

CITY COUNCIL AGENDA



Council Chambers, Guelph City Hall, 1 Carden Street

DATE November 17, 2014 – 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**

PRESENTATIONS

a) None

CONFIRMATION OF MINUTES (Councillor Bell)

*"**THAT** the minutes of the Council Meeting held September 8, 2014 and the minutes of the Closed Meeting of Council held September 8, 2014 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:

Council Consent Agenda			
Item	City Presentation	Delegations	To be Extracted
CON-2014.59 2014 Municipal Election Recount – Ward 3			

Adoption of balance of the Council Consent Agenda – Councillor

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:

- Council Consent – Mayor Farbridge

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Burcher)

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

MAYOR'S REMARKS

Presentation to departing members of Guelph City Council.

Gloria Kovach, member of Council 1991-2014
Maggie Laidlaw, member of Council 2000-2014
Lise Burcher, member of Council 2003-2014
Ian Findlay, member of Council 2006-2014
Todd Dennis, member of Council 2010-2014
Jim Furfaro, member of Council 2010-2014

Presentation to Karen Farbridge, Mayor, 2000-2003; 2006-2014

ADJOURNMENT



**Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
Monday, September 8, 2014 at 5:30 p.m.**

Attendance

- Council: Mayor Farbridge
Councillor B. Bell
Councillor L. Burcher
Councillor T. Dennis
Councillor I. Findlay
Councillor J. Furfaro
Councillor C. Guthrie
Councillor J. Hofland
Councillor G. Kovach
Councillor M. Laidlaw
Councillor L. Piper
Councillor A. Van Hellemond
Councillor K. Wettstein
- Staff: Ms. A. Pappert, Chief Administrative Officer
Mr. M. Amorosi, Executive Director of Corporate & Human Resources
Mr. A. Horsman, Executive Director of Finance and Enterprise
Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment
Mr. D. McCaughan, Executive Director of Operations, Transit & Emergency Services
Mr. D. Thomson, Executive Director of Community & Social Services
Ms. D. Jaques, General Manager Legal & Realty Services/City Solicitor
Mr. S. Worsfold, Deputy City Solicitor
Ms. S. Smith, Associate Solicitor
Mr. D. Mast, Associate Solicitor
Mr. T. Salter, General Manager, Planning Services
Ms. M. Aldunate, Manager of Policy Planning and Urban Design
Mr. I. Panabaker, Corporate Manager, Downtown Renewal
Ms. A. Nix, Environmental Planner - Policy Planning Services
Ms. S. Purton, Manager, Financial Planning & Budgets
Mr. S. O'Brien, City Clerk
Ms. T. Agnello, Deputy City Clerk
Ms. D. Black, Council Committee Co-ordinator
-

Call to Order (5:30 p.m.)

Mayor Farbridge called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor Laidlaw
Seconded by Councillor Hofland

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (b), (d), (e) and (f) of *the Municipal Act*, with respect to personal matters about an identifiable individual; proposed acquisition or disposition of property; litigation or potential litigation; and advice that is subject to solicitor-client privilege.

CARRIED

Closed Meeting (5:31 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

The following matters were considered:

C-2014.44	Urbacon Litigation
C-2014.45	Downtown Secondary Plan –OPA 43
C-2014.46	OPA 42 (Natural Heritage System) – 0 Paisley Road Appeal – Ontario Municipal Board
C-2014.47	Citizen Appointment to the Board of Trustees of the Elliott Community
C-2014.48	Potential Acquisition or Disposition of Land

Rise and Recess from Closed Meeting (6:55 p.m.)

Council recessed.

Open Meeting (7:05 p.m.)

Call to Order

Mayor Farbridge called the meeting to order.

Silent Prayer

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Presentations

Dean Post, Scouts Canada presented the Bronze Duke of Edinburgh's Award to Ms. Holly Ivany.

Ms. Brittney Dudar, Alumni Advancement Manager, Telefundraising, University of Guelph and Lindsay Sytsma, Development Director, Lakeside HOPE House – GivingTuesday, provided information regarding the GivingTuesday program and advised their goal for the City of Guelph is one million dollars in one day.

Mr. Dean Wyman, General Manager, Solid Waste Resources, and Ms. Shelley Lorenz, Waste Management Policy Analyst presented the SWANA gold Award of Excellence – Communication for the Waste Cart Rollout, 2014 to the Mayor.

Mr. Sean Finlay, United Way Campaign Manager, announced the kickoff of the City's United Way Campaign and the goal of \$65,000. He noted staff have already donated \$25,000 and he encouraged everyone to participate.

Confirmation of Minutes

2. Moved by Councillor Wettstein
Seconded by Councillor Findlay

That the minutes of the Council Meetings held August 13, and August 25, 2014, and the minutes of the Closed Meetings of Council held August 13, and 25, 2014 be confirmed as recorded and without being read.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Council Consent Agenda

The following items were extracted:

- CON-2014.49 Open Government Action Plan**
- CON-2014.52 Brooklyn and College Hill Heritage Conservation District –
Designation of District and Adoption of Plan and Guidelines**
- CON-2014.53 Standard and Poor’s Credit Rating**

Balance of Council Consent Items

3. Moved by Councillor Findlay
Seconded by Councillor Dennis

That balance of the September 8, 2014 Consent Agenda as identified below, be adopted:

- CON-2014.50 Restricted Acts by Council During an Election Year (“Lame Duck”
Council and Delegated Authority to CAO**

Whereas By Law Number (2011) – 19310, as amended by By law (2014) -19702 defines the general duties, roles and responsibilities of the Chief Administrative Officer; and includes the provision 1.M to “perform any additional responsibilities and to exercise the powers incidental thereto which may from time to time be assigned to the CAO by Council.

Whereas Council will not be able to provide instructions regarding the City’s legal and realty matters between September 12, 2014 and December 1, 2014.

BE IT RESOLVED THAT:

1. For the period of September 12, 2014 through to December 1, 2014 at the swearing in of the next term of Council, the CAO may, after consultation with the City Solicitor and Chief Financial Officer approve settlements or offers to settle any litigation or potential litigation for or against the City which is not provided for in Schedule AA of By-Law Number (2013) – 19529 (Delegation of authority to the City Solicitor), provided that:

- (a) The monetary value of the settlement is within the limits previously authorized by Council;
 - (b) The monetary value of the settlement is within the approved budget;
 - (c) The non-monetary terms of a settlement are consistent with previous directions from Council or City policies and are, in the opinion of the CAO, in the best interests of the City; or
 - (d) The matter does not fall within (a) to (c) above, but approval is required before instructions from Council can be obtained.
2. For the period of September 12, 2014 through to December 1, 2014 at the swearing in of the next term of Council, the CAO may, after consultation with the City Solicitor and Chief Financial Officer, approve the acquisition or disposition of any interest in real property by the City, which is in accordance with approved City policies, provided that:
- (a) The monetary value of the consideration for the transaction is within the approved budget; or,
 - (b) If (a) does not apply, approval is required before instructions from Council can be obtained.
3. That the CAO shall report back to Council in December, 2014 regarding any exercise by the CAO of this delegation of authority.

**CON-2014.51 595 Watson Parkway North (formerly 21 Couling Crescent)
– Proposed Zoning By-law Amendment (File: ZC1405) – Ward 2**

That the application by Astrid J. Clos Planning Consultants for approval of a Zoning By-law Amendment from the R.4A (General Apartment Residential) Zone to the I.1 (Institutional – Education, Spiritual and Other Services) Zone to permit the development of a public elementary school at the property municipally known as 595 Watson Parkway North, legally described as Block 14, Registered Plan 61M-170, City of Guelph, be approved in accordance with the zoning regulations and conditions as outlined in Attachment 1.

**CON-2014.53 312-316 Grange Road – Creekside Subdivision (23T-07502):
Request for an Extension of Draft Plan Approval – Ward 1**

That the application by Astrid J. Clos Planning Consultants for an extension to the Draft Plan Approval of the subdivision at 312-316 Grange Road (23T-07502) applying to lands legally described as Lot 8, Registered Plan 53, Division "C", City of Guelph, be approved without a lapsing date, subject to the conditions as outlined in Attachment 2.

CON-2014.54 Proposed Demolition of 30 Laurine Avenue – Ward 1

1. That Report 14-55 regarding the proposed demolition of one (1) single detached dwelling at 30 Laurine Avenue, legally described as Plan 342, Part Lot 14 and Lot 15, Part 1 RP 61R2349; City of Guelph, from Planning, Building, Engineering and Environment dated September 8, 2014, be received.

2. That the proposed demolition of one (1) detached dwelling at 30 Laurine Avenue be approved.
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwelling.
4. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials.

CON-2014.55 2014 Q2 Capital Budget Monitoring

That FIN-14-42 2014 Q2 Capital Budget Monitoring Report be received.

CON-2014.56 Q2 2014 Operating Variance

That report FIN-14-43 Q2 2014 Operating Variance Report be received.

CON-2014.57 Golds Court – Proposed Permanent Road Closure

1. That the report CHR-2014-58 entitled "Golds Court – Proposed Permanent Road Closure" be received.
2. That Council enact a by-law to stop-up and close certain lands that are currently dedicated as a public highway described as:

Golds Court Plan 61M169, designated as Parts 1, 2, 3, 4 on Reference Plan 61R-20352.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Planning Public Meeting

Mayor Farbridge announced that in accordance with The Planning Act Council is now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to the planning matters listed on the agenda.

95 Couling Crescent: Proposed Zoning By-law Amendment (File: ZC1409) - Ward 2

Mr. Michael Witmer, Development Planner advised the property is currently vacant and the applicant intends to build a semi-detached home following a part-lot control exemption and will build according to the R.2 (Residential Semi-Detached) regulations.

Mr. Jeff Buisman, Van Harten Surveying Inc., on behalf of the applicant, advised they are asking to move the zoning boundary by one lot to accommodate the building of the semi-detached building.

4. Moved by Councillor Hofland
Seconded by Councillor Furfaro

That Report 14-54 regarding a proposed Zoning By-law Amendment application (File ZC1409) by Van Harten Surveying Inc. on behalf of Granite Homes Guelph Inc. to permit the development of a semi-detached dwelling at 95 Couling Crescent, legally described as Lot 34, Registered Plan 61M-184, City of Guelph, from Planning, Building, Engineering and Environment dated September 8, 2014, be received.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

Councillor Laidlaw was not present for the vote.

CARRIED

170 to 178 Elizabeth Street – Proposed Zoning By-law Amendment (File ZC1410 – Ward 1)

Ms. Lyndsay Sulatycki, Development Planner II, advised the applicant is requesting to build five single detached properties with a minimum of 9 metres width and all with direct access to Elizabeth Street. She advised provisional consent has been given by the Committee of Adjustment to sever the property into four lots provided that the Zoning By-law amendment be in full force and effect prior to the endorsement of the severance. She noted demolition permits have been granted for two dwellings on the property. The issue of accessory apartments and the effects on parking and traffic will be reviewed.

Mr. Jeff Buisman, on behalf of the applicant, advised the property was formerly a greenhouse. He noted there is a storm sewer on the property and the City requires an easement which will be 6 meters wide at the back and front and down to 3.7 meters wide beside the houses. He noted the properties with the easement will be 10.7 metres wide and the others 9 metres wide, consistent with the surrounding properties. He advised they will meet the CN requirements for a fence 1.8m high in the back and upgraded veneer and brick, improved air conditioning units and a 30m easement. In response to a neighbour's concern regarding sideyard width, they have increased it to 1.2 meters. The applicant will also determine whether there is a need for a retaining wall.

Mr. Rob Hingston, a neighbourhood resident, advised he is in favour of the development but would prefer four houses. He asked that accessory apartments not be allowed due to a lack of onstreet parking. He also raised concerns regarding snow removal, possible flooding of basements and potential CN expropriation of property.

Staff will address urban design guidelines and façade conformity with the neighbourhood, offstreet parking, driveway width, and potential groundwater issues.

5. Moved by Councillor Bell
Seconded by Councillor Furfaro

That Report 14-50 regarding a proposed Zoning By-law Amendment application (File: ZC1410) by Van Harten Surveying Inc. to permit the development of five (5) single detached dwellings at 170 to 178 Elizabeth Street, legally described as Part of Lots 5, 6 and 7 on Registered Plan 263, City of Guelph, from Planning, Building, Engineering and Environment dated September 8, 2014, be received.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Extracted Consent Agenda Items

CON-2014.49 Open Government Action Plan

Mr. Mark Amorosi, Executive Director of Corporate & Human Resources, provided a synopsis of the goals of open government and the value of the action plan. He summarised next steps necessary to establish and implement the plan. He noted that there is a budget request to purchase technology to allow searchability to enable easier access to databases.

Mr. Blair Labelle, General Manager, Information Technology, provided an update of the process to date, gave examples of its uses, outlined the rules of engagement, assessed the current status of the plan, addressed internal organizational gaps, explained the six action items that will occur within the three phases. He also outlined performance measurement.

Mr. Brad Van Horne, a City resident and client of Innovation Guelph, expressed support of the plan and believes it will improve communication and public involvement.

6. Moved by Councillor Kovach
 Seconded by Councillor Bell

That the Open Government Action Plan (OGAP) dated September 8, 2014 be approved.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

The meeting recessed at 8:41 p.m. and resumed at 8:48 p.m.

CON-2014.52 Brooklyn and College Hill Heritage Conservation District – Designation of District and Adoption of Plan and Guidelines

Ms. Melissa Aldunate, Manager, Policy Planning & Urban Design addressed adjacency issues, building height restrictions, property insurance and the heritage permit process. She advised the definition of adjacency for large properties has been revised to restrict adjacency to the portion of the lands within 30 meters of the boundary. She noted that building height restrictions will be addressed within a full Zoning by-law review and provided clarification of insurance issues and the heritage permit process.

Ms. Susan Watson, City resident, supports the report and advised heritage districts have a positive effect on property values. She noted the process was initiated because the community requested it and sees it as a way to manage change and the impact of development on the neighbourhood.

Ms. Susan Ratcliffe, City resident, supports the designation of the heritage district and believes it will lead to future tax advantages reliant on the heritage designation, an increase in cultural tourism and a high level of pride in ownership.

Mr. Mike Lackowicz, neighbourhood resident, questioned the validity of the results of the surveys and the consultation process. He does not believe the Heritage District is needed because there are other forms of protection in place. He believes other areas should be first considered for designation.

Ms. Daphne Wainman-Wood, Heritage Guelph, supports approval of the plan and by-law. She noted the process has been extensive and believes the heritage character will be protected from intensification development due to the designation. She also noted the plan can be a tool to assist homeowners with maintenance regulations of their property.

Ms. Karen Balcom, lives within the proposed heritage district and supports the plan and guidelines because it will protect the neighbourhood. She explained the exemptions within the heritage program and believes concerns have been addressed by the exemptions. She sees the plan as a tool for responsible homeowners.

Mr. Scott Butler, property owner adjacent to the district, advised neighbours are concerned about the adjacency amendments. A main concern is the rooflines regulations which he believes which will stifle density the City's ability to meet the Places to Grow infill legislation. He would like the decision delayed to provide time to address remaining ambiguities.

Mr. Colin Oaks, Guelph resident, believes a more thorough study of the natural heritage features and an environmental assessment needs to be done. He suggested the portion of the by-law that will affect properties north of the dam should be delayed until a full environmental study is completed.

Staff noted that intensification has been determined in the City's growth plan and those guidelines will apply. They clarified that a heritage district stabilizes resale value not necessarily resulting in tax increase.

7. Moved by Councillor Findlay
Seconded by Councillor Burcher

1. That Report 14-46 from Planning, Building, Engineering and Environment, dated September 8, 2014 regarding the designation of the Brooklyn and College Hill Heritage Conservation District Plan and Guidelines be received.
2. That the Brooklyn and College Hill Heritage Conservation District Plan and Guidelines contained in Report 14-46 as Attachment 1 be approved with the following amendments:
 - a) Addition of the following statement to the end of Part A, Section 7.1:

"In determining the negative impacts that may result from a proposed development on adjacent lands, the City and Heritage Guelph will use the guidance of the Ontario Heritage Toolkit. Examples of possible negative impacts provided in the Ontario Heritage Toolkit include, but are not limited to, the following:

- Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings;
- Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;
- Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features."

- b) Modification to the concluding sentence in Part A, Section 7.3 to delete the word "consideration" and replace it with the word "regard".
3. That Council enact a by-law to designate the Brooklyn and College Hill Heritage Conservation District and adopt the associated Plan and Guidelines under Section 41 Part V of the Ontario Heritage Act.
4. That Council enact a by-law to amend By-law (2013)-19529 "By-law to Delegate Authority" to delegate approval authority to the General Manager of Planning Services for certain types of alterations to properties designated under the Ontario Heritage Act.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein (12)

VOTING AGAINST: Councillor Kovach (1)

CARRIED

8. Moved by Councillor Furfaro
Seconded by Councillor Guthrie

That following an appropriate time frame of this initial designation, staff be directed to develop communications and survey process to be distributed to all residents within the Brooklyn and College Hill Heritage Conservation District focusing on gathering information that will inform the designation of Guelph's next heritage district.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Standard and Poors

Mr. Horsman provided an explanation of how the rating is determined.

9. Moved by Councillor Laidlaw
Seconded by Councillor Burcher

That Finance Report titled "FIN-14-44 Standard and Poor's Credit Rating 2014" be received for information.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Special Resolutions

Urbacon Litigation

10. Moved by Councillor Findlay
Seconded by Councillor Wettstein

1. THAT Council receive for information Staff Report CHR-2014-62 "Urbacon Litigation", regarding settlement of Urbacon litigation.
2. THAT the details of the settlement be made public.
3. THAT Council rise and report during the Council meeting of September 8, 2014:
 - a) THAT a settlement has been reached out of court with Urbacon, the details of which will be released;
 - b) THAT Council direct staff to make a one-time amendment to the Capital Asset Renewal Reserve Fund (#351) policy and the staff allocate funds in this reserve fund towards the Urbacon settlement and legal costs;
 - c) THAT Council direct staff to make the following reserve and reserve fund transfers for the settlement:
 - Legal/OMB Reserve (#193) - \$1,693,100
 - Capital Tax Reserve Fund (#150) - \$1,500,000
 - Capital Asset Renewal Reserve Fund (#351)- \$2,662,164
 - d) THAT Council direct staff to make the following reserve and reserve fund transfer for the legal expenses and other project costs
 - Capital Asset Renewal Reserve Fund (#351)- \$2,581,123

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Citizen Appointment to the Board of Trustees of the Elliott Community

11. Moved by Councillor Kovach
Seconded by Councillor Furfaro

That Mr. Rob Jacobi be appointed to the Board of Trustees of the Elliott for a three year term ending November 30, 2017.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Councillor Kovach's Motion for which notice was given August 25, 2014

12. Moved by Councillor Kovach
Seconded by Councillor Bell

That to ensure public accountability and transparency, itemized expenses of all members of Council be reported publically at least annually and that the matter of where it is published and how often be referred to the Governance Committee.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

By-laws

13. Moved by Councillor Wettstein
Seconded by Councillor Findlay

That By-laws numbered (2014)-19803 to (2014)-19820, inclusive, are hereby passed.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Announcements

The Mayor announced the upcoming citizen vacancies of the various Boards and Committees. The vacancies will be advertised in the Tribune on Thursday, September 25 and Thursday, October 2nd and applications can be downloaded from the website or picked up at ServiceGuelph. Applications must be submitted by October 9, 2014.

Rise and Reconvene into a Closed Meeting of Council (10:18 p.m.)

14. Moved by Councillor Burcher
Seconded by Councillor Laidlaw

That Council recess and reconvene in closed meeting.

CARRIED

Closed Meeting

Continuation of the closed meeting agenda.

Rise and Recess from Closed Meeting (10:37 p.m.)

Council recessed and reconvened a meeting open to the public at 10:38 p.m.

Adjournment (10:38 p.m.)

15. Moved by Councillor Hofland
Seconded by Councillor Laidlaw

That the meeting be adjourned.

CARRIED

Minutes to be read and confirmed November 17, 2014.

Mayor Farbridge

Deputy Clerk

Recommended Zoning Regulations and Conditions

The property affected by the Zoning By-law Amendment application is municipally known as 595 Watson Parkway North and legally described as Block 14, Registered Plan 61M-170, City of Guelph.

PROPOSED ZONING

The following zoning is proposed for the subject lands:

I.1 (Educational, Spiritual and Other Services) Zone

In accordance with Section 8.1 of Zoning By-law (1995)-14864, as amended.

PROPOSED CONDITIONS

The following conditions are provided as information to Council and will be imposed through site plan approval:

1. The Owner shall submit to the City, in accordance with Section 41 of *The Planning Act*, a fully detailed site plan(s), indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning Services and the City Engineer, prior to Site Plan approval, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a) Further, the Owner commits and agrees that the layout, elevations and design for development of the subject lands shall be in general accordance and conformity with the conceptual development plan attached as Attachment 5 to the September 8, 2014 Planning, Building, Engineering and Environment Report Number 14-52.
 - b) Further, the Owner commits and agrees that the detailed site plan shall include the design of an on-site kiss and ride area to provide a drop off and pick area for students to the satisfaction of the General Manager of Planning Services and the City Engineer.
2. Prior to approval of the zone change amendment, the Owner shall submit a Phase 1 Environmental Site Assessment in accordance with the Record of Site Condition regulation (O. Reg. 153/04 as amended), describing the current conditions of the property known municipally as 595 Watson Parkway N to the satisfaction of the City. The City also requires the QP responsible for preparing the Phase I ESA report to submit a Reliance letter to indicate that, despite any limitations or qualifications included in the report, the City is authorized to rely on all information and opinion provided in the report.
3. If contamination is found, prior to site plan approval, the owner shall complete the following at their expense:
 - a) Submit all environmental assessment reports, including reliance letter, prepared in accordance with the RSC (O. Reg. 153/04, as amended) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;

- b) Complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a QP that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - c) File a RSC on the Provincial Environmental Registry for lands to be developed.
4. Prior to site plan approval and prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:
- i) a traffic impact and operations report;
 - ii) a functional servicing report;
 - iii) a stormwater management report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
 - iv) a geotechnical report certified by a Professional Engineer that analysis the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
 - v) a grading, drainage and servicing plan prepared by a Professional Engineer for the site;
 - vi) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout grading and construction.
5. The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections 4 i) to 4 vi) inclusive.
6. That prior to site plan approval, the Owner shall have engineering drawings and final reports prepared for the approval of the General Manager/ City Engineer.
7. The Owner shall be responsible for the actual cost of any service laterals required for the lands and furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Owner shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of any service laterals.
8. The Owner pay the actual cost of removing or decommissioning to the satisfaction of the General Manager/City Engineer, any existing sanitary sewers, storm sewers, manholes and/or watermains to the lands that are not going to be used for service laterals. Furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Owner shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the Owner's share of the cost of the removals and decommissioning works.
9. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and required curb cuts. Furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Owner shall pay to the City,

the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveway entrances and required curb cuts.

10. The Owner shall prepare and implement a construction traffic access and control plan for all servicing and building construction to the satisfaction of the General Manager/City Engineer. Any costs related to the implementation of such a plan shall be borne by the Owner.
11. The Owner constructs, installs and maintains erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, prior to any grading or construction on the lands in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
12. The Owner shall provide a qualified environmental inspector, satisfactory to the General Manager of Planning Services and the General Manager/City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
13. The Owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
14. The Owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the Owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.
15. The Owner will ensure that all boreholes and monitoring wells installed for hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to site plan approval and prior to any construction or grading on the lands.
16. The Owner acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
17. That all electrical services to the lands are underground and the Owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval and prior to any construction or grading on the lands.
18. The Owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval and prior to any construction or grading on the lands.

19. The Owner shall ensure that all telephone service and cable TV service on the Lands shall be underground. The Owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to site plan approval and prior to any construction or grading on the lands.
20. That prior to site plan approval and prior to any construction or grading on the lands, the Owner shall enter into a Site Plan Control Agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above.
21. The Owner may be required to submit a Noise Impact Study based on the future site plan application submission to the satisfaction of the General Manager of Planning Services addressing the potential traffic noise impacts from Watson Parkway North.
22. Prior to the issuance of site plan approval, the Owner is required to install fencing along the southern property line of the subject property, as per the City's property demarcation policy, to the satisfaction of the City.
23. Prior to the issuance of site plan approval, the Owner shall provide the City with written confirmation that the subject site will be developed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning Services in accordance with the letter attached as Attachment 9 to Report 14-52 from Planning, Building, Engineering and Environment dated September 8, 2014.
24. The Owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above.

"THAT the application by Astrid J. Clos Planning Consultants on behalf of Lunor Group Inc. and Fabbian Homes Inc. for a Proposed Draft Plan of Residential Subdivision and associated Zoning By-law Amendment (23T07502/ZC0705) applying to property municipally known as 294, 312, and 316 Grange Road, and legally described as Lot 8, Registered Plan 53, Division "C", City of Guelph, to permit a minimum of 57 dwelling units, **be approved**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by Astrid J. Clos Planning Consultants, Project # 0619, dated August 19, 2008, to include the development of 57 residential units, as shown on **Schedule 4**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer.
4. The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
5. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
8. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
9. The Developer shall provide a qualified **environmental inspector**, satisfactory to the General Manager of Planning Services, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control

measures and procedures. The environmental inspector shall report on their findings to the City. For this subdivision, the City recognizes that the environmental inspection can be completed by a qualified engineering inspector to the satisfaction of the City.

10. The Developer shall submit a detailed **Storm Water Management Report and Plans** to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.
11. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
12. The Developer shall ensure that the **height of any proposed retaining wall** does not exceed 1.2 metres to the satisfaction of the City Engineer
13. The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.
14. The Developer shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.

Conditions to be met prior to execution of subdivision agreement

15. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
16. That with the exception of any share determined by the City to be the City's share in accordance with Its by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all municipal services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, with the distance, size and alignment of such services to be determined by the City. This also includes the Developer paying a share of the cost of the existing downstream stormwater management system as determined by the City and a share of the cost of the reconstruction of Grange Road. In addition, the Developer will be required to pay the cost of the design, construction and removal of any works of a temporary nature

including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.

17. Should 23T-07505 proceed before 23T-07502 or vice-versa, the Developer shall construct **temporary turning circles** at the ends of Roads A and B and an **emergency access road** all to the satisfaction of the City.
18. The Developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
19. The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer and the Developer shall implement to the satisfaction of the City Engineer the recommendations of the **Traffic Impact Study** undertaken for this subdivision and approved by the City Engineer.
20. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
21. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision.
22. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
23. The Developer shall provide an **On-Street Parking Plan** for the subdivision to the satisfaction of the City Engineer. This Plan shall include on-street parking on Grange Road.
24. The site plans for all **corner building lots**, as determined by the City, shall be submitted to the City for approval of driveway location.
25. The Developer shall pay the cost of the installation of one Second Order **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
26. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform to the current Development Priorities Plan.
27. The Developer shall provide Planning Services with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and existing vegetation to be retained in the park.
28. The Developer shall **demarcate the boundary of the Park Block** in accordance with the City of Guelph Property Demarcation Policy, to the satisfaction of the Executive Director of Community and Social Services.

Conditions to be met prior to registration of the plan

29. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.
30. The registration of the plan, or any part thereof, shall require approval of the City with respect to **adequate sanitary sewer capacity** being available in the downstream trunk sanitary sewer.
31. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, a Qualified Person shall certify that all properties to be conveyed to the City are free of contamination.
32. Prior to the City accepting any real property interests, if contamination is found, the Developer shall:
 - a. submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Realty Services;
 - b. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
 - c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City.
33. The Developer shall enter into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
34. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria – July 23, 1993".
35. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
36. The Developer shall pay any **outstanding debts** owed to the City.

37. The Developer shall pay **development charges** to the City in accordance with By-law Number (2009) - 18729, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
38. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all the lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the Zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.
39. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
- a. "Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."
 - b. "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - c. "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Grange Road at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."
 - d. "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic".
 - e. "Purchasers and/or tenants of all lots or units are advised that the boundaries of the park block will be demarcated in accordance with the City of Guelph Property Demarcation Policy."
40. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
41. The Developer shall ensure that **street lighting** and underground wiring shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.

42. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
43. That site plans for all corner building lots, as determined by the City Engineer, shall be submitted to the City Engineer for approval of **driveway location**.
44. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning Services that there are no restrictive covenants which restrict the use of clotheslines.

Conditions to be met prior to the issuance of a building permit

45. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
46. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases (Radon and Methane)** in the plan in accordance with applicable provisions contained in the Ontario Building Code.
47. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
48. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
49. The Owner acknowledges and agrees that the dwelling units on the subject site will be constructed to a standard that promotes **energy efficiency** standards in order to comply with the Community Energy Initiative, to the satisfaction of the City.

AGENCY CONDITIONS:

50. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
51. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.

52. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
53. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
- "Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.
54. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
55. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The Developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
56. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 51 has been satisfied.
57. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 52, 53 and 54 have been satisfied.
58. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 41 and 48 have been satisfied.
59. That prior to the registration of all or any portion of the plan, Canada Post shall advise the City in writing how condition 55 has been satisfied.

STAFF REPORT



TO Guelph City Council

SERVICE AREA Corporate & Human Resources

DATE November 17, 2014

SUBJECT 2014 Municipal Election Recount – Ward 3

REPORT NUMBER CHR-2014-64

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To receive Council direction to conduct a recount of ballots cast with respect to the official results for the 2014 Municipal Election for office of Councillor, Ward 3.

FINANCIAL IMPLICATIONS

The cost of the recount will be charged to the 2014 Municipal Elections budget.

ACTION REQUIRED

Council to approve a recount for Ward 3 Councillor candidates.

RECOMMENDATION

1. That the Corporate & Human Resources Report CHR-2014-64 entitled "2014 Municipal Election – Recount for Ward 3", be received.
2. That the City Clerk be directed to recount the ballots cast during the 2014 Municipal election for office of Councillor, Ward 3.

BACKGROUND

As per the *Municipal Elections Act*, the Council of a municipality may pass a resolution requiring a recount of the votes cast for all or specific candidates for an office on the council. Such a resolution shall be passed within 30 days of the official declaration of the results. The official declaration of results was made on October 28, 2014. If approved, the recount shall be conducted within 15 from the passing of the resolution.

Alternatively, an elector may apply to the Superior Court of Justice for an order that the Clerk hold a recount. The court has the authority to order the Clerk to hold a recount. Again, the recount shall be held within 15 days after the Clerk receives a copy of the order.

STAFF REPORT



REPORT

Attached to this report is an excerpt of the Municipal Elections Act with respect to recounts.

In Ward 3 the difference between the successfully elected Ward 3 candidate June Hofland and Craig Chamberlain was five (5) votes. June Hofland received 2,050 votes while Craig Chamberlain received 2,045 votes.

The decision as to whether or not a recount is to be conducted is totally within the discretion of Council. The *Municipal Elections Act* requires that a Council directed recount shall be conducted in the same manner as the original count. The City of Guelph Procedures for Voting and Vote Counting Equipment for the 2014 Municipal Election dated June 2, 2014, as amended in September, mirrors the legislative requirements. The City of Guelph used internet voting and poll level vote tabulators to conduct the original count, and any recount would be conducted using the same Ward 3 and advance tabulators used Election Day and advance votes and the advance votes cast using the online system.

If Council approves a recount of Ward 3, the recount would be scheduled for Tuesday November 18th and City staff will be used to conduct the recount.

Staff is recommending that Council approve a recount of the Ward 3 ballots cast for office of Ward Councillor to bring finality and confirm the accuracy and integrity of the 2014 Municipal Election process.

CORPORATE STRATEGIC PLAN

NA

DEPARTMENTAL CONSULTATION

NA

FINANCIAL IMPLICATIONS

It is estimated that the recount will cost approximately \$5,000 and will be charged to the 2014 Municipal Elections budget.

COMMUNICATIONS

Results of the recount will be communicated to the public.

ATTACHMENTS

ATT-1 Municipal Elections Act Recount Provisions

STAFF REPORT



Joyce Sweeney/Tina Agnello
Report Author

A handwritten signature in black ink, appearing to read 'Stephen O'Brien', written over a horizontal line.

Recommended By
Stephen O'Brien
City Clerk, Returning Officer
519-822-1260 x 5644
stephen.o'brien@guelph.ca

A handwritten signature in black ink, appearing to read 'Mark Amorosi', written over a horizontal line.

Approved By
Mark Amorosi
Executive Director, Corporate & Human
Resources
519-822-1260 x 2281
mark.amorosi@guelph.ca

RECOUNTS

Recount, tied vote

56. (1) The clerk shall hold a recount,

- (a) of the votes for two or more candidates who receive the same number of votes and cannot both or all be declared elected to the office;
- (b) of the votes on a by-law, if the votes for the affirmative and negative are equal;
- (c) of the votes for two or more answers to a question, if the votes are equal. 1996, c. 32, Sched., s. 56 (1).

Time for recount

(2) The recount shall be held within 15 days after the clerk's declaration of the results of the election. 1996, c. 32, Sched., s. 56 (2); 2002, c. 17, Sched. D, s. 20.

Recount for municipality, local board or Minister

57. (1) Within 30 days after the clerk's declaration of the results,

- (a) the council of a municipality may pass a resolution requiring a recount of the votes cast,
 - (i) for all or specified candidates for an office on the council,
 - (ii) for all or specified answers to a question submitted by the council,
 - (iii) for and against a by-law submitted by the council;
- (b) a local board may pass a resolution requiring a recount of the votes cast,
 - (i) for all or specified candidates for an office on the local board, or
 - (ii) for all or specified answers to a question submitted by the local board;
- (c) the Minister may make an order requiring a recount of the votes cast for all or specified answers to a question submitted by him or her. 1996, c. 32, Sched., s. 57 (1).

Recount

(2) The clerk shall hold a recount in accordance with the resolution or order, within 15 days after it is passed or made. 1996, c. 32, Sched., s. 57 (2); 2002, c. 17, Sched. D, s. 21.

Application for order for recount

58. (1) A person who is entitled to vote in an election and has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order that the clerk hold a recount. 1996, c. 32, Sched., s. 58 (1); 2002, c. 17, Sched. D, s. 22 (1).

Time for application

(2) The application shall be commenced within 30 days after the clerk's declaration of the results of the election. 1996, c. 32, Sched., s. 58 (2).

Order, notice

(3) If satisfied that there are sufficient grounds for it, the court shall make an order requiring the clerk to hold a recount of the votes cast for all or specified candidates, on a by-law, or for all or specified answers to a question, and shall give the clerk a copy of the order as soon as possible. 1996, c. 32, Sched., s. 58 (3).

Time for recount

(4) The recount shall be held within 15 days after the day the clerk receives a copy of the order. 1996, c. 32, Sched., s. 58 (4); 2002, c. 17, Sched. D, s. 22 (2).

Procedures

(5) The Minister may by regulation establish procedures for applications under this section. 1996, c. 32, Sched., s. 58 (5).

Problems re voting and vote-counting equipment

(6) A request for a recount due to problems related to voting and vote-counting equipment may be made only under this section. 1996, c. 32, Sched., s. 58 (6).

Inclusion of related recount

59. The clerk may conduct, as part of a recount under section 56, 57 or 58 that relates to an office, a recount of the votes cast for another candidate for that office. 1996, c. 32, Sched., s. 59.

Manner of doing recount

60.(1) A recount under section 56, 57 or 58 shall be conducted in the same manner as the original count, whether manually or by vote-counting equipment, subject to subsection (3). 1996, c. 32, Sched., s. 60 (1).

Prescribed rules

(2) A recount shall be conducted in accordance with the prescribed rules, subject to subsection (3). 1996, c. 32, Sched., s. 60 (2).

Order specifying different manner of doing recount

(3) If the judge who orders a recount under section 58 is of the opinion that the manner in which the original count was conducted caused or contributed to the doubtful result, he or she may, in the order, provide that the recount shall be held in a different manner and specify the manner. 1996, c. 32, Sched., s. 60 (3).

Who may be present at recount, election to office

61.(1) The following persons may be present at a recount under section 56, 57 or 58 that relates to an office:

1. The clerk and any other election official appointed for the recount.
2. Every certified candidate for the office.
3. The applicant, in the case of a recount ordered under section 58.
4. For each person referred to in paragraphs 2 and 3,
 - i. a lawyer, and
 - ii. one scrutineer for each recount station established by the clerk. 1996, c. 32, Sched., s. 61 (1).

Same, by-law or question

(2) The following persons may be present at a recount that relates to a by-law or question:

1. The clerk and any other election official appointed for the recount.
2. The scrutineers appointed by the municipality or local board or by the Minister, as the case may be.
3. The applicant, in the case of a recount ordered under section 58.
4. For the applicant referred to in paragraph 3,
 - i. a lawyer, and
 - ii. one scrutineer for each recount station established by the clerk. 1996, c. 32, Sched., s. 61 (2).

Number of scrutineers re by-law

(3) If the vote is on a by-law and scrutineers are to be appointed under subsection 16 (2),

- (a) equal numbers of scrutineers shall be appointed to represent supporters and opponents of the by-law; and
- (b) one scrutineer representing supporters and one representing opponents may be present for each recount station established by the clerk. 1996, c. 32, Sched., s. 61 (3).

Number of scrutineers re question

(4) If the vote is on a question and scrutineers are to be appointed under subsections 16 (2) and (3),

- (a) equal numbers of scrutineers shall be appointed for each possible answer to the question; and
- (b) one scrutineer for each of the possible answers may be present for each recount station established by the clerk. 1996, c. 32, Sched., s. 61 (4).

Examination of ballot

[\(5\)](#) A person referred to in paragraph 2, 3 or 4 of subsection (1) or (2) is entitled,

- (a) to examine each ballot as the votes are being counted by the clerk (but not to touch the ballot); and
- (b) to dispute the validity of a ballot or the counting of votes in a ballot. 1996, c. 32, Sched., s. 61 (5).

Determination of disputes

[\(6\)](#) The clerk shall determine a dispute referred to in clause (5) (b). 1996, c. 32, Sched., s. 61 (6).

Other persons

[\(7\)](#) Any other person may also be present at the recount with the clerk's permission. 1996, c. 32, Sched., s. 61 (7).

Duty of clerk

[62.\(1\)](#) When the recount is complete, the clerk shall,

- (a) announce the result of the recount; and
- (b) if there are disputed ballots,
 - (i) announce the number of them,
 - (ii) announce the result that would be obtained if the disputed ballots were excluded, and
 - (iii) write the number of the voting place on the back of and initial each disputed ballot, place them in a separate envelope clearly marked so as to indicate its contents, and seal the envelope. 1996, c. 32, Sched., s. 62 (1).

Who may be present

[\(2\)](#) Any persons described in subsections 61 (1), (2) and (7) who are at the recount are entitled to be present while the clerk acts under subsection (1). 1996, c. 32, Sched., s. 62 (2).

Tied vote

[\(3\)](#) If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot. 1996, c. 32, Sched., s. 62 (3).

Declaration by clerk

[\(4\)](#) If no application has been made for a judicial recount under section 63 the clerk shall, on the 16th day after the recount is completed, declare the successful candidate or candidates elected or declare the result of the vote with respect to a by-law or question, as the case may be. 1996, c. 32, Sched., s. 62 (4).

Application for judicial recount

[63.\(1\)](#) A person described in subsection (2) who disputes the validity of a ballot or of the counting of votes in a ballot may, within 15 days after the clerk announces the result under section 62, apply to the Superior Court of Justice for a recount limited to the disputed ballots. 1996, c. 32, Sched., s. 63 (1); 2002, c. 17, Sched. D, s. 23 (1).

Who may apply

[\(2\)](#) Subsection (1) applies to a certified candidate, an applicant under section 58 or, in the case of a by-law or question, the municipality or local board or the Minister, as the case may be. 1996, c. 32, Sched., s. 63 (2).

Notice of application

[\(3\)](#) Notice of the application shall be served on the clerk and, if the application concerns an office, on each certified candidate. 1996, c. 32, Sched., s. 63 (3).

Summary procedure

[\(4\)](#) The application shall be dealt with in a summary manner, without application records or factums; the recount itself forms part of the hearing of the application. 1996, c. 32, Sched., s. 63 (4).

Clerk to attend and provide materials

[\(5\)](#) The clerk shall attend the recount and provide the court with,

- (a) a certified copy of the result of the recount conducted by the clerk;
- (b) a certified copy of the result of the recount conducted by the clerk excluding the disputed ballots;
- (c) the sealed envelope containing the disputed ballots from the recount conducted by the clerk; and
- (d) any other documents relating to the election that are relevant to the application. 1996, c. 32, Sched., s. 63 (5).

Duty of court

(6) The court shall conduct the recount by,

- (a) determining the validity of the disputed ballots or of the counting of votes in any disputed ballots; and
- (b) recalculating the result of the election using the determinations made under clause (a) and the certified results referred to in clause (5) (b). 1996, c. 32, Sched., s. 63 (6).

Who may be present

(7) Any persons who were present at the recount under section 56, 57 or 58 are entitled to be present at the hearing and recount under this section. 1996, c. 32, Sched., s. 63 (7).

Order

(8) When the recount is complete the court shall,

- (a) make an order incorporating its decisions under subsection (6);
- (b) announce to the persons present,
 - (i) the result of the recount, and
 - (ii) how the court dealt with the disputed ballots;
- (c) place the disputed ballots in the original envelope and reseal it; and
- (d) return to the clerk the material provided under subsection (5). 1996, c. 32, Sched., s. 63 (8).

Copy of order

(9) The court shall give a certified copy of the order to the clerk. 1996, c. 32, Sched., s. 63 (9).

Tied vote

(10) If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot. 1996, c. 32, Sched., s. 63 (10).

Declaration

(11) After receiving the order, the clerk shall declare the successful candidate or candidates to be elected or declare the result of the vote with respect to a by-law or question, as the case may be. 1996, c. 32, Sched., s. 63 (11).

No appeal

(12) Despite section 6 of the *Courts of Justice Act*, an order under this section cannot be appealed. 2002, c. 17, Sched. D, s. 23 (2).

Right to sit pending final disposition

64.(1) A candidate who has been declared elected under section 55 is entitled to sit and vote on the council or local board until the recount and all applications under this Act have been finally disposed of and a different candidate has been declared elected. 1996, c. 32, Sched., s. 64 (1).

Decisions unaffected

(2) Decisions of a council or local board in which a candidate described in subsection (1) has participated are unaffected even if another candidate is afterwards declared elected as the result of a recount. 1996, c. 32, Sched., s. 64 (2).

Please recycle!

- **BYLAWS** -

- November 17, 2014 -	
By-law Number (2014)-19821 A by-law to authorize the execution of a Subdivision Agreement between Victoria Wood (Dallan) GP Inc., The Corporation of the City of Guelph and The Toronto-Dominion Bank. (Dallan Subdivision)	To execute a subdivision agreement with respect to the Dallan subdivision.
By-law Number (2014)-19822 A by-law respecting the dedication of certain lands more particularly: to dedicate Part of Arthur Street South (formerly Queen Street), Registered Plan 161, designated as Part 1, Reference Plan 61R20436 as part of Arthur Street South.	To dedicate land a s part of Arthur Street South.
By-law Number (2014)-19823 A By-law to authorize the conveyance to 785412 Ontario Limited of the lands described as Part of Block 36, Plan 61M169, designated as Part 1, Reference Plan 61R20338, City of Guelph. (Hanlon Creek Business Park)	To convey lands to 785412 Ontario Limited.
By-law Number (2014)-19824 A By-law to authorize the conveyance to 642762 Ontario Inc. of the lands described as Part of Block 8, Plan 61M169, designated as Parts 2, 3 and 4, Reference Plan 61R20277, City of Guelph. (Hanlon Creek Business Park)	To convey lands to 642762 Ontario Inc.