

Council Committee Room B  
May 15, 2006 5:00 p.m.

**A meeting of Guelph City Council.**

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

Absent: Councillor Kovach

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Mr. D.A. Kennedy, Director of Finance/City Treasurer; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Planning & Development Services; Mr. A. Goldie, Director of Recreation; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. N. Marino, Assistant Council Committee Co-ordinator.

1. Moved by Councillor Birtwistle  
Seconded by Councillor Billings

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
- Litigation or potential litigation

Carried

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

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Mayor

.....  
Clerk

Council Committee Room B  
May 15, 2006 5:02 p.m.

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

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

Absent: Councillor Kovach

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Mr. D.A. Kennedy, Director of Finance/City Treasurer; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Planning & Development Services; Mr. A. Goldie, Director of Recreation; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. N. Marino, Assistant Council Committee Co-ordinator

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

There were no declarations of pecuniary interest.

Ms. T. Agnello  
Mr. T. Sagaskie

1. Moved by Councillor Furfaro  
Seconded by Councillor Hamtak  
THAT the appointment of David J. Clarke be confirmed as a director of the Guelph Junction Railway.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Laidlaw, Moziar, Schnurr and Mayor Quarrie (12)

VOTING AGAINST: (0)

The motion was carried.

Ms. T. Agnello  
Mr. T. Sagaskie

2. Moved by Councillor Furfaro  
Seconded by Councillor Hamtak  
THAT the appointment of R. Paul G. Smith be confirmed as a Director to the Guelph Junction Railway.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Laidlaw, Moziar, Schnurr and Mayor Quarrie (12)

VOTING AGAINST: (0)

The motion was carried.

Ms. T. Agnello  
Mr. T. Sagaskie

3. Moved by Councillor Furfaro  
Seconded by Councillor Hamtak  
THAT the appointment of John Carrol be confirmed as a director to the Guelph Junction Railway.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Ferraro, Furfaro, Hamtak, Moziar , Schnurr and Mayor Quarrie (9)

VOTING AGAINST: Councillors Burcher, Downer and Laidlaw (3)

The motion was carried.

The Director of Corporate Services/City Solicitor provided information with respect to a potential litigation matter.

The Director of Planning and Development Services provided information with respect to a potential litigation matter.

The Chief Administrative Officer provided information with respect to a proposed agreement.

The meeting adjourned at 5:45 o'clock p.m.

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Mayor

.....  
Clerk

Council Chambers  
May 15, 2006

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

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

Absent: Councillor Kovach

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Mr. D.A. Kennedy, Director of Finance/City Treasurer; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Planning & Development Services; Mr. B. Poole, Chief Building Official; Mr. R. Tolkunow, City Engineer/Manager of Engineering Services; Mr. A. Goldie, Director of Recreation; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF  
INTEREST ACT**

There was no declaration of pecuniary interest.

1. Moved by Councillor Billings

Seconded by Councillor Schnurr

THAT the minutes of the Council meetings held on May 1, 2006 and May 8, 2006 and the minutes of the Council meeting held in Committee of the Whole on May 1, 2006 be confirmed as recorded and without being read.

Carried

**REGULAR MEETING**

2. Moved by Councillor Burcher

Seconded by Councillor Laidlaw

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

Carried

**Councillor Laidlaw presented the FIFTH REPORT of the  
Finance, Administration & Community Services Committee.**

3. Moved by Councillor Laidlaw

Seconded by Councillor Burcher

Ms. L.E. Payne  
Mr. H. Perets  
Mr. D. McCaughan

THAT City Council approve a By-law to prohibit the throwing, placing or depositing of waste on Highways, the fouling of any public or private property and regulating the crossing of curbs, sidewalks or paved boulevards;

AND THAT By-law Number (1981)-10777 be repealed.

Carried

4. Moved by Councillor Laidlaw

Seconded by Councillor Burcher

Ms. L. Warren  
Mrs. L.A. Giles  
Mr. D.A. Kennedy

THAT Council approves the allocation of up to \$15,000 from the Reserve Funds for Accessibility Improvements to fund the rental of an Audible Adaptation to all voting equipment to be used on Municipal Election Day, November 13, 2006.

Carried

**Councillor Birtwistle presented the FIFTH REPORT of the  
Planning, Environment & Transportation Committee.**

5. Moved by Councillor Birtwistle

Seconded by Councillor Billings

Mr. J. Riddell  
Mr. B. Poole  
Counc. Birtwistle

THAT staff be instructed to work with Dr. Mau and area residents to develop a strategy of action regarding the termite situation in the City of Guelph;

AND THAT staff bring back options for action, including public education, preventative measures and any associated budget requirements;

AND THAT staff report back to the Planning, Environment & Transportation Committee in three months.

Carried

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

6. Moved by Councillor Birtwistle  
Seconded by Councillor Billings

THAT staff be directed to begin negotiations with the Ministry of Transportation for cost-sharing the construction of the proposed new interchange at Laird Road and the Hanlon Expressway, and agree in principle to enter into a legal agreement with the Ministry for the cost-sharing of the proposed interchange.

Carried

Mr. D. McCaughan

7. Moved by Councillor Birtwistle  
Seconded by Councillor Billings

WHEREAS the traffic flow on the Hanlon Expressway is problematic and inefficient;

AND WHEREAS adding two additional traffic lights will compound the problem;

THEREFORE BE IT RESOLVED THAT prior to interim intersection improvements, and as part of the improvements, staff be directed to negotiate with the Ministry of Transportation for efficient movement of traffic on the Hanlon Expressway including a review of traffic light timing and synchronization;

AND THAT the Ministry be asked to ensure that all the ruts on the Hanlon Expressway, especially the southbound lanes, are repaired.

Carried

Ms. L.E. Payne  
Mr. D. McCaughan

8. Moved by Councillor Birtwistle  
Seconded by Councillor Billings

THAT the Mayor and Clerk be authorized to execute the Memorandum of Agreement between the City and Her Majesty the Queen for parking spaces at the Guelph Armoury;

AND THAT the Manager of Realty Services be authorized to negotiate, and the Mayor and Clerk be authorized to execute, any agreements necessary to extend or renew this Memorandum of Agreement between the City and Her Majesty the Queen for

parking spaces at the Guelph Armoury should the opportunity arise, subject to the form and content of any further agreements being satisfactory to the City Solicitor and the Director of Operations.

Carried

## **CONSENT AGENDA**

The following items #A-5 and #A-6 were extracted from the Consent Agenda to be voted on separately.

9. Moved by Councillor Birtwistle  
Seconded by Councillor Baily

THAT the balance of the May 15, 2006 Consent Agenda as identified below, be adopted:

a) **VICTORIA ROAD SOUTH AND CLAIR ROAD  
EAST RECONSTRUCTION, CONTRACT NO. 2-0608**

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

THAT the tender of Cox Construction Limited be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract No. 2-0608 for Victoria Road South and Clair Road East Reconstruction for a total tendered price of \$6,453,325.14 with actual payment to be made in accordance with the terms of the contract.

b) **1554646 ONTARIO INC. – HANLON BUSINESS  
PARK**

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

THAT the Corporation of the City of Guelph enter into, and the Mayor and Clerk be authorized to sign, an Amending Agreement with 1554646 Ontario Inc. to amend the Start Construction date from November 19, 2005 to July 31, 2006 and to amend the Complete Construction date from November 19, 2006 to December 31, 2007, as contained in the Development Covenants & Restrictions of the Agreement of Purchase and Sale dated April 10, 2003, for the lands described as Part of Lot 1, Registered Plan 680 and designated as Parts 7, 8, 9, 10, 11 and 12 on Reference Plan 61R-9344; and as outlined in the report of the Director of Planning & Development Services dated May 15, 2006;

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

c) **PROPOSED DEMOLITION OF A DETACHED  
DWELLING KNOWN MUNICIPALLY AS 63  
METCALFE STREET, WARD 1**

Mr. J. Riddell  
Mr. B. Poole

THAT the application to demolish the detached dwelling known municipally as 63 Metcalfe Street, be approved.

d) **TEMPORARILY ALLOWING EXOTIC ANIMALS  
WITHIN CITY LIMITS**

Mr. A. Goldie

THAT permission be granted to the operators of both the Garden Bros. Circus and the Shrine Circus to have exotic animals within City limits for the purpose of staging events at the Guelph Sports and Entertainment Centre.

Carried

10. Moved by Councillor Downer  
Seconded by Councillor Laidlaw

THAT the City Council meeting scheduled for June 5, 2006 be rescheduled to Tuesday, June 6, 2006.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Burcher, Downer, Laidlaw and Mayor Quarrie (4)

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

The motion was defeated.

11. Moved by Councillor Birtwistle  
Seconded by Councillor Moziar

THAT the decision with respect to the Overstrength Surcharge Agreements be deferred to the June 5, 2006 City Council meeting.

Defeated.

12. Moved by Councillor Furfaro  
Seconded by Councillor Billings

Dr. J. Laird  
Mr. D.A. Kennedy  
Ms. L.E. Payne

THAT the Sewer Use By-law (1996)-15202 be amended to provide for standard Overstrength Surcharge Agreements (OSA);

AND THAT the Director of Environmental Services be authorized to enter into and administer Overstrength Surcharge Agreements in accordance with the By-law;

AND THAT the attached Policy dated May 15, 2006 for administering Overstrength Surcharge Agreements be approved.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Burcher, Downer, Ferraro, Furfaro, Hamtak, Schnurr and Mayor Quarrie (9)

VOTING AGAINST: Councillors Birtwistle, Laidlaw and Moziar (3)

The motion was carried.

13. Moved by Councillor Downer  
Seconded by Councillor Birtwistle  
THAT the Committee rise with leave to sit again.

Carried

14. Moved by Councillor Ferraro  
Seconded by Councillor Baily  
THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council.

Carried

### **BY-LAWS**

15. Moved by Councillor Furfaro  
Seconded by Councillor Baily  
THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2006)-18024 to (2006)-18037, inclusive.

Carried

The By-laws were read a first and second time at 7:10 o'clock p.m.

Council went into Committee of the Whole on By-laws Numbers (2006)-18024 to (2006)-18037, inclusive.

Mayor Quarrie in the Chair.

At 7:12 o'clock p.m., the Committee rose and reported By-laws Numbered (2006)-18024 to (2006)-18037, inclusive, passed in Committee without amendment.

16. Moved by Councillor Hamtak  
Seconded by Councillor Birtwistle  
THAT By-laws Numbered (2006)-18024 to (2006)-18037, excluding By-law (2006)-18029, be read a third time and passed.

Carried

The By-laws were read a third time and passed at 7:15 o'clock p.m.

17. Moved by Councillor Hamtak  
Seconded by Councillor Baily  
THAT By-law Number (2006)-18029 be read a third time and passed.

A recorded vote was requested, which resulted as follows:



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

VOTING AGAINST: Councillors Birtwistle, Burcher, Downer, and Laidlaw (4)

Carried

The By-law was read a third time and passed at 7:16 o'clock p.m.

## **QUESTIONS**

In response to a question from Councillors Birtwistle and Schnurr, the City Clerk/Manager of Council Administrative Services advised that items from the Finance, Administration & Community Services Committee will be coming forward at the June 5, 2006 City Council meeting.

In response to a question from Councillor Downer with respect to the construction on Gordon Street, the City Engineer/Manager of Engineering Services advised that the construction on Gordon Street has not commenced because the City had only received one bid which was over budget. The project is to be re-tendered.

In response to questions by Councillor Birtwistle in regards to the waste pick-up at the Hockey Shop, the Director of Operations advised that the owners of the Hockey Shop have been contacted and that a meeting will soon be set up. Councillor Baily also advised that she has met with the owners of the Hockey Shop.

In response to questions by Councillor Laidlaw, Mayor Quarrie advised that she will be sending out the Procedural By-law to Councillors with respect to the use of Points of Order.

In response to questions from Councillor Furfaro in regards to calls he has received about yard waste pick-up, the Director of Environmental Services advised that staff will be arranging to have the yard waste picked up.

In response to a suggestion by Councillor Birtwistle, the Director of Operations responded that staff will consider providing additional parking on Wilson Street during construction of the Baker Street parking structure.

In response to questions from Councillor Moziar, the Director of Environmental Services advised that staff will consider ways to structure the collection of charges for water accordingly if a cistern/rain water collection system is implemented.

## **MAYOR'S ANNOUNCEMENTS**

The Mayor announced that:

- Councillors Ferraro and Moziar will be holding a Ward 2 Public Meeting on June 8, 2006 starting at 7:00 p.m. in Room 4 of the Evergreen Seniors Centre.
- Councillor Laidlaw will be holding a Ward 3 public meeting on May 18, 2006 starting at 7:30 p.m. at GCVI.
- On Sunday, May 21 at 2:00 pm, the City of Guelph will be hosting the official unveiling of the Children's Monument at Riverside Park.

**NOTICE OF MOTION**

Councillor Baily advised that she will be presenting the following motion at the June 5, 2006 City Council meeting:

“WHEREAS the purpose of giving notice of motion is to permit the members of Council to consider and prepare for the motion or motions that will be placed before them for consideration;

AND WHEREAS this facilitates discussion and contributes to efficient and satisfactory resolution of a matter by Council;

THEREFORE BE IT RESOLVED THAT the procedural by-law be amended to require full disclosure of motions at the time of giving notice of a motion at a Council meeting.”

**ADJOURNMENT**

The meeting adjourned at 7:35 o'clock p.m.

Minutes read and confirmed June 5, 2006.

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 Mayor

.....  
 Clerk

<b>Tab</b>	Environmental Services Department
<b>Authority</b>	Wastewater Services Division
<b>Subject</b>	Overstrength Surcharge Agreement (OSA)
<b>Related Policies</b>	Overstrength Surcharge Compliance Agreement (OSCA)
<b>Approved by</b>	Council
<b>Revision Date</b>	

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<b>POLICY STATEMENT</b>	An Overstrength Surcharge Agreement (OSA) is an agreement entered into by the City and an owner or operator of a premises which allows the premises to exceed the Sewer Use By-law discharge limits for biochemical oxygen demand, suspended solids, phosphorous and solvent extractable matter of animal and vegetable origin upon the stipulation that the premises meets the terms and conditions of the Overstrength Surcharge Agreement and pays the City an additional fee for the treatment of their overstrength wastewater.
<b>PURPOSE</b>	To clearly define the Corporate Policy for the application and approval of Overstrength Surcharge Agreements.
<b>PROCEDURE</b>	<p>General Policy</p> <ul style="list-style-type: none"> <li>• An Overstrength Surcharge Agreement may only apply to the discharge of surchagable parameters in wastewater, specifically: biochemical oxygen demand, suspended solids, phosphorous and solvent extractable matter of animal or vegetable origin. The applicant must comply with all other aspects of the By-law, or have active Agreements to bring the discharge from the premises into compliance.</li> <li>• An Overstrength Surcharge Agreement shall be in the form and of the content as set out in Schedule “K” of By-law (1996)-15202 and may in no way deviate from the standardized agreement format without council approval.</li> <li>• The premises must have been in existence and operating within the municipal boundaries of the City of Guelph on or before July 16, 1996 (the effective date of the Sewer Use By-law (1996)-15202) to be eligible to apply to the City for an Overstrength Surcharge Agreement.</li> <li>• All information submitted to and collected by the City in connection with the Overstrength Surcharge Agreement including but not limited to, reports, surveys, samplings activities, monitoring and inspection programs will, be subject to disclosure in accordance with the Municipal Freedom of Information and Privacy Act.</li> <li>• Overstrength Surcharge Agreement(s) will be issued for a specified time period and will not exceed a maximum of three (3) calendar years in duration. Expired Overstrength Surcharge Agreement(s) may on a case by case basis be renewed for additional three year terms if such renewal will not negatively impact the hydraulic or organic loading of the Wastewater Treatment Plant and the premises</li> </ul>

is not in violation of their current Agreement. In addition, any renewal must not be inconsistent with current or pending changes in federal, provincial or municipal regulations that would affect the operation of the Wastewater Treatment Plan or with any current or proposed changes to the Sewer Use By-Law.

- The Director may require a premises making an application for an Overstrength Surcharge Agreement, or for an amendment or renewal of an Overstrength Surcharge Agreement to provide at their own expense such treatment or take such actions (including but not limited to entering into an OSCA) as may be necessary to change the characteristics of the wastewater and/or flow of the wastewater discharge to a level acceptable to the City such that the discharge will not negatively impact the hydraulic or organic loading of the Wastewater Treatment Plant before an Overstrength Surcharge Agreement, amendment or renewal will be granted.
- Termination and suspension of the Agreement will be at the sole discretion of the Director. In determining whether to terminate or suspend the Agreement the Director will take into consideration such factor as, but not limited to; health and safety, the integrity of the sewage works, applicable legislation, failure of the applicant to pay any monies owed to the City or failure to maintain any insurance required by the City. In general, health and safety issues may result in termination of the Agreement, while other issues may result in suspension until the issue has been rectified to the satisfaction of the Director.
- Determination of the criteria for the Sampling and Analytical Protocol (Schedule B of the Agreement) will be at the sole discretion of the Director. In considering whether to choose option A or B for sampler set-up, the Director will consider, but not limited to, the following; consistency of concentration of discharge, consistency of the flow of the discharge, and type of process producing the discharge (batch or continual).
- Maximum discharge limits for the duration of the Agreement will be determined at the sole discretion of the Director while considering factors including but not limited to the following criteria: The discharge will not negatively impact the hydraulic or organic loading to the Wastewater Treatment Plant, the discharge limits can be reasonably achieved by the premises after all reasonably required measures have been taken to reduce the overstrength nature of the discharge.

**Prerequisites:**

- Applicant(s) must take all reasonable means to complete an Overstrength Surcharge Compliance Agreement (OSCA) as per Schedule “D” of By-law (1996)-15202 before being eligible to apply to the City of an Overstrength Surcharge Agreement (OSA) Schedule “K”, or take such other reasonable actions as deemed acceptable by the Director to reduce the overstrength nature of their waste to a level that will not negatively impact the hydraulic or organic loading of the Wastewater Treatment Plant.

- Applicant(s) must demonstrate to the City that there has been a reduction in the strength of their discharges of overstrength wastewater for all applicable surchargeable parameters during the term of a previous Overstrength Surcharge Compliance Agreement, if applicable or through the implementation of Best Management Practices, Pollution Prevention Initiatives and/or the addition of onsite pre-treatment of the premises wastewater. To a level such that the discharge will not negatively impact the hydraulic or organic loading of the Wastewater Treatment Plant.
- Applicant(s) must apply in writing to the Director for an Overstrength Surcharge Agreement. This request must include both the reasoning and issues associated with the premises not meeting full compliance with By-law (1996)-15202 through their previous actions or Overstrength Surcharge Compliance Agreement. In addition the application must comply with the application criteria listed in the Sewer Use By-law.
- In addition the applicant must submit any other information required by the Director related to the discharge from the premises. This may include but is not limited to the following; chemical and physical analyses of the discharge, quantity, and rate of discharge of overstrength wastewater and wastewater plumbing, sources of waste and plans and specifications for pre-treatment.
- Applications for amendments and renewals of the Agreements must be made in writing and must comply with the criteria listed in the Sewer Use By-law and the Agreement, and the applicant shall submit all information required by the Director regarding the discharge from the premises.

**DEFINITIONS**

N/A

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