being a by-law to authorize the Guelph Fire Department to leave the boundaries of the City of Guelph, and the appointment of the Fire Chief as Fire Coordinator for the County of Wellington Mutual and Automatic Aid Plan and Program.	To discontinue the Guelph Fire Chief as the Fire Coordinator for the County of Wellington Mutual and Automatic Aid Plan and Program.

By-law Number (2010)-19005 A by-law to authorize the execution of an Agreement for Professional Consulting Services between The Corporation of the City of Guelph and Gamsby and Mannerow Limited. (671 Victoria Rd. N. Subdivision)	To execute an agreement for professional consulting services for the 671 Victoria Rd. N. Subdivision.
By-law Number (2010)-19006 A by-law to amend By-law Number (2005)-17771, being a by-law respecting Building, Demolition, Conditional and Change of Use Permits, Inspections, appointment of Inspectors and a Code of Conduct and to adopt Municipal Code Amendment #516, which amends Chapter 116 of the Municipal Code.	To amend the by-law respecting building, demolition, conditional and change of use permits, inspections, appointment of Inspectors and a Code of Conduct.
By-law Number (2010)-19007 A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 80 Frederick Drive in the City of Guelph. (to removal of the Holding Symbol)	To remove the Holding Symbol on the zoning for 80 Frederick Drive as the conditions have been met.
By-law Number (2010)-19008 A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 47-51 Paisley Street and legally described as Part Lot 1, Registered Plan 324, City of Guelph (ZC0901).	To amend the City of Guelph's Zoning By-law.
By-law Number (2010)-19009 A by-law to authorize the use of optical scanning vote tabulators at Municipal Elections and to repeal By-law Number (2006)-18099.	To authorize the use of optical scanning vote tabulators at the October Municipal Election.
By-law Number (2010)-19010 A by-law to amend By-law Number (2002)-17017 (to amend No Parking in Schedule XV, No Stopping in Schedule	To amend the Traffic By-law.

XVI), and adopt Municipal Code Amendment #517, amending Chapter 301 of The Corporation of the City of Guelph's Municipal Code.	
By-law Number (2010)-19011 A by-law to authorize an Agreement between A-1 Asphalt Maintenance Ltd. and The Corporation of the City of Guelph for Annual Sidewalk Construction – Various Locations. (Contract 2-1002)	To execute Contract No. 2-1002 for annual sidewalk construction – various locations.