

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

**A meeting of Guelph City Council.**

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

Absent: Councillor Downer

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; 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, Manager of Recreation; Ms. T. Agnello, Deputy City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

- 1. Moved by Councillor Birtwistle  
Seconded by Councillor Baily

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

- litigation or potential litigation;
- proposed or pending acquisition or disposition of land.

Carried

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

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Mayor

.....  
Deputy Clerk

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

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

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

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; 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, Manager of Recreation; Ms. T. Agnello, Deputy City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There were no declarations of pecuniary interest.

The Director of Corporate Services/City Solicitor provided an update with respect to various litigation matters.

Ms. L.E. Payne

1. Moved by Councillor Moziar  
Seconded by Councillor Birtwistle  
THAT the Litigation Status Report dated May 25, 2006 be received for information.

Carried

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

2. Moved by Councillor Furfaro  
Seconded by Councillor Baily  
THAT staff be given direction with respect to a proposed or pending acquisition or disposition of land.

Carried

3. Moved by Councillor Furfaro  
Seconded by Councillor Baily  
THAT staff be given direction with respect to a proposed acquisition of land.

4. Moved by Councillor Kovach  
Seconded by Councillor Birtwistle  
THAT the matter with respect to a proposed pending acquisition of land be referred to staff for a report back on the regulations governing the sale land.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Burcher, Hamtak, Kovach, Laidlaw, Schnurr and Mayor Quarrie (9)

VOTING AGAINST: Councillors Ferraro, Furfaro and Moziar (3)

Carried

The meeting recessed at 5:30 p.m.

Councillor Downer arrived at 6:03

The meeting reconvened at 6:03 p.m.

The Director of Corporate Services/City Solicitor provided information with respect to the regulations governing the sale of land.

5. Moved by Councillor Furfaro  
Seconded by Councillor Baily

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

THAT staff be given direction with respect to a potential acquisition of property.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Ferraro, Furfaro, Moziar, Schnurr and Mayor Quarrie (7)

VOTING AGAINST: Councillors Birtwistle, Burcher, Downer, Hamtak, Kovach and Laidlaw (6)

The motion was carried.

6. Moved by Councillor Furfaro  
Seconded by Councillor Baily

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

THAT staff be given direction with respect to a potential acquisition of property.

A recorded vote was requested, which resulted as follows:

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

VOTING AGAINST: (0)

The motion was carried.

The meeting adjourned at 6:35 o'clock p.m.

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Mayor

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Deputy Clerk

Council Chambers  
June 5, 2006

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

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

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; 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, Manager of Recreation; Mr. J. Stokes, Manager of Realty Services; Ms. T. Agnello, Deputy City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

Councillor Furfaro declared a possible pecuniary interest with regards to By-law Number (2006)-18042 because a family member owns the property and did not discuss or vote on the matter.

- 1. Moved by Councillor Moziar  
Seconded by Councillor Schnurr

THAT the minutes of the Council meetings held on May 15 and 31, 2006 and the minutes of the Council meeting held in Committee of the Whole on May 15 and 31, 2006 be confirmed as recorded and without being read;

AND THAT the minutes of the Council meeting held in Committee of the Whole on May 30, 2006 be amended to reflect that Councillor Baily arrived at 7:45 p.m. and that Councillor Kovach retired from the meeting at 7:55 p.m.;

AND THAT the minutes of the Council meeting held in Committee of the Whole on May 30, 2006 be confirmed as amended and without being read.

Carried

## PRESENTATIONS

The Mayor, with the assistance of John DeSero, Chair of the Barrier Free Education Committee, presented the 2006 Barrier Free Access Awards to the following:

- ***Outstanding Contribution of a Business:-***
  - Ultra Food and Drug, Marco Marcone and Staff
  - West End Community Centre, Vikki Dupuis, Liz Teskey and Staff
  - Triumph Tool-Guelph, John Duffy and Staff
- ***Outstanding Contribution of a Community Group:-***
  - John F. Ross Save the Future Program, Teacher Advisors and Student Members
  - Guelph Curling Club, Gerry Sundwall, Dan Lawson and Cliff Arcand
  - Guelph Community Health Centre, Cynthia Hoy and Karen Johnson Carere
  - Feeling Better Program, Sheila Schuelein, Staff and Volunteers
- ***Outstanding Contribution of an Educator:-***
  - Steve Redmond
- ***Outstanding Contribution of an Individual (Adult and Youth):-***
  - Mary Strimas
  - John Travers Coleman
  - Mary Ellen Nettle
- ***Outstanding Accomplishment of an Individual with a Disability (Adult and Youth):-***
  - Julia Niimi
  - Natasha McAllister

John Allan, Chair of the Downtown Board of Management was present and introduced Audrey Jamal the new General Manager.

Andrew Lambden was present on behalf of the Guelph Development Association and provided information with respect to the joint Association and City, Clean and Green event which will

be held on Saturday June 10, 2006. He thanked the businesses involved with this event.

The Mayor congratulated Councillor Kovach on her acclamation as President of the Federation of Canadian Municipalities.

### **REGULAR MEETING**

2. Moved by Councillor Schnurr  
Seconded by Councillor Moziar

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

Carried

### **DELEGATIONS**

#### **Removal of Encroachment – 190 Inkerman Street**

Shane and Valerie Fernandes were present and advised that they purchased the property in 2000 with the understanding that there were no encroachments or infractions. He suggested that the area encroaching does not impact the environmental area or the usage of the park. He further suggested that the appropriate solution would be to sell the land to them as the property owner.

#### **Councillor Kovach presented Clause 2 of the SIXTH REPORT of the Finance, Administration and Community Services Committee.**

3. Moved by Councillor Kovach  
Seconded by Councillor Burcher

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

THAT Council authorize the sale of the portion of Howitt Park abutting 190 Inkerman Street to the property owners, as per the City policy with respect to the sale of park lands.

Carried

#### **Mayfield Park Beach Volleyball Court**

Dave Kelly was present on behalf of Where's the Beach? Volleyball. He provided information with respect to the membership of the organization. He advised that the loss of this court would remove 100 players from this activity.

Tony Matteis was present on behalf of the Old Stone Estates Neighbourhood, and expressed concern with the beach volleyball activity taking place in a zoned neighbourhood park. He further expressed concern that there is no washroom facility, no parking and excessive noise.

**Councillor Kovach presented Clause 3 of the SIXTH REPORT of the Finance, Administration and Community Services Committee.**

4. Moved by Councillor Kovach  
Seconded by Councillor Burcher

THAT the Mayfield Park beach volleyball court be terminated as a competitive site by the end of June;

AND THAT the beach volley ball plot be removed from Mayfield Park.

5. Moved in Amendment by Councillor Downer  
Seconded by Councillor Laidlaw

THAT the Mayfield Park beach volleyball court be removed subject to the development of a new court by July 31, 2006.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Downer, Kovach and Laidlaw (4)

VOTING AGAINST: Councillors Billings, Birtwistle, Burcher, Ferraro, Furfaro, Hamtak, Moziar, Schnurr and Mayor Quarrie (9)

The motion was defeated.

It was requested that the clauses be voted on separately.

6. Moved by Councillor Kovach  
Seconded by Councillor Burcher

Mr. D. McCaughan

THAT the Mayfield Park beach volleyball court be terminated as a competitive site by the end of June 2006.

A recorded vote was requested, which resulted as follows:

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

VOTING AGAINST: (0)

The motion was carried.

7. Moved in Amendment by Councillor Kovach  
Seconded by Councillor Laidlaw

THAT the volleyball standards be removed from the Mayfield Park beach volleyball court;

AND THAT Mayfield Park beach volleyball court not be available for league use, using temporary standards;

AND THAT the Finance, Administration & Community Services Committee and staff revisit the matter of a beach volleyball court being in Mayfield Park after the summer season.

A recorded vote was requested, which resulted as follows:

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

VOTING AGAINST: Councillors Birtwistle, Ferraro and Furfaro (3)

The motion was carried.

8. Moved by Councillor Kovach  
Seconded by Councillor Burcher

Mr. D. McCaughan  
Counc. G. Kovach

THAT the volleyball standards be removed from the Mayfield Park beach volleyball court;

AND THAT Mayfield Park beach volleyball court not be available for league use, using temporary standards;

AND THAT the Finance, Administration & Community Services Committee and staff revisit the matter of a beach volleyball court being in Mayfield Park after the summer season.

Carried

### **Development Charges – 14 Cambridge Street, Coach House**

Paul Hettinga was present and advised that Council approved a zone change in 2003 for the coach house at 14 Cambridge Street. He advised that he was on the understanding that development charges would not apply to this property. He requested that Council allow him to pay for the development charges over a ten year period.

**Councillor Kovach presented Clause 5 of the SIXTH REPORT of the Finance, Administration and Community Services Committee.**

9. Moved by Councillor Kovach  
Seconded by Councillor Burcher

THAT no action be taken on the request to waive development charges for the Coach House located at 14 Cambridge Street;



AND THAT the owner enter into an agreement with the City of Guelph, to the satisfaction of the Director of Finance and the Director of Corporate Services/City Clerk, to defer the payment of the required development charges over time.

It was requested that the clauses be voted on separately.

Mr. D.A. Kennedy 10. Moved by Councillor Kovach  
Seconded by Councillor Burcher  
THAT no action be taken on the request to waive development charges for the Coach House located at 14 Cambridge Street.

A recorded vote was requested, which resulted as follows:

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

VOTING AGAINST: (0)

The motion was carried.

Mr. D.A. Kennedy 11. Moved by Councillor Kovach  
Ms. L.E. Payne Seconded by Councillor Burcher  
THAT the owner enter into an agreement with the City of Guelph, to the satisfaction of the Director of Finance and the Director of Corporate Services/City Clerk, to defer the payment of the required development charges over time.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Birtwistle, Bucher, Downer, Ferraro, Furfaro, Kovach, Laidlaw, Moziar and Mayor Quarrie (9)

VOTING AGAINST: Councillors Baily, Billings, Hamtak and Schnurr (4)

The motion was carried

Mr. D.A. Kennedy 12. Moved by Councillor Burcher  
Mr. J. Riddell Seconded by Councillor Downer  
Ms. L.E. Payne THAT staff be directed to review the policy for development charges on all aspects of infill development in the City in concert with the Growth Management Strategy and the Downtown Advisory Group report.

A recorded vote was requested which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Burcher, Downer, Ferraro, Hamtak, Kovach, Laidlaw and Mayor Quarrie (8)

VOTING AGAINST: Councillors Billings, Birtwistle, Furfaro, Moziar and Schnurr (5)

The motion was carried.

13. Moved by Councillor Baily  
Seconded by Councillor Hamtak  
THAT Council now go into the Committee of the Whole to consider reports and correspondence.

Carried

**Councillor Kovach presented the balance of the SIXTH REPORT of the Finance, Administration and Community Services Committee.**

**War Memorial Plaque**

Mr. G.W. Stahlmann  
Mr. D.A. Kennedy  
Mr. D. McCaughan

14. Moved by Councillor Kovach  
Seconded by Councillor Burcher  
THAT the request by the Royal Canadian Legion with respect to the placement of the War Memorial Plaque as a separate structure at the Cenotaph, be approved.

Carried

Mr. G.W. Stahlmann

15. Moved by Councillor Kovach  
Seconded by Councillor Burcher  
THAT the agreement between the Corporation of the County of Wellington and the Corporation of the City of Guelph for the National Child Benefit Reinvestment Program be approved;

AND THAT the Mayor and Clerk be authorized to sign the agreement.

Carried

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

16. Moved by Councillor Kovach  
Seconded by Councillor Burcher  
THAT the policy with respect to written notification only to citizens selected for interviews for positions on Boards, Committees and Commissions be rescinded;

AND THAT all citizens who apply for positions on Boards, Committees & Commissions receive written notification at the conclusion of the appointment process.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Birtwistle, Burcher, Downer, Ferraro, Hamtak, Kovach, Laidlaw and Mayor Quarrie (9)

VOTING AGAINST: Councillors Billings, Furfaro, Moziar and Schnurr (4)

The motion was carried

**CONSENT AGENDA**

The following items #A-1, A-3 and B-1 were extracted from the Consent Agenda to be voted on separately.

17. Moved by Councillor Birtwistle  
Seconded by Councillor Ferraro  
THAT the balance of the June 5, 2006 Consent Agenda as identified below, be adopted:

a) **Proposed Demolition of a Detached Dwelling known municipally as 129 Elizabeth Street, Ward 1**

Mr. J Riddell  
Mr. B. Poole

THAT the application to demolish the detached dwelling known municipally as 129 Elizabeth Street, be approved.

b) **Proposed Sale of City Lands – Farley Drive**

Ms. L.E. Payne

THAT the lands described as Part of Block 192, Plan 61M-35, designated as Part 1 on Reference Plan 61R-9176 be declared as being surplus to the City’s needs and be sold to the abutting property owner at 114 Farley Drive;

AND FURTHER THAT the lands described as Part of Block 192, Plan 61M-35, designated as Part 1 on Reference Plan 61R-9176 be conveyed to the owner of 114 Farley Drive for the purchase price of \$8,200.00 plus costs;

AND FURTHER THAT the City Solicitor be directed to complete the transaction including the execution of all Affidavits, Statutory Declarations and Undertakings required.

c) **MTO authorized Requestor Agreement**

Mr. D. McCaughan

THAT the Mayor and Clerk be authorized to sign the MTO Agreement with respect to the Authorized Requestor Agreement.

**B Items for Direction of Council**

1) **Use of the Name Guelph**

Mr. A. Gordon

THAT the request from Miller Thomson on behalf of Guelph Youth Basketball Association, for permission to use the name “Guelph” in the name of the “Guelph Youth Basketball Association”, be approved.

Carried

**Proposed Demolition of a Detached Dwelling known municipally as 21 Mont Street, Ward 3**

Mr. J. Riddell  
Mr. B. Poole

18. Moved by Councillor Laidlaw  
Seconded by Councillor Burcher  
THAT signage be placed on property where any house is to be demolished.

Carried

Mr. J. Riddell  
Mr. B. Poole

19. Moved by Councillor Kovach  
Seconded by Councillor Birtwistle  
THAT the application to demolish the detached dwelling known municipally as 21 Mont Street, be approved.

Carried

**Outback Developments Ltd. (Arkell Springs) – request for an extension of draft plan approval by Astrid J. Clos Planning Consultants on behalf of Outback Developments Limited for lands known municipally as 12 Ridgeway Avenue, 135 Arkell Road, 171 Arkell Road and 197 Arkell Road and legally described as Part of Block B, Registered Plan No. 544 and Rear Part of Lot 7, Concession 8, City of Guelph (File 23T-01507**

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

20. Moved by Councillor Billings  
Seconded by Councillor Schnurr  
THAT the report from Planning and Development Services dated June 5, 2006, be approved and that the City of Guelph approves a two (2) year extension to the Draft Plan Approval of the Outback Developments Ltd. (Arkell Springs) residential subdivision (File 23T-01507) to an extended lapsing date of July 11, 2008, subject to the conditions outlined in Schedule 2 of the Planning and Development Services Report #06-40 dated June 5, 2006;

AND THAT Condition #49 in Schedule 2 of the Planning and Development Services Report #06-40 dated June 5, 2006 be amended to read as follows:

“49. The developer shall satisfy all requirements and conditions of Canada Post including advisories and suitable mailbox

locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.”

Carried

**AMO Alert – your support for the AMO position on Household Hazardous Waste/Household Special Waste (HHW/HSW) Position Paper**

AMO  
Ms. L. Sandals  
Dr. J.L. Laird

21. Moved by Councillor Kovach  
Seconded by Councillor Birtwistle  
THAT Guelph City Council supports the position paper on Household Hazardous Waste / Household Special Waste prepared by the AMO/AMRC Waste Management Task Force;

AND THAT a copy of this resolution be sent to the Association of Municipalities of Ontario by June 9th, 2006 and Liz Sandals, MPP.

Carried

22. Moved by Councillor Billings  
Seconded by Councillor Moziar  
THAT the Committee rise with leave to sit again.

Carried

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

Carried

**Special Resolution**

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

24. Moved by Councillor Baily  
Seconded by Councillor Billings  
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 the intent of motions at the time of giving notice of a motion at a Council meeting.

Carried

**BY-LAWS**

25. Moved by Councillor Burcher  
Seconded by Councillor Laidlaw

THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2006)-18038 to (2006)-18041 and By-law Numbers (2996)-18043 to (2006)-18057, inclusive.

Carried

The By-laws were read a first and second time at 9:26 o'clock p.m.

Council went into Committee of the Whole on By-laws Numbers (2006)-18038 to (2006)-18041 and (2006)-18043 to (2006)-18057, inclusive.

Mayor Quarrie in the Chair.

At 9:29 o'clock p.m., the Committee rose and reported By-laws Numbered (2006)-18038 to (2006)-18041 and (2006)-18043 to (2006)-18057, inclusive, passed in Committee without amendment.

26. Moved by Councillor Downer  
Seconded by Councillor Kovach

THAT By-laws Numbered (2006)-18038 to (2006)-18041 and (2006)-18043 to (2006)-18057, inclusive, be read a third time and passed.

Carried

27. Moved by Councillor Burcher  
Seconded by Councillor Laidlaw

THAT leave be now granted to introduce and read a first and second time, By-law Number (2006)-18042.

Carried

28. Moved by Councillor Downer  
Seconded by Councillor Kovach

THAT By-law Number (2006)-18042 be read a third time and passed.

Carried

The By-laws were read a third time and passed at 9:32 o'clock p.m.

## **QUESTIONS**

In response to questions by Councillor Birtwistle, the Chief Administrative Officer outlined the internal process to review reports.

In response to questions by Councillor Birtwistle, the Director of Planning and Development Services advised that a meeting is being scheduled between Armel, the Mayor and the Chief Administrative Officer with respect to the Westhills Development at the corner of Imperial and Paisley.

In response to questions by Councillor Laidlaw, the Director of Corporate Services/City Solicitor advised that the requirements which the Accessibility staff have recommended do impact outdoor patios. She advised that staff will be bringing a report forward in the near future on this matter.

## **MAYOR'S ANNOUNCEMENTS**

The Mayor made the following announcements:

- 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 Baily and Councillor Furfaro will be holding a Ward 1 public meeting on June 29<sup>th</sup>, 2006 starting at 7:00 p.m. in the Council Chambers at City Hall, 59 Carden Street.

In response to a request from the Mayor, Councillor Burcher provided an overview of the FCM conference.

Councillor Laidlaw advised that she is bringing forward her notice of motion regarding patios at the next meeting of Council.

The Mayor advised that she spoke to several companies at the FCM conference with respect to the City's wet plant, and has forwarded information to the Director of Environmental Services.

**NOTICE OF MOTION**

**ADJOURNMENT**

The meeting adjourned at 9:44 o'clock p.m.

Minutes read and confirmed June 19, 2006.

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Mayor

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Deputy Clerk