

Council Committee Room B  
May 7, 2007 5:00 p.m.

**A meeting of Guelph City Council.**

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

Absent: Councillors Burcher and Kovach

Staff Present: Mr. D.A. Kennedy, Director of Finance/City Treasurer; Mr. D. McCaughan, Director of Operations; Ms. T. Sinclair, Assistant Solicitor; Ms. S. Smith, Associate Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mr. C. Manley, Manager of Policy Planning and Urban Design; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services

1. Moved by Councillor Laidlaw  
Seconded by Councillor Hofland

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

- Personal matters about identifiable individuals including municipal employees.
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Carried

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

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Mayor

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Clerk

Council Committee Room B  
May 7, 2007 5:02 p.m.

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

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

Staff Present: Mr. D.A. Kennedy, Director of Finance/City Treasurer; Mr. D. McCaughan, Director of Operations; Ms. T. Sinclair, Assistant Solicitor; Ms. S. Smith, Associate Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mr. C. Manley, Manager of Policy Planning and Urban Design; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There were no declarations of pecuniary interest.

Councillors Kovach and Burcher arrived at 5:40 p.m.

The Assistant Solicitor and Manager of Policy Planning & Urban Designer provided information with respect to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

1. Moved by Councillor Burcher  
Seconded by Councillor Laidlaw  
THAT Ms. Connie Van Andel be permitted to address Council in camera.

Carried

Ms. Van Andel addressed Council on the matter of recruitment of the Director of Human Resources.

2. Moved by Councillor Kovach  
Seconded by Councillor Beard  
THAT Mayor Farbridge be directed to make a written offer of employment to Mark Joseph Amorosi for the position of Director of Human Resources.

Carried

Mayor Farbridge

Mayor Farbridge provided information to Council with respect to personal information about identifiable individuals, including municipal employees.

3. Moved by Councillor Laidlaw

Seconded by Salisbury

THAT direction be given to Mayor Farbridge with respect to a matter involving personal information about identifiable individuals, including municipal employees.

Carried

4. Moved by Councillor Laidlaw

Seconded by Councillor Burcher

THAT direction be given to Mayor Farbridge with respect to a matter involving personal information about identifiable individuals, including municipal employees.

Carried

The meeting adjourned at 6:37 o'clock p.m.

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Mayor

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Clerk

Council Chambers

May 7, 2007 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. D.A. Kennedy, Director of Finance/City Treasurer; Dr. J. Laird, Director of Environmental Services; Mr. J. Riddell, Director of Community Design & Development Services; Ms. T. Sinclair, Assistant City Solicitor; Mr. R. Henry, City Engineer; Mr. J. Stokes, Manager of Realty Services; Mr. D. Belanger, Water Supply Program Manager; Mr. R. Philips, Infrastructure Planning Engineer; Ms. M. Castellan, Senior Development Planner; Ms. T. Agnello, Deputy City Clerk and Ms. D. Black, Assistant Council Committee Coordinator

The Mayor extended sympathies to the family of former City employee, Mr. Bill Klein Sr.

## **PRESENTATIONS**

The Mayor presented Certificates to the following eight youth recipients of the Strategic Plan Youth Initiatives submissions: Amy Greatorex, Kyleigh Russell, Laura Burnham, Sam Roncato, PJ Mischuk, Emma Moroni, Meg Cormack, Morgan Milne, Alex Miller, and Andy May.

## **DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There was no declaration of pecuniary interest.

## **PLANNING PUBLIC MEETING**

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

### **70 WAVERLEY DRIVE – Proposed Zoning By-law Amendment to permit the development of 6 residential lots and proposed land exchange (ZC0613)-Ward 2**

Ms. M. Castellan, Senior Policy Planner, provided background information with respect to this application. She explained that the land exchange was to provide frontage onto Waverley Drive and provided information with respect to staff's plans for Windsor Park. She then stated that the public have stated concerns with respect to the naturalization of the area and storm water management and advised that a tree conservation plan and storm water management plan are required prior to approval. She also informed Council that there is a subsequent Committee of Adjustment application that applies to this property as well.

Mr. H. Whiteley urged Council to look at the surround area as a whole. He raised the question of what the future of the other blocks of land owned by the Guelph Country Club would be and what is happening to the lot across the street. He raised the issue of the storm water system and urged Council to use a natural process system. He would like Council to be cognizant of the effects on the natural environment that their decisions will create.

Mr. R. Puccini on behalf of Mr. J.L. Cox, applicant outlined the position of the applicant. He stated that the application is a result of three years of consultation with City staff and that they are eager

to improve the storm water management also. He stated that the City will retain the easement on the property which makes the land exchange a more equitable proposition for the City. He outlined the benefits that the Country Club feels they have brought to the community.

Ms. L. Murr, on behalf of Guelph Urban Forest Friends was present to express concerns with respect to this application. She stated that she was concerned there has been no environmental impact study, there is not an extensive tree plan, and that the natural heritage strategy has not been completed yet and this property could be included. She raised the issue that the parkland would be decreasing by a half hectare and concerned that the city is having to pay legal fees for the land exchange.

Ms. S. Buchanan stated she has been receiving conflicting information and is concerned that staff is not communicating well. She raised issues with respect to potential future developments in the area and the effect the development would have on storm water management. She requested the City to perform due diligence with respect to the development of the area and consider the surrounding areas and not just this piece of property.

1. Moved by Councillor Kovach

Seconded by Councillor Wettstein

THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (c) of the Municipal Act, with respect to: a proposed or pending acquisition or disposition of land by the municipality or local board

Carried

The Committee adjourned into closed session at 8:50 p.m. and reconvened at 8:55 p.m.

2. Moved by Councillor Findlay

Seconded by Councillor Burcher

THAT Report 07-35 dated May 7, 2007 regarding a Zoning By-law Amendment for property municipally known as 70 Waverley Drive from Community Design and Development Services be received;

Mr. J.L. Cox  
Mr. J. Riddell  
Ms. L.E. Payne  
Mr. D. McCaughan  
Mr. D. Kennedy

AND THAT the application by JL Cox Planning Consultants Inc on behalf of The Guelph Country Club for a Zoning By-law Amendment from the P.2 and P.5 Zones to the R.1B (Residential Single Detached) and P.2 Zone affecting property municipally known as 70 Waverley Drive and legally described as Part of Broken Front Lot B, Division F, and Lot 83, Registered Plan 465, City of Guelph be approved in accordance with the regulations and

conditions set out in Schedule 1 attached;

AND THAT as a condition of approval, the application be forwarded to the Environmental Advisory Committee for review with respect to the enhancements and vegetative/landscape restoration of the entire property;

AND THAT a tree conservation plan in Schedule 2, Condition 1, be applied to the entire property.

Carried

3. Moved by Councillor Beard  
Seconded by Councillor Laidlaw

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

Carried

### **Nestle Canada Inc. Permit to Take Water**

Ms. Gail Cosman, President of Nestle Canada Inc. and Mr. Michel McArthur, Director of Supply Chain, were present to support their application for a permit to take water. The President provided information with respect to testing that Nestle undertakes on a regular basis and gave a synopsis of the requirements that the Ministry of the Environment places on their Permit. She stated previous permits by the Ministry of Environment were for a maximum of two years only, but they are now able to request a permit for up to ten years. She informed Council that they want a longer permit in order to allow them to plan for long-term production or other developments within their company. She also stated that they are not looking for an increase in water draw, just a five year term for their permit.

Mr. Lorenz Calcagno, on behalf of Wellington Water Watchers was present to express opposition to the Permit to Take Water. He raised issues with respect to potential market changes affecting where the water is going and raised the objection that a company could bottle water and make a profit off a common commodity. He asked that Council and members of the public urge the province to change the laws. He provided a list of recommendations the Wellington Water Watchers would like the City to implement.

### **Clause 1 of the FIFTH REPORT of the Community Development & Environmental Services Committee.**

Nestle Canada Inc.  
Mayor Farbridge  
Dr. J. Laird  
Mr. D.A. Kennedy

4. Moved by Councillor Findlay  
Seconded by Councillor Burcher  
THAT Clause 1, Paragraph 2 of the Fifth Report of the Community Development and Environmental Services Committee be amended to include as follows:  
“THAT the Nestle Permit to Take Water be renewed for a two year period only, at the current rates.”

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Laidlaw and Salisbury, and Mayor Farbridge (9)

VOTING AGAINST: Councillors Billings, Kovach, Piper and Wettstein (4)

The motion was carried.

Council requested that the clauses be voted on separately.

Nestle Canada Inc.  
Mayor Farbridge  
Dr. J. Laird

5. Moved by Councillor Findlay  
Seconded by Councillor Burcher  
THAT the position, as outlined in the May 2, 2007 memo from Dave Belanger, M.Sc, P.Geo., Water Supply Program Manager, to the Director of Environmental Services, be adopted as the City’s position concerning the application by Nestle Canada Inc. for a Permit-To-Take-Water;

A recorded vote was requested, which resulted as follows:

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

VOTING AGAINST: Councillor Laidlaw (1)

The motion was carried.

Nestle Canada Inc.  
Mayor Farbridge  
Dr. J. Laird

6. Moved by Councillor Findlay  
Seconded by Councillor Burcher  
THAT the City Staff’s position, along with a cover letter from Mayor Farbridge, including: “THAT the Nestle Permit to Take Water be renewed for a two year period only, at the current rates.” be forwarded to the Ministry of the Environment, the Premier, Liz Sandals, MPP, the local School Boards and to Nestle Canada Inc. prior to the May 11, 2007 deadline for comments on the application.

A recorded vote was requested, which resulted as follows:

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

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

The motion was carried.

7. Moved by Councillor Beard  
Seconded by Councillor Findlay  
THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2007)-18277 to (2007)-18278, inclusive.

Carried

The By-laws were read a first and second time at 10:33 o'clock p.m.

Council went into Committee of the Whole on By-laws Numbers (2007)-18277 to (2007)-18278, inclusive.

At 10:34 o'clock p.m., the Committee rose and reported By-laws Numbered (2007)-18277 to (2007)-18278, inclusive, passed in Committee without amendment.

8. Moved by Councillor Billings  
Seconded by Councillor Burcher  
THAT By-laws Numbered (2007)-18277 to (2007)-18278, inclusive, be read a third time and passed.

The By-laws were read a third time and passed at 10:35 o'clock p.m.

### **SPECIAL RESOLUTIONS**

9. Moved by Councillor Wettstein  
Seconded by Councillor Hofland  
THAT Council supports the hiring of an external interim CAO;

AND THAT the Mayor and Chair of Finance, Administration and Corporate Services Committee, Councillor Piper and Councillor Salisbury work with Gazda, Houlne & Associates Inc. to recommend a preferred candidate to Council for Interim CAO;

AND THAT the Mayor and Chair of Finance, Administration and Corporate Services Committee report back to Council with recommendations on the process to hire a CAO;

Mayor Farbridge  
Chief S. Armstrong  
Mrs. L.A. Giles  
Mr. D.A. Kennedy

AND THAT Council appoints the Director of Finance/Treasurer, Director of Corporate Resources/City Solicitor and Director of Emergency Services as an Acting Executive Team until such time as an Interim CAO is appointed by Council;

AND THAT the City Clerk, City Engineer and Manager of Economic Development are appointed as ex officio members of the Senior Management Team on an interim basis for the purpose of ensuring good communications.

Carried

**MAYOR'S ANNOUNCEMENTS**

The Mayor announced that this week is Emergency Preparedness Week and that on Wednesday, May 9<sup>th</sup> from 9:00 .a.m. to 5:00 p.m. there will be approximately 30 emergency management displays at the West End Recreation Centre.

The Mayor also announced that there was a launch of the National Mental Health Day for Children & Youth today, and a launch of the 2<sup>nd</sup> edition of the book "*From Rollercoaster to Recovery*" will be held on May 16<sup>th</sup> from 4:30 to 6:30 p.m. at the Italian Canadian Club.

**OTHER ANNOUNCEMENTS**

Councillor Salisbury announced that Transit Services have adopted a new Stroller Policy allowing easier access for people with strollers. He commended staff and thanked them for developing a policy in response to public input.

**ADJOURNMENT**

The meeting adjourned at 10:37 o'clock p.m.

Minutes read and confirmed May 22, 2007.

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Mayor

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Deputy Clerk

**Proposed Zoning By-law Amendment  
Regulations and Conditions**

The property affected by this Zoning By-law Amendment is municipally known as 70 Waverley Drive and legally described as legally described as Part of Broken Front, Lot B, Division F and Lot 83, Registered Plan 465, City of Guelph.

The following zoning is proposed:

R.1B (Residential Single Detached) Zone  
P.2 (Neighbourhood Park) Zone

**Regulations**

For the R.1B Zone:

Permitted Uses

In accordance with Section 5.1.1 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 5.1.2 of Zoning By-law (1995) – 14864, as amended.

For the P.2 Zone:

Permitted Uses

In accordance with Section 9.1.2 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 9.2 of Zoning By-law (1995) – 14864, as amended.

**Conditions**

The following conditions are for the information of Council and will be imposed as conditions of consent:

1. That the owner prepares a tree conservation plan identifying trees to be retained and removed, to the satisfaction of the Director of Community Design and Development Services, prior to endorsement of the deeds.

2. That the developer shall prepare a landscape plan for the lands to be disturbed by the creation of the stormwater management pond and channel for approval by the Director of Community Design and Development Services prior to endorsement of the deeds. The landscape plan shall include the following:
  - a. To maintain water quality the landscape plan should depict a dense vegetated buffer around the stormwater management pond, channel and outlet that will be designed in a way to reduce surface runoff from the golf course as well as deter human disturbance.
  - b. To compensate for the loss of shade (from the relocation and loss of trees) to the surface water the landscape plan should also incorporate vegetation that will provide shade to the entire length of open surface water (outlet, channel, and stormwater management pond).
3. Prior to the endorsement of the deeds, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
4. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater from the lands will be controlled and conveyed to the receiving water body and how the relocated storm works will have storm water storage in the ditch equal to or greater than the stormwater storage in the existing channel.
5. Prior to any construction or grading on the lands, the developer 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. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
6. The developer shall pay to the City the actual cost of constructing a sidewalk on the side of Waverly Drive from the terminus of the existing sidewalk by the easterly side of the park to the terminus of the existing sidewalk at the intersection of Waverly Drive and Stevenson Street and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the sidewalk.

7. The developer shall pay to the City the actual cost of reconstruction and relocating the storm pipe and stormwater channel including landscaping and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of reconstruction and relocating the storm pipe and stormwater channel.
8. Prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall grant easements to the City, satisfactory to the City Engineer for the relocated storm works.
9. The developer shall pay to the City the actual cost of fencing the relocated stormwater channel if the City Engineer determines that it is required for safety and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of fencing the stormwater channel.
10. That the developer pays the actual cost of removing and/or plugging and filling the existing stormwater pipes that are being abandoned and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimate cost, as determined by the City Engineer of removing and/or plugging and filling the existing stormwater pipes that are being abandoned.
11. That the developer pays the actual cost of constructing and installing any service laterals required and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimate cost of the service laterals, as determined by the City Engineer.
12. The developer shall pay to the City the actual cost of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots and furthermore, prior to any severance of the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of reconstructing the granular base, asphalt pavement and curb and gutter along the north side of Waverly Drive across the frontage of the six proposed residential lots.
13. That the applicant pays the watermain frontage charge of \$8.00 per foot of frontage for 296-feet prior to severance of the lands.
14. That the applicant pays the sanitary sewer frontage charge of \$11.00 per foot of frontage for 296-feet prior to severance of the lands.
15. The developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.

16. That the Developer prepares a drainage and grading plan, satisfactory to the City Engineer, for the all the proposed residential lots, prior to the issuance of any building permit. All applications for a building permit shall be accompanied by a site plan showing that the proposed building to be erected is in conformity with the approved drainage and grading plan.
17. Prior to any severance of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
18. That the developer make arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
19. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to severance of the lands.
20. That all electrical services to the lands be underground and the developer shall make arrangements satisfactory to the Engineering Department of 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 severance of the lands.
21. That the elevation and design for the new dwellings be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwelling.
22. That a site plan be prepared for the severed parcels indicating:
  - a) The location and design of the new dwelling;
  - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
  - c) Grading, drainage and servicing information as required by the Director of Community Design and Development Services; and
  - d) Trees to be retained and removed, in keeping with the approved tree conservation plan and including methods to protect the trees to be retained during construction.

All of the above to be submitted to, and approved by the Director of Community Design and Development Services, prior to the issuance of a building permit for the new dwellings.

23. That the developer enter into an Engineering Services Agreement with the City and a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, that covers the conditions of approval prior to the severance of the lands.