

City Council Meeting Agenda



March 27, 2017 – 5:00 p.m.

Council Chambers, Guelph City Hall, 1 Carden Street

Please turn off or place on non-audible all electronic devices during the meeting.

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Authority to move into closed meeting

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to the Municipal Act, to consider:

Confirmation of Minutes for the closed meeting of Council held February 27, 2017 and the closed meeting of the Committee of the Whole held March 6, 2017.

C-COW-CS-2017.1 Public Appointments to Various Advisory Committees and The Board of Trustees of the Elliott Community (Downtown Advisory Committee, Guelph Museums Advisory Committee, River Systems Advisory Committee, Water Conservation and Efficiency Public Advisory Committee)

Section 239 (2) (b) personal matters about an identifiable individual, including municipal or local board employees.

C-CON-2017.4 Request for an Exception to the Public Appointment Policy from Guelph Police Services Board

Section 239 (2) (b) personal matters about an identifiable individual, including municipal or local board employees.

C-COW-IDE-2017.1 Hanlon Creek Business Park – Development Options

Section 239 (2) (c) proposed or pending acquisition or disposition of land by the municipality.

C-CON-2017.5 Changes to GMHI Governance Structure

Section 239 (2) (b) personal matters about an identifiable individual, including municipal or local board employees.

C-CON-2017.6 Charges and Fees, Lowes Road and Dawn Avenue

Section 239 (2) (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Open Meeting – 6:30 p.m.

O Canada

Silent Reflection

First Nations Acknowledgement

Disclosure of Pecuniary Interest and General Nature Thereof

Closed Meeting Summary

Confirmation of Minutes: (Councillor Hofland)

That the minutes of the open Council Meetings held February 15, 16 and 27, 2017 and the minutes of the open Committee of the Whole meeting held March 6, 2017 be confirmed as recorded and without being read.

Committee of the Whole Consent Report:

The following resolutions have been prepared to facilitate Council's consideration of various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Committee of the Whole Consent Report, please identify the item. It will be extracted and dealt with separately as part of the Items for Discussion.

COW-CS-2017.1 Non Application of the Line Fences Act

Recommendation:

That the City of Guelph opt out of the application of the Line Fences Act and that the attached by-law regarding non-application of the Line Fences Act be brought forward for approval at the March 2017 Council meeting.

COW-IDE-2017.8 Sidewalk Needs Assessment Update

Recommendation:

1. That the recommended priority list for sidewalk construction based on the prioritization criteria outlined in the report "Guelph Sidewalk Needs Assessment Study" dated January 2017 be approved.
2. That adequate right-of-way width be secured in new draft plans of subdivisions to provide sidewalks on both sides of the road where the anticipated sidewalk needs would rank as high upon subdivision completion.
3. That sidewalks be constructed adjacent to subdivision blocks that have been undeveloped for five (5) years or more and that the block developer be responsible for all costs to repair any sidewalk damage during site development.
4. That adequate funding to maintain new sidewalk facilities be included in future Operating Budgets.

COW-IDE-2017.9 Natural Heritage Action Plan (NHAP) Project Initiation

Correspondence:

Carson Reid, Guelph and Wellington Development Association

Recommendation:

That the Natural Heritage Action Plan project charter attached to Infrastructure, Development and Enterprise Services Report (IDE 17-25), dated March 6, 2017 be approved.

COW-IDE-2017.10 Sign By-law Variances – 158 Clair Road East

Recommendation:

1. That the request for variances from Sign By-law Number (1996)-15245, as amended, for 158 Clair Road East to permit three (3) interchangeable building signs to be located 0.92 metres from the ground, be approved.
2. That the request for variances from Sign By-law Number (1996)-15245, as amended, for 158 Clair Road East to permit 3 menu boards on the property, one pre-sell menu with a height of 2.02 metres above the adjacent roadway and two (2) integrated menu boards with a height of 2.33 metres above the adjacent roadway with sign faces of 3.63 square metres each, be approved.

COW-IDE-2017.11 Sign By-law Variances – 84-202 Clair Road East

Recommendation:

That the request for variances from Sign By-law Number (1996)-15245, as amended, to permit a 5.33 square metre illuminated freestanding sign at 84-202 Clair Road East to be setback 3 metres from the nearest public road allowance and to be a height of 6 metres above the adjacent roadway, be approved.

COW-IDE-2017.12 Annual and Summary Water Services Report - 2016

Recommendation:

That the Annual & Summary Water Services Report – 2016 be approved.

COW-IDE-2017.13 2017 Corporate Asset Management Plan and Policy

Recommendation:

1. That Council endorse the 2017 Corporate Asset Management Plan and Asset Management Policy.
2. That staff be directed to provide annual updates to Council on the key activities and progress of the 2017 Corporate Asset Management Plan and Policy.

COW-IDE-2017.15 Transportation Master Plan - Framework

Recommendation:

That the framework for the update to the 2005 Guelph –Wellington Transportation Master Plan as outlined in report IDE 17-34 be approved.

COW-IDE-2017.16 Pedestrian Crossing Treatments – Update to the Ontario Traffic Manual

Recommendation:

1. That the City of Guelph adopt the installation warrants for the Level 2 Pedestrian Crossover as outlined in Report 17-32 dated March 6, 2017.

2. That staff be directed to report back to Council in the third quarter of 2017 with a comprehensive report recommending an implementation strategy with the following integral components for a Pedestrian Crossover Program:
 - Communication Plan (Public Education and Outreach)
 - Implementation priority list of locations
 - Program to monitor compliance and pedestrian safety
 - Financial implications based upon an assessment of each recommended location

COW-IDE-2017.17 Delegation of Authority for Infrastructure, Development and Enterprise Services

Recommendation:

1. That pursuant to Section 23(1) of the Municipal Act, By-law Number (2013)-19529 be amended by adding Schedule “EE” to provide staff the authority to approve successful bids where the procurement is budgeted but does not have specific approvals, as set out in Attachment 1 to the “Delegation of Authority for Infrastructure, Development and Enterprise Services” report dated March 6, 2017.

2. That pursuant to Section 23(1) of the Municipal Act, By-law Number (2013)-19529 be amended by adding Schedule “FF” to provide staff the authority to Appoint Risk Management Officials (RMOs) and Risk Management Inspectors (RMIs), as set out in Attachment 2 to the “Delegation of Authority for Infrastructure, Development and Enterprise Services” report dated March 6, 2017.

3. That the decision regarding delegated authority for variances to the Sign By-law, as set out in Attachment 3 to the “Delegation of Authority for Infrastructure, Development and Enterprise Services” report dated March 6, 2017 be deferred until the conclusion of a comprehensive Sign By-law review.

4. That pursuant to Section 23(1) of the Municipal Act, C By-law (2013)-19529 be amended by adding Schedule "GG" to provide staff the authority for residential demolition permits as set out in Attachment 4 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017.

**COW-IDE-2017.18 Outstanding Motions of Committee of the Whole
(Infrastructure, Development and Enterprise)**

Recommendation:

That the following motion, previously passed by Council, be eliminated from staff work plans and from the Outstanding Motion list:

April 20, 2016 Special Council

2016 Development Priorities Plan

"That Council direct staff to investigate and report back on the most effective way to quantify the cost of growth."

**COW-IDE-2017.19 Striking Committee Policy Review - Councillor
Wettstein's Motion for Which Notice was Given
December 5, 2016**

Recommendation:

That staff be directed to review, analyze and bring forward a recommendation updating the Striking Committee policies, processes and remuneration, and reporting of expenses and that staff report back to Committee of the Whole by Q4 2017.

**COW-IDE-2017.20 Exploring Opportunities to Accelerate Large
Neighbourhood Commercial Growth in East Guelph -
Councillor Gibson's Motion for Which Notice was Given
February 13th**

Correspondence:

Julie Jamieson
Lisa Miszczak
Richard Gazzola
Patrick Sheridan

Recommendation:

1. That in conjunction with the ongoing Comprehensive Commercial Policy review along the York Road intensification corridor, staff continue to consider neighbourhood commercial development.
2. That staff report back to Council on these opportunities as they emerge or, at established reporting milestones for the Commercial Policy Review.

Council Consent Agenda:

The following resolutions have been prepared to facilitate Council's consideration of various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. It will be extracted and dealt with separately as part of the Items for Discussion.

CON-2017.6 Closed Meeting Investigation Report

Recommendation:

That the Closed Meeting Investigation Report prepared by Amberley Gavel Ltd., relating to the closed meeting of Guelph City Council held on December 10, 2015, be received.

Items for Discussion:

The following items have been extracted from the Committee of the Whole Consent Report and the Council Consent Agenda and will be considered separately. These items have been extracted either at the request of a member of Council or because they include a presentation and/or delegations.

CON-2017.7 Charges and Fees, Lowes Road and Dawn Avenue

Presentation:

James Krauter, Manager, Taxation and Revenue

Recommendation:

That report number CS-2017-39 titled "Charges and Fees, Lowes Road and Dawn Avenue" be received for information.

Special Resolutions

CON-2017.8 Guelph as a Sanctuary City

Councillor Gordon's motion for which notice was provided February 27, 2017.

Recommendation:

1. That the following motion be referred to the April Committee of the Whole meeting for consideration:

That Council consider declaring Guelph "A Sanctuary City" as a means of welcoming and assisting undocumented refugees in our community.

That Intergovernmental Relations, Policy and Open Government staff, through consultation with community stakeholders and Guelph Police Services, and with templates from other Ontario cities who have adopted this designation, be directed to report back to council in Q3 of 2017 with recommendations for how, or if, to proceed in making Guelph a Sanctuary City.

CON-2017.9 Surplus Asset Sales Policies

Mayor Guthrie's motion for which notice was provided March 6, 2017:

Recommendation:

1. That the following be referred to Committee of the Whole:

That staff review and report back on the City of Guelph's surplus asset sales policies and that the potential for local community group/non-profit benefit be reviewed and included in the report.

By-laws

Resolution to adopt the By-laws (Councillor Downer).

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



**Minutes of Guelph City Council as
Shareholder of Guelph Municipal Holdings Inc.
Held in the Council Chambers, Guelph City Hall on
Wednesday, February 15, 2017 at 6:00 p.m.**

Attendance

Council: Mayor C. Guthrie
Councillor P. Allt
Councillor B. Bell
Councillor C. Billings
Councillor C. Downer
Councillor D. Gibson
Councillor J. Gordon
Councillor J. Hofland
Councillor M. MacKinnon
Councillor L. Piper
Councillor M. Salisbury
Councillor A. Van Hellemond
Councillor K. Wettstein

Staff: Mr. S. Stewart, Deputy CAO of Infrastructure, Development and Enterprise Services
Ms. T. Sprigg, General Manager, Corporate Communications and Customer Service
Mr. S. O'Brien, City Clerk
Ms. G. van den Burg, Council Committee Coordinator

Others Present: Mr. P. Sardana, Chief Financial Officer, GMHI and Member of the Strategies & Options Committee
Mr. B. Bell, Member of the GHESI Board and Member of the Strategies & Options Committee

Call to Order (6:00 p.m.)

Mayor Guthrie called the Special Council meeting as Shareholder of Guelph Municipal Holdings Inc. to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

GMHI-2017.1 Assessment of Strategies and Options Relating to Guelph Hydro

Mr. Scott Stewart, Deputy CAO of Infrastructure, Development and Enterprise Services provided an overview of the work carried out by the Strategies and Options Committee.

Mr. Bob Bell, representative of the GHESI Board, outlined the reasons why change in the energy sector is occurring including the policy and industry environment, advances in technology, and economic development.

Councillor Gordon arrived at 6:18 p.m.

Mr. Pankaj Sardana, Chief Financial Officer of GMHI, presented preliminary information regarding the options that GMHI is researching related to the changing electricity sector.

Ms. Tara Sprigg, General Manager of Corporate Communications and Customer Service, outlined the various engagement activities that were conducted and the general response from these consultations.

Mr. Scott Stewart, concluded with an assessment of the options and presented recommendations including next steps.

Councillor Piper arrived at 7:01 p.m.

The following delegates addressed Council:

Janice Folk-Dawson on behalf of the Guelph and District Labour Council
Peter Miller
Kithio Mwanzia representing the Guelph Chamber of Commerce
Ron East
Ted Pritchard
Donna Jennison
Steve Dyck, President, Guelph Solar
Paul Costello
Hugh Whiteley
Dr. Dennis Galon
Kari Clifford on behalf of the International Brotherhood of Electrical Workers Local 636 (Unionized Employees of Guelph Hydro)

The following individuals submitted correspondence:

Glen N. Tolhurst
David Harding
Kari Clifford

Council recessed at 8:35 p.m. and resumed at 8:47 p.m.

1. Moved by Councillor Bell
Seconded by Councillor Hofland
 1. That the Strategies and Options Committee (the "SOC") of Guelph Municipal Holdings Inc. ("GMHI") further examine the following options for Guelph Hydro Electric Systems Inc. ("Guelph Hydro"):
 - (a) Sale of all or part of Guelph Hydro to one or more interested purchasers;
and,
 - (b) Merger of Guelph Hydro with one or more other local electricity distribution companies ("LDCs").

2. That in carrying out Recommendation 1, the SOC:
 - (a) conduct an environmental scan of potential transaction partners and potential transactions, with the assistance of an independent advisor, in order to compare the sale and merger options against maintaining full ownership;
 - (b) enter into preliminary discussions with potential transaction partners to discover whether a sale or merger could satisfy the decision-making criteria adopted by the SOC; and
 - (c) continue its public and stakeholder engagement to inform its work, but, without receiving further Council direction, SOC shall not make commitments to any potential transaction partner, whether binding or not, apart from entering into confidentiality agreements and other ancillary agreements to complete its preliminary assessment of a potential transaction.
3. That the SOC report back to Council by mid-2017 with the results of the examination and a recommendation regarding next steps.

First Amendment

2. Moved by Councillor Bell
Seconded by Councillor Billings

That clause 1 (b) be amended to read:

"Merger of Guelph Hydro with a neighbouring utility and to maintain at least 50% of the new merged entity."

Amendment to the First Amendment

3. Moved by Councillor Piper
Seconded by Councillor Hofland

That the following wording be added at the end of "entity".

"Or a contractual clause that gives the City of Guelph veto power over any future sale, merger or acquisition."

Voting in Favour: Councillors Billings, Downer, Gibson, and Piper (4)

Voting Against: Mayor Guthrie, Councillors Allt, Bell, Gordon, Hofland, MacKinnon, Salisbury, Van Hellemond and Wettstein (9)

Defeated

First Amendment

It was requested that the motion to amend be separated into two parts.

4. Moved by Councillor Bell
Seconded by Councillor Billings

That clause 1 (b) be amended to read:

“Merger of Guelph Hydro with a neighbouring utility”

Voting in Favour: Councillors Bell, Billings, and Van Hellemond (3)

Voting Against: Mayor Guthrie, Councillors Allt, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (10)

Defeated

“and to maintain at least 50% of the new merged entity.”

Voting in Favour: Councillors Bell, Billings, and Van Hellemond (3)

Voting Against: Mayor Guthrie, Councillors Allt, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, and Wettstein (10)

Defeated

Second Amendment

5. Moved by Councillor Piper
Seconded by Councillor Hofland

That clause 1b) be amended by replacing “other” with “publicly-owned” so as to read:

“Merger of Guelph Hydro with one or more publicly-owned local electricity distribution companies (“LDCs”).”

Voting in Favour: Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, and Van Hellemond (10)

Voting Against: Mayor Guthrie, Councillors MacKinnon and Wettstein (3)

Carried

Main Motion as Amended

It was requested that the clauses be voted on separately.

6. Moved by Councillor Bell
Seconded by Councillor Hofland

Clause 1

It was requested that the clauses 1 (a) and (b) be voted on separately.

Clause 1 (a)

1. That the Strategies and Options Committee (the "SOC") of Guelph Municipal Holdings Inc. ("GMHI") further examine the following options for Guelph Hydro Electric Systems Inc. ("Guelph Hydro"):

- (a) Sale of all or part of Guelph Hydro to one or more interested purchasers; and,

Voting in Favour: Mayor Guthrie, Councillors Allt, Hofland, MacKinnon, and Wettstein (5)

Voting Against: Councillors Bell, Billings, Downer, Gibson, Gordon, Piper, Salisbury, and Van Hellemond (8)

Defeated

Clause 1 (b)

1. That the Strategies and Options Committee (the "SOC") of Guelph Municipal Holdings Inc. ("GMHI") further examine a merger of Guelph Hydro with one or more **publicly-owned** local electricity distribution companies ("LDCs") as an option for Guelph Hydro Electric Systems Inc. ("Guelph Hydro").

Voting in Favour: Mayor Guthrie, Councillors Allt, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (10)

Voting Against: Councillors Bell, Billings, and Salisbury (3)

Carried

Clause 2

Third Amendment

7. Moved by Councillor Downer
Moved by Councillor Billings

That reference to "sale" be removed from clause 2.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

Voting Against: (0)

Carried

2. That in carrying out Recommendation 1, the SOC:
 - (a) conduct an environmental scan of potential transaction partners and potential transactions, with the assistance of an independent advisor, in order to compare merger options against maintaining full ownership;
 - (b) enter into preliminary discussions with potential transaction partners to discover whether a merger could satisfy the decision-making criteria adopted by the SOC; and

(c) continue its public and stakeholder engagement to inform its work,

but, without receiving further Council direction, SOC shall not make commitments to any potential transaction partner, whether binding or not, apart from entering into confidentiality agreements and other ancillary agreements to complete its preliminary assessment of a potential transaction.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Van Hellemond and Wettstein (12)

Voting Against: Councillor Salisbury (1)

Carried

Clause 3

3. That the SOC report back to Council by mid-2017 with the results of the examination and a recommendation regarding next steps.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

Voting Against: (0)

Carried

Adjournment (10:37 p.m.)

8. Moved by Councillor Bell
Seconded by Councillor Gordon

That the meeting be adjourned.

Carried

Minutes to be confirmed on Monday, March 27, 2017.

Mayor Guthrie

Stephen O'Brien - City Clerk



**Minutes of Guelph City Council- Special Meeting
Held in the Council Chambers, Guelph City Hall on
February 16, 2017 at 6:00 p.m.**

Attendance

Council:

Mayor C. Guthrie	Councillor J. Gordon
Councillor P. Allt	Councillor J. Hofland
Councillor B. Bell	Councillor M. MacKinnon
Councillor C. Billings	Councillor L. Piper
Councillor C. Downer	Councillor M. Salisbury
Councillor D. Gibson	Councillor K. Wettstein

Absent: Councillor A. Van Hellemond

Staff: Mr. S. Stewart, Deputy CAO, Infrastructure, Development and Enterprise Services
Ms. C. Clack, Deputy CAO, Public Services/Interim DCAO Corporate Services
Ms. K. Dedman, General Manager, Engineering & Capital Infrastructure/City Engineer
Peter Cartwright, General Manager, Business Development and Enterprise
Ian Panabaker, General Manager, Downtown Renewal
Mr. T. Salter, General Manager, Planning, Urban Design and Building Services
Ms. T. King, Manager, Project Management Office
Ms. T. Agnello, Deputy Clerk

Also

Present: Mr. G. Pothier, President, GLPi (consultant)

2017 Downtown Guelph Implementation Strategy-Council Workshop#1

Call to Order (6:00 p.m.)

Mayor Guthrie called the Special meeting of Council to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures of pecuniary interest.

Presentations:

Glenn Pothier provided opening remarks and an overview of the agenda.

Scott Stewart gave a brief history of the city initiatives which have culminated in this workshop.

Ian Panabaker provided a refresher of the Downtown Secondary Plan.

Tomoko King reviewed the current state of the downtown portfolio and the relationship mapping around the Downtown Secondary Plan.

Peter Cartwright gave an overview of the current and desired state of the financial framework.

Council recessed at 7:00pm and reconvened at 7:10pm.

Councillor Piper arrived at the meeting. (7:10 pm.)

Mr. Cartwright and Mr. Pothier led Council through a criteria weighting exercise for preliminary criteria regarding the Downtown Guelph Implementation Strategy.

Recommendation:

1. Moved by Councillor Piper
Seconded by Councillor Downer

That Council receive report IDE-17-19, 2017 Downtown Guelph Implementation Strategy – Work Planning – Council Workshop#1.

Voting in Favour: Mayor Guthrie, Councillors Alt, Bell, Billings, Downer, Hofland, Gibson, Gordon, MacKinnon, Piper, Salisbury, and Wettstein (12)

Voting Against: (0)

Carried

Adjournment (8:18 p.m.)

1. Moved by Councillor Bell
Seconded by Councillor Gordon

That the meeting be adjourned.

Carried

Minutes to be confirmed on March 27, 2017.

Mayor Guthrie

Tina Agnello – Deputy Clerk



**Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
February 27, 2017 at 5:32 p.m.**

Attendance

Council: Mayor C. Guthrie
Councillor B. Bell
Councillor C. Billings
Councillor C. Downer
Councillor D. Gibson
Councillor J. Gordon

Councillor J. Hofland
Councillor M. MacKinnon
Councillor L. Piper
Councillor M. Salisbury
Councillor A. Van Hellemond
Councillor K. Wettstein

Absent: Councillor P. Allt

Staff: Mr. D. Thomson, Chief Administrative Officer
Ms. C. Clack, Interim Deputy CAO of Corporate Services
Mr. S. Stewart, Deputy CAO of Infrastructure, Development and Enterprise
Mr. S. O'Brien, City Clerk
Ms. D. Black, Council Committee Coordinator

Call to Order (5:32 p.m.)

Mayor Guthrie called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor MacKinnon
Seconded by Councillor Van Hellemond

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (b), (c) and (e) of the Municipal Act with respect to personal matters about an identifiable individual, pending acquisition or disposition of land by the municipality and litigation or potential litigation

Carried

Closed Meeting (5:33 p.m.)

Open Meeting (6:34 p.m.)

Mayor Guthrie called the meeting to order.

Closed Meeting Summary

Mayor Guthrie spoke regarding the matters addressed in closed and identified the following:

Minutes

The minutes from the closed Council meetings held November 28 and 30, 2016 and February 13, 2017 and the closed Committee of the Whole meetings held November 7, and December 5, 2016 were adopted by Council.

C-2017.2 Employee Litigation Update

Information was received.

C-2017.3 Public Appointments to the Guelph Public Library Board of Directors

Information was received and Council will report out under Special Resolutions.

C-2017.4 Guelph Innovation District – Expression of Interest

This item will be addressed when the closed meeting resumes.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Presentation

The Mayor presented medals to the Guelph Gryphons Girls U14 Red Rep team for winning the Ontario Soccer Association's Indoor Cup: Coach Jeff Sands, Assistant Coaches Chris Belanger and Claudette Palermo, Manager David Woodcock, Assistant Manager Karla Andrews, Team Members Natalie Woodcock, Jessica DeCorso, Mayah Capovilla, Makenna Milliken, Olivia Brown, Avery DalBello, Kate Andrews, Sara Verspagen, Hayley Sands, Emma Lockhart, Sierra Palermo, Katie Allan, Ella Holt, Breanne Forrest and Hannah Pigozzo.

Confirmation of Minutes

2. Moved by Councillor Gordon
Seconded by Councillor Hofland

That the minutes of the Council Meetings held January 23, 30, and February 13, 2017 and the minutes of the Committee of the Whole Meeting held February 6, 2017 be confirmed as recorded and without being read.

Voting in Favour: Mayor Guthrie, Councillors Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

Committee of the Whole Consent Reports

3. Moved by Councillor Downer
Seconded by Councillor Billings

That the balance of the February 27, 2017 Committee of the Whole Consent Report as identified below, be adopted:

COW-PS-2017.01 Ellis Creek Park: Conceptual Master Plan

Recommendation:

1. That the Ellis Creek Park Conceptual Master Plan be approved.
2. That staff be directed to proceed with Design Development and Construction of Ellis Creek Park in 2017.

COW-AUD-2017.01 Outstanding Motions of the Audit Committee

Recommendation:

That the two motions marked as "Completed" within report CS-2017-03 "Outstanding Motions of the Audit Committee" be removed from the outstanding motion list.

Voting in Favour: Mayor Guthrie, Councillors Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

Council Consent Agenda

4. Moved by Councillor MacKinnon
Seconded by Councillor Hofland

That the February 27, 2017 Consent Agenda as identified below, be adopted:

CON-2017.3 Wellington-Dufferin-Guelph Public Health Board of Directors Vacancy

Recommendation:

That Mayor Cam Guthrie be appointed to the Wellington-Dufferin-Guelph (WDG) Public Health Board of Directors for a term ending November 30, 2018.

Voting in Favour: Mayor Guthrie, Councillors Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

Special Resolutions

CON-2017.4 Public Appointments to the Guelph Public Library Board of Directors

5. Moved by Councillor Hofland
 Seconded by Councillor Salisbury

Recommendation:

That Scott Butler, Robin Bergart and Carly Klassen be appointed to the Guelph Public Library Board of Directors for a term ending November, 2018 or until such time as successors are appointed.

Voting in Favour: Mayor Guthrie, Councillors Bell, Billings, Downer, Gordon, Hofland, MacKinnon, Piper, Salisbury and Wettstein (10)

Voting Against: Councillors Gibson and Van Hellemond (2)

Carried

CON-2017.5 Exploring Opportunities to Accelerate Large Neighbourhood Commercial Growth in East Guelph

Councillor Gibson's motion for which notice was provided February 13, 2017.

6. Moved by Councillor Gibson
 Seconded by Councillor Bell

Recommendation:

That the following motion be referred to the March Committee of the Whole meeting for consideration:

1. That, in conjunction with the ongoing comprehensive commercial policy review, staff be directed to consider other opportunities for neighborhood commercial development along the York Road Intensification corridor (east of Victoria Road) with the intent of attracting further commercial investment to East Guelph (East of Victoria Road), and
2. That staff report back to Council on these opportunities as they emerge or, at established reporting milestones for the commercial policy review.

Voting in Favour: Mayor Guthrie, Councillors Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper and Van Hellemond (10)

Voting Against: Councillors Salisbury and Wettstein (2)

Carried

By-laws

7. Moved by Councillor Bell
 Seconded by Councillor Billings

That By-laws Numbered (2017) - 20138 to (2017) - 20142, inclusive, are hereby passed.

Voting in Favour: Mayor Guthrie, Councillors Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

Mayor's Announcements

There were no announcements.

Notice of Motion

Councillor Gordon presented his Notice of Motion.

Recess (7:22 p.m.)

8. Moved by Councillor Hofland
Seconded by Councillor Billings

That Council rise and recess from its open meeting.

Carried

Council recessed and reconvened a meeting closed to the public at 7:23 p.m.

Attendance

Council:	Mayor C. Guthrie	Councillor J. Hofland
	Councillor B. Bell	Councillor M. MacKinnon
	Councillor C. Billings	Councillor L. Piper
	Councillor C. Downer	Councillor M. Salisbury
	Councillor D. Gibson	Councillor K. Wettstein
	Councillor J. Gordon	

Absent: Councillor P. Allt
Councillor A. Van Hellemond

Staff: Mr. D. Thomson, Chief Administrative Officer
Mr. S. Stewart, Deputy CAO of Infrastructure, Development and Enterprise
Mr. S. O'Brien, City Clerk
Ms. D. Black, Council Committee Coordinator

Call to Order (7:49 p.m.)

The Mayor called the meeting to order.

Closed Meeting Summary

Mayor Guthrie spoke regarding the matter addressed in closed and identified the following:

C-2017.4 Guelph Innovation District – Expression of Interest

Staff were given direction on this matter.

Adjournment (7:50 p.m.)

9. Moved by Councillor Bell
Seconded by Councillor Salisbury

That the meeting be adjourned.

Carried

Minutes to be confirmed on March 27, 2017.

Mayor Guthrie

Stephen O'Brien - City Clerk



**Minutes of Committee of the Whole Meeting
Held in the Council Chambers, Guelph City Hall on
March 6, 2017 at 1:30 p.m.**

Attendance

Council: Mayor Guthrie
Councillor P. Allt
Councillor B. Bell
Councillor C. Billings
Councillor C. Downer
Councillor D. Gibson
Councillor J. Gordon
Councillor J. Hofland
Councillor M. MacKinnon
Councillor L. Piper
Councillor M. Salisbury
Councillor A. Van Hellemond
Councillor K. Wettstein

Staff: Mr. S. O'Brien, City Clerk
Ms. D. Black, Council Committee Coordinator

Call to Order (1:32 p.m.)

Mayor Guthrie called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Authority to Move into Closed Meeting

1. Moved by Councillor Van Hellemond
Seconded by Councillor Downer

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 (c) of the Municipal Act with respect to personal matters about identifiable individuals and proposed or pending acquisition or disposition of land by the municipality.

Carried

Closed Meeting (1:34 p.m.)

Open Meeting (2:04 p.m.)

Attendance

Council: Mayor Guthrie
Councillor P. Allt
Councillor B. Bell
Councillor C. Billings
Councillor C. Downer
Councillor D. Gibson
Councillor J. Gordon
Councillor J. Hofland
Councillor M. MacKinnon
Councillor L. Piper
Councillor M. Salisbury
Councillor A. Van Hellemond
Councillor K. Wettstein

Staff: Mr. D. Thomson, CAO
Ms. C. Clack, Interim Deputy CAO, Corporate Services
Mr. S. Stewart, Deputy CAO, Infrastructure, Development and Enterprise
Ms. K. Dedman, City Engineer/General Manager, Engineering and Capital Infrastructure Services
Mr. T. Salter, General Manager, Planning, Urban Design and Building Services
Mr. A. McIlveen, Manager, Transportation Services
Ms. M. Aldunate, Manager, Policy Planning and Urban Design
Ms. J. Juste, Transportation Demand Management Coordinator
Mr. P. Busatto, General Manager, Environmental Services
Mr. W. Galliher, Plant Manager, Water Services
Mr. D. Esmaili, Corporate Asset Manager
Mr. S. O'Brien, City Clerk
Ms. D. Black, Council Committee Coordinator

The meeting recessed at 2:05 p.m. and reconvened at 2:10 p.m.

Closed Meeting Summary

The following matters were considered.

C-COW-CS-2017.1 Public Appointments to Various Advisory Committees and The Board of Trustees of the Elliott Community (Downtown Advisory Committee, Guelph Museums Advisory Committee, River Systems Advisory Committee, Water Conservation and Efficiency Public Advisory Committee)

Section 239 (2) (b) personal matters about an identifiable individual, including municipal or local board employees

Staff were given direction.

C-COW-IDE-2017.1 Hanlon Creek Business Park – Development Options

Section 239 (2)(c) proposed or pending acquisition or disposition of land by the municipality

Staff were given direction.

Consent Agenda – Corporate Services

Councillor MacKinnon assumed the Chair and presented the balance of the Corporate Services Consent Report.

COW-CS-2017.1 Non Application of the Line Fences Act

1. Moved by Councillor MacKinnon
 Seconded by Councillor Billings

Recommendation:

That the City of Guelph opt out of the application of the Line Fences Act and that the attached by-law regarding non-application of the Line Fences Act be brought forward for approval at the March 2017 Council meeting.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

Voting Against: (0)

Carried

Consent Agenda – Infrastructure, Development and Enterprise

The following items were extracted from the March 6, 2017 Infrastructure, Development and Enterprise Consent agenda:

- COW-IDE-2017.8 Sidewalk Needs Assessment Update**
- COW-IDE-2017.9 Natural Heritage Action Plan (NHAP) Project Initiation**
- COW-IDE-2017.12 Annual and Summary Water Services Report - 2016**

Councillor Gibson presented the balance of the Infrastructure March 6, 2017 Infrastructure, Development and Enterprise Consent Agenda.

2. Moved by Councillor Gibson
 Seconded by Councillor Van Hellemond

Recommendation:

That the balance of the March 6, 2017 Consent Agenda – Infrastructure, Development and Enterprise as identified below, be adopted:

COW-IDE-2017.10 Sign By-law Variances – 158 Clair Road East

1. That the request for variances from Sign By-law Number (1996)-15245, as amended, for 158 Clair Road East to permit three (3) interchangeable building signs to be located 0.92 metres from the ground, be approved.
2. That the request for variances from Sign By-law Number (1996)-15245, as amended, for 158 Clair Road East to permit 3 menu boards on the property, one pre-sell menu with a height of 2.02 metres above the adjacent roadway and two (2) integrated menu boards with a height of 2.33 metres above the adjacent roadway with sign faces of 3.63 square metres each, be approved.

COW-IDE-2017.11 Sign By-law Variances – 84-202 Clair Road East

That the request for variances from Sign By-law Number (1996)-15245, as amended, to permit a 5.33 square metre illuminated freestanding sign at 84-202 Clair Road East to be setback 3 metres from the nearest public road allowance and to be a height of 6 metres above the adjacent roadway, be approved.

COW-IDE-2017.18 Outstanding Motions of Committee of the Whole (Infrastructure, Development and Enterprise)

That the following motion, previously passed by Council, be eliminated from staff work plans and from the Outstanding Motion list:

April 20, 2016 Special Council

2016 Development Priorities Plan

“That Council direct staff to investigate and report back on the most effective way to quantify the cost of growth.”

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

Voting Against: (0)

Carried

Mayor Guthrie resumed the Chair.

Special Resolution:

Striking Committee Policy Review - Councillor Wettstein's Motion for Which Notice was Given December 5, 2016

3. Moved by Councillor Wettstein
Seconded by Councillor Hofland

Recommendation:

That staff be directed to review, analyze and bring forward a recommendation updating the Striking Committee policies, processes and remuneration, and reporting of expenses and that staff report back to Committee of the Whole by Q4 2017.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

Voting Against: (0)

Carried

Items for Discussion – Infrastructure, Development and Enterprise

Councillor Gibson resumed the Chair.

COW-IDE-2017.9 Natural Heritage Action Plan (NHAP) Project Initiation

Melissa Aldunate, Manager of Policy Planning and Urban Design, explained the Natural Heritage Action Plan process and advised of next steps.

The following person spoke to this item:

Hugh Whiteley

3. Moved by Councillor Downer
 Secoded by Councillor Piper

Recommendation:

That the Natural Heritage Action Plan project charter attached to Infrastructure, Development and Enterprise Services Report (IDE 17-25), dated March 6, 2017 be approved.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

Voting Against: (0)

Carried

COW-IDE-2017.8 Sidewalk Needs Assessment Update

Staff provided clarification regarding the criteria used for establishing the priorities and funding sources for the sidewalk construction projects.

4. Moved by Councillor Bell
 Secoded by Councillor Salisbury

Recommendation:

1. That the recommended priority list for sidewalk construction based on the prioritization criteria outlined in the report "Guelph Sidewalk Needs Assessment Study" dated January 2017 be approved.
2. That adequate right-of-way width be secured in new draft plans of subdivisions to provide sidewalks on both sides of the road where the anticipated sidewalk needs would rank as high upon subdivision completion.
3. That sidewalks be constructed adjacent to subdivision blocks that have been undeveloped for five (5) years or more and that the block developer be responsible for all costs to repair any sidewalk damage during site development.
4. That adequate funding to maintain new sidewalk facilities be included in future Operating Budgets.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

Voting Against: (0)

Carried

COW-IDE-2017.12 Annual and Summary Water Services Report - 2016

Staff provided clarification regarding the contributing factors to the Arkell Springs ground collector volumes in 2016 and the status of the Burke well.

5. Moved by Councillor Billings
Seconded by Mayor Guthrie

Recommendation:

That the Annual & Summary Water Services Report – 2016 be approved.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

Voting Against: (0)

Carried

COW-IDE-2017.13 2017 Corporate Asset Management Plan and Policy

Presentation:

Daryush Esmaili, Manager of Corporate Asset Management presented an overview of the Asset Management Plan and Policy.

Councillor MacKinnon left the meeting. (4:15 p.m.)

6. Moved by Mayor Guthrie
Seconded by Councillor Piper

Recommendation:

1. That Council endorse the 2017 Corporate Asset Management Plan and Asset Management Policy.
2. That staff be directed to provide annual updates to Council on the key activities and progress of the 2017 Corporate Asset Management Plan and Policy.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

The meeting recessed at 4:23 p.m. and reconvened at 4:46 p.m.

Councillor Van Hellemond left the meeting. (4:23 p.m.)

COW-IDE-2017.15 Transportation Master Plan - Framework

Presentation:

Kealy Dedman, City Engineer/General Manager, Engineering and Capital Infrastructure Services addressed the purpose and explained the process of the Transportation Master Plan – Framework.

Councillor Van Hellemond returned to the meeting (4:58 p.m.)

Alister McIlveen, Manager of Transportation Services, provided statistics outlining current transportation trends.

Jennifer Juste, Transportation Demand Management Coordinator, explained the scope and objectives of the framework and how success will be monitored.

7. Moved by Councillor Bell
Seconded by Councillor Piper

Recommendation:

That the framework for the update to the 2005 Guelph – Wellington Transportation Master Plan as outlined in report IDE 17-34 be approved.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

COW-IDE-2017.16 Pedestrian Crossing Treatments – Update to the Ontario Traffic Manual

Presentation:

Allister McIlveen, Manager of Transportation Services explained the new tool and advised staff will be establishing a policy.

8. Moved by Mayor Guthrie
Seconded by Councillor Hofland

Recommendation:

1. That the City of Guelph adopt the installation warrants for the Level 2 Pedestrian Crossover as outlined in Report 17-32 dated March 6, 2017.
2. That staff be directed to report back to Council in the third quarter of 2017 with a comprehensive report recommending an implementation strategy with the following integral components for a Pedestrian Crossover Program
 - Communication Plan (Public Education and Outreach)
 - Implementation priority list of locations
 - Program to monitor compliance and pedestrian safety
 - Financial implications based upon an assessment of each recommended location

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

COW-IDE-2017.17 Delegation of Authority for Infrastructure, Development and Enterprise Services

Presentation:

Scott Stewart, Deputy CAO, Infrastructure, Development and Enterprise addressed the purpose of the delegation of authority.

9. Moved by Councillor Piper
Seconded by Mayor Guthrie

Recommendation:

1. That pursuant to Section 23(1) of the Municipal Act, By-law Number (2013)-19529 be amended by adding Schedule "EE" to provide staff the authority to approve successful bids where the procurement is budgeted but does not have specific approvals, as set out in Attachment 1 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017.
2. That pursuant to Section 23(1) of the Municipal Act, By-law Number (2013)-19529 be amended by adding Schedule "FF" to provide staff the authority to Appoint Risk Management Officials (RMOs) and Risk Management Inspectors (RMIs), as set out in Attachment 2 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017.
3. That pursuant to Section 23(1) of the Municipal Act, By-law (2013)-19529 be amended by adding Schedule "GG" to provide staff the authority for variances to the Sign By-law, as set out in Attachment 3 hereto.
4. That pursuant to Section 23(1) of the Municipal Act, C By-law (2013)-19529 be amended by adding Schedule "HH" to provide staff the authority for residential demolition permits as set out in Attachment 4 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017.

First Amendment

10. Moved by Councillor Piper
Seconded by Mayor Guthrie

That Clause 3 be amended to read as follows:

3. **That the decision regarding delegated authority for variances to the Sign By-law, as set out in Attachment 3 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017 be deferred until the conclusion of a comprehensive Sign By-law review.**

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

Second Amendment

11. Moved by Councillor Bell
Seconded by Councillor Van Hellemond

That Clause 1 be amended to read as follows:

That pursuant to Section 23(1) of the Municipal Act, By-law Number (2013)-19529 be amended by adding Schedule "EE" to provide staff the authority to approve successful bids where the procurement is budgeted but does not have specific approvals, as set out in Attachment 1 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017 **to an upset limit of \$3 million.**

Voting in Favour: Councillors Bell, Billings and Van Hellemond (3)

Voting Against: Mayor Guthrie, Councillors Allt, Downer, Gibson, Gordon, Hofland, Piper, Salisbury and Wettstein (9)

Defeated

Third Amendment

12. Moved by Councillor Billings
Seconded by Councillor Bell

That Clause 1 be amended to read as follows:

That pursuant to Section 23(1) of the Municipal Act, By-law Number (2013)-19529 be amended by adding Schedule "EE" to provide staff the authority to approve successful bids where the procurement is budgeted but does not have specific approvals, as set out in Attachment 1 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017 **to an upset limit of \$5 million.**

Voting in Favour: Councillors Bell, Billings, Gibson and Van Hellemond (4)

Voting Against: Mayor Guthrie, Councillors Allt, Downer, Gordon, Hofland, Piper, Salisbury and Wettstein (8)

Defeated

Main Motion as Amended

13. Moved by Councillor Piper
Seconded by Mayor Guthrie

Recommendation:

1. That pursuant to Section 23(1) of the Municipal Act, By-law Number (2013)-19529 be amended by adding Schedule "EE" to provide staff the authority to approve successful bids where the procurement is budgeted but does not have specific approvals, as set out in Attachment 1 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017.

2. That pursuant to Section 23(1) of the Municipal Act, By-law Number (2013)-19529 be amended by adding Schedule "FF" to provide staff the authority to Appoint Risk Management Officials (RMOs) and Risk Management Inspectors (RMIs), as set out in Attachment 2 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017.
3. **That the decision regarding delegated authority for variances to the Sign By-law, as set out in Attachment 3 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017 be deferred until the conclusion of a comprehensive Sign By-law review.**
4. That pursuant to Section 23(1) of the Municipal Act, C By-law (2013)-19529 be amended by adding Schedule "GG" to provide staff the authority for residential demolition permits as set out in Attachment 4 to the "Delegation of Authority for Infrastructure, Development and Enterprise Services" report dated March 6, 2017.

Voting in Favour: Mayor Guthrie, Councillors Allt, Downer, Gordon, Hofland, Piper, Salisbury and Wettstein (8)

Voting Against: Councillors Bell, Billings, Gibson and Van Hellemond (4)

Carried

The meeting recessed at 7:07 p.m. and reconvened at 7:17 p.m.

Mayor Guthrie resumed the Chair

Special Resolution

Exploring Opportunities to Accelerate Large Neighbourhood Commercial Growth in East Guelph - Councillor Gibson's Motion for Which Notice was Given February 13th

Councillor Gibson provided an introduction to his motion.

14. Moved by Councillor Gibson
Seconded by Councillor Bell

Recommendation:

1. That, in conjunction with the ongoing comprehensive Commercial Policy Review, staff be directed to consider other opportunities for neighborhood commercial development along the York Road Intensification corridor (east of Victoria Road) with the intent of attracting further commercial investment to East Guelph (East of Victoria Road), and
2. That staff report back to Council on these opportunities as they emerge or, at established reporting milestones for the Commercial Policy Review.

Amendment

15. Moved by Councillor Wettstein
Seconded by Councillor Salisbury

That Clause 1 be amended to read:

“That in conjunction with the ongoing Comprehensive Commercial Policy Review along the York Road intensification corridor, staff continue to consider neighbourhood commercial development.”

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

It was requested that the clauses be voted on separately.

First Clause as Amended

16. Moved by Councillor Wettstein
Seconded by Councillor Salisbury

That in conjunction with the ongoing Comprehensive Commercial Policy review along the York Road intensification corridor, staff continue to consider neighbourhood commercial development.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, Van Hellemond and Wettstein (12)

Voting Against: (0)

Carried

Second Clause

17. Moved by Councillor Gibson
Seconded by Councillor Bell

That staff report back to Council on these opportunities as they emerge or, at established reporting milestones for the Commercial Policy Review.

Voting in Favour: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury and Van Hellemond (11)

Voting Against: Councillor Wettstein (1)

Carried

Chair and Staff Announcements

There were no announcements.

Notice of Motion

Mayor Guthrie provided a Notice of Motion.

Adjournment (8:27 p.m.)

18. Moved by Councillor Bell
Seconded by Councillor Hofland

That the meeting be adjourned.

Carried

Minutes to be confirmed on March 27, 2017.

Mayor Guthrie

Stephen O'Brien - City Clerk

GWDA

March 3, 2017

Guelph City Hall
1 Carden Street
Guelph, Ontario
N1H 3A1

Submitted via email only.

Attention: Mayor Guthrie and Members of Council

**Re: Committee of the Whole Meeting of March 6, 2017
Natural Heritage Action Plan (NHAP) Project Initiation
Report Number IDE 17-25**

Our members have been working closely with city staff on a number of ongoing initiatives. Our association is concerned that the Natural Heritage Action Plan will add to an already considerable existing city staff workload of projects approved and underway. We are therefore, respectfully requesting that Council not initiate the NHAP project at this time.

On page 4 of the report it states that, "*One example of an existing guideline is the [Draft Guidelines for the Preparation of Environmental Impact Studies \(EISs\) available on Guelph.ca.](#)" These Draft EIS Guidelines were prepared in June 2014. Many detailed comments were provided to staff at their request related to these Draft EIS Guidelines, however, staff have not had the capacity to respond to these comments and revise the Draft EIS Guidelines accordingly.*

We are respectfully requesting that Council support a revised motion in consideration of the full workload already being undertaken by city staff.

"That Council does not endorse the Natural Heritage Action Plan (NHAP) project charter attached to Infrastructure, Development & Enterprise Services Report (IDE 17-25), dated March 6, 2017 and does not support the formal initiation of the NHAP project at this time given the current approved workload of city staff."

Thank you for the opportunity to provide these comments for consideration.

Yours truly,



Carson Reid, President
GWDA

cc: Scott Stewart, Deputy CAO

(GWDA.NHS March 2017.doc)

**Correspondence Received Regarding:
Exploring Opportunities to Accelerate Large Neighbourhood Commercial
Growth in East Guelph - Councillor Gibson's Motion for Which Notice was
Given February 13th and Discussed at Committee of the Whole March 6,
2017.**

To whom it may concern,

Please accept this email as my support for the motion to accelerate large
neighbourhood commercial development in East Guelph.

My family of five regular enjoys the public library, coffee shop (planet bean), pizza
shop (Victoria road pizza), and York Road Kitchen, but more development is
necessary to match commercial development in other areas of the city and meet
the demands of this growing neighbourhood.

Thank you so much to Dan Gibson for putting this motion forward!!

Julie Jamieson

I know I'm too late, but as a community member, who lives on Road, I feel strongly
Dan Gibson is moving in the right direction!!! I support his stance on this matter
100%

Lisa Miszczak

The other parts of the city have an abundance of entities and services.
There is no need for a new central library as satellites are more economical and
serves a greater number of residents .
The south end of the city has more affluent residents and they are the elite that
wants more to the detriment of the commoners that live in the wards east end of
the city who are grossly under serviced .
Have a good day

Richard Gazzola

I support Councilor Gibson's motion to accelerate development on York rd.

Patrick Sheridan

**REPORT TO
THE CORPORATION OF THE CITY OF GUELPH REGARDING
THE INVESTIGATION OF AN ALLEGED
IMPROPERLY CLOSED MEETING OF COUNCIL
FOR THE CITY OF GUELPH
ON DECEMBER 10, 2015**

COMPLAINT

The Corporation of the City of Guelph (“Municipality”) received a complaint about a Closed Meeting of Council (“Council”) held on December 10, 2015. The essence of the complaint is that Council went into a closed meeting without proper notice and the purpose of the meeting did not meet the requirements of the *Municipal Act, 2001*¹, as amended by Bill 130² (“*Municipal Act*” or “*Act*”).

This closed meeting complaint was sent to the offices of Amberley Gavel Ltd. (“Amberley Gavel”) for investigation.

JURISDICTION

The City appointed Local Authority Services (LAS) as its closed meeting investigator pursuant to section 239.2 of the *Municipal Act*.

LAS has delegated its powers and duties to Amberley Gavel to undertake the investigation and report to Municipal Council.

BACKGROUND

Section 238 of the *Municipal Act* requires that every municipality and local board pass a procedure by-law. Section 238 reads in part as follows:

238. (2.1) The procedure by-law shall provide for public notice of meetings. 2006, c. 32, Sched.A, s.102(3).

Section 239 of the *Municipal Act* provides that all meetings of a municipal council, local board or a committee of either of them shall be open to the public. This requirement is

¹ S.O. 2001, c. 25.

² *Bill 130: An Act to amend various Acts in relation to municipalities*, S.O. 2006, c. 32 (“Bill 130”).

one of the elements of transparent local government.

Section 239 sets forth exceptions to this open meetings rule. It lists the reasons for which a meeting, or a portion of a meeting, may be closed to the public. The section confers discretion on a council or local board to decide whether or not a closed meeting is required for a particular matter. It is not required to move into closed session if it does not feel the matter warrants a closed session discussion unless there is a statutory direction to do so...

Section 239 reads in part as follows:

Meetings open to public

239. (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).

INVESTIGATION

Documents reviewed during the course of the investigation included the Agenda and Minutes and supporting documents for the Council Meeting on December 10, the relevant Procedural By-Law, audio-video archive of the Council Meeting, copy of the newspaper notice, copy of the screenshot of the City’s website notice, and other relevant documentation.

The Clerk (“Clerk”) was consulted during the course of the investigation.

FACTS AND EVIDENCE

The Complaint

The complaint alleges that Council held an improper closed meeting on December 10, 2015, the second day of a two-day meeting of Council that started on December 9 and continued on December 10, 2015 regarding the annual budget. The complaint alleges that during the second day, in the course of the open meeting, Council improperly moved into closed session without providing proper notice, and without revealing the purpose of the closed meeting. The complaint alleges that the issues discussed while in closed session did not fall within the listed possible exceptions from open meetings, contrary to Section 239(1) of the *Municipal Act*.

Council Budget Meeting Notice

The City of Guelph Procedural By-law, By-law Number (2015) – 19938 provides as follows:

2.3 Public Notice of Meetings

(a) Staff shall give public notice of all regular open and closed Council and Standing Committee Meetings by:

- i. Inclusion on the City's website at least 72 hours prior to the Meeting,*
- ii. Posting in City hall at least 72 hours prior to the Meeting; and*
- iii. Publication in a local newspaper at least 72 hours prior to the meeting.*

The notice published in the local newspaper³, advised of a Council Meeting on December 9, 2015 at 5 p.m. to consider the 2016 Budget. The newspaper was published on November 26, 2015. By November 26, the date the newspaper was published, it was apparent to the Clerk that the meeting might go over two days. To provide for this eventuality, notice on the City's website was updated November 26, 2015 to indicate "Council Budget Night December 9 & 10, 2015".

The last item listed on the Agenda for the Council Budget meeting was recommendation #8: the 2016 Non-Union Compensation Adjustment.

The meeting was a lengthy one. Just before 11 p.m., Council resolved to extend the meeting to 11:59 p.m. (noted at item 53 of the Minutes of December 9).

The Procedural By-law provides as follows regarding extending meetings beyond automatic adjournment at 11:00 p.m.:

21. Adjournment

21.1 The Council shall adjourn at 11:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds vote of the members present. If the Council is adjourned at 11:00 p.m., before the agenda is completed, Council shall establish a time and date for consideration for the balance of the agenda.

³ Guelph Tribune, Thursday November 26, 2015, page 8

21.2 Only one motion to extend the automatic adjournment beyond 11:00 p.m. shall be permitted per meeting, and the maximum allowable extension shall be to 11:59 p.m.

As midnight approached on December 9, and the complete agenda had not yet been reached, Council voted to suspend the Procedural By-law to allow the meeting to extend beyond 11:59 p.m. (noted as item 67 in the Minutes of December 9).

The Procedural By-law provides as follows regarding suspension of the rule:

31. General Rules

31.1 No provision of this By-law shall be suspended except by affirmative vote of at least two-thirds of the Members present for each incidence of suspension of the rules.

The meeting then continued for another hour and forty minutes, until 1:40 a.m. when a motion to approve the budget was defeated (noted as item 76 in the Minutes of December 9). At that time, the meeting was recessed until 6 p.m. the following evening, December 10, 2015.

Council Budget Meeting Continued December 10

The Council meeting of December 10 was a continuation of the December 9, 2015 deliberations of the 2016 Tax Supported Operating Budget. Since the budget motion had already been defeated just prior to the recess, it was necessary to reconsider the matter or else adjourn to another date.

Reconsideration of a Matter

The Procedural By-law provides as follows regarding reconsideration:

16. Reconsideration

16.1 (a) Council may reconsider an entire resolution that was decided during any term of Council. ...

16.2 (a) A motion to reconsider shall be introduced by way of a Notice of Motion to Council and considered as a Special Resolution at a subsequent regular meeting of Council pursuant to Section 19 of this By-law.

A decision was made, by motion, to suspend Section 16 of the Procedural By-law in its entirety, in order to allow Council to re-open the budget decisions of the previous day's portion of the meeting and to enable Council possibly to conclude the budget deliberations on December 10.

At 8:45 p.m. Council reached the matter identified as the 2016 Non-Union Compensation Adjustment recommendation. This is identified as Item #8 of the 2016 Tax Supported

Operating and Capital Budgets recommendations on the Agenda of the Council Meeting of December 9, 2015.

Council resolved into closed session, citing s.239(2)(d) of the *Municipal Act* with respect to labour relations or employee negotiations.

Following a brief closed session, Council resumed in open and shortly thereafter, Council approved the 2016 non-union compensation adjustment (noted as Part 4 of Item 24 in the Minutes of December 10.)

FINDINGS

Notice

The non-union compensation adjustment was noted on the Agenda for the Council Budget meeting that began December 9, 2015. Prior to excluding the public, a motion was passed noting that Council was expected to go into closed session under s.239(2)(d) of the *Municipal Act* with respect to labour relations or employee negotiations, in particular, the 2016 Non-Union Compensation.

s.239(2)(d) ~ labour relations or employee negotiations

It has been determined in numerous closed meeting investigations that compensation matters relating to the municipality's non-unionized workforce fall within the exception for "labour relations or employee negotiations"⁴ and that discussions about salary increases for non-unionized staff fall within this exception.⁵

Continuation of December 9 Meeting on December 10

Notice on the website indicated that the Council Budget meeting was scheduled for December 9 & 10, 2015. By the time it became clear the budget meeting might not conclude on a single evening, it was too late to change the newspaper notice (published November 26). Such are the constraints of traditional newspapers as a vehicle for communicating up-to-date information to the public. However, the City's website was adjusted to reflect that the budget meeting was now scheduled for two days. It is clear that anyone following the budget deliberations at the meeting would have been aware the meeting was to be continued on December 10, 2015.

We note that the City's current Procedural By-law, revised early in 2016, now requires notice by posting in City Hall and inclusion on the City's website but provides that publication in a local newspaper is optional. This is a direction many municipalities are moving in, utilizing technology and recognizing the disappearance of daily local newspapers.

⁴ Ombudsman of Ontario, *Investigation into whether members of council for the Township of Leeds and the Thousand Islands held improper closed meetings* (November 2013) at para 82.

⁵ Ombudsman of Ontario Letter to City of Timmins (9 April 2014) at 6.

There is no specific provision in the Procedural By-law to recess a meeting from one day to the next. A recess usually refers only to taking a short break during the day. Nevertheless, a recess may be appropriate as a device to conclude proceedings at the end of Day 1 of a Two-day meeting, such as occurred at the budget meeting of December 9 & 10, 2015.

The Procedural By-law makes it clear that no meeting is contemplated to extend beyond 11:59 p.m. It may be desirable to consider provision in the Procedural By-law for a recess, where multi-day budget meetings may be contemplated. Consideration should be given as to whether an automatic conclusion at 12:00 or 12:30 a.m. – a “hard stop” which cannot be waived by suspending the rules, should be provided for. It is acknowledged that it can be understandably difficult to resist going ‘just a little longer’ – but continuing to 1:40 a.m. is rarely ideal.

We are generally concerned with the provision in procedure by-laws that allows for the “suspension of rules”, regardless of the support required to enact a suspension. The public should expect that it can rely on the adopted rules of procedure in municipal decision making. Relying on a by-law’s provision that sets out due process, and then finding that Council simply voted to suspend that process, can defeat transparency in the view of the public.

CONCLUSIONS

Based on all of the foregoing, Amberley Gavel has concluded that Council did not breach the provisions of the *Municipal Act* when it went into closed for consideration of the non-union compensation adjustment on December 10 as part of the Council budget meeting of December 9 & 10, 2015.

RECOMMENDATIONS

Although a Council meeting can take place over two days, it may be desirable to state in the Procedural By-law that such meetings may recess at the conclusion of day one and continue on day two if the scheduled business is not completed. Consideration should also be given to the desirability of a non-waivable end time for meetings, and the elimination or severe restriction of circumstances where rules might be suspended.

PUBLIC REPORT

We received full co-operation from the Clerk at the City of Guelph.

This report is forwarded to the Council of the City of Guelph. The *Municipal Act* provides that this report be made public. It is suggested that the report be included on the agenda of the next regular meeting of Council or at a special meeting called for the purpose of receiving this report prior to the next regular meeting.

Nigel Bellchamber

On behalf of
Amberley Gavel Ltd.

Staff Report



To **City Council**

Service Area Corporate Services

Date Monday, March 27, 2017

Subject **Charges and Fees, Lowes Road and Dawn Avenue**

Report Number CS-2017-39

Recommendation

1. That report number CS-2017-39 titled "Charges and Fees, Lowes Road and Dawn Avenue" be received for information.

Executive Summary

Purpose of Report

To provide background and history related to charges and fees for water main and sanitary sewer installation on Lowes Road and Dawn Avenue.

Key Findings

Two separate construction projects occurred to provide municipal servicing in this area including water main installation in 1977 and sanitary sewer installation in 2002.

Although it was initially intended that all construction costs would be recovered from the benefitting properties through frontage charges, there were several key steps in the process that were missed by staff at the time. Consequently, only 28 of 31 original properties paid water main costs and only 3 of 32 original properties paid sanitary sewer costs.

Based on a staff review of the process which included the receipt of legal advice, staff deemed the amounts uncollectable in 2012 and a memo to file was completed in 2015 to document the decision. The amounts that were received for these projects were collected with the requisite authority, and there were no illegal actions taken by staff related to this matter.

To ensure that the situation of uncollected fees does not occur again, staff has implemented a corporate protocol that clearly identifies roles, responsibilities and processes related to Local Improvement initiatives. As well, staff will continue to seek opportunities to recover outstanding costs through various tools, such as Development Charges, and will continue to examine tools and procedures to ensure

funding for growth related infrastructure projects is available from the appropriate sources.

Financial Implications

Based on legal advice, a total of \$159,608.13 was deemed uncollectable in 2015 and confirmed administratively through a Memo to File.

Report

In response to inquiries received by Council related to Local Improvement Charges and Frontage Fees on Lowes Road and Dawn Avenue, this report has been prepared for information.

Background

The issue involves two separate construction projects dating back 40 years that were completed to provide municipal servicing to Lowes Road and Dawn Avenue. The first project was a watermain installation that occurred in 1977 and the second project was for the installation of a sanitary sewer which took place several years later in 2002.

The watermain project was initiated under the Public Utilities Act and by-law 1977-9389 was enacted in 1977 to authorize the collection of frontage and connection fees from benefitting properties. Thirty one (31) existing properties were connected to the new watermain. Of these connected properties, twenty eight (28) paid the frontage fees while three properties did not pay. The fees owing on these three properties were not collected as expected due to a missed internal process at the time such that the receivables were not tracked and therefore not collected.

In 2001, a sanitary sewer installation project was initiated under the Local Improvement Act (which has since been repealed). The sanitary sewer was successfully installed in 2002, however, there were key steps in the Local Improvement Act process that were not followed by staff across the organization at the time. Specifically, the required Local Improvement By-law and the certification of a special tax roll was completed later than required. In the end, the assessed charges were not formally applied to the benefitting properties due to an apparent oversight.

As a result of the apparent oversight, only three (3) of the existing thirty-two (32) potential properties ultimately paid sanitary sewer frontage fees. Of the three properties that paid, two paid through the development application process and one paid through a request for connection. It is important to note that the City had requisite authority to collect these payments through signed agreements with the owners.

In 2012, staff from Finance, Engineering, Building and Legal examined this complex issue as a result of a request related to a pending sale in the area. At that time, Legal opinions were sought regarding the collection of outstanding amounts. On the

basis of this review, and the legal advice received, the amounts were deemed uncollectable.

Consequently, in September 2015, an administrative Memo to File was prepared indicating that \$152,591.98 of sanitary sewer frontage fees attributed to 29 of the 32 properties was deemed uncollectable at that time and that \$7,016.15 of the watermain frontage fees attributed to three properties was deemed uncollectable at that time.

The inability to collect the amounts from the property owners was a result of a number of missed processes across the organization; however at no time were any illegal actions taken by staff. Further, the amounts there were received by the City were collected under the requisite authority and, therefore, the City is not required to return or refund those amounts.

Next Steps

To ensure that the situation of uncollected fees and charges that took place on Lowes Road and Dawn Avenue does not reoccur, staff has implemented new processes and protocols.

Led by the City's Legal department, staff from Engineering, Clerks, and Finance have established a formal corporate protocol to provide clarity and a documented procedure for conducting Local Improvement projects under the Municipal Act.

In addition, Finance is also preparing a Corporate Revenue Billing and Collection Policy, and amendments to the Delegation of Authority By-law will be brought to Council to ensure appropriate annual reporting.

Further, there currently are no growth related capital projects in the City's forecast that would advance or upgrade services without development (i.e., that would require existing home owners to pay). Any new services constructed to accommodate growth as a result of new development, or local services to support new development, will be paid for through Development Charges or through the development application process as appropriate.

Finally, staff intends to explore any additional opportunities to recover the outstanding construction costs for the Lowes Road and Dawn Avenue servicing projects through the use of other tools. For example, staff will explore the possibility of including the outstanding costs as part of the background study required for the next update of the City's Development Charges By-law, scheduled for 2018. The potential for recovery of these costs will also be considered during the processing of any redevelopment applications and/or requests for new connections to existing services in the subject area, there is a potential opportunity to offset these amounts through development agreements.

Financial Implications

A total of \$159,608.13 was deemed uncollectable in 2015 and confirmed administratively through a Memo to File.

Corporate Administrative Plan

This report supports the following goals and work plans of the Corporate Administrative Plan (2016-2018):

Overarching Goals

Financial Stability
Service Excellence
Innovation

Service Area Operational Work Plans

Our Services - Municipal services that make lives better
Our People- Building a great community together
Our Resources - A solid foundation for a growing city

Attachments

N/A

Departmental Approval

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