

CITY COUNCIL AGENDA



DATE November 22, 2010 – 7 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**

CONFIRMATION OF MINUTES (Councillor Findlay)

"THAT the minutes of the Council Meetings held September 27 and October 4, 2010 and the minutes of the Council meetings held in Committee of the Whole on September 27 and October 4, 2010 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.

Council as Committee of the Whole			
Item	City Presentation	Delegations	To be Extracted
COW-1 Citizen Appointments to the Municipal Election Compliance Audit Committee			
COW-2 Citizen Appointments to the Environmental Advisory Committee			

Adoption of balance of the Council as Committee of the Whole Consent Report –

Council Consent Agenda			
Item	City Presentation	Delegations	To be Extracted
A-1) Municipal Access Agreements (MAA)			
A-2) Guelph Hydro Refinancing			

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 as Committee of the Whole –
- Council Consent – Mayor Farbridge

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Hofland)

QUESTIONS

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

PRESENTATIONS

- a) Presentation of Long Service Awards to:
 - Councillor Christine Billings – 10 years
 - Councillor Maggie Laidlaw – 10 years
 - Councillor Gloria Kovach – 20 years

- b) Recognition to Departing Councillors:
 - Councillor Vicki Beard
 - Councillor Christine Billings
 - Councillor Kathleen Farrelly
 - Councillor Mike Salisbury

MAYOR’S CLOSING ADDRESS

ADJOURNMENT

Council Caucus Room
September 27, 2010 5:30 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper and Salisbury

Absent: Councillors Bell, Burcher and Wettstein

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Human Resources & Legal Services; Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Pappert, Executive Director of Community & Social Services; Ms. M. Neubauer, Chief Financial Officer/ City Treasurer; Mr. J. Riddell, General Manager of Planning & Building Services; Ms. T. Sinclair, Manager of Legal Services; Ms. S. Smith, Associate Solicitor; Mr. J. Stokes, Manager of Realty Services; Mrs. L.A. Giles, General Manager of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

1. Moved by Councillor Farrelly
Seconded by Councillor Billings
THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

Litigation Status Update

S. 239 (2) (e) Litigation or potential litigation

Litigation – Superior Court

S. 239 (2) (e) Litigation or potential litigation

Litigation – Superior Court

S. 239 (2) (e) Litigation or potential litigation

Citizen Appointments to the Municipal Election Compliance Audit

S. 239 (2) (b) Personal matters about identifiable individuals

Citizen Appointments to the Environmental Advisory Committee

S. 239 (2) (b) Personal matters about identifiable individuals

Resignation from the Elliott Board of Trustees

S. 239 (2) (b) Personal matters about identifiable individuals

195 College Avenue West

S. 239 (2) (c) Proposed or pending acquisition or disposition of land

Carried

The meeting adjourned at 5:31 o'clock p.m.

.....
Mayor

.....
Clerk

Council Caucus Room
September 27, 2010 5:32 p.m.

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Beard, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper and Salisbury

Absent: Councillors Bell, Burcher and Wettstein

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Human Resources & Legal Services; Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Pappert, Executive Director of Community & Social Services; Ms. M. Neubauer, Chief Financial Officer/ City Treasurer; Mr. J. Riddell, General Manager of Planning & Building Services; Ms. T. Sinclair, Manager of Legal Services; Ms. S. Smith, Associate Solicitor; Mr. J. Stokes, Manager of Realty Services; Mrs. L.A. Giles, General Manager of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

Litigation or Potential Litigation

Mr. M. Amorosi
Ms. T. Sinclair

- 1. Moved by Councillor Kovach
Seconded by Councillor Laidlaw
THAT the Litigation Status Report dated September 20, 2010 be received for information.

Carried

Litigation or Potential Litigation

Staff provided an update with respect to a litigation matter.

Mr. M. Amorosi
Mr. T. Sinclair

- 2. Moved by Councillor Piper
Seconded by Councillor Hofland
THAT staff be given direction with respect to a litigation matter.

Carried

Litigation or Potential Litigation

PASSED IN COUNCIL
BY SPECIAL
RESOLUTION

- 3. Moved by Councillor Kovach
Seconded by Councillor Piper
THAT staff be given direction with respect to 108 Forest Street.

Carried

Personal Matters about Identifiable Individuals

REPORT

- 4. Moved by Councillor Kovach
Seconded by Councillor Hofland
THAT Maged Abo Elela and George Gorringer be appointed to the Municipal Election Compliance Audit Committee for a term ending November 30, 2014.

Carried

Personal Matters about Identifiable Individuals

REPORT

- 5. Moved by Councillor Piper
Seconded by Councillor Hofland
THAT Bill Mungall, Greta Najcler and Chris Parent be appointed to the Environmental Advisory Committee for a term ending November 2011.

Carried

Personal Matters about an Identifiable Individual

Mrs. L.A. Giles

- 6. Moved by Councillor Findlay
Seconded by Councillor Hofland
THAT the correspondence from Trevor Lee advising of the resignation of John Stoddart from the Elliott Board of Trustees be received with regret.

Carried

Proposed or Pending Acquisition or Disposition of Land

PASSED IN COUNCIL
BY SPECIAL
RESOLUTION

- 7. Moved by Councillor Findlay
Seconded by Councillor Billings
THAT staff be given direction with respect to 195 College Avenue West.

Carried

The meeting adjourned at 5:55 o'clock p.m.

.....
Mayor

.....
Clerk

Council Chambers
September 27, 2010

Council reconvened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Human Resources & Legal Services; Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Pappert, Executive Director of Community & Social Services; Chief S. Armstrong, General Manager of Emergency Services/Fire Chief; Ms.

M. Neubauer, Chief Financial Officer/City Treasurer; Mr. J. Riddell, General Manager of Planning & Building Services; Mrs. L.A. Giles, General Manager of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PRESENTATIONS

Lt. (N) Paul LaHay was present on behalf of the Canadian Navy and advised that the Navy was celebrating its Centennial Year by acknowledging the namesake communities. He made a presentation to the Mayor of a picture and the history of the HMCS Guelph, a Flower-class corvette.

Tara Sprigg, Manager of Corporate Communications was present and provided an update on the public awareness and opinion on the various construction projects being undertaken by the City during 2010.

1. Moved by Councillor Farrelly
Seconded by Councillor Hofland

THAT the minutes of the Council meetings held on August 30, September 7 and 20, 2010 and the minutes of the Council meetings held in Committee of the Whole on August 30 and September 20, 2010 be confirmed as recorded and without being read.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

CONSENT REPORTS AND AGENDAS

The following items were extracted from the Audit Committee First Consent Report to be voted on separately:

- AUD-2 2009 Audited Consolidated Financial Statement
- AUD-3 Debt Management Policy

Councillor Wettstein presented the balance of the Audit Committee First Consent Report.

2. Moved by Councillor Wettstein
 Seconded by Councillor Hofland
 THAT the balance of the September 27, 2010 Audit Committee First Consent Report as identified below, be adopted:

a) **Approval of the Revised 2010 PSAB Budget**

Ms. M. Neubauer THAT the 2010 Revised PSAB Budget be received;
 AND THAT the 2010 Revised PSAB Budget be approved.

b) **Appointment of Auditor**

Ms. M. Neubauer THAT Deloitte Touche LLP be appointed External Auditor for the City of Guelph for the fiscal years ending 2010 through 2014;
 AND FURTHER THAT the Treasurer be authorized to execute the engagement letter with Deloitte Touche LLP.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

The following items were extracted from the Community Development & Environmental Services Committee Eighth Consent Report to be voted on separately:

- CDES-2 Wilson Farm Park Master Plan
- CDES-4 Blue Built Homes – New Home Water Efficiency Labelling Pilot Program

Councillor Piper presented the balance of the Community Development & Environmental Services Committee Eighth Consent Report.

3. Moved by Councillor Piper
 Seconded by Councillor Burcher
 THAT the balance of the September 27, 2010 Community Development & Environmental Services Committee Eighth Consent Report as identified below, be adopted:

a) **Municipal Hazardous and Special Waste Funding**

Dr. J. Laird THAT the Mayor and Clerk be authorized to enter into a contract with Stewardship Ontario to fund the full cost of the operation of the City’s Household Hazardous Waste
 Ms. M. Neubauer

Facility, subject to the satisfaction of the Executive Director of Planning, Engineering and Environmental Services;

AND THAT, based on the funding received from Stewardship Ontario, the operation hours and staffing levels of the Household Hazardous Waste Facility be returned to 2009 levels.

b) **Conditions of Approval for Fencing and Trail Notification to New Home Buyers**

Dr. J. Laird
Mr. J. Riddell

THAT the Planning, Engineering and Environmental Services Report 10-68, dated September 20, 2010, pertaining to the proposed Conditions of Approval for fencing and trail notification to new home buyers in all future subdivisions, be received;

AND THAT the proposed Conditions of Approval for fencing and trail notification to new home buyers in all future subdivisions attached as Appendix 1 be approved;

AND THAT staff be directed to proceed with the implementation of the proposed Conditions of Approval for fencing and trail notification to new home buyers in all future subdivisions where fencing and trails are planned.

c) **Rockwood Wastewater Treatment and Conveyance Agreement**

Dr. J. Laird
Mr. M. Amorosi
Ms. T. Sinclair

THAT the Mayor and Clerk be authorized to sign an agreement between The Corporation of the City of Guelph and the Township of Guelph/Eramosa for the increased allocation of treatment and conveyance of wastewater capacity for the Village of Rockwood for a total of 1710 cubic metres per day, subject to the form and content of the agreement being satisfactory to the Executive Director of Planning, Engineering and Environmental Services and the City Solicitor.

d) **Habitat for Humanity Request for Relief of Development Charges, Development Fees and Servicing Costs for Two Semi-Detached Units at 133 and 135 Bagot Street**

Dr. J. Laird
Mr. J. Riddell
Ms. M. Neubauer
Ms. T. Sinclair
Mr. M. Amorosi

THAT Report Number (10-95), from Planning, Engineering and Environmental Services dated September 20, 2010, regarding a Habitat for Humanity Wellington County Request for Relief of Development Charges, Development Fees and Servicing Costs for a semi-detached dwelling at 133 and 135 Bagot Street be received;

AND THAT the request for a grant by Habitat for Humanity Wellington County to cover the Development Charges for the semi-detached dwelling at 133 and 135 Bagot Street, be approved in the form of a conditional grants for a total sum of \$45,656 provided from the Affordable Housing Reserve;

AND THAT staff be directed to proceed with the development and finalization of Agreements with Habitat for Humanity Wellington County, for a term of ten (10) years, for the above-cited conditional grants to the satisfaction of the General Manager of Planning and Building Services and the City Solicitor;

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

e) **Grant For Energy Efficiency Upgrades to the Material Recovery Facility (MRF)**

Dr. J. Laird
Mr. M. Amorosi
Ms. T. Sinclair
Ms. M. Neubauer

THAT the Mayor and Clerk be authorized to enter into a contract with the Continuous Improvement Fund (CIF) under Waste Diversion Ontario (WDO) to enable the City of Guelph to receive a grant of \$118,399 to perform energy upgrades to the Materials Recovery Facility, subject to the satisfaction of the Executive Director of Planning, Engineering and Environmental Services and the City Solicitor;

AND THAT funding from the approved 2010 Solid Waste Resources Equipment Replacement budget be reallocated to cover the City share of this project.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

The following items were extracted from the Emergency Services, Community Services & Operations Committee Seventh Consent Report to be voted on separately:

- ECO-3 Guelph Transit Technology Plan

Councillor Findlay presented the balance of the Emergency Services, Community Services & Operations Committee Seventh Consent Report.

4. Moved by Councillor Findlay
 Seconded by Councillor Farrelly
 THAT the balance of the September 27, 2010 Emergency Services, Community Services & Operations Committee Seventh Consent Report as identified below, be adopted:

a) **Guelph and Wellington Task Force for Poverty Elimination**

Mr. D. Moore
 Councillor Hofland
 Ms. M. Neubauer

THAT the funding request from the Guelph and Wellington Task Force for Poverty Elimination be referred to the 2011 Budget Process.

b) **Guelph Farmers' Market – Market Rates and Fees**

Mr. D. McCaughan
 Ms. M. Neubauer

THAT the rate adjustments as presented in the September 20, 2010 Emergency Services, Community Services & Operations Committee report 'Guelph Farmers' Market – Market Rates and Fees' be approved.

c) **Licence Agreement Guelph Royals Baseball Club and Hastings Stadium**

Ms. A. Pappert
 Mr. M. Amorosi
 Mr. J. Stokes

THAT staff be authorized to negotiate a License Agreement with the Guelph Royals Baseball Club for the use of Hastings Stadium and the Concession Booth located at the stadium;

AND THAT the Mayor and Clerk be authorized to sign a License Agreement with the Guelph Royals Baseball Club for the use of Hastings Stadium and the Concession Booth located at the Stadium, provided that the terms of the agreement are acceptable to both the Executive Director of Community and Social Services and the Manager of Realty Services.

d) **Parking on Goodwin Drive**

Mr. D. McCaughan

WHEREAS parking concerns encountered during the winter period on Goodwin Drive were brought to the attention of the ECO Committee at its meeting in August 2010;

AND WHEREAS the Committee gave direction to staff to consider these parking concerns and report back on possible solutions;

AND WHEREAS it was the intent of the ECO Committee to address this matter prior to the commencement of the pending winter season;

AND WHEREAS the pending municipal election has suspended staff opportunities to report back to Council Committees until likely January 2011;

THEREFORE BE IT RESOLVED that staff be directed to implement measures as necessary to provide temporary on-street parking accommodations for 37-45 Goodwin Drive until the outstanding resolution of the ECO Committee has been addressed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Councillor Beard presented the Finance, Administration & Corporate Services Committee Eighth Consent Report.

5. Moved by Councillor Beard
Seconded by Councillor Billings

THAT the September 27, 2010 Finance, Administration & Corporate Services Committee Eighth Consent Report as identified below, be adopted:

a) **Guelph Fire Department Initial Emergency Response**

Mr. S. Armstrong

THAT the revised Guelph Fire Department Initial Response Standard be approved;

AND THAT the revised Guelph Fire Department Initial Response Standard be adopted as a benchmark by Resolution to delineate that, a 4 minute response, represents travel time only for all emergency type incidents, including fire, medical, rescue, and hazardous materials;

AND THAT "Travel Time" response includes the points at which the initial responding fire apparatus leaves the fire station within its respective area; to the time of arrival at the emergency scene.

b) **Request from the Guelph Public Library Board to Declare the Westminister and East end Branch Libraries as Municipal Capital Facilities and Exempt them from Taxation**

Ms. M. Neubauer
Mr. M. Amorosi
Mr. J. Stokes

THAT, in respect of the Westminister Branch Library located in the premises leased to the Guelph Public Library Board located at 31 Farley Drive, staff be directed to bring forward by-laws for Council's consideration in regard to:

- (a) Authorizing the Mayor and Clerk to execute a Municipal Capital Facility Agreement with the owner of the premises, Westminister Square Ltd., and The Guelph Public Library Board;
- (b) Declaring the premises a Municipal Capital Facility under Section 110 of the Municipal Act for the purposes of the municipality and for public use; and
- (c) Exemption of the premises with respect to municipal and school taxes;

AND THAT, in respect of the East End Branch Library located in the premises leased to the Guelph Public Library Board located at 1 Starwood Drive, staff be directed to bring forward by-laws for Council's consideration in regard to:

- (a) Authorizing the Mayor and Clerk to execute a Municipal Capital Facility Agreement with the owner of the premises, Guelph Waston 5-3 Inc., and The Guelph Public Library Board;
- (b) Declaring the premises a Municipal Capital Facility under Section 110 of the Municipal Act for the purposes of the municipality and for public use; and
- (c) Exemption of the premises with respect to municipal and school taxes;

AND THAT the City Clerk be directed to give written notice of the by-laws to the Minister of Education, the Municipal Property Assessment Corporation, the Upper Grand District School Board, the Wellington Catholic District School Board, Le Conseil Scolaire de District due Centre-Sud-Ouest and the Conseil Scolaire de District Catholique N64;

AND THAT any outstanding taxes relating to Farley Drive and Starwood Drive will be paid from the Guelph Public Library operating budgets for 2010, effective the date of the passing of the associated municipal capital facilities by-laws.

- c) **Amendment to Business Licence By-law (2009)-18855**

Mrs. L.A. Giles

THAT Schedules B & C of Business Licence By-law (2009)-18855, be amended to delete the health inspection requirement for new and renewal business licences and to reduce the fee for new and renewal business licences for the category of Bed & Breakfast only.

d) **Cross Border Land Ambulance Service Costs**

Mr. S. Armstrong

THAT WHEREAS there is no Provincially mandated procedure established for recovery of costs for cross border ambulance calls in Ontario;

AND WHEREAS the recent City of Guelph / County of Wellington arbitration award provides that land ambulance average call costs are to be apportioned on the basis only of calls originating in Wellington and Guelph for call codes 1 to 4, and makes no provision for dealing with the issue of cross border ambulance calls or how to apportion land ambulance costs/revenues that are mandated by the Province but not attributed to either Guelph or Wellington residents;

AND WHEREAS this arbitrated methodology exists only in Guelph and Wellington County and is used nowhere else in the Province of Ontario to apportion land ambulance costs;

BE IT RESOLVED that until such time as the Government of Ontario establishes a Province-wide standard for recovery of cross border land ambulance costs, the City of Guelph will look to the Ontario Government to fund any costs the City must bear associated with cross border land ambulance service provided to municipalities outside Guelph and Wellington County as a result of the arbitration award.

e) **Funding Methodology for Sharing Costs for Land Ambulance Services**

Mr. S. Armstrong
Ms. M. Neubauer
Mr. S. Wilson
Ms. D. Bryce
Coun. G. Tosh

THAT the report dated September 13, 2010 outlining the methodology for cost sharing for the provision of land ambulance services across the coverage area be received as an interim measure;

AND THAT a copy of this report be forwarded to the County of Wellington for information.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Councillor Findlay presented the Governance Committee Seventh Consent Report.

6. Moved by Councillor Findlay
Seconded by Councillor Burcher
THAT the September 27, 2010 Governance Committee Seventh Consent Report as identified below, be adopted:

a) **Council Standing Committee Structure**

Mrs. L.A. Giles

THAT the following standing committee structure be adopted with the commencement of the 2010-2014 term of Council:

- Community & Social Services Committee – 4 Councillors + Mayor
- Corporate Administration , Finance & Emergency Services Committee – 4 Councillors + Mayor
- Planning, Engineering & Environmental Services Committee – 4 Councillors + Mayor
- Operations & Transit Committee – 4 Councillors + Mayor
- Audit Committee – 4 Councillors + Mayor
- Governance Committee –4 Councillors + Mayor (Chairs of CSSC, CAFESC, PEESC, OTC)

AND THAT in order to balance standing committee workload, each ward councillor shall serve on at least two of the standing committees.

b) **Advisory Committees Review of Mandates**

Mrs. L.A. Giles

THAT the Local Growth Management Strategy Advisory Committee, the Transit Growth Strategy Advisory Committee and the Twinning Committee be formally dissolved and that their members be thanked for their contribution to the City;

AND THAT staff not proceed with recruitment for the Downtown Co-ordinating Committee at this time, and that staff undertake a further review and consultation process with the Downtown stakeholders regarding the Downtown

Co-ordinating Committee and report back with recommendations;

AND THAT the Guelph Museums Board of Management continue as an advisory body to be known as the Guelph Museums Advisory Committee, with the composition to consist of 9 citizen appointees and no appointed member of Council;

AND THAT the mandate of the Guelph Economic Development Advisory Committee be expanded to include responsibility for reviewing future twinning opportunities;

AND THAT staff continue to investigate the potential of a City Cultural Advisory Committee in 2011, and that new recruitment to the River Run Board be paused at this time, to allow for further consultation with the current Board, the community and staff, and that in the interim, membership of the River Run Board of Directors consist of 15 citizens and no appointed member of Council;

AND THAT the Guelph Transit Ad Hoc Sub-Committee be formally dissolved, that the membership be thanked for their contributions, and that staff continue to investigate the potential of a future committee that would have a broader mandate relating to transit;

AND THAT the current membership of the Guelph Cycling Transportation Advisory Committee be maintained until completion of its mandate, and that staff report to Council in the new year with recommendations relating to a longer term mandate and composition for the committee.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Consent Agenda

The following item was extracted from the September 27, 2010 Consent Agenda to be voted on separately:

- A-2 Operations and Maintenance Contract for New Organic Waste Processing Facility (OWPF)

7. Moved by Councillor Findlay
Seconded by Councillor Wettstein

THAT the balance of the September 27, 2010 Council Consent Agenda as identified below, be adopted:

a) **Septage and Dechlorination Building Expansion at the Wastewater Treatment Plant, Contract No. 10-135**

Dr. J. Laird
Ms. M. Neubauer

THAT the Mayor and Clerk be authorized to sign an agreement with H2Ontario Inc. for facility expansions at the Wastewater Treatment Plant, including a septage receiving station, vacuum truck unloading bay, and dechlorination building, for a total tendered price of \$1,850,940 (13% HST included), with actual payment to be made in accordance with the terms of the contract.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

2009 Audited Consolidated Financial Statement

Margaret Neubauer, Chief Financial Officer highlighted the major changes in the 2009 Audited Consolidated Financial Statement. She provided information with respect to the 2009 budget surplus. She further provided a comparison of PSAB changes to the balance sheet restarting from January 2, 2008. She then provided information with respect to the tangible capital assets and unfunded liabilities.

Councillor Wettstein presented Clause 2 that was extracted from the Audit Committee First Consent Report.

Ms. M. Neubauer

8. Moved by Councillor Wettstein
Seconded by Councillor Hofland

THAT the following year end surpluses be transferred to reserves:

Water rate stabilization reserve \$1,214,187

Waste Water rate stabilization reserve \$997,173

AND THAT Finance Report 10-23 dated September 13, 2010 entitled "2009 Audited Consolidated Financial Statements" be received.

AND THAT the 2009 Consolidated Financial Statements for the City of Guelph as audited by Deloitte and Touche LLP be approved.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Guelph Transit Technology Plan

Kevin Benenek of IBI Consultants was present and provided an overview of the proposed Guelph Transit Technology Plan.

Councillor Findlay presented Clause 3 that was extracted from the Emergency Services, Community Services & Operations Committee Seventh Consent Report.

9. Moved by Councillor Findlay
Seconded by Councillor Farrelly

Mr. D. McCaughan
Mr. M. Anders
Mr. G. Dupuis

THAT the Emergency Services, Community Services & Operations Report of September 20, 2010 `Guelph Transit Technology Plan' be received;

AND THAT the IBI Consulting Report `Guelph Transit Technology Plan' be used as a framework to guide staff in the enhancement of operational technology for Guelph Transit.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Debt Management Policy

Councillor Wettstein presented Clause 3 that was extracted from the Audit Committee First Consent Report.

10. Moved by Councillor Wettstein
Seconded by Councillor Hofland

Ms. M. Neubauer

THAT the debt management policy be amended to provide stronger direction regarding investment debt proceeds issued in advance of completion of a project.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Wilson Farm Park Master Plan

Councillor Piper presented Clause 2 that was extracted from the Community Development & Environmental Services Committee Eighth Consent Report.

Dr. J. Laird
Mr. J. Riddell

11. Moved by Councillor Piper
Seconded by Councillor Burcher
THAT the Planning, Engineering and Environmental Services Report 10-97 dated September 20, 2010, pertaining to the proposed master plan for Wilson Farm Park, be received;

AND THAT the Wilson Farm Park Master Plan as proposed in Appendix 2 of the Planning, Engineering and Environmental Services Report 10-97 dated September 20, 2010, be approved;

AND THAT staff be directed to proceed with the implementation of the Wilson Farm Park Master Plan.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Blue Built Home – New Home Water Efficiency Labelling Pilot Program

Councillor Piper presented Clause 4 that was extracted from the Community Development & Environmental Services Committee Eighth Consent Report.

Dr. J. Laird
Ms. T. Sinclair

12. Moved by Councillor Piper
Seconded by Councillor Burcher
THAT the report of the Executive Director of Planning, Engineering and Environmental Services, dated

Mr. M. Amorosi

September 20, 2010, entitled `Blue Built Home – New Home Water Efficiency Labelling Pilot Program’, be received;

AND THAT Council authorizes and approves in principle the Blue Built Home Pilot Program Terms and Conditions, included as Attachment A to the report;

AND THAT Council authorizes the Executive Director of Planning, Engineering and Environmental Services to approve and execute related documents, including agreements, if any, required to implement the Blue Built Home Pilot Program, subject to the satisfaction of the Executive Director of Planning, Engineering and Environmental Services and the City Solicitor;

AND THAT Council authorizes the adoption and use of the Blue Built Home Logos for the Blue Built Home – Water Efficiency Standards Pilot Program, included as Attachment B to the report;

AND THAT staff be directed to report back to the Community Development and Environmental Services Committee as a part of the annual Water Conservation Program Progress Report on program participation and water savings achieved through the Blue Built Home Pilot Program.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Brenda Boisvert
Dr. J. Laird
Mr. J. Riddell

13. Moved by Councillor Kovach
Seconded by Councillor Laidlaw

THAT consideration be given to developments that fit within the City’s Community Energy Initiative goals when preparing the development priority plan.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Operations and Maintenance Contract for New Organic Waste Processing Facility (OWPF)

Dr. J. Laird
Mr. M. Amorosi
Ms. T. Sinclair
Ms. M. Neubauer

14. Moved by Councillor Burcher
Seconded by Councillor Bell

THAT the Mayor and Clerk be authorized to enter into a contract with a company within the AIM Environmental Inc. to operate and maintain the City's Organic Waste Processing Facility (OWPF), subject to the satisfaction of the Executive Director of Planning, Engineering and Environmental Services and the City Solicitor.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillors Billings and Kovach (2)

Carried

SPECIAL RESOLUTIONS

Ms. M. Neubauer
Mr. M. Amorosi
Ms. T. Sinclair

15. Moved by Councillor Kovach
Seconded by Councillor Laidlaw

THAT Council authorizes and approves settlement in the matter of property at 108 Forest Street, Court File No. 1036.09, with documentation subject to the satisfaction of the Chief Financial Officer/Treasurer and the Manager of Legal Services.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Mr. M. Amorosi
Mr. J. Stokes

16. Moved by Councillor Findlay
Seconded by Councillor Beard

THAT in respect of the proposal by the Upper Grand District School Board to dispose of its College Avenue Public School at 195 College Avenue West, that staff be directed to respond to the Board indicating that the City no longer has an interest in acquiring this property.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

BY-LAWS

17. Moved by Councillor Findlay
Seconded by Councillor Billings
THAT By-laws Numbered (2010)-19078 to (2010)-19093,
inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings,
Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw,
Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 8:45 o'clock p.m.

Minutes read and confirmed November 22, 2010.

.....
Mayor

.....
Clerk

**NEW STANDARD DRAFT PLAN CONDITIONS TO ADDRESS
ABUTTING PUBLIC TRAILS AND FENCING**

Condition Proposed to be included within Subdivision Agreement

The Developer shall install, at no cost to the City, chain link fencing, adjacent to Blocks XX and Lots XX. The Developer further agrees that the fencing will be installed following grading operations of the subdivision in accordance with the current standards and specification of the City and to the satisfaction of the General Manager of Planning and Building Services. Further, all property lines must be accurately surveyed and clearly marked in the field prior to establishing all fence line locations. Fences shall be erected directly adjacent to the established property line within the City owned lands.

New Notification Clauses Proposed to be included within Subdivision Agreement and Offers to Purchase

- "Purchasers and/or tenants of all lots or units abutting City owned lands are advised that abutting City owned lands may be fenced in accordance with the current standards and specifications of the City".
- "Purchasers and/or tenants of all lots or units abutting City owned lands are advised that no private gates will be allowed into Blocks XX and Lots XX that abut these Blocks and Lots".
- "Purchasers and/or tenants of all lots or units are advised that a public trail will be installed or exists abutting or in close proximity to Blocks XX and Lots XX and that public access to this trail will occur between Blocks XX and Lots XX".

Condition Proposed to be included within Subdivision Agreement and to be met prior to the Registration of the Plan

The Developer agrees to provide temporary signage describing the existing/proposed park, open space, trail and required fencing on all entrance signs for the development, at the street frontage of park

block XX and open space block(s) XX, and entrance/exist of trails, to the satisfaction of the General Manager of Planning and Building Services. The signage shall:

- advise prospective purchasers of dwellings in the area of the type of park, open space and/or trail and level of maintenance of these parcels of land by the City;
- clearly state that the maintenance of the park block and/or trail are the responsibility of the Developer until such time as the City accepts the park and/or trail, and partially releases the associated Letter of Credit; and
- clearly state that all questions relating to the maintenance of the park block and/or trail shall be directed to both Developer and the City.

The signage shall be erected when rough grading on and adjacent to the building lots has begun and must be maintained by the Developer until acceptance of the Blocks by the City.

The Developer further agrees that the proposed park block, open space block(s), trails and fencing be identified on any marketing or promotional materials.

Council Caucus Room
October 4, 2010 6:30 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Absent: Councillors Burcher, Hofland, Wettstein

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

- 1. Moved by Councillor Salisbury
Seconded by Councillor Farrelly
THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

Proposed or Pending Acquisition or Disposition of Land

S. 239 (2) (c) Proposed or pending acquisition or disposition of land

The meeting adjourned at 6:31 o'clock p.m.

.....
Mayor

.....
Deputy Clerk

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Absent: Councillor Burcher

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

Proposed or Pending Acquisition or Disposition of Land

The Manager of Economic Development and Tourism Services provided information regarding proposed or pending acquisition or disposition of lands within the Hanlon Creek Business Park.

Mr. P. Cartwright 2. Moved by Councillor Kovach
Seconded by Councillor Billings
THAT the report dated October 4, 2010 regarding a Development Charge Early Payment Agreement and the sale of City-owned land in the Hanlon Creek Business Park from Economic Development & Tourism Services be received.

Carried

Mr. P. Cartwright 3. Moved by Councillor Findlay
Seconded by Councillor Kovach
THAT the report dated October 4, 2010 regarding the potential sale of City-owned land in the Hanlon Creek Business Park from Economic Development & Tourism Services be received.

Carried

The meeting adjourned at 6:36 p.m.

.....
Mayor

.....
Deputy Clerk

Council Chambers
October 4, 2010

Council convened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. J. Riddell, General Manager of Planning & Building Services; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Mr. S. Hannah, Manager of Development and Parks Planning; Ms. T. Agnello Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

Consent Agenda

The following items were extracted from the October 4, 2010 Consent Agenda to be voted on separately:

- A-1 Proposed Demolition of 626, 640, 646, 652 & 660 Gordon Street and 9 & 10 College Crescent – Ward 5
- B-1 Rotary Club Annual Sparkles in the Park Fireworks Display Request

PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was 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 planning matters listed on the agenda.

**39-47 Arkell Road and 1408 Gordon Street:
Proposed Zoning By-law Amendment (File ZC1006)
– Ward 6**

Ms. K. Nasswetter, Senior Development Planner provided information regarding the application to date and highlighted the variances requested within the application.

DELEGATIONS

Mr. Werner Leuschner, applicant advised they wish to develop the property in a quality manner and believes their proposal will be beneficial to the neighbourhood.

Mr. Jordan Zukowski, applicant, provided information regarding projects they have completed in the area and advised the stacked townhouses will be approximately the same height as a two-storey building.

Ms. Astrid Clos, planner for the applicant, advised the development meets the requirements of various policies and legislation. She stated the developer has met with the neighbours and acknowledged their issues that include:

- limiting the height of units to a maximum of two-storeys;
- tree preservation;
- Arkell Road access;
- density level;
- the number of specialized zoning regulations such as setbacks, parking and access;
- boundary privacy;
- location and size of amenity areas and accessibility; and
- pedestrian connectivity.

She stated that the current parking regulations are not being met, but believes that will be rectified with the revised concept plan. She advised there will be a tree conservation plan. She advised the applicant has committed to another meeting with the residents.

Councillor Burcher arrived at the meeting at 7:23 p.m.

Wendy Lindsay, a neighbourhood resident, raised concerns regarding privacy, traffic problems, parking and garbage. She stated single detached family homes such as bungalows or two-storey homes with elevators are preferred because of concerns with absentee landlords.

Mr. Rob Lindsay, a resident within the area, does not agree with the proposal since many zoning requirements are not in compliance. He stated that this proposal is not compatible with the existing neighbourhood.

Mr. David Raymond, a neighbourhood resident, raised concerns with compatibility, traffic issues, and lack of parking spaces and amenity facilities. He stated the Official Plan requires that for general residential uses, building form, massing, appearance and siding must be

compatible with existing buildings and he does not feel this proposal meets the requirements. He also believes the setbacks, vehicular access, and heritage considerations are not compatible. He stated that the proposal is short of the minimum parking requirements and the lack of sidewalks will create a serious safety issue.

Mr. Peter McCaskell, a neighbourhood resident, stated the residents feel the proposal is unacceptable. He raised the issues of compatibility of the building heights, vehicular traffic, and the number of specialized zoning requirements the applicant is requesting. He recommended a one-way only access and egress on Arkell Road with right turns only allowed. He is concerned about the precedent that would be set if all of the specialized zoning requirements are granted. He suggested staff appoint a mediator for the neighbourhood residents and developer.

Ms. Mary Rife, a neighbourhood resident, expressed concerns with density and safety. She stated that 83 units is unreasonable for the proposed parcel of land. She raised the safety concern regarding the blind entrance/exit on Arkell hill.

Mr. Barry Smit, a neighbourhood resident representing 44 of the residents on a petition, raised the following points:

- the neighbourhood is willing to accept infilling and wish to collaborate with the developers;
- the residents are not adopting NIMBYism but rather, a DROP (development respecting official plan) mindset;
- detached residential and institutional uses would be more consistent and compatible and would better maintain stability and character;
- the development must be sensitive in its transition in height and massing of buildings between low density and multiple residential units;
- required setbacks should be adhered to;
- residents are seeking changes for the three-storey townhouses and the four-storey apartment such as separation distances, square footage per unit, buildings are too tall and too close to existing residences; insufficient parking;
- site compatibility in terms of type of buildings and scale.

1. Moved by Councillor Findlay
Seconded by Councillor Laidlaw

THAT the procedural by-law be suspended to allow the delegation, Mr. Barry Smit, to exceed the ten minute time limit set for delegations.

Carried

Mr. Smit addressed these further issues:

- appropriateness of style, mass and density of the buildings;
- size, shape and location of site, and the established low density area, is not compatible with proposed application.

He stated building on the property should be a maximum height of two storeys with appropriate separation between buildings and property lines; and appropriate density determined. He advised the residents welcome an opportunity to review any plans with the developer to resolve the issues.

Mr. Dennis Mortley, a neighbourhood resident, concurred with previous delegations. He does not want to see the proposal move forward.

Mr. Thomas Graham, a neighbourhood resident, is in favour of developing the property, but not at the proposed density. He agreed that staff assisting with meetings between the developer and the neighbourhood residents would be helpful.

Mr. Ken Strawbridge, speaking on behalf of his parents, residents of the area, noted three things must be given consideration:

- how this development will affect other plans that are happening in the area, particularly in relation to an environmental plan;
- the contradiction in type of environment the development will create; residences spread out leads to diversity, and close proximity leads to more similar residents so diversity could be lost
- types of principles that would apply and whether it is the best way to use the land, or whether the institutional, educational, or medical uses are a better fit.

He would like staff to get involved in the mediation process. He requested traffic engineering to do a study, and would like the developer to provide a 3D presentation on how the buildings fit on the site in order to provide a comparison of the adjacent properties. He also raised the following issues:

- connectivity;
- consolidation of open spaces;
- impact on neighbourhood wells;
- location of the apartment building;
- size of the amenity area;
- rear yard buffers.

Dr. J. Laird
Mr. J. Riddell

2. Moved by Councillor Findlay
Seconded by Councillor Hofland

THAT report 10-98 regarding a proposed Zoning By-law Amendment for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street, City of Guelph, from Planning, Engineering and Environmental Services dated October 4, 2010, be received;

ANDTHAT staff facilitate or engage a facilitator to work with the residents and developer, if required by the parties.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

CONSENT AGENDA

Proposed Demolition of 626, 640, 646, 652 & 660 Gordon Street and 9 & 10 College Crescent – Ward 5

Dr. J. Laird
Mr. J. Riddell

3. Moved by Councillor Burcher
Seconded by Councillor Hofland

THAT Report 10-102 regarding the proposed demolition of seven detached dwellings on University of Guelph lands, municipally known as 626, 640, 646, 752 & 660 Gordon Street and 9 & 10 College Crescent, City of Guelph, from Planning, Engineering and Environmental Services dated October 4, 2010, be received;

AND THAT the proposed demolition of seven detached dwellings on University of Guelph lands, municipally known as 626, 640, 646, 652 & 660 Gordon Street and 9 & 10 College Crescent, be approved.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Findlay, Hofland, Piper, Salisbury, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillor Farrelly, Kovach and Laidlaw (3)

Carried

Rotary Club Annual Sparkles in the Park Fireworks Display Request

Paul Taylor
Mr. S. Armstrong
Ms. M. Neubauer

4. Moved by Councillor Kovach
Seconded by Councillor Findlay
THAT the request from the Rotary Club of Guelph to provide a fireworks display at Riverside Park on December 31, 2010, be approved subject to the Rotary Club of Guelph meeting the terms and conditions of the Guelph Fire Department;

AND THAT the Rotary Club of Guelph obtain liability coverage in the amount of \$5,000,000.00 with the City of Guelph named as an additional insured party, and provide a certificate indicating such coverage, be submitted to the City of Guelph prior to the event;

AND THAT the City accepts no responsibility for any liability that arises out of granting this permission for use of City property and facilities;

AND THAT staff be directed to work with the event organizers to mitigate noise issues.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

SPECIAL RESOLUTIONS

Proposed Development Charge Early Payment Agreement and Sale of City-Owned Land – Hanlon Creek Business Park

Mr. P. Cartwright
Ms. M. Neubauer
Mr. M. Amorosi

5. Moved by Councillor Kovach
Seconded by Councillor Findlay
THAT staff be directed to finalize a Development Charge Early Payment Agreement and an Agreement of Purchase and Sale, satisfactory to the General Manager of Economic Development & Tourism, the Chief Financial Officer/City Treasurer and the General Manager of Legal Services/City Solicitor, for a 5.141 hectare (12.7 acre) site, composed of Part of Lots 17 & 18, Concession 5 (former geographic Township of Puslinch and now part of the City of Guelph), designated as part of Part 4 on Reference Plan 61R-9655, to be described by reference plan on Closing, in the Hanlon Creek Business Park, and subject to the terms and conditions as outlined in the

report of the General Manager of Economic Development & Tourism dated October 4, 2010;

AND THAT the Mayor and Clerk be authorized to execute the Development Charge Early Payment Agreement and an Agreement of Purchase and Sale on behalf of the City of Guelph.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Potential Sale of City-Owned Land – Hanlon Creek Business Park

6. Moved by Councillor Findlay
Seconded by Councillor Beard

Mr. P. Cartwright
Ms. M. Neubauer
Mr. M. Amorosi

THAT staff be directed to finalize a Letter of Intent and an Agreement of Purchase and Sale for the purchase of a +\- 0.60705 hectare (+\- 1.50 acre) site being composed of Part of Lot 16, Concession 5 and designated as part of Part 3 on Reference Plan 61R-9655, and to be described by reference plan on Closing, in the Hanlon Creek Business Park;

AND THAT the General Manager of Economic Development and Tourism Services be authorized to execute a Letter of Intent, subject to its format and content being satisfactory to the General Manager of Economic Development & Tourism, the Director of Finance/City Treasurer as well as the General Manager of Legal Services/City Solicitor;

AND THAT the Mayor and Clerk be authorized to execute an Agreement of Purchase and Sale, subject to its format and content being satisfactory to the General Manager of Economic Development & Tourism, the Director of Finance/City Treasurer as well as the General Manager of Legal Services/City Solicitor.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

BY-LAWS

7. Moved by Councillor Farrelly
Seconded by Councillor Bell
THAT By-law Number (2010) – 19094 to (2010) - 19102
inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings,
Burcher, Farrelly, Hofland, Kovach, Laidlaw, Piper,
Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Findlay (1)

Carried

ADJOURNMENT

The meeting adjourned at 9:33 o'clock p.m.

Minutes read and confirmed November 22, 2010.

.....
Mayor

.....
Deputy Clerk

**CONSENT REPORT OF THE
COUNCIL AS COMMITTEE OF THE WHOLE**

November 22, 2010

Her Worship the Mayor and
Councillors of the City of Guelph.

Your Council as Committee of the Whole beg leave to present their Seventh
CONSENT REPORT as recommended at its meeting of September 27, 2010.

*If Council wishes to address a specific report in isolation please identify
the item. The item will be extracted and dealt with immediately. The
balance of the Consent Report of the Council as Committee of the
Whole will be approved in one resolution.*

**1) CITIZEN APPOINTMENTS TO THE MUNICIPAL ELECTION COMPLIANCE
AUDIT COMMITTEE**

THAT Maged Abo Elela and George Gorringer be appointed to the Municipal Election
Compliance Audit Committee for a term ending November 30, 2014.

**2) CITIZEN APPOINTMENT TO THE ENVIRONMENTAL ADVISORY
COMMITTEE**

THAT Bill Mungall, Greta Najcler and Chris Parent be appointed to the
Environmental Advisory Committee for a term ending November 2011.

All of which is respectfully submitted.

CONSENT AGENDA

November 22, 2010

Her Worship the Mayor
and
Members of Guelph City Council.

SUMMARY OF REPORTS:

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 Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

A Reports from Administrative Staff

REPORT	DIRECTION
<p>A-1) MUNICIPAL ACCESS AGREEMENTS (MAA)</p> <p>THAT the Mayor and Clerk be authorized to sign individual Municipal Access Agreements with Union Gas, Bell Canada, Telus, Rogers Cable and Atria Networks, as described in the Planning, Engineering and Environmental Services' report dated November 22, 2010.</p>	Approve
<p>A-2) GUELPH HYDRO REFINANCING</p> <p>THAT Council authorizes Guelph Hydro Electric Systems Inc. (GHESI) (The "Corporation") to amend its Articles of Amalgamation to delete section 10(b) in its entirety and replace it with the following:</p> <p style="padding-left: 40px;">10 (b) Any invitation to the public to subscribe for shares of the Corporation is prohibited.</p> <p>AND THAT Council authorizes the Mayor to communicate in writing Council's approval of this amendment to the Boards of Directors of Guelph Hydro Inc. and GHESI.</p>	Approve
B ITEMS FOR DIRECTION OF COUNCIL	
C ITEMS FOR INFORMATION OF COUNCIL	

attach.

TO **Guelph City Council**

SERVICE AREA Planning, Engineering and Environmental Services
DATE November 22, 2010

SUBJECT MUNICIPAL ACCESS AGREEMENTS (MAA)
REPORT NUMBER

RECOMMENDATION

"THAT the Mayor and Clerk be authorized to sign individual Municipal Access Agreements with Union Gas, Bell Canada, Telus, Rogers Cable and Atria Networks, as described in the Planning, Engineering and Environmental Services' report dated November 22, 2010."

BACKGROUND

Under the Public Service Works on Highways Act, R.S.O. 1990, Chapter P.49, municipalities are required to provide space in the right of way for public services to be placed either underground or overhead as requested. Those providing services in Guelph are Union Gas, Bell Canada, Telus, Atria Networks and Rogers Cable. To date many communities in Ontario, as well as the City have not had a formal Master written agreement by which each of the communication companies and City conduct business. With the current level of companies installing their plant on the rights of way, many municipalities are moving towards standard formal Municipal Access Agreements. A list of participating municipalities is included in Appendix 'A'.

REPORT

Over the past 12 months staff, (Engineering, Legal and Procurement and Risk Management Services) have been working on a standard formal Municipal Access Agreement through the four main utility service providers which are Rogers Cable, Bell Canada, Telus and Atria Networks. It now appears we have an agreement that all five parties are able to agree upon and are now willing to enter into formal agreements. The agreements outline all aspects of the processes including:

- initial notification;
- placement of equipment on the right of way;
- design;
- construction;
- removal if necessary;
- time lines required to complete the work;
- insurances;
- environmental considerations; and
- a payment schedule.

In the past all requests from utilities were processed and administered through Engineering with a no fee recovery schedule. The Municipal Access Agreement between the City of Guelph and the five (5) utility companies identified in this report now outlines a fee schedule for recovery of those administration and processing costs to the City. The administration fee will be utilized to offset staff costs with respect to review and approval of the location of the utilities proposed plant, and City inspection of the installation of their plant.

CORPORATE STRATEGIC PLAN

- Strategic Goal #1; "An attractive, well-functioning and sustainable city", by ensuring the City's rights of way are strategically managed to provide for future growth for all services.
- Strategic Goal #3; "A diverse and prosperous local economy", by creating fair policies and streamlining processes across all levels of government."

FINANCIAL IMPLICATIONS

The cost recovery of administration and processing for Engineering staff is included in the Municipal Access Agreement. The annual administrative fee for each company is \$5,000, paid on the anniversary date of the execution of the agreements.

DEPARTMENTAL CONSULTATION

The process has included and required input from Legal and Procurement and Risk Management Services.

COMMUNICATIONS

N/A

ATTACHMENTS

Appendix "A"

"original signed by Grant Ferguson"

Prepared By:

Grant Ferguson
Program Manager, Technical Services
Engineering Services
(519)837-5604, ext. 2251
grant.ferguson@guelph.ca

"original signed by Richard Henry"

Recommended By:

Richard Henry, P.Eng.
General Manager/City Engineer
Engineering Services
(519)837-5604, ext. 2248
richard.henry@guelph.ca

"original signed by Janet Laird"

Recommended By:

Janet L Laird, Ph.D.
Executive Director
Planning, Engineering and Environmental Services
(519)837-5604, ext. 2237
janet.laird@guelph.ca

Report to Council
November 22, 2010
Re: Municipal Access Agreements (MAA)

Appendix "A"

List of Municipalities Formalizing Municipal Access Agreements:

Brampton
Burlington
Cambridge
Waterloo
Aurora
Fort Erie
Hamilton
London
Markham
Milton
Mississauga
Newmarket
Ottawa
Niagara Falls
Peel Region
Durham Region
Waterloo Region
Richmond Hill
Whitby
York Region

COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA FINANCE DEPARTMENT
DATE NOVEMBER 22, 2010

SUBJECT Guelph Hydro Re-financing
REPORT NUMBER FIN-10-33

RECOMMENDATION

THAT Council authorizes Guelph Hydro Electric Systems Inc.(GHESI) (The "Corporation") to amend its Articles of Amalgamation to delete section 10(b) in its entirety and replace it with the following:

1. 10 (b) Any invitation to the public to subscribe for shares of the Corporation is prohibited.

AND THAT Council authorizes the Mayor to communicate in writing Council's approval of this amendment to the Boards of Directors of Guelph Hydro Inc. and GHESI.

BACKGROUND

The purpose of this report is for Council to authorize an amendment to GHESI's Articles of Amalgamation so that GHESI can proceed with issuing external debt. The current Articles prohibit GHESI from issuing any 'securities' to the public, which under securities law means both shares and debt to any third party, which would include banks.

The amendment is required in order to monetize the City's note receivable which had been issued by GHESI upon the restructuring of the electricity market in 2000.

On July 27, 2009, Council passed a motion to monetize the City's \$30 million Note Receivable from GHESI to fund the City's share of Infrastructure Stimulus Fund and RInC Programs and to establish a new capital project reserve fund.

During the 2010 budget deliberations, Council directed that the monetization be deferred until November 2010, to maximize 2010 investment income in the City's operating budget.

At the Shareholder meeting in May 2010, Council was advised of significant capital investments that GHESI would be making in the near future.

REPORT

GHESI plans to issue \$65 million of debentures and use the proceeds as follows:

- repay \$30.0 million note to the City
- repay \$12.6 million note to Guelph Hydro Inc.
- remaining \$22.4 million to fund investment in smart meters and new transformer station

Funding of this magnitude cannot be achieved without external borrowing. GHESI examined several refinancing options and determined that the most cost effective method is to issue 20 year debentures to qualified investors on a private placement basis. Typical investors are financial institutions such as mutual funds, insurance companies, and pension funds. These debenture instruments are virtually the same as those issued by the City to obtain its debt funding.

Following Council's directions, GHESI has proceeded with obtaining a credit rating and arranging a broker to market the debentures. Part of this process requires a due diligence review from solicitors specializing in this type of work. Through this process, the solicitors have advised that the articles must be amended, in order for the debenture issue to proceed. The amendment contained in the recommendation will permit GHESI to offer debt securities to the public but remains restricted on offering any form of equity securities to the public.

This will ensure ongoing 100% City ownership and control of GHESI yet allow GHESI to access third party debt markets to raise capital to support its continuing growth.

Under the City's Shareholder Declaration, GHESI cannot amend its Articles of Amalgamation without the City's approval, passed by a resolution or by-law of Council, and formally communicated in writing by the Mayor to the Board of Directors of Guelph Hydro Inc

CORPORATE STRATEGIC PLAN

5.4 Partnerships to achieve strategic goals and objectives

FINANCIAL IMPLICATIONS

The investment in Guelph Hydro is recorded in the City's financial statements based on its shareholder's equity. The debt issue does not change the book value as it will be used to replace existing debt and finance capital assets. The total debt to total capital ratio increases from 48% to 57% which is below the OEB deemed ratio of 60% used to set rates. In anticipation of this debt issue, GHESI has obtained a credit rating which is favourable and comparable to other municipal hydro utilities in Ontario.

DEPARTMENTAL CONSULTATION

The City Solicitor's office has reviewed of the proposed amendment. This report has been prepared with assistance from GHESI's CFO, Ian Miles.

ATTACHMENTS

Appendix 1 – Letter from GHI Chair Barry Cuddy

“original signed by Margaret Neubauer”

Prepared By:

Margaret Neubauer
Chief Financial Officer/City Treasurer
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DATE: November 15, 2010
TO: Members of Council – City of Guelph
FROM: Barry Chuddy, CEO, Guelph Hydro Electric Systems Inc.
SUBJECT: Guelph Hydro Electric Systems Inc. (GHESI) Re-financing

Recommendation

That Council approves the Resolution as attached.

Background

On July 27, 2009, Council passed a motion to call the City's \$30 million note that was issued by GHESI upon the restructuring of the electricity market in 2000. The City expressed a desire to have the note repaid in late fall of 2010 with a plan to use the proceeds for its share of jointly funded infrastructure projects.

The timing of this refinancing works very well for GHESI in that there is a need to raise additional capital to fund investments in smart meters and a new transformer station to support growth in the south end of the city.

GHESI plans to issue \$65 million of debentures and use the proceeds as follows:

- repay \$30.0 million note to the City
- repay \$12.6 million note to Guelph Hydro Inc.
- remaining \$22.4 million to fund investment in smart meters and new transformer station

GHESI examined several refinancing options and determined that the most cost effective method is to issue 20 year debentures to qualified investors on a private placement basis.

Typical investors are financial institutions such as mutual funds, insurance companies, and pension funds. These debenture instruments are virtually the same as those issued by the City to obtain its debt funding.

It is important to note that GHESI is incorporated in Ontario under the Business Corporations Act. As such, it is not subject to the regulations for issuing debt set out under the Municipal Act. As a corporation, GHESI's restrictions on borrowing tend to be more "market" based and governed by the terms set out in the loan documentation.

One of the key covenants GHESI must abide by is a requirement for its debt to be no more than 75% of its total capital. Upon completion of the \$65 million offering, GHESI will be at about 57%, well below this threshold. GHESI's regulator, the Ontario Energy Board, uses a target of 60% debt when setting electricity distribution rates.

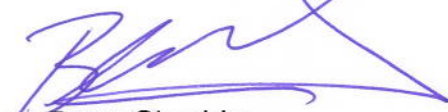
In order to issue the debentures, GHESI needs to amend one of its Articles of Incorporation dealing with a restriction on offering securities to the public. The amendment shown on the attached resolution removes the restriction on GHESI offering debt securities to the public (defined as any third party) but retains the restriction on offering any form of equity securities to the public.

This type of financing has been used by approximately ten other electric distribution companies in Ontario to repay their shareholder notes and raise additional capital to fund new distribution infrastructure.

This type of financing will ensure ongoing 100% City ownership and control of GHESI yet allowing GHESI to access third party debt markets to raise capital to support its continuing growth.

Yours sincerely

GUELPH HYDRO INC.



Barry Chuddy
Chief Executive Officer

Proposed resolution of the City of Guelph regarding the amendment of the articles of Guelph Hydro Electric Systems Inc.

WHEREAS Guelph Hydro Electric Systems Inc. (the “Corporation”) proposes to issue debentures on a private placement basis;

AND WHEREAS the articles of the Corporation provide in section 10(b) that “Any invitation to the public to subscribe for securities of the Corporation is prohibited”;

RESOLVED THAT:

The Corporation be and is hereby authorized to amend the articles of the Corporation to delete section 10(b) in its entirety and replace it with the following:

10(b) Any invitation to the public to subscribe for shares of the Corporation is prohibited.

- **BYLAWS** -

- November 22, 2010 -	
<p>By-law Number (2010)-19103 A by-law to remove Lot 76, Plan 61M152 designated as Parts 1 to 3 inclusive, Reference Plan 61R11428; in the City of Guelph from Part Lot Control. (45 & 47 Vipond St.)</p>	<p>To remove land from part lot control to create 2 semi-detached lots to be known municipally as 45 & 47 Vipond St.</p>
<p>By-law Number (2010)-19104 A by-law to remove Part of Block 151, Plan 61M152 designated as Parts 1 to 8 inclusive, Reference Plan 61R11254 in the City of Guelph from Part Lot Control. (143-151 Creighton Ave.)</p>	<p>To remove land from part lot control to create 5 on-street townhouse lots to be known municipally as 143-151 Creighton Ave.</p>
<p>By-law Number (2010)-19105 A by-law to authorize the execution of release of a Development Agreement with respect to property described as: Part of Lot 8, Registered Plan 128, designated as Parts 1, 5 and 6, 61R11283; and Part Lot 9, Registered Plan 128, designated as Parts 1 to 5 inclusive, 61R5347 and Parts 7 to 9 inclusive, 61R11283, City of Guelph. (375-377 Eramosa Rd.)</p>	<p>To release a development agreement for property known municipally as 375-377 Eramosa Rd.</p>
<p>By-law Number (2010)-19106 A by-law to authorize the execution of a Partial Release of Development Covenants and Restrictions with respect to Part of Lot 9, Concession One, Division "B" (formerly Guelph Township), designated as Part 25, Reference Plan 61R-647, City of Guelph. (590 Massey Rd.)</p>	<p>To execute a partial release of development covenants and restrictions with respect to property municipally known as 590 Massey Rd.</p>
<p>By-law Number (2010)-19107 A by-law to amend By-law (1996)-15200, as amended, being a by-law to provide rules for governing the order and procedures of the Council of the City of Guelph, and to adopt Municipal Code</p>	<p>To amend the Procedural By-law with respect to the Standing Committees as approved by Council September 27, 2010.</p>

<p>Amendment #525 which amends Chapter 20 of the Corporation of the city of Guelph's Municipal Code.</p>	
<p>By-law Number (2010)-19108 A by-law to repeal By-law (2010)-19085 being a by-law to authorize the execution of an agreement between the Federation of Canadian Municipalities as Trustee of the Green Municipal Fund and The Corporation of the City of Guelph. (PET Optical Sorter Project - GMF 10305)</p>	<p>To repeal a by-law with respect to the FCM Green Municipal Fund with respect to the Optical Sorter Project - GMF 10305.</p>
<p>By-law Number (2010)-19109 A by-law to remove Part of Block 1, Plan 61M156 designated as Parts 1 to 19 inclusive, Reference Plan 61R11424 inclusive; in the City of Guelph from Part Lot Control. (2-22 Clough Cres.)</p>	<p>To remove land from part lot control to create 11 on-street townhouses to be municipally known as 2-22 Clough Cres.</p>
<p>By-law Number (2010)-19110 A by-law to dedicate certain lands known as Part of Reserve "H", Registered Plan 618, City of Guelph, as part of Speedvale Avenue West. (545 Speedvale Ave. W.)</p>	<p>To dedicate land as part of Speedvale Avenue West.</p>
<p>By-law Number (2010)-19111 A by-law to authorize the execution of an Agreement between J.G. Goetz Construction Limited and The Corporation of the City of Guelph. (Contract No. 2-1030 for the servicing and road construction of the 671 Victoria Rd. N. Phase 1 Subdivision)</p>	<p>To execute Contract No. 2-1030 for the servicing and road construction of the 671 Victoria Rd. N. Phase 1 Subdivision.</p>
<p>By-law Number (2010)-19112 A by-law to provide for the temporary closure of Mussen Street. (within the 671 Victoria Rd. N. Phase 1 Subdivision, under Contract no. 2-1030)</p>	<p>To temporary close Mussen Street during the servicing and road construction of the 671 Victoria Rd. N. Phase 1 Subdivision under Contract No. 2-1030.</p>
<p>By-law Number (2010)-19113 A by-law to authorize the acquisition of property described as Part of lots 8 and 9, Division "A" (formerly Guelph Township), designated as Parts 1 and 2,</p>	<p>To acquire property for road widening, Willow/Edinburgh.</p>

Reference Plan61R11419, City of Guelph. (road widening Willow/Edinburgh)	
By-law Number (2010)-19114 A by-law to authorize the acquisition of property described as Part of Park Lot 1, Canada Company Survey, Plan 8, designated as Part 1, Reference Plan 61R11418, City of Guelph. (road widening London/Edinburgh)	To acquire property for road widening, Londong/Edinburgh.
By-law Number (2010)-19115 A by-law to remove Lot 77, Plan 61M152 designated as Parts 5 and 6, Reference Plan 61R11253; in the City of Guelph from Part Lot Control. (41 & 43 Vipond St.)	To remove land from part lot control to create 2 semi-detached lots to be know municipally as 41 & 43 Vipond Street.
By-law Number (2010)-19116 A by-law to amend By-law Numbers (2003)-17082 and (1997)-15351 with respect to appointments of persons serving as municipal by-law enforcement officers, known as "private property agents" to add Waterman and Reid and remove Conway, Ingeman, Galletta, Lambley, Phillips, Burt, Opperman, Brouseau and Slade.	To appoint persons as by-law enforcement officers to be known as private property agents.
By-law Number (2010)-19117 A by-law to remove Lot 80, Plan 61M152, designated as Parts 5 and 6, Reference Plan 61R11040 in the City of Guelph from Part Lot Control. (29 and 31 Vipond Street)	To remove land from part lot control to create separate parcels for semi detached dwellings to be known municipally as 29 and 31 Vipond Street.
By-law Number (2010)-19118 A by-law to authorize the execution of a Subdivision Agreement between Belmont Equity (HCBP) Holdings Inc. and The Corporation of the City of Guelph. (Hanlon Creek Business Park Phase 1)	To execute a subdivision agreement with respect to the Hanlon Creek Business Park Phase 1.