

CITY COUNCIL AGENDA

Consolidated as of September 27, 2013



Council Chambers, Guelph City Hall, 1 Carden Street

DATE September 30, 2013 – 7:00 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 and General Nature Thereof**

PRESENTATION

a) None

CONFIRMATION OF MINUTES (Councillor Wettstein)

“THAT the minutes of the Council Meetings held July 29 and September 9, 2013 and the minutes of the Closed Meetings of Council held July 29 and September 9, 2013 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:

Audit Committee			
Item	City Presentation	Delegations	To be Extracted
AUD-2013.13 Outstanding Motions of the Audit Committee			

Adoption of balance of Audit Committee Fourth Consent Report - Councillor Guthrie, Chair

Closed Meeting of Council			
Item	City Presentation	Delegations	To be Extracted
CMC-2013.6 Citizen Appointments to the Community Wellbeing Grant Allocation Panel			

CMC-2013.7 Citizen Appointments to Water Supply Master Plan Community Liaison Committee			
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Adoption of balance of the Closed Meeting of Council Fifth Consent Report –

Community & Social Services Committee			
Item	City Presentation	Delegations	To be Extracted
CSC-2013.22 Wilson Farm Park – Farmhouse		<ul style="list-style-type: none"> • Brian Holstein • Susan Watson • Madeleine Digby • Malkah McNeilly • Dr. Mary Tivy, on behalf of Heritage Guelph • Daphne-Wainman Wood • Marcia Santen • Susan Watson on behalf of James Gordon • Paul Ross on behalf of Architectural Conservancy of Ontario • Susan Watson on behalf of Susan Ratcliffe, Architectural Conservancy of Ontario, Guelph & Wellington Branch • Marie Martinez • Dennis Galon • Arlene Kamo • Representative of the Trillium Waldorf School • Acacia Newell McGarr • Mel Newell • Shauna McCabe • Lynda Wheelhouse • Cynthia Weijs • Stacy Collison • Ben Bennett • Dr. David Snider on behalf of Northern Heights 	✓

		<ul style="list-style-type: none"> • Michelle Sperle and April Dickin on behalf of Northern Heights • Krista Calder and Julia Murray on behalf of Northern Heights • Betty Macgregor on behalf of Northern Heights • Pat Pryor on behalf of Northern Heights • Dennis Blackmore on behalf of Northern Heights • Derek Higdon on behalf of Northern Heights • Mike Lackowicz on behalf of Northern Heights • David Dorion on behalf of Northern Heights • Frank Barber on behalf of Northern Heights <p><u>Correspondence:</u></p> <ul style="list-style-type: none"> - Memo from Ann Pappert, CAO - Tracey Clarke-Rankine - Laurel McKellar - Councillor Leanne Piper comments - Tonja Clark - Dave Bartram - Susan Watson (4 submissions) - Alison Stalker - Marion Baldwin - Susan Ratcliffe - Steve Howard, Acting Executive Director, Habitat for Humanity Wellington Dufferin Guelph - Petition with 103 signatures
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		- Hugh Whiteley - Lorraine Pagnan - Dr. Mary Tivy	
CSC-2013.24 Guelph Civic Museum Phase 2 Landscaping			
CSC-2013.25 The Elliott Business Case Scope			
CSC-2013.26 Tourism Services RFP Update			

Adoption of balance of Community & Social Services Committee Seventh Consent Report - Councillor Dennis, Chair

Corporate Administration, Finance & Enterprise Committee			
Item	City Presentation	Delegations	To be Extracted
CAFE-2103.32 Disposition and Redevelopment of Property Framework 200 Beverley Street, Guelph, Ontario (former IMICO Site)		• Dennis Galon	✓

Adoption of balance of Corporate Administration, Finance & Enterprise Committee Seventh Consent Report - Councillor Hofland, Chair

Governance Committee			
Item	City Presentation	Delegations	To be Extracted
GOV-2013.13 Citizen Appointment Policy and Advisory Committee Meeting Procedures			
GOV-2013.14 Document Execution By-law			
GOV-2013.15 Downtown Guelph Business Association			
GOV-2013.16 Final Proposed Terms of Reference for City Council and Standing Committees			
GOV-2013.17 Information Flow Protocol			

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

Operations, Transit & Emergency Services Committee			
Item	City Presentation	Delegations	To be Extracted
OTES-2013.26 Sidewalk & Sign Inspection Program – Update			
OTES-2013.27 Traffic Investigations Work Plan - Update			

Adoption of balance of Operations, Transit & Emergency Services Committee Fifth Consent Report - Councillor Findlay, Chair

Planning & Building, Engineering and Environment Committee			
Item	City Presentation	Delegations	To be Extracted
PBEE-2013.30 Sign By-law Variance for 728 Victoria Road South (Pidel Homes)			
PBEE-2013.31 York Trunk Sewer and Paisley-Clythe Feedermain: Recycled Water Distribution System and Edinburgh Road Trail Underpass			

Adoption of balance of Planning & Building, Engineering and Environment Committee Seventh Consent Report - Councillor Piper, Chair

Council Consent Agenda			
Item	City Presentation	Delegations	To be Extracted
CON-2013.26 WWTP Process Operation Centre – Contract No. 13-052			
CON-2013.27 Award Contract 13-032: Conventional and Mobility Transit: Transit Technology System			
CON-2013.28 Standard & Poor’s Credit Rating			

Adoption of balance of the Council Consent Agenda.

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:

- Audit Committee – Councillor Guthrie
- Closed Meeting of Council -
- Community & Social Services Committee – Councillor Dennis
- Corporate Administration, Finance & Enterprise Committee– Councillor Hofland
- Governance Committee – Mayor Farbridge
- Operations, Transit & Emergency Services Committee – Councillor Findlay
- Planning & Building, Engineering and Environment Committee– Councillor Piper
- Council Consent – Mayor Farbridge

SPECIAL RESOLUTIONS

- a) Councillor Bell's notice of motion for which notice was given July 29, 2013

That the following motion be referred to the Planning & Building, Engineering and Environment Committee for consideration:

That Solid Waste Resources staff include a \$100,000 expansion in the 2014 Operating Budget being submitted for Council's consideration to accommodate the marginal cost increase to dispose of Guelph's non contractually committed residual waste at an Energy from Waste (EFW) facility rather than at a landfill.

And that Council's decision be made during the approval of the 2014 Operating Budget.

b) Councillor Bell's notice of motion for which notice was given July 29, 2013

Delegations:

- Sande MacEachern on behalf of Fair Tax Campaign-Guelph
- Catharine Murray on behalf of Fair Tax Campaign-Guelph
- Echo Oliver on behalf of Fair Tax Campaign-Guelph
- Cavan Acheson on behalf of Fair Tax Campaign-Guelph
- Ted Pritchard on behalf of Fair Tax Campaign-Guelph

Whereas over 1,200 tax-paying condominium owners have petitioned Council to provide more fairness in delivery of municipal services and representatives have urged formation of a "Condominium Advisory Committee";

Whereas an existing goal of the current Solid Waste Master Plan is to increase diversion from landfills;

Whereas an Advisory Committee with a mandate to increase the collection of "three-stream waste" from condominiums and multi-residential would assist in meeting that goal;

That the matter of increasing three-stream waste collection from condominiums and multi-residential dwellings be referred to the Planning & Building, Engineering and Environment Committee for consideration of the formation of an Advisory Committee.

BY-LAWS

Resolution – Adoption of By-laws (Councillor Furfaro)

"THAT By-law Numbers (2013)-19429 to (2013)-, inclusive, are hereby passed."

By-law Number (2013)-19637 A by-law to dedicate certain lands known as Block 4, Plan 61M165 as part of Hawkins Drive and Block 5, 61M165 as part of Poppy Drive East, City of Guelph.	To dedicate lands as part of Hawkins Drive and Poppy Drive East.
By-law Number (2013)-19638 A by-law to dedicate certain lands known as Part of Lot 4, Concession 5, Division C, designated as Part 1,	To dedicate land as part of Summit Ridge Drive.

Reference Plan 61R11828, City of Guelph, as part of Summit Ridge Drive.	
By-law Number (2013)-19639 A by-law to amend By-law Number (2009)-18855, as amended, being a by-law respecting the licensing of businesses operating within the City of Guelph, specifically to amend Appendix A of Schedule 14 to add the following Highways: Ajax Street, Burns Drive, Guelph Street, Sleeman Avenue and Western Avenue, and to adopt Municipal Code Amendment #498, which amends Chapter 176 "Business Licences", of The Corporation of the City of Guelph's Municipal Code.	To amend the Business Licence By-law.
By-law Number (2013)-19640 A by-law to authorize the execution of an Engineering Services Agreement between Northmanor Estates Inc. and The Corporation of the City of Guelph. (Kortright East Phase 3 – Northmanor Lands Subdivision)	To execute an Engineering Services Agreement for Northmanor Lands Subdivision.
By-law Number (2103)-19641 A by-law to authorize the execution of a Professional Services Agreement between MTE Consultants Inc. and The Corporation of the City of Guelph. (Kortright East Phase 3 – Northmanor Lands Subdivision)	To execute a professional services agreement for Kortright East Phase 3 – Northmanor Lands Subdivision.
By-law Number (2013)-19642 A by-law to dedicate certain lands known as Part of Lot 4, Concession 5, Division C, designated as Part 1, Reference Plan 61R11974, City of Guelph, as part of Summit Ridge Drive.	To dedicate land as part of Summit Ridge Drive.
By-law Number (2013)-19643 A by-law to remove Lot 13, Plan 61M175, designated as Parts 1 and 2, Reference Plan 61R11772 in the City of	To remove land from part lot control to create separate parcels for semi-detached dwellings municipally known as 124 and 126 Kemp Cres.

Guelph from Part Lot Control. (124 and 126 Kemp Cres.)	
By-law Number (2013)-19644 A by-law to confirm proceedings of a meeting of Guelph City Council. (September 30, 2013)	By-law to confirm the proceedings of a meeting of City Council held September 30, 2013.

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

Madam Mayor and Members of Council:

At the foundation of all the debate on the Wilson farmhouse lies a bedrock of expectations. Since “expectations” are being invoked as a rationale for one option over another, I think these expectations merit a closer look.

Our Official Plan is the legal document which guides development in Guelph. It is available on-line for review by all citizens, developers, builders, real estate agents and new home buyers. The Wilson farmhouse is one of only two buildings specifically identified by address in the Official Plan:

3.5.20 In addition to the policies contained in subsection 3.5 of this Plan, the following policies provide context for new development within the Victoria Road North Secondary Plan Area:

1. The farmhouse at 595 Victoria Road North will be incorporated into the design of the main public square for the lands located along the west side of Victoria Road, providing opportunity for the use of this building as a public facility (community centre or library) or alternatively, to be retained as a residential use.

The Victoria Road North Secondary Plan was incorporated into the City’s Official Plan through O.P.A 11 and was approved by the OMB in 2001.

Based on this document, all Guelphites can reasonably expect the vision of preservation of the farmhouse to be fulfilled, either through community use of the farmhouse or residential use.

On the other side of the debate, members of the Northern Heights Community Association have been asserting entitlement to the entire city block for the neighbourhood park. Flyers posted in the neighbourhood have stated, “We were promised the whole park.”

As this position stands in direct contrast to what is contained in the Official Plan, I have been trying to piece together the origin of this entitlement.

In submissions to Council and on the Ward 2 blog, the Northern Heights Community Association and individuals in the neighbourhood have made multiple allegations that a promise of the “whole park” was made by the builder from whom they bought their houses.

A detailed document was attached to one of the petitions submitted by the Northern Heights Community Association. It is dated April 26, 2011 and is entitled: “Objections to Proposed Heritage Designation and Sale of the Wilson-Ingram Farmhouse on Simmonds Drive, Guelph ON.”

In the second paragraph, the following statement is made: ***“Homeowners were told by the builders, the farmhouse was to be renovated and used for a city facility NOT private sale.”***

In the last paragraph on the second page, the submission states: ***“People were informed when they bought their houses that the farmhouse would be used by the city for community purposes rather than to facilitate private use and limited monetary gain.”***

The final statements include the following: ***“In conclusion, to designate this property Heritage and sever it is: A violation of the understanding of all the recent property purchasers around this area who paid a lot premium for their respective properties facing the park;”***

Of note: Nearly all the properties on the west and east sides of the park would have been constructed after 2009. On the 2009 aerial photograph submitted by NHCA, these houses have not yet been built, including, as far as I can ascertain, the home of Mr. Lackowicz. (p.3 of the submission).

Curiously, the statements made in the April 26, 2011 submission stand in contrast to background information printed on a survey distributed by the Northern Heights Community Association, but never remitted to the City: ***“The approved Master Plan for the Wilson Farmhouse and Park identified that land around the Wilson Farmhouse could be severed from the park with the potential for the City of Guelph to sell the land and house at market value. The City’s Official Plan recognized the house as a historic structure with Council directing that the house be officially designated as a historic property.”***

The same allegations of a builder promise of the whole city block without the house have been repeated in posts on the Ward 2 blog and uploaded letters originally sent to City Council: On September 7th, 2013, dh276 posted: ***“There was a premium charged by the builders to live across from a park not a residence....The house was nice but the city has neglected it and the only thing that has historical significance is a window frame which the new owners could build a new house around and we will have paid a premium for nothing. Will the city pay these premiums back?”***

LO Sept. 23rd, 2013: ***“I remember how our neighbourhood was deceived over the Pravada development. Please make sure that you do support our wishes that the house be demolished and the land added to the park.”***

AS Sept 24th, 2013: ***“The initial plan for this land supported keeping it whole for all to enjoy.”***

These allegations are all serious in nature. Anyone dealing in Real Estate – agents, brokers, builders or developers - is bound by the Provincial Real Estate and Business Brokers Act of 2002, specifically sections 35 and 37.

Furnishing false information

35. No registrant shall furnish, assist in furnishing or induce or counsel another person to furnish or assist in furnishing any false or deceptive information or documents relating to a trade in real estate. 2002, c. 30, Sched. C, s. 35.

False advertising

37. No registrant shall make false, misleading or deceptive statements in any advertisement, circular, pamphlet or material published by any means relating to trading in real estate. 2002, c. 30, Sched. C, s. 37.

Members of the Northern Heights Community Association and residents in the area need to substantiate their allegations or withdraw them.

The Official Plan unequivocally states two potential uses for the farmhouse – community use or use as a residence. Were representations made by the builder that the house would be removed from the park block? If so, how were these representations made? Verbally? In writing? In marketing materials? I hope this information will be forthcoming at the Council meeting on the Wilson farmhouse on September 30th.

If, as alleged, people had misrepresentations made to them about what would be happening to the Wilson farmhouse and paid a premium fee as a result, I can understand that they would be upset and angry. They will have a right to legal recourse. However, if this is really a case of wishful thinking and inference, then the residents need to take responsibility for their own lack of due diligence.

Two pieces of information in the Northern Heights Community Association submission support either scenario. Page 20 is a photograph of a sign posted on Victoria Road in 2013. Indeed, the graphic does not show the farmhouse in the park, just a green rectangle. Was this a sign put up by the developer or by the City?

In a cover letter to the petition, dated April 29, 2011, Mr. Lackowicz describes his experience on the doorstep: ***“Most people were uncertain or misinformed as to the situation...some even thought it was already heritage and severed!”*** Evidently, not everyone in the area bought their house with the expectation that the Wilson Farmhouse would be removed from the park block. Some anticipated that it would remain in its location.

One thing we can say for certain is that demolition of the Wilson farmhouse was not envisioned in the Official Plan. In fact, its preservation was specifically negotiated as part of the plan of subdivision.

Whether the root cause of the expectation by some people of the removal of the Wilson farmhouse and integration of the 1/3 acre into the park is based on misrepresentation or wishful thinking is ultimately immaterial. Citizens in the rest of Guelph are not obliged to make good on Real Estate misrepresentations made anywhere in the City, nor to fulfill wishful thinking or compensate new home buyers for lack of due diligence.

A triple-bottom-line assessment of the impact of demolition of the farmhouse needs to account for the environmental and cultural effects. In addition, the bottom line financial impact these individuals are expecting City taxpayers to absorb is not insignificant: \$200,000 - \$215,000 lost revenue from potential sale of the farmhouse and up to \$50,000 for the demolition. In the context of a \$2.4 million budget shortfall, this is simply not a reasonable expectation.

Susan Watson

Madam Mayor and Members of Council:

I wish to raise a concern about how inquiries regarding City properties are handled: specifically, how inquiries are received, documented, filed and retrieved. While this question relates in particular to the Wilson farmhouse, it is also relevant to all City properties, specifically “stranded assets” which have yet to find a use or a buyer.

Todd Dennis, chair of Community and Social Services Committee, forwarded a list of questions I had to staff. The following response was given to my last question:

Q. Does City staff consider that up to \$265,000 (lost income from potential sale + demolition costs) to add a shady corner to the Wilson Farm Park to be value for taxpayer dollars?

A. The risk associated with potential income must also be weighed against the need for any asset. To date, there has been no demonstrated need from the community or a potential buyer. In order to realize the full revenue mentioned above the City would need to have a ready and willing buyer.

Given that the absence of a potential buyer for the farmhouse is one of the reasons given for the proposed demolition, I find the statement, “To date, there has been no.....potential buyer,” to be extremely concerning. In correspondence submitted to City Council in advance of the CSS September 17th committee meeting, Ms. Stacy Collison states: ***“I knew the Wilson Farmhouse was vacant and I contacted the City of Guelph months ago to inquire about purchasing the lot and house at that time but was told the City was unsure as to what it was doing with the property.”***

Why does City staff say that no buyer has come forward, given Ms. Collison’s contact with the City months ago? In addition to Ms. Collison, I am personally aware of two other individuals who have made inquiries regarding the farmhouse.

A family who is now living in one of the new homes in the subdivision contacted City staff in the fall of 2010 to ask what was happening with the farmhouse. They were potentially interested in purchasing and renovating it. They were told that the City was going to do something with the farmhouse in January of 2011. This family never heard back from the City.

Additionally, one of my children’s music teachers told me they spoke with Councillor Van Hellemond by phone on two different occasions to inquire about what was happening with the farmhouse, as this family also had an interest in purchasing and

renovating the farmhouse. Evidently, information about this inquiry was never forwarded to City staff, or if it was, it appears not to have been recorded anywhere.

In this particular situation, I am concerned that the person making the inquiry did not receive correct information. If Councillor Van Hellemond quoted potential costs for a City renovation, these would have included accessibility costs for ramps, elevators, automatic doors and wheelchair accessible washrooms – costs which would not need to be incurred by a private owner.

If I now know personally of three individuals who have made inquiries to the City about the farmhouse, how many more are out there who have never been documented by the City?

Does the City have policies and procedures for receiving, recording, tracking and retrieving all property inquiries?

Is there one staff person to whom all inquiries are referred?

Does each property have a standard data sheet or fact sheet available, so that each person making an inquiry can be certain that they are receiving the same information as another potential buyer?

This evident gap in City processes has very real consequences. **In the case of the Wilson farmhouse, taxpayers are being asked to forgo up to \$215,000 in revenue from the sale of the house and to foot the bill for another \$50,000 for demolition. In addition, going forward, the City would be giving up potential property tax revenue from a future owner.**

Moreover, demolition of a City heritage asset is under consideration because of the perceived absence of a potential buyer.

One of the broader issues raised at the September 17th meeting of the Community and Social Services Committee is the number of “stranded assets” owned by the City. How are inquiries for these properties being handled? Is the City missing out on revenue from potential buyers due to haphazard handling of inquiries?

Requests for “Expressions of Interest” for the Wilson farmhouse were solicited at the beginning of 2009, right in the middle of a potential global financial meltdown.

I’d like to make some personal observations about the “Expressions of Interest” processes at City Hall.

I consider myself a well-informed citizen, but I until recently, I did not understand that “Expressions of Interest” potentially included offers to purchase. I had understood an expression of interest to involve retention of ownership by the City, with a private interest making use of the building. Two examples would be the teahouse and ice-cream shop run in the City-owned boathouse and the Guelph Youth Music Centre. While everyone at City Hall may understand what “Expression of Interest” means, it is not necessarily obvious to outside observers. More understandable in the lay community are the two words, “For Sale.”

My other concern is that as far as I know, Expressions of Interest are only published in local media. If you don’t happen to read the City pages on a particular day, you may miss that a property is available for purchase. For the City to receive the best possible price for a property, it should be listed on the MLS – Multiple Listing Service – accessible by all real-estate agents. This would allow potential buyers from beyond Guelph to see that a given property is for sale, as well as making the availability clear to any local buyers actively looking for properties.

Throwing a city-owned asset in the dumpster with a bottom line impact of up to \$265,000 is the height of fiscal irresponsibility, especially in the context of a \$2.4 million budget deficit.

Taxpayers deserve better management of City assets.

Susan Watson

Madam Mayor and Members of Council:

A conversation I had with Councillor Bob Bell earlier this week clarified a concern which may be shared by some other Councillors.

If I have understood correctly, Councillor Bell was concerned that if the Wilson farmhouse is designated, listed for sale on the open market and no buyer is found, that the City will then be saddled with a heritage-designated "stranded asset".

At the same time, no one has advocated for sale of the house and property without heritage designation. Some neighbours of the farmhouse have expressed fears that a new property owner would simply demolish the house and put up a townhouse complex. Heritage advocates also want the house protected through heritage designation prior to sale so that a new owner could not demolish the house and would be required to preserve specific features of the house.

We have already completed most of the heritage designation process. As required, City Council has published a "Notice of Intent to Designate". In the appeal to the Conservation Review Board, the City's position was upheld and designation was recommended. It is my understanding that only one more meeting of Council would be required to complete the designation process.

Could the following sequence be a compromise which could address all concerns?

- 1) List the house for sale prior to designation, but with the explicit condition of sale, in writing, that designation will be completed before the closing date of the sale. Any prospective buyer will know this in advance and exactly which features will be covered by the designation.

- 2) Upon acceptance of an offer, but prior to the closing date of the sale, Council meets to finalize the designation of the Wilson farmhouse under the Heritage Act.

Thank you for your consideration of this option.

Susan Watson

From: Susan Watson

Sent: September 27, 2013 7:27 AM

To: Clerks; Mayors Office; Jim Furfaro; Bob Bell; Ian Findlay; Andy VanHellemond; Maggie Laidlaw; June Hofland; Gloria Kovach; Cam Guthrie; Lise Burcher; Leanne Piper; Todd Dennis; Karl Wettstein

Subject: Wilson farmhouse: More allegations of misrepresentation

Clerks: Please include this correspondence with the agenda package. Thank you.

Madam Mayor and Members of Council:

Further to my correspondence of Wednesday, September 25th: "Wilson farmhouse: Misrepresentation or wishful thinking?" this letter in the Guelph Tribune of Thursday, September 26th makes more allegations regarding representations made by the builder.

Thursday, September, 26, 2013 - 2:02:57 PM

Farmhouse historically insignificant and danger to community

Re: "Where was due diligence, Wilson Farmhouse neighbours?" (Tribune letters, Sept. 17).

We're not activists. We're taxpayers who weren't provided with honest, open, full disclosure about the future of the farmhouse.

We bought from the builder in June 2004. Jack Ingram gifted the farmhouse to the city. It cost him \$40,000 when they required him to hook up to municipal water/sewage and install a retaining wall before they'd accept.

Built in the 1860s, it isn't 'ancient.' It's typical period farmhouse architecture, not unique. The almost centenarian black walnut is significantly rare or endangered. There were two others that the city allowed to be cut down.

The city also permitted the removal of the old trees along the driveway. The last one housed an owl's nest containing hatchlings. We weren't told. We'd have stopped it until the owls fledged. Participatory democracy?

It's been city-owned for several years. Why wasn't it listed on MLS if they're so keen to reap revenues?

Squirrels and raccoons infested it long ago. Five-plus years ago it was boarded up with no light, heat or ventilation.

It's full of mold. Estimates were \$300,000-to- \$500,000 to bring it up to code and make it habitable.

There have been repeated attempts to break into it. Fires have been lit in outbuildings. Teenagers blowing joints; making out on the porch; being told to go

"f" yourself when trying to stop defacing/damaging city property.
Children swarmed, threatened, verbally abused, offered drugs while playing under the tree. Vehicles are being broken into, bikes and other items stolen/damaged because we protect the house.

The builder confirmed the house would become a park by summer's end in 2004. The posted planning sign, where the park is now, showed the house as field. The sign disappeared one day after rumours the city was trying to rezone part of the park. They did. Without posting their intentions.

This historically insignificant, unsafe, rodent and mold infested, boarded-up death trap is an eyesore.
Area residents have paid paid \$250,000 to \$650,000 for our homes. We pay \$4,000-plus a year in property taxes.

We were promised a park, sports fields, play equipment and a skating rink. We want the safe community and park we paid for. That's democracy.

Colleen Kerr
Guelph

Dear Madam Major and Guelph Council Members,

I had the opportunity to attend the Community and Social Services Committee meeting September 17th. I made an effort to be there, as I am concerned about the future of the Wilson Farmhouse.

I don't live in Ward 2, but I sure spend a lot of time there. Our home is in Ward 3. My children attend the Trillium Waldorf School, and we commute there by bike or public transit every school day. My son plays in the park and we will often enjoy a picnic there while waiting for his older sister to be done school.

I would very much like to see this Farmhouse designated and saved.

It was there first. It stands lone and proud a top of the hill and is a part of our history. What sense does it make to knock it down at the cost of the taxpayer? This park is already oversized – how big do neighbours need their park to be?

I understand that there has been more than one expression of interest from private buyers that have come forward interested in renovating the property. It seems fiscally irresponsible for the city to consider turning down \$215 000. And guess what? If the property were severed and sold, the city would have one more house on the block to send a property tax bill to.

With heritage designation, there could be no worries about the buyer turning the building into something other than it should be – an Ontario Gothic farmhouse.

Yes, it would be lovely to see a public use for the property. That will cost more than we got.
Sever and Sell, I say.

Alison Stalker

To Mayor Farbridge and City Councillors,

I am a resident of Ward 2 and do visit the park adjacent to the Wilson farmhouse with my children. I would like to express my contention that of all the options available for this farmhouse and property, the one option that should NOT be approved is demolition.

It appears there are three options under consideration - for the City to maintain ownership and repair farmhouse for some purpose, or to sell the property for private residential use, or to raze the farmhouse and incorporate the space as parkland.

For the past many years, my understanding was that only the first two options were under consideration. I knew this was also specified in the Official Plan. I am concerned how the alternatives under consideration have shifted.

I can see the viewpoints of various stakeholders for or against demolishing the farmhouse. However it is not clear how this alternative came to be up for consideration in the first place. The public consultation process, the attention to the Official Plan, and the logic to bring the issue to its current point of decision-making all seem inadequate.

A great deal of excellent background information and compelling arguments has been brought forth by citizens as to why demolition as an alternative should be off the table. I look forward to hearing the responses by members of city council at the next meeting to these well- reasoned positions and how their decisions support community engagement and a robust planning process.

Thank you,
Marion Baldwin

**Delegation to City Council Meeting,
September 30, 2013
Subject: Retention of the Wilson Farmhouse**

**Delegate: Susan Ratcliffe, President,
Architectural Conservancy of Ontario – Guelph and Wellington Branch**

I represent the Architectural Conservancy of Ontario, President of the Guelph and Wellington Branch, and Past President of the provincial ACO which represents 25 branches across Ontario. ACO is an advocate for heritage preservation as a way of ensuring a sustainable future in Ontario.

The Top Ten Reasons to save the Wilson Farmhouse

1. Heritage Guelph is a heritage expert. The Heritage Planner is a heritage expert. The Conservation Review Board is a Heritage Expert. All have recommended designating the Wilson Farmhouse.
2. City Staff and City Council have supported the retention and designation of the Wilson Farmhouse six times:
 - ✓ 2000 - embedded into Official Plan 3.3.20.1 incorporate into plan of subdivision for community or residential use
 - ✓ 2003 - Council approved as part of draft plan approval Northern Heights plan of subdivision
 - ✓ 2010 - Council approved Notice of Intent to Designate
 - ✓ 2011 - Council directed to sever and sell
 - ✓ 2012 - Council approved Park Master Plan with farmhouse intact
 - ✓ 2012 - CRB ruling recommends designation and city commits to public consultation on options for farmhouse future use
3. Guelph values Community Engagement and has a process for doing it. The opinion of Mike Lackowitz is not the opinion of the citizens of the City of Guelph. Witnesses have complained of bullying in the neighbourhood group. The fate of the Wilson Farmhouse needs full examination and debate by the citizens of the City of Guelph. The Guelph ACO would be happy to organize a Town Hall meeting to discuss the issue.
4. Heritage farmhouses are community assets and have been integrated into many subdivisions around the city, most recently in the Downey Trails development. The farmhouse is valued as the centerpiece of the community. If the city demolishes the farmhouse, developers will not respect this planning requirement.
5. Heritage designation increases the not only the value of the property, but also the value of the adjacent properties. (See research by Heritage Resources

Centre, University of Waterloo).

6. Guelph's unique sense of place is based largely on its agricultural past: the location of the Provincial Winter Fair, the location of the Ontario Agricultural College (now U of G), the location chosen for the Ministry of Agriculture, the Research Park, the growth of the Agrifood business. Farmhouses contribute to that sense of place and demonstrate the pioneer spirit.
7. Guelph has positioned itself as a centre of Sustainability, priding itself on its initiatives and innovations in this area. It makes no sense to improve our recycling and energy use while throwing away an entire building. Studies have shown that an average heritage house contains enough embodied energy to drive a vehicle around the world five times. Allowing this demolition is fiscally irresponsible, environmentally disastrous and ultimately unsustainable.
8. Heritage buildings will outlast their cheaply-built, replacement-oriented modern neighbours. The 2011 Force 3 tornado through Goderich taught us this lesson. The houses built under the present building code blew entirely away. The heritage buildings were somewhat damaged, but remained standing.
9. Demolition of the Wilson Farmhouse is a waste of tax dollars that would cost the city budget in excess of one quarter million dollars. The Wilson Farm Park is already bigger than most city parks, and does not need the extra land that the loss of the farmhouse would supply. If the park needs more shade, plant trees, or install a nice cell phone tower disguised as a tree.
10. The Wilson Farmhouse can stand with a creative new use: using the model of the Boathouse, lease the building to someone who will restore it as a Day Care, a café, or a health centre. Or let Habitat for Humanity restore it as much-needed housing for a family who would love to own their own home.

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan Rakeyffe".

September 26, 2013



City of Guelph
September 26, 2013

Re: City Council Agenda Item 2013.22 - Wilson Farm House

Attn: Blair Labelle, City Clerk

Dear Sir

This correspondence is directed to the Staff Report to be considered by Council at its September 30th meeting. Specifically, it speaks to Option 4 as set out within that report – to designate, preserve, restore and explore potential uses of the property referred to above.

The report indicates the following constraints:

- Significant capital and ongoing operating costs;
- No potential uses;
- Uncertainty around future potential uses; and
- Need for an assessment cost study.

Given the scarcity of land and properties suitable for Habitat home construction we are exploring renewal of existing properties. If Council will consider offering us an opportunity to conduct an assessment study, it may be viable for us to redevelop the property maintaining the existing footprint with retention of its heritage aspects.

The volunteer nature of our organization and the prominence of the property within the cityscape may combine to yield a solution suitable to neighbouring interests providing the City ongoing taxation revenue while addressing the social need for housing.

If Council elects to demolish the property, Habitat also requests consideration of transfer of the land for a nominal fee to enable a multi-unit build subject to feasibility studies and necessary zoning amendments.

Thank you for your consideration.

Respectfully,

Steve Howard
Acting Executive Director

RECEIVED
SEP 26 2013
CITY CLERK'S OFFICE

To: City Council

From: H.R. Whiteley

September 27 2013

RE: Wilson Farmhouse Public Consultation

I am concerned that City Council is being asked to make a decision on the Wilson Farmhouse in the absence of any effective consultation with the community organizations and individuals with long-standing interest and involvement in Guelph's cultural heritage.

Provincial legislation, including the Planning Act and the Ontario Heritage Act, requires public consultation as an integral part of policy development . City Council has, in addition, made a formal commitment to vigorous and meaningful public consultation as a core prerequisite in the process of decision making. Despite these legislative and voluntary commitments the implementation of consultation as part of decision making has, in many instances, been left to the discretion of staff and has been hit and miss, varying from full engagement (in the instance of the Brooklyn Historical District for example) to nominal, perfunctory and inconsequential as is the case for the Wilson Farmhouse decision.

A decision on the Wilson Farmhouse by City Council without comprehensive public consultation is quite likely in violation of the Planning Act, since preservation of the farmhouse is embedded in the Official Plan. Such a decision is certainly in violation of the adopted City Council policy on engagement of the public in decisions on the future of the city and its cultural heritage.

Dear Mayor and Council,

I hope that you have taken the time to read my previous comments on the Wilson Farmhouse and seen the supporting photographs.

I wish to add the following comments to encourage Council to make the right decision and not withdraw the Notice of Intention to Designate the property known as 80 Simmonds Drive, with Section 29 (14) of the Ontario Heritage Act.

I also wish that staff be directed to follow through on the sale of the property and that designation occurs in a timely fashion.

These are my reasons for the request:

1 In section 3.5.20 of the City of Guelph's Official Plan the following statement regarding the former farm house states;
"THE FARMHOUSE AT 595 VICTORIA RD. NORTH (WILSON FARMHOUSE) WILL BE INCORPORATED INTO THE DESIGN OF THE MAIN PUBLIC SQUARE FOR THE LANDS ALONG THE WEST SIDE OF VICTORIA RD., PROVIDING OPPORTUNITY FOR THE USE OF THIS BUILDING AS A PUBLIC FACILITY (COMMUNITY CENTRE OR LIBRARY) OR ALTERNATIVELY TO BE RETAINED AS A RESIDENTIAL USE".

At no time was it mentioned that this parcel would become part of the park which is obviously why it was not part of the Wilson Farm Park Master Plan!

2 The background report from 2007/09/11 also states the reusing of the house for affordable housing is in keeping with the Official Plan.

3 The Official Plan states that "this house will be used".
Would this not require a change to the Official Plan? Would this also not require city wide consultation as an Official Plan Amendment?

4 "BUYER BEWARE". Why should the City of Guelph and its taxpayers be made to fix the problem (demolition) because of the embellishments by developers and real estate agents that the farmhouse would be gone and the whole parcel would become a park?

5 Who is going to pay for the demolition of the house and the conversion into a park? What neighbourhood is going to lose out just so that the city can appease the ill informed Northern Heights Liaison Group?

6 Places to Grow legislation requires us to increase density. The neighbourhood already has the required parkland. The house is perfect for rehabilitation as a residential use and should be retained for such use.

7 On "the Deuce", a Ward 2 website, on September 7 the following comment was made, "There was a premium charged by the builders to live across from the park not a

residence. I would have loved for something better to happen but City Hall just came up with crappy ideas like low income housing.”

IS THIS REALLY ABOUT A PARK AND A HERITAGE HOUSE OR MORE ABOUT NOT WANTING LOW INCOME HOUSING?

8 The Northern Heights Liaison Group held up the rehabilitation and selling of the house by going to the HCRB. This farmhouse could have been completed by now, adding to the community.

9 IF THE CITY DOESN'T VALUE ITS OWN HERITAGE ASSETS THAN HOW CAN THEY EXPECT FUTURE DEVELOPERS TO PRESERVE THEIR HERITAGE BUILDINGS? If Council votes to demolish, this will set a precedent. What does this say about the fate of other cultural resources in Guelph? What cultural resource will be next?

Thank you.
L. Pagnan

**SUBMISSION BY HERITAGE GUELPH, TO GUELPH CITY COUNCIL 30 SEPTEMBER 2013.
REGARDING THE STAFF REPORT CSS-PR-1335 CONCERNING 80 SIMMONDS DRIVE,
THE WILSON FARM PARK – FARMHOUSE.**

Summary

This submission is made to the Council of the City of Guelph from the City of Guelph Municipal Heritage Advisory Committee, known as Heritage Guelph.

Heritage Guelph strongly opposes the Executive Summary Recommendation in the Staff Report CSS-PR-1335 regarding the cultural heritage property at 80 Simmonds drive, also known as the Wilson Farmhouse, and requests that City Council NOT accept this Recommendation for demolition of this property for the following reasons:

1. The Recommendation to demolish this property is in direct contradiction to advice, reports and recommendations that identify this property as a cultural heritage resource and that advise the City to conserve this property through designation under Part IV of the Ontario Heritage Act. Specifically this Recommendation contradicts the City of Guelph Official Plan, the City's Cultural Heritage Resource Policy, and recommendations by Heritage Guelph, by City planning staff, by City Council and the Ontario Conservation Review Board. In the last 3 years these reports and recommendations conclusively established the cultural heritage significance of this property, directing the City of Guelph to designate and protect this property under Part IV of the Ontario Heritage Act.

2. At no time was Heritage Guelph informed or consulted before or after the submission of this Staff Report to the CSS Committee on September 17, 2013 or its inclusion on the September 30, 2013 agenda of the Guelph City Council. The *Ontario Heritage Act* (s. 28) defines Heritage Guelph's statutory role in this case: *To advise and assist the council on all matters relating to Part IV (Conservation of Properties of Cultural Heritage Value or Interest)*

3. The Recommendation to demolish this cultural heritage asset is clearly not supported by the evidence presented in the report as listed in Table 1 "Options for the Farmhouse." For instance, the most opportunities and least constraints for future options for the City are presented in Options 1 and 4, because the cultural heritage resource is conserved. Option 1: "Designate, sever and sell" lists 6 "opportunities":

- 1. Eliminates City's financial liability*
- 2. Consistent with Heritage Guelph and Conservation Review Board recommendation"*
- 3. Reduced size mitigates neighbourhood concerns to extent feasible*
- 4. Positive revenue impact for City*
- 5. Would allow heritage value to be retained*
- 6. Consistent with the Official Plan, no amendment required unless use is non-residential.*

The only constraints to Option 1 are minimal and inconclusive: "may require a zoning law amendment" and are unsubstantiated, "loss of parkland access by neighbourhood to most desirable park area". In no part of the attached "Park Master Plan Survey do residents identify this area as "the most desirable."

4. By proceeding to demolish a publically owned cultural heritage property with no broad community consultation on potential future options, with no vision for incorporating heritage into the fabric of the community, without pursuing an option to designate, sever and sell this property and with no consultation with the City's chief advisory body on heritage, this Recommendation contradicts every element of the stated "Corporate Strategic Plan" (p.8) for organizational excellence to which this report is held accountable. Specifically, its preparation and recommendations fail to:

- 1.2 Develop collaborative work teams to apply whole systems thinking to deliver creative solutions**
- 2.2 Deliver public service better**
- 3.1 Ensure a well-designed.... and sustainable City**
- 3.2 Be economically viable, resilient and attractive for business.**

5. Finally, the demolition by the City of this pioneer farmhouse contradicts the City's own policy and guidelines for the protection of extant agricultural heritage resources in new suburban developments, and sets an incontrovertible precedent for private developers to do likewise.

The Wilson Farmhouse: A City-Owned Cultural Heritage Resource at Risk

Background

For the record, recommendations for designation and protection of 80 Simmonds Drive have been:

1. Submitted to Planning Staff by the Municipal Heritage Advisory Committee in 2010 as directed by the City;
2. Supported by Planning Staff and Guelph City Council who passed a motion to designate this property and proceeded with a *Notice of Intention to Designate* in 2011;
3. Upheld by the Ontario Conservation Review Board who ruled in favour of the City of Guelph's intention to designate the property in 2012, and ruled against the objection of the Northern Heights Liaison Group.

Heritage Guelph: Expertise and Responsibilities Regarding 80 Simmonds Drive

The City of Guelph Municipal Heritage Advisory Committee is a committee of twelve people who are dedicated experts, including architects, historians, landscape architects, planners, educators and business professionals. Under the Ontario Heritage Act, the Municipal Heritage Advisory Committee's chief role is to provide knowledge and expertise on heritage matters relevant to the city of Guelph and to advise and make recommendations accordingly. The *Ontario Heritage Act* (s. 28) defines Heritage Guelph's committee's statutory role in this case:

To advise and assist the council on all matters relating to Part IV (Conservation of Properties of Cultural Heritage Value or Interest)

Under this legislation City Council is required to consult with the Municipal Heritage Committee:

- *during the designation process for individual properties and for districts;*

- on applications to alter designated properties;
- on applications to demolish or remove;
- on applications to repeal designation by-law;

Cultural Heritage Value of 80 Simmonds Drive, Guelph

1. Heritage Guelph Designation Report, 2010. Approved by City Council, 2011.

80 Simmonds Drive has been recommended for designation under Section 29 of the Ontario Heritage Act because it meets criteria for designation under Regulation 9/06 specifically:

It meets the design or physical value category of Regulation 9/06 because it is a representative example of late 19th century, vernacular Ontario Gothic farmhouse architecture once common in the rural areas surrounding Guelph. Its historical or associative value is connected with the Wilson family, early settlers who purchased the land from the Canada Company in 1836 and farmed the land for over a century. That the structure remains in its same location imputes to a value as the original farmstead, plus its orientation to Victoria Road reveals its value in showing the development in farming over the centuries.

2. Report of the Ontario Conservation Review Board: 2012.

On an objection to the City of Guelph's *Notice of Intention to Designate* by the Northern Heights Liaison Group led by Mr. Mike Lackowicz, the Ontario Conservation Review Board ruled unequivocally in favour of the City of Guelph:

It is the conclusion of the Review Board that upon the evidence presented by the parties it is evident that this property, with its farmhouse structure and including the black walnut trees, is worthy of designation for its design or physical and historical or associative values to the community, as defined by Ontario Regulation 9/06 and deserves protection under section 29 of the Ontario Heritage Act. The expert evidence submitted by the City carried substantial weight in the Review Board's consideration of the evidence in this case. The testimony of the Objector's expert witness was candid and informative but was significantly outweighed by that of the City. While all agreed that the property is certainly not a landmark in the area, the Review Board concurs with the City's position that it is a benchmark for the community and reflective of the City's once vibrant agricultural past.

Board Recommendation

For the reasons given above and based on the evidence heard, the Review Board recommends that the Council of the City of Guelph proceed with the designation of the property known as the Wilson/Ingram Farmhouse, 80 Simmonds Drive, Guelph, Ontario, under section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, amended 2009.

Conclusion

In response to the Recommendation and direction regarding 80 Simmonds Drive in the staff report of the Community and Social Services Committee under consideration today, the Municipal Heritage Committee passed a motion at the September 9, 2013 meeting as follows:

That Heritage Guelph reaffirms its commitment to the designation of 80 Simmonds Drive under Part IV of the Ontario Heritage Act as previously recommended by Heritage Guelph and the Conservation Review Board, and that, Heritage Guelph is strongly opposed to Staff recommendations in its (CSS) Report

In so doing, Heritage Guelph is in accordance with the *City of Guelph Official Plan 2001; December 2012 Official Plan Consolidation*, p. 25 for retention of this building:

Cultural Heritage Resources - Victoria Road North Secondary Plan Area

3.5.20 In addition to the policies contained in subsection 3.5 of this Plan, the following policies provide context for new development within the Victoria Road North Secondary Plan Area:

1. The farmhouse at 595 Victoria Road North will be incorporated into the design of the main public square for the lands located along the west side of Victoria Road, providing opportunity for the use of this building as a public facility (community centre or library) or alternatively, to be retained as a residential use.

Questions or comments on this submission may be directed to:

Dr. Mary Tivy