

Council Caucus Room
June 7, 2011 6:30 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond and Wettstein

Absent: Councillors Burcher, Hofland, Laidlaw and Piper

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. B. Burchett, General Manager, Parks and Recreation, Program and Facilities; Ms. D. Jaques, General Manager, Legal/Realty Services/City Solicitor; and Ms. T. Agnello, Acting City Clerk

- 1. Moved by Councillor Kovach
Seconded by Councillor Furfaro

THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

Potential Litigation Matter

S. 239 (2) (e) Litigation or Potential Litigation, including matters before Administrative Tribunals.

Carried

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

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Mayor

.....
Acting City Clerk

Council Caucus Room
June 7, 2011 6:32 p.m.

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond and Wettstein

Absent: Councillors Burcher, Hofland, Laidlaw and Piper

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. B. Burchett, General Manager, Parks and Recreation, Program and Facilities; Ms. D. Jaques, General Manager, Legal/Realty Services/City Solicitor; and Ms. T. Agnello, Acting City Clerk

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

S. 239 (2) (e) Litigation or Potential Litigation

Mr. M. Amorosi
Ms. D. Jaques
1. Moved by Councillor Kovach
Seconded by Councillor Guthrie
THAT staff be given direction with respect to a litigation matter.

Carried

Mr. M. Amorosi
Ms. D. Jaques
2. Moved by Councillor Furfaro
Seconded by Councillor Dennis
THAT staff be given direction with respect to a litigation matter.

Carried

Mr. M. Amorosi
Ms. D. Jaques
3. Moved by Councillor Furfaro
Seconded by Councillor Guthrie
THAT staff be given direction with respect to a litigation matter.

Carried

Mr. M. Amorosi
Ms. D. Jaques
4. Moved by Councillor Wettstein
Seconded by Councillor Kovach
THAT the report received from Legal Services dated June 7, 2011 regarding a litigation matter be received.

Carried

PASSED IN COUNCIL
BY SPECIAL
5. Moved by Councillor Kovach
Seconded by Councillor Findlay
THAT Council rise and report the following motion as a special resolution in Council open session:

RESOLUTION

WHEREAS The Mayor has not yet received a response from the Minister of Health in respect to the presentation delivered to the Premier regarding the City’s concerns with the Board of Health for Wellington-Dufferin-Guelph and the City’s proposal for resolving these concerns;

AND WHEREAS The City has not received a response from the County of Wellington, the County of Dufferin or the Ministry of Health and Long-Term Care to its notice of intention to withdraw from the Wellington-Dufferin-Guelph health unit.

THEREFORE BE IT RESOLVED THAT:

1. The City Solicitor be directed to continue with the court action, including the injunction application, currently before the court.
2. The Mayor be requested to follow up with the Premier’s office and the Minister of Health and Long-Term Care.

The meeting adjourned at 7:00 o’clock p.m.

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Mayor

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Acting City Clerk

Council Chambers
June 7, 2011

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

Present: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond and Wettstein

Absent: Councillors Burcher, Hofland, Laidlaw and Piper

Staff Present: Dr. J. Laird, Executive Director of Planning & Building, Engineering & Environment; Mr. J. Riddell, General Manager of Planning & Building Services;

Ms. T. Agnello, Acting City Clerk; and Ms. D. Black,
Assistant Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF
INTEREST ACT**

CONSENT AGENDA

1. Moved by Councillor Furfaro
Seconded by Councillor Kovach
THAT the June 7, 2011 Council Consent Agenda, as
identified below, be adopted:

a) **587 Victoria Road North: Proposed Zoning
By-Law Amendment (ZC0610) – Ward 2**

Ms. N. Shoemaker
Dr. J. Laird
Mr. J. Riddell
Ms. D. Jaques
Ms. S. Aram
Mr. M. Amorosi
Mr. D. McCaughan

THAT Report 11-23 regarding a proposed Zoning By-law
Amendment application by Northview Estates (Guelph)
Ltd. (ZC0610) for property municipally known as 587
Victoria Road North, City of Guelph, from Planning &
Building, Engineering and Environment dated June 7,
2011, be received;

AND THAT the application by Black Shoemaker Robinson
and Donaldson Limited on behalf of Northview Estates
(Guelph) Ltd. for approval of a Zoning By-law Amendment
to rezone the lands from the UR (Urban Reserve) Zone to
the R.3B (On-Street Townhouse) Zone, to allow the
development of 14 on-street townhouse dwelling units, be
approved, subject to the recommended zoning and
conditions outlined in Schedule 2 of the Planning &
Building, Engineering and Environment Report 11-23
dated June 7, 2011.

b) **Water Street Reconstruction, Contract No. 2-
1114**

Dr. J. Laird
Ms. S. Aram

THAT the tender of Drexler Construction Ltd., Rockwood
be accepted and that the Mayor and Clerk be authorized
to sign the agreement for Contract 2-1114 for the Water
Street Reconstruction contract for a total tendered price
of \$1,950,000.00, with actual payment to be made in
accordance with the terms of the contract;

AND THAT Water Street be closed to through traffic
during the reconstruction.

c) **Fireworks Approval for Canada Day – July 1,
2011**

Mr. D. McCaughan
Mr. S. Armstrong

THAT the request from the Rotary Club of Guelph to
provide a fireworks display at Riverside Park on July 1,

Mr. B. Stewart
Chief Davis

2011 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 obtains liability coverage in the amount of \$5,000,000 with the City of Guelph named as an additional insured party, and to provide a certificate indicating such coverage to be submitted to the City of Guelph at least two weeks prior to the event;

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

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

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.

DELEGATIONS

1820 Gordon Street South: Proposed Zoning By-law Amendment (File ZC1108) - Ward 6

Mr. A. Hearne, Senior Development Planner, advised the applicant is wishing to increase the building size restriction, but not the overall property restrictions so they may secure an anchor tenant.

Mr. Glen Wellings, on behalf of the applicant, advised that they are requesting the building size cap be removed in order to attract an anchor and they are in discussions with a company interested in locating a theatre at this location. He stated they will be building to the silver LEEDS standard.

2. Moved by Councillor Findlay
Seconded by Councillor Wettstein

Dr. J. Laird
Mr. J. Riddell

THAT Report 11-48 regarding a proposed Zoning By-law Amendment application by FCHT Holdings (Ontario) Corporation (ZC1108) for property municipally known as 1820 Gordon Street South, City of Guelph, from Planning

& Building, Engineering and Environment dated June 7, 2011, be received.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

1897 Gordon Street (Bird Property): Proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment (File 23T-08505/OP0801/ZC0306) – Ward 6

Mr. Chris DeVriendt, Senior Development Planner, advised that this application has previously come before council because the plans have been modified to include additional lands along the northerly boundary of the plan to accommodate the extension of Poppy Drive from Gosling Gardens to Gordon Street. He stated that staff are requesting the proposal be considered for decision at the June 27, 2011 Council meeting.

He advised the main revisions to the plan are:

- Removal of the stub road abutting the southerly property boundary as a potential future street extension to the adjacent lands to the south;
- Incorporation of three additional apartment blocks to increase the total number of units from 67 to 152;
- Increase the size of Open Space Block 27 to accommodate the wetland pocket at the westerly boundary of the site.

Mr. John Valeriotte, on behalf of the applicant, outlined the process to date and encouraged Council to approve the application at the June 27, 2011 Council meeting.

Ms. Astrid Clos, on behalf of the applicant, stated that the concerns for the Savannah Sparrow have been addressed in condition #13 and advised they have an approved Environmental Impact Study. She stated the density of the plan has increased, and the driveway location was moved to over 30m from Gordon Street. She also stated that the two apartment blocks may be consolidated into one which could result in a shared driveway even further from Gordon Street. She also advised that they will be building to energy star rating at a minimum for the detached dwellings.

Dr. Hugh Whiteley requested that the proposal be referred back to staff because he believes there are deficiencies in the proposed plan. He stated there is a contradiction between maintaining natural heritage versus approval of the application and staff need to take into account all information and most current information. He believes the Hanlon Creek Watershed Study (HCWP) must be used for a full and complete Environmental Study. He said that there must be a study completed that states original boundaries, why they existed and explain their functions and then demonstrate how the new boundaries can function equally well. He stated that there needs to be additional reviews to maintain the natural heritage.

Ms. Judy Martin advised she had the following concerns:

- a lack of a secondary plan for the area so the development of the site is premature;
- the plan violates the Hanlon Creek Watershed Plan and the Natural Heritage Study;
- over two and a half acres of tree canopy will be removed which is the habitat for the Savannah Sparrow;
- the recommendations of the environmental planner have not been met to maintain existing plantation and natural landscaping and the small size makes the natural heritage vulnerable;
- the property needs to be recognized as improved linkage;
- lack of buffers to protect amphibian species; and
- there is no map of archaeological resources applying to the site.

Staff will:

- provide clarification regarding the environmental issues when the matter is considered for decision at Council;
- provide maps to provide context regarding what is in existence on the adjacent properties

Staff advised that the lands are already designated general residential so they feel development is acceptable and a process to develop the Clair/Maltby secondary plan will be started within the next two years.

3. Moved by Councillor Kovach
Seconded by Councillor Guthrie

Dr. J. Laird
Mr. J. Riddell

THAT Report 11-30 regarding a Proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for property municipally known as 1897 Gordon Street, from Planning & Building, Engineering and Environment dated June 7, 2011, be received;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Thomasfield Homes Limited for approval of a Proposed Draft Plan of Residential Subdivision comprising 209 units, as shown on Schedule 3, applying to property municipally known as 1897 Gordon Street and legally described as Part of Lot 11, Concession 7 (Geographic Township of Puslinch), City of Guelph, be placed on the City Council agenda of June 27, 2011 for a decision;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Thomasfield Homes Limited for approval of an Official Plan Amendment to re-designate Blocks 23, 24 and 25 from the current "General Residential" Official Plan designation to the "High Density Residential" Official Plan designation affecting the lands municipally known as 1897 Gordon Street and legally described as Part of Lot 11, Concession 7 (Geographic Township of Puslinch), City of Guelph, be placed on the City Council agenda of June 27, 2011 for a decision;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Thomasfield Homes Limited for approval of a Zoning By-law Amendment from the Agricultural (A) Zone in the Township of Puslinch Zoning By-law to the Specialized R.1C-18 (Single Detached Residential) Zone, a Specialized R.3A-? (Cluster Townhouse) Zone, a Specialized R.4A-? (General Apartment) Zone for each of the three apartment blocks, and the P.1 (Conservation Land) Zone to implement a residential Draft Plan of Subdivision comprising 209 units, be placed on the City Council agenda of June 27, 2011 for a decision.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

CAO Profile and Competencies

Mr. Robert Johnston, Organization Consulting Ltd., provided a brief synopsis of steps taken thus far and the process to date of the CAO search.

- 4. Moved by Councillor Kovach
 Seconded by Councillor Findlay
 THAT the CAO Profile and Competencies working document be approved as amended as follows:

Mayor Farbridge
Ms. D. Nixon

- i) THAT the second bullet point of the Key Responsibilities – Leadership section state as follows:
“Create within the Executive Team and City Staff, an openness to new ideas, encouraging innovation and implementing a culture of accountability for actions and results – evaluating outcomes and determining the most effective use of resources”
- ii) THAT the last bullet point in the Profile section state as follows:
“Wants to have fun and enjoy their role in the community – has a sense of humour”
- iii) THAT the fifth bullet point in the Stakeholder Input Summary – Change/transformation leader section state as follows:
“Protects their team – failure happens. Use as a learning tool. Build, don’t bash”
- iv) THAT any gender reference be gender neutral.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

BY-LAWS

5. Moved by Councillor Dennis
 Seconded by Councillor Findlay
 THAT By-laws Numbered (2011) - 19216 to (2011) - 19224, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

SPECIAL RESOLUTIONS

6. Moved by Councillor Kovach
 Seconded by Councillor Furfaro
 WHEREAS The Mayor has not yet received a response from the Minister of Health in respect to the presentation delivered to the Premier regarding the City’s concerns with the Board of Health for Wellington-Dufferin-Guelph and the City’s proposal for resolving these concerns;

Mr. M. Amorosi
 Ms. D. Jaques
 Mayor Farbridge

AND WHEREAS The City has not received a response from the County of Wellington, the County of Dufferin or the Ministry of Health and Long-Term Care to its notice of intention to withdraw from the Wellington-Dufferin-Guelph health unit.

THEREFORE BE IT RESOLVED THAT:

- 1. The City Solicitor be directed to continue with the court action, including the injunction application, currently before the court.
- 2. The Mayor be requested to follow up with the Premier's office and the Minister of Health and Long-Term Care.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

ANNOUNCEMENTS

ADJOURNMENT

The meeting adjourned at 8:30 'clock p.m.

Minutes read and confirmed June 27, 2011.

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Mayor

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Acting City Clerk

Recommended Zoning and Conditions

"THAT the application by Black Shoemaker Robinson and Donaldson Limited on behalf of Northview Estates (Guelph) Ltd. for approval of a Zoning By-law Amendment to rezone lands municipally known as 587 Victoria Road North, from the current UR (Urban Reserve) Zone to the R.3B (On-Street Townhouse) Zone, to allow the development of 14 on-street townhouse dwelling units, be approved, in accordance with the following permitted uses, regulations and conditions:

Permitted Uses

On-street townhouse

Home Occupation in accordance with Section 4.19

Accessory Use in accordance with Section 4.23

Regulations

In accordance with Section 5.3.2

Conditions

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, building elevations, grading, drainage, and servicing for the said lands, to the satisfaction of the City, prior to the issuance of the building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
2. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed storm water management report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
3. That the developer 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 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 approved by the City and that it is functioning properly.
4. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education

development charges, in accordance with the City of Guelph Development Charges By-law (2004)-17361, 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 thereof, prior to Site Plan Approval, at the rate in effect at the time of the issuance of a building permit.

5. Prior to site plan approval and prior to any construction or grading on the lands, 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.
6. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the City Engineer.
7. The developer shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
8. The developer shall pay to the City the actual cost of the construction of the new driveway entrance(s) and the required curb cut, prior to any construction or grading on the lands, prior to site plan approval the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway entrance and the required curb cut.
9. The owner shall construct 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.
10. Storm laterals should be provided for the townhouse units just as was provided for the neighbouring lots in the Northview Estates Subdivision. The design engineer is to confirm that the 100 year hydraulic grade line is lower than the underside of footing.
11. That the developer 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.

12. That all electrical services to the lands are underground and the developer 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.
13. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service, prior to site plan approval.
14. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
15. Prior to the issuance of site plan approval for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
16. The Owner shall meet all the requirements of Guelph Hydro Electric Systems Inc., including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro, prior to the issuance of site plan approval for the lands.
17. That the Owner shall complete any requirements of Canada Post including the provision of a centralized mail facility, at the owner's expense, prior to site plan approval.
18. The Owner shall construct the 14 dwelling unit development to meet or exceed the ENERGY STAR standard.
19. That prior to site plan approval, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.