

**Minutes of the Operations, Transit and Emergency Services Committee
Held in the Council Chambers, Guelph City Hall on
Monday, March 18, 2013 at 5:00 p.m.**

Attendance

Members: Chair Findlay, Mayor Farbridge, Councillors Furfaro and Van Hellemond

Absent: Councillor Bell

Councillors: Councillors Dennis, Guthrie and Piper

Staff: Mr. D. McCaughan, Executive Director of Operations, Transit & Emergency Services; Mr. M. Anders, General Manager, Community Connectivity and Transit; Mr. D. Godfrey, Manager, By-law Compliance & Security; Mr. B. Labelle, City Clerk; and Ms. D. Black, Council Committee Coordinator.

Call to Order (5:00 p.m.)

Chair Findlay called the meeting to order. The meeting began with a moment of silence in respect of the passing of Constable Jennifer Kovach.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Confirmation of Minutes

1. Moved by Councillor Van Hellemond
Seconded by Councillor Furfaro

That the open meeting minutes of the Operations, Transit & Emergency Services Committee held on December 10, 2012, be confirmed as recorded.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Furfaro, and Van Hellemond (4)

VOTING AGAINST: (0)

CARRIED

Consent Agenda

The following items were extracted from the Consent Agenda to be dealt with separately:

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| OTES-2013.1 | Public Nuisance By-law |
| OTES-2013.2 | Revised U-Pass Agreement |
| OTES-2013.4 | Revised Guelph Transit 2011 Annual Report |

Balance of Consent Items

2. Moved by Mayor Farbridge
Seconded by Councillor Van Hellemond

That the balance of the Operations, Transit & Emergency Services Committee of March 18, 2013 Consent Agenda, as identified below, be adopted:

OTES-2013.3 Delegation of Authority Report

That the report dated March 18, 2013 entitled "2012 Delegation of Authority Report" with respect to delegated authority under the purview of Operations, Transit & Emergency Services Committee be received.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Furfaro, and Van Hellemond (4)
VOTING AGAINST: (0)

CARRIED

Extracted Consent Items

OTES-2013.1 Public Nuisance By-law

Mr. Derek McCaughan, Executive Director, Operations, Transit & Emergency Services, provided a brief introduction to the Public Nuisance By-law.

Mr. Doug Godfrey, Manager, By-law Compliance & Security, provided a synopsis of the reasons for implementation, process, benefits and next steps of the Public Nuisance By-law process.

Mr. Dave Sills, Guelph Civic League, advised they would like further public input. He would like clarification of the by-laws being incorporated into the public nuisance by-law, the limitations and fines. He said the language regarding permits, costs, and insurance requirements are too vague. He asked the by-law be referred back to staff for clarification and further public input.

Mr. Barry Milner, a City resident, supports the draft by-law. He said there is not enough university housing so related costs are being shifted to the City. He said 37% of properties on his street rent to students and are absentee landlords and this had created issues. He asked council to support the draft by-law and staff recommendations.

Mr. Keith Bellairs, Council of Canadians, Guelph Chapter, noted concerns with the proposed by-law. He said the terms and conditions contained within the by-law are too vague and broad for people to understand their limitations. He raised the concern that the Executive Director has too much latitude by being able to restrict currently permitted actions by putting up a sign. He said staff should be able to enforce the laws, not make the law.

Ms. Devin Foley, said she concurs with the previous delegate regarding vagueness within the by-law and staff authority issues. She was concerned that the term "annoyance" within the by-law could possibly be anything if it annoys someone. She believes that the judicial process should be sufficient to enforce the by-laws and fines may cause financial hardship for some. She said the by-law is not in the best interest of the public and she would like to see changes to the by-law regarding protests and how fines would be determined.

Staff advised that the public can initiate an administrative review of the by-law officer by contacting the supervisor and an internal review would be conducted if they believe an office uses their discretion too frivolously or indiscriminately.

Deputy Police Chief, Jeff deRuyter, advised Guelph Police Services also has a mechanism in place to file a complaint and the situation would be assessed by an arm's length agency.

Staff advised the by-law gives authority to the Executive Director of Operations, Transit and Emergency Services, and the Community & Social Services Executive Director. The noted that consideration was given to creating two different by-laws, but determined it would be more efficient to include everything into one by-law and would alleviate any confusion regarding which by-law applied to a situation. Staff said they consulted with community engagement staff to determine how to involve the public and provided participant numbers for the various forums.

Main Motion

3. Moved by Councillor Furfaro
Seconded by Councillor Van Hellemond
 1. That the Operations, Transit & Emergency Services Committee Report #OT031303 dated March 18, 2013, regarding the establishment of a Public Nuisance By-law be received.
 2. That the proposed Public Nuisance By-law be presented to Council for approval.

First Amendment

4. Moved by Councillor Furfaro
Seconded by Mayor Farbridge

That the public nuisance by-law be referred back to committee in April, 2014 to review the effectiveness of the by-law to date.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Furfaro, and Van Hellemond (4)
VOTING AGAINST: (0)

CARRIED

Staff said they will report back on the Public Nuisance By-law based upon public and administrative input. They advised that their goal is to educate the public regarding by-laws and provide opportunities for individuals to comply prior to enforcing the by-laws.

Main Motion as Amended

5. Moved by Councillor Furfaro
Seconded by Mayor Farbridge
 1. That the Operations, Transit & Emergency Services Committee Report #OT031303 dated March 18, 2013, regarding the establishment of a Public Nuisance By-law be received.
 2. That the proposed Public Nuisance By-law be presented to Council for approval.

3. That the public nuisance by-law be referred back to committee in April 2014 to review the effectiveness of the by-law to date.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Furfaro, and Van Hellemond (4)

VOTING AGAINST: (0)

CARRIED

OTES-2013.2 Revised U-Pass Agreement

Mr. Matthew Pecore, & Mr. Pepe Rodriguez, Central Student Association/Graduate Students' Association of the University of Guelph advised they support the Universal Pass Agreement being proposed and appreciate the commitment it represents. They believe the agreement brings economic stability for the coming years and provides an opportunity to focus on the long term goals of improving the system.

Staff advised they intend to bring forward a report in May to incorporate this agreement into the Delegation of Authority by-law.

6. Moved by Mayor Farbridge
Seconded by Councillor Van Hellemond

1. That the Operations, Transit and Emergency Services Committee Report #OT031302 Revised U-Pass Agreement dated March 18, 2013 be received.
2. That the Mayor and City Clerk be authorized to sign U-Pass Agreements with the CSA and GSA at the University of Guelph.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Furfaro, and Van Hellemond (4)

VOTING AGAINST: (0)

CARRIED

OTES-2013.4 Revised Guelph Transit 2011 Annual Report

There was discussion regarding the format and presentation of the information within the annual report. There was a request to see the Annual Report more clearly tied into the Transit Growth Strategy. There were questions regarding how best to use the performance indicators, clarifying client benefits, placing the core strategic outcomes more prominently, addressing the modal split, and using statistics and quantifiable numbers to show performance results. A specific request was made to identify all the costs associated with the mobility component.

Staff should clarify which statistics and key performance indicators can be influenced versus ones that can only be observations. Staff will need to determine the best framework to use for their report.

7. Moved by Councillor Furfaro
Seconded by Councillor Van Hellemond

That the Revised Guelph Transit 2011 Annual Report be received.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Furfaro, and Van Hellemond (4)

VOTING AGAINST: (0)

CARRIED

Authority to Resolve into a Closed Meeting

8. Moved by Councillor Van Hellemond
Seconded by Councillor Furfaro

That the Operations, Transit & Emergency Services Committee now hold a meeting that is closed to the public with respect to Sec. 239(2)() of the *Municipal Act* with respect to personal matters about an identifiable individual.

CARRIED

Closed Meeting (6:13 p.m.)

9. Moved by Councillor Furfaro
Seconded by Mayor Farbridge

THAT staff be given direction with respect to the citizen appointments to the Transit Advisory Committee.

CARRIED

Rise from Closed Meeting (6:15p.m.)

10. Moved by Mayor Farbridge
Seconded by Councillor Furfaro

That the Operations, Transit & Emergency Services Committee rise from its closed meeting.

CARRIED

Open Meeting (6:16 p.m.)

The Operations, Transit & Emergency Services Committee reconvened in a meeting open to the public.

Review of Draft Meeting Flow Guide

The Committee reviewed and provided feedback on a draft meeting flow guide developed in accordance with the recently established Standing Committee Terms of Reference.

Adjournment (6:18 p.m.)

11. Moved by Councillor Van Hellemond
Seconded by Councillor Furfaro

That the March 18, 2013 meeting of the Operations, Transit & Emergency Services Committee be adjourned.

CARRIED

City Clerk

DRAFT