

Council Caucus Room  
June 27, 2011 6:30 p.m.

**A meeting of Guelph City Council.**

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

Absent Councillors: Burcher and Laidlaw

Staff Present: Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Pappert, Executive Director of Community & Social Services; Ms. S. Smith, Associate Solicitor; Ms. T. Agnello Acting Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

- 1. Moved by Councillor Dennis  
Seconded by Councillor Hofland

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), (f) Litigation or Potential Litigation / Advice that is subject to solicitor-client privilege.

Carried

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

.....  
Mayor

.....  
Acting Clerk

Council Caucus Room  
June 27, 2011 6:32 p.m.

**A meeting of Guelph City Council closed to the public.**

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

Staff Present: Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Pappert, Executive Director of Community & Social Services; Ms. S. Smith, Associate Solicitor; Ms. T. Agnello Acting Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There were no declarations.

**Litigation or Potential Litigation / Solicitor –Client Privilege**

The Associate Solicitor provided the Committee with information on a potential litigation matter.

The meeting adjourned at 6:45 o'clock p.m.

.....  
Mayor

.....  
Acting Clerk

Council Chambers  
June 27, 2011

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

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

Staff Present: Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Pappert, Executive Director of Community & Social Services; Ms. S. Aram, Acting Treasurer; Mr. R. J. Riddell, General Manager of Planning & Building Services; Ms. T.

Agnello, Acting Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

### **DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

Councillor Bell declared a possible pecuniary interest with regards to the License Agreement with the Guelph Lawn Bowling Club because he is a member of the Lawn Bowling Club and did not discuss or vote on the matter.

### **PRESENTATIONS**

Lieutenant-Colonel K.P.J. Doyle, Commanding Officer of the 11<sup>th</sup> Field Regiment provided information on the regiment. He outlined the role of the reservist in domestic and international operations. He also provided a brief history of The Guelph Gunners, the 11<sup>th</sup> Field Regiment, Royal Canadian Artillery.

Peter Busatto, General Manager of Water Services presented the Mayor with the Ontario Water Works Association Water Efficiency Award of Excellence in recognition of the City's water conservation efficiency and strategy.

Wayne Galliher, Water Conservation Project Manager presented the winning youth videos in the "I Love Guelph Tap Water" contest, and the Mayor presented plaques to the following:

1<sup>st</sup> place – Steph Caskenette

2<sup>nd</sup> place – Emma Tomas

3<sup>rd</sup> place – Tyler Sloane

Viewers Choice Award – Dustin Dolby and JC Arndt

John Carroll, Vice-Chair of the Guelph Junction Railway Board of Directors was present and presented the Railway's 2010 Annual Report and 2010 Year End Financial Report.

1. Moved by Councillor Burcher  
Seconded by Councillor Findlay

T. Sagaskie

THAT the Guelph Junction Railway Company 2010 Annual Shareholders Report and 2010 Year End Financial Report be received.

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

VOTING AGAINST: (0)

Carried

2. Moved by Councillor Findlay  
Seconded by Councillor Bell

THAT the minutes of the Council meetings held on May 24, 25, 30 and June 7, 2011 and the minutes of the Council meetings held in Committee of the Whole on May 24, 30 and June 7, 2011 be confirmed as recorded and without being read.

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

VOTING AGAINST: (0)

Carried

### **CONSENT REPORTS AND AGENDAS**

#### **Councillor Wettstein presented the balance of the Audit Committee Second Consent Report.**

3. Moved by Councillor Wettstein  
Seconded by Councillor Van Hellemond

THAT the June 27, 2011 Audit Committee Second Consent Report as identified below, be adopted:

- a) **2010 City of Guelph Audited Financial Statements**

Ms. S. Aram

THAT the Finance Report FIN-11-20 dated June 7, 2011 entitled "2010 Audited Consolidated Financial Statements and 2010 Financial Highlights" be received;

AND THAT the 2010 Consolidated Financial Statements for The Corporation of the City of Guelph, as audited by Deloitte and Touche, LLP, be approved;

AND THAT staff provide unaudited and unconsolidated financial statements starting in 2012 for the 2011 year.

AND THAT staff report back on the status of implementation of recommendations within the auditor's letter of recommendations, including a timeline.

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

VOTING AGAINST: (0)

Carried

The following items were extracted from the Community & Social Services Committee Sixth Consent Report to be voted on separately:

- CSS-1 Special Events Coordination & Logistics
- CSS-2 Guelph Public Library Bookmobile Service Review
- CSS-3 Discretionary Social Services Funeral Directors Fees Update
- CSS-4 Guelph Vision for a Complete Community: A Conversation Document
- CSS-5 Public Art Policy

**Councillor Laidlaw presented the balance of the Community & Social Services Committee Sixth Consent Report.**

4. Moved by Councillor Laidlaw  
Seconded by Councillor Guthrie

THAT the balance of the June 27, 2011 Community & Social Services Committee Sixth Consent Report as identified below, be adopted:

a) **Fireworks Permit Request from Pine Ridge East Community**

Ms. A. Pappert  
Mr. S. Armstrong  
Chief R. Davis  
Mr. B. Stewart

THAT the request from the Pine Ridge East Neighbourhood Association to provide a fireworks display at Colonial Park on June 30, 2011 be approved subject to the Pine Ridge East Neighbourhood Association meeting the terms and conditions of the Guelph Fire Department and City Staff prior to the event;

AND THAT the Pine Ridge East Neighbourhood Association obtains liability coverage for the event and fireworks 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 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, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

The following items were extracted from the Corporate Administration, Finance & Emergency Services Committee Fifth Consent Report to be voted on separately:

- CAFES-3 Lawn Bowling License Agreement
- CAFES-5 2010 Operating Budget Variance Report as at December 31, 2010

**Councillor Hofland presented the balance of the Finance, Administration & Corporate Services Committee Fifth Consent Report.**

5. Moved by Councillor Hofland  
Seconded by Councillor Kovach

THAT the balance of the June 27, 2011 Corporate Administration, Finance & Emergency Services Committee Fifth Consent Report as identified below, be adopted:

a) **Lease Agreement – The Guelph Humane Society**

Mr. M. Amorosi  
Ms. D. Jaques

THAT the Mayor and Clerk be authorized to execute a lease agreement between the City and The Guelph Humane Society Incorporated for use of part of the land and building located at 500 Wellington Street West as outlined in the report of the Manager of Realty Services dated June 13, 2011 and subject to the final form and terms of the lease being satisfactory to the City Solicitor.

b) **Proposed Sale of Land and Easement Tricar Developments Inc.**

Mr. M. Amorosi  
Ms. D. Jaques  
Mr. I. Panabaker

THAT the Mayor and Clerk be authorized to execute an Offer to Purchase and Agreement of Purchase and Sale between Tricar Developments Inc. (for a company to be incorporated) for the lands and easement as outlined in the report of the Manager of Realty Services dated June 13, 2011;

AND THAT staff be authorized to proceed to take all steps necessary to stop-up and close part of Priory Street and bring forward a by-law for Council's consideration.

c) **Lease Agreement – Kidsability Centre for Child Development – West End Community Centre**

Mr. M. Amorosi  
Ms. D. Jaques

THAT the Mayor and Clerk be authorized to execute a Lease Agreement between the City and Kidsability Centre for Child Development space in the West End Community Centre as outlined in the report of the Manager of Realty Services dated June 13, 2011.

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

VOTING AGAINST: (0)

Carried

6. Moved by Councillor Hofland  
Seconded by Councillor Kovach

Mr. M. Amorosi  
Ms. D. Jaques  
Mr. M. Cameron  
Mr. B. Burchett  
Ms. S. Aram

THAT the Mayor and Clerk be authorized to execute a License Agreement between the City and the Guelph Lawn Bowling Club for use of part of the lands comprising Royal City Park, subject to the form and content of the License Agreement being satisfactory to the Manager of Realty Services, the General Manager of Park Maintenance and Development, and the General Manager of Parks and Recreation Programming & Facilities;

AND THAT the Guelph Lawn Bowling Club be funded in the amount of \$12,000 from the 2011 Parks Maintenance Operating Budget.

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

VOTING AGAINST: (0)

Councillor Bell did not vote due to his potential pecuniary interest.

Carried

The following items were extracted from the Operations & Transit Committee Fifth Consent Report to be voted on separately:

- OT-1 Animal Control Agreement
- OT-4 Open Air Urinals – Pilot Conclusion

**Councillor Findlay presented the balance of the Operations & Transit Committee Fifth Consent Report.**

7. Moved by Councillor Findlay  
Seconded by Councillor Bell

THAT the balance of the June 27, 2011 Operations & Transit Committee Fifth Consent Report as identified below, be adopted:

a) **Transit Advisory Committee**

Mr. D. McCaughan  
Mr. M. Anders

THAT the Operations & Transit Committee Report OT051126 dated June 20, 2011 entitled Transit Advisory Committee be received;

AND THAT Council approve the re-establishment of a Transit Advisory Committee;

AND THAT the draft Terms of Reference for the Transit Advisory Committee as outlined in the Operations & Transit Committee Report OT051126 be approved with the following amendments:

- delegations are to be aligned with the Procedural By-law;
- meetings are to be held at a location identified by the Transit Advisory Committee;
- meetings to be called as required;
- when appointing the membership, youth and senior representation to be considered.

b) **Snow Angels Program**

Mr. D. McCaughan

THAT the Operations and Transit Committee report OT061130 Snow Angels Program dated June 20<sup>th</sup>, 2011 be received;

AND THAT the Mayor and Clerk be authorized to execute an agreement between The Corporation of the City of Guelph and the Volunteer Centre of Guelph/Wellington for the Snow Angels program for three years and two months beginning June 1, 2011 and ending July 31, 2014 subject to the final agreement being to the satisfaction of the Executive Director of Operations and Transit and the City Solicitor.

AND THAT the Snow Angels Program (*the Program*) be reviewed prior to the conclusion of the 2013-2014 winter season to evaluate its development as a community program and to assess whether the program should be continued.

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

VOTING AGAINST: (0)

Carried



The following items were extracted from the Planning & Building, Engineering and Environment Committee Fourth Consent Report to be voted on separately:

- PEES-6 City of Guelph Water Conservation Program – Benefits Overview

**Councillor Piper presented the balance of the Planning & Building, Engineering and Environment Committee Fourth Consent Report.**

8. Moved by Councillor Piper  
Seconded by Councillor Burcher

THAT the balance of the June 27, 2011 Planning & Building, Engineering and Environment Committee Fourth Consent Report as identified below, be adopted:

- a) **Sign By-law Variance for 951 Gordon Street (Manhattan Music Club and Pizza Bistro)**

Dr. J. Laird  
Mr. B. Poole

THAT Report 11-51 regarding a sign variance for 951 Gordon Street from Planning & Building, Engineering and Environment, dated June 20, 2011, be received;

AND THAT, the request for a variance from the Sign By-law for 951 Gordon Street to permit a building sign with manual changeable copy, be approved.

- b) **Notice of Intention to Designate 81 Farquhar Street, Pursuant to the Ontario Heritage Act**

Dr. J. Laird

THAT Report 11-54 dated June 20, 2011 from Planning & Building, Engineering and Environment, regarding the notice of intention to designate 81 Farquhar Street pursuant to Part IV of the Ontario Heritage Act be received;

AND THAT the City Clerk be authorized to publish and serve notice of the intention to designate 81 Farquhar Street, pursuant to the Ontario Heritage Act and as recommended by Heritage Guelph;

AND THAT the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

**Notice of Intention to Designate 72 Farquhar Street (Drill Hall), Pursuant to the Ontario Heritage Act**

Dr. J. Laird

THAT Report 11-55 dated June 20, 2011 from Planning & Building, Engineering and Environment, regarding the notice of intention to designate 72 Farquhar Street (Drill Hall) pursuant to Part IV of the Ontario Heritage Act be received;

AND THAT following any future severance and sale of the Drill Hall building by the current owner, Metrolinx, that the City Clerk be authorized to publish and serve the notice of the intention to designate 72 Farquhar Street (Drill Hall) pursuant to the Ontario Heritage Act and as recommended by Heritage Guelph;

AND THAT the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

c) **Stormwater Management Master Plan**

Dr. J. Laird

THAT the Planning & Building, Engineering and Environment report dated June 20, 2011, regarding the proposed Stormwater Management Master Plan be received;

AND THAT the Stormwater Management Master Plan as outlined in this Report, be approved as the framework for implementing the projects and programs identified in the Master Plan;

AND THAT staff be authorized to complete the Municipal Class Environmental Assessment process as required, and include specific Master Plan projects and programs in future Capital Budgets for Council approval prior to implementation as outlined in this Report;

AND THAT staff be authorized to prepare the Terms of Reference to undertake a "*Stormwater User Pay Feasibility Study*", as a potential future funding source for stormwater infrastructure in Guelph, as recommended in the Master Plan and outlined in this report, and that the draft Terms of Reference be considered by Council for approval at a future meeting, prior to release.

d) **The Highland Companies' Melancthon Township Quarry Proposal – Assessment of Impact to Guelph's Water Supply**

Dr. J. Laird  
Hon. Linda Jeffrey  
Mayor B. Hill  
GRCA  
Ms. L. Sandals

THAT the Planning & Building, Engineering and Environment report dated June 20, 2011 regarding The Highland Companies' Melancthon Township Quarry Proposal be received;

AND THAT the Planning & Building, Engineering and Environment report dated June 20, 2011 regarding the Highland Companies' Melancthon Township Quarry Proposal be forwarded to Liz Sandals, MPP, the Ministry of Natural Resources, the Township of Melancthon and the Grand River Conservation Authority;

AND THAT Council encourage the Province to include The Highland Companies' Melancthon Township quarry proposal under the Environmental Assessment Act;

AND THAT although the City of Guelph is not directly affected by The Highland Companies' Melancthon Township quarry proposal, Council supports the position of the Grand River Conservation Authority.

e) **Notice of Intention to Designate 2162 Gordon Street (Marcolongo Farm) Pursuant to the Ontario Heritage Act**

Dr. J. Laird

THAT Report 11-53 dated June 20, 2011 from Planning & Building, Engineering and Environment, regarding the notice of intention to designate 2162 Gordon Street (Marcolongo Farm) pursuant Part IV of the Ontario Heritage Act be received;

AND THAT the City Clerk be authorized to publish and serve notice of the intention to designate 2162 Gordon Street (Marcolongo Farm) pursuant to the Ontario Heritage Act and as recommended by Heritage Guelph;

AND THAT the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

f) **Residential Waste Collection Service Review**

Dr. J. Laird  
Ms. B. Boisvert  
Mr. M. Amorosi

WHEREAS the Executive Team has been directed to advise Council, based on Council's ranking of the initial 75 services, regarding which services are recommended for a service review and which are recommended for an operational review;

AND WHEREAS the residential waste collection service was ranked by Council fairly low on "total score rank" with a fairly high standard deviation;

AND WHEREAS through the service review process Council will consider what our relationship to the provision of services should be, including any potential impacts on both capital and operational costs;

THEREFORE BE IT RESOLVED that staff be directed to identify residential waste collection for a service review and report back through the Service Review process on the best timing and cost to conduct this service review;

AND THAT the service review be restricted to whether or not the curbside residential waste collection service be provided internally by City staff.

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

VOTING AGAINST: (0)

Carried

### **Consent Agenda**

The following items were extracted from the June 27, 2011 Consent Agenda to be voted on separately:

- A-4 PPP Canada – Wilson Street Parking Facility – Information Report
- A-5 1897 Gordon Street (Bird Property): Proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment

9. Moved by Councillor Kovach  
Seconded by Councillor Hofland

THAT the balance of the June 27, 2011 Council Consent Agenda as identified below, be adopted:

a) **129 Baxter Drive – Upcoming Ontario Municipal Board Hearing (A-1/11), Ward 6**

Dr. J. Laird  
Ms. D. Jaques  
Mr. M. Amorosi

THAT Report 11-64 dated June 27, 2011 regarding an appeal from the Committee of Adjustment Decision A-1/11 refusing a minor variance to Interim Control By-law Number (2010)-19019 and Zoning By-law (1995)-14864 to permit the establishment of an accessory apartment having a gross floor area of 83.61 m<sup>2</sup> at 129 Baxter Drive, City of Guelph, from Planning & Building, Engineering and Environment dated June 27, 2011 be received;

AND THAT the City be a party at any upcoming Ontario Municipal board proceedings regarding an appeal from the Committee of Adjustment's Decision A-1/11 refusing a minor variance to Interim Control By-law Number (2010)-19019 and Zoning By-law (1995)-14864 to permit the establishment of an accessory apartment having a gross floor area of 83.61m<sup>2</sup> at 129 Baxter Drive, City of Guelph, and that appropriate staff attend any future Ontario

Municipal Board proceedings to support Council's direction.

b) **387 Ironwood Road – Upcoming Ontario Municipal Board Hearing (A-13/11), Ward 6**

Dr. J. Laird  
Ms. D. Jaques  
Mr. M. Amorosi

THAT Report 11-65 dated June 27, 2011 regarding an appeal from the Committee of Adjustment Decision A-13/11 refusing minor variances to Interim Control By-law Number (2010)-19019 to permit the establishment of an accessory apartment and to Zoning By-law (1995)-14864 to permit a reduced side yard setback and a reduced parking space depth within the garage at 387 Ironwood Road, City of Guelph, from Planning & Building, Engineering and Environment dated June 27, 2011, be received;

AND THAT the City be a party at any upcoming Ontario Municipal Board proceedings regarding an appeal from the Committee of Adjustment's Decision A-13/11 refusing minor variances to Interim Control By-law Number (2010)-19019 to permit the establishment of an accessory apartment and to Zoning By-law (1995)-14864 to permit a reduced side yard setback and a reduced parking space depth within the garage at 387 Ironwood Road, City of Guelph, and that appropriate staff attend any future Ontario Municipal Board proceedings to support Council's direction.

c) **Purchase of Four (4) Conventional Buses from City of Guelph Contract No. 11-107**

Mr. D. McCaughan  
Ms. S. Aram

THAT Council authorize Finance to issue a purchase order to Nova Bus, Saint-Eustache, Quebec, for the amount of \$1,717,832 (excluding taxes), for four (4) 40 ft. transit buses for 2011 and that Nova Bus be the preferred vendor for term of Council.

d) **Request to Assign Part of License Agreement between the City of Guelph and Ecotricity Guelph Inc. regarding Solar Photovoltaic Installations**

Mr. R. Kerr  
Ms D. Jaques

THAT in respect of the existing License Agreement between the City and Ecotricity Guelph Inc. regarding the use of certain City-owned lands for solar photovoltaic installations:

- a) The Mayor and Clerk be authorized to execute an Amending Agreement to effectively delete the rights to use the Eastview Landfill Site under the existing License Agreement; and

- b) The Mayor and Clerk be authorized to execute a License Agreement between the City and Guelph Energy Co-Operative Inc. to use the Eastview Landfill Site for solar voltaic installations.

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

VOTING AGAINST: (0)

Carried

## **DELEGATIONS**

### **Guelph Public Library Bookmobile Service Review**

Kitty Pope, CEO of Guelph Public Library was present and provided a brief history of the bookmobile. She advised that during the 2011 budget deliberations funding was removed from the budget and the library was asked to conduct a service review on this service. She outlined the bookmobile circulation for the first quarter for the past three years and outlined the service review process. She advised that the Library Board is investigating alternative funding to go towards the provision of this service.

Alan Pickersgill, Chair of the Guelph Public Library Board suggested that the bookmobile service is very important to a variety of users such as senior and day care facilities. He advised that this service allows people who are not able to drive to access books. He suggested that if funding is not provided the citizens of Guelph will feel the consequences with reduced services.

Virginia Gillham, Chair of the Friends of the Library provided statistics of the number of seniors in the city who are unable to get out to the library and rely on the bookmobile.

### **Councillor Laidlaw presented Clause 2 that was extracted from the Community & Social Services Committee Sixth Consent Report.**

10. Moved by Councillor Laidlaw  
Seconded by Councillor Guthrie  
THAT report CSS-ACE-1125 dated June 14, 2011 regarding the Guelph Public Library Bookmobile Service be received;

AND THAT \$120,000 be allocated from the Library Capital Reserve Fund for the purpose of continuing the bookmobile service until the end of 2011.

11. Moved in Amendment by Councillor Guthrie  
Seconded by Councillor Dennis

THAT the 2010 positive library operating variance in the amount of \$74,029 be allocated to the 2011 Guelph Public Library operating budget for financing the bookmobile.

12. Moved in Amendment to Amendment by Councillor Piper  
Seconded by Councillor Laidlaw

THAT \$46,000 be allocated from the Library Capital Reserve Fund for the purpose of continuing the bookmobile service until the end of 2011;

AND THAT the Guelph Public Library Board be encouraged to pursue alternative avenues of funding in 2012 for the bookmobile service.

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

VOTING AGAINST: Councillor Guthrie (1)

Carried

13. Moved in Amendment by Councillor Guthrie  
Seconded by Councillor Dennis

THAT the 2010 positive library operating variance in the amount of \$74,029 be allocated to the 2011 Guelph Public Library operating budget for financing the bookmobile.

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

VOTING AGAINST: (0)

Carried

14. Moved by Councillor Laidlaw  
Seconded by Councillor Guthrie

THAT report CSS-ACE-1125 dated June 14, 2011 regarding the Guelph Public Library Bookmobile Service be received.

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

Ms. A. Pappert  
Ms. K. Pope  
Ms. S. Aram

VOTING AGAINST: (0)

Carried

Ms. A. Pappert  
Ms. K. Pope  
Ms. S. Aram

15. Moved by Councillor Laidlaw  
Seconded by Councillor Guthrie

THAT the 2010 positive library operating variance in the amount of \$74,029 be allocated to the 2011 Guelph Public Library operating budget for financing the bookmobile.

AND THAT \$46,000 be allocated from the Library Capital Reserve Fund for the purpose of continuing the bookmobile service until the end of 2011;

AND THAT the Guelph Public Library Board be encouraged to pursue alternative avenues of funding in 2012 for the bookmobile service.

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

VOTING AGAINST: (0)

Carried

### **Animal Control Agreement**

Gaynor Fletcher expressed concern that the Guelph Humane Society are not willing to extend their animal control services to allow other agencies/organizations the time to submit a tender for animal control. She suggested that the City must take back control and approve the Humane Society contract for one year which will allow time for other bids to be prepared. She expressed concern with the operation of the Guelph Humane Society and their use of the euthanasia drug T61.

Barbara Miller expressed concern with the Guelph Humane Society's use of T61. She suggested that a compromise should be reached between the City and the Humane Society where veterinarians would be hired to perform euthanasia on animals not using T61.

Dr. Kate Flanigan suggested that going to a five year contract is a mistake as this is the first time in thirty years that animal control services has been tendered. She further suggested that there are other groups who would like to have an opportunity to submit a tender. She urged Council to not approve a five year contract.



**Councillor Findlay presented Clause 1 that was extracted from the Operations & Transit Committee Fifth Consent Report.**

Mr. D. McCaughan  
Ms. S. Aram

16. Moved by Councillor Findlay  
Seconded by Councillor Bell  
THAT report OT061132 Animal Control Agreement dated June 20, 2011 be received;

AND THAT contract #: 11-045 Supply of Animal Control Services be awarded to the Guelph Humane Society;

AND THAT the Mayor and City Clerk be authorized to sign an agreement between The Corporation of the City of Guelph and The Guelph Humane Society, for the provision of services, including dog control, dog licensing, and animal shelter for the period July 1, 2011 to June 30, 2016.

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

VOTING AGAINST: Councillor Laidlaw (1)

Carried

**PPP Canada – Wilson Street Parking Facility – Information Report**

Lloyd Longfield was present on behalf of the Guelph Chamber of Commerce in support public private initiatives. He suggested that this type of funding program ties in with other initiatives in Prosperity 2020.

Mr. P. Cartwright

17. Moved by Councillor Findlay  
Seconded by Councillor Burcher  
THAT the Information Report dated June 27, 2011, which has been prepared by the General Manager of Economic Development and Tourism Services regarding PPP Canada, be received.

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

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**

Chris DeVriendt, planner addressed the concerns raised at the June 7, 2011 public meeting with respect to: secondary planning and future land uses; location of parks; archaeological resources; environmental review process; Hanlon Creek Watershed Study; Official Plan Amendment #42 and the natural heritage strategy landform feature; interpretation of the Official Plan Non-Core Greenlands Overlay; impact of development on the small wetland area; Savannah Sparrow habitat; and the purpose of the Environmental Implementation Report.

Astrid Clos, planner on behalf of the applicant suggested that all of the concerns raised have been addressed and encouraged Council to approve the application. She advised that the applicant has no objection to including an additional clause in the conditions "The developer include traffic calming in the engineering design for the residential portion of Gosling Gardens, for the purpose of discouraging through traffic, to the satisfaction of the City Engineer."

Chris Sims of Gamsby and Mannerow in response to questions provided information with respect to the proposed grading of the property.

Steven Aboud of Aboud Consulting in response to questions provided information with respect to the retention and condition of the trees on the subject site.

John Valeriotte, solicitor on behalf of the applicant advised that this application has been in the works for a number of years and in planning this project have responded to the requests of staff and others. He suggested that the Official Plan Amendment #42 does not apply to this application, as the complete proposal was submitted prior to the OPA#42 being considered. He advised that furthermore, Official Plan Amendment #42 has been appealed and could be changed at the Ontario Municipal Board Hearing, and it would be unfair to apply criteria that has not been finalized.

Judy Martin on behalf of the Sierra Club of Canada expressed concern with the lack of a secondary plan and suggested that the application does not conform to the Hanlon Creek Watershed Study and the Official Plan. She urged Council to refuse the application.

Ms. A. Clos  
Dr. J. Laird  
Ms. D. Jaques  
Ms. S. Aram  
Mr. D. McCaughan

18. Moved by Councillor Kovach  
Seconded by Councillor Guthrie  
THAT the application by Astrid J. Clos Planning Consultants on behalf of Thomasfield Homes Limited for approval of an Official Plan Amendment to designate Blocks 23, 24 and 25, as shown on Schedule 3, of Report No. 11-30 of Planning & Building, Engineering and Environment dated June 7, 2011, from 'General Residential' to 'High Density Residential' Official Plan designation to permit high density residential apartments in a residential subdivision 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 approved;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Thomasfield Homes Limited for approval of a Draft Plan of Residential Subdivision to permit the development of a minimum of 205 dwelling units on 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 approved, subject to the conditions set out in Schedule 1 attached hereto;

AND THAT the Zoning By-law Amendment application be approved and that City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to change the subject lands from the current Agricultural (A) Zone in the Township of Puslinch Zoning By-law to the zoning categories as set out in Schedule 1 attached hereto.

AND THAT the following condition be included in Schedule 1:

"The developer include traffic calming in the engineering design for the residential portion of Gosling Gardens, for the purpose of discouraging through traffic, to the satisfaction of the City Engineer."

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillors Bell and Van Hellemond (2)

Carried

**Guelph Vision for a Complete Community: A  
Conversation Document**

The Executive Director of Community & Social Services outlined the objective of the Vision for a Complete Community: A Conversation Document. She highlighted the external and internal pressures impacting Guelph and the optimizing of tangible benefits.

**Councillor Laidlaw presented Clause 4 that was extracted from the Community & Social Services Committee Sixth Consent Report.**

Ms. A. Pappert

19. Moved by Councillor Laidlaw  
Seconded by Councillor Dennis

THAT the document titled "Guelph Vision for a Complete Community: A Conversation Document" identified in staff report #CSS-ADM-1122 and dated June 14, 2011, be approved in principle, to be used as a platform for initiating conversations related to the Guelph Community Well Being Plan.

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

VOTING AGAINST: (0)

Carried

**City of Guelph Water Conservation Program – Benefits Overview**

Wayne Galliher, Water Conservation Project Manager outlined the water reduction targets in the 2006 Water Supply Master Plan. He provided information on the water production versus population growth. He highlighted the 2009 Water Conservation & Efficiency Strategy goals, the program elements and water conservation program net benefit.

**Councillor Piper presented Clause 6 that was extracted from the Planning & Building, Engineering & Environment Committee Fourth Consent Report.**

Dr. J. Laird

20. Moved by Councillor Piper  
Seconded by Councillor Burcher

THAT the report of the Executive Director of Planning & Building, Engineering and Environment dated June 20, 2011 entitled 'City of Guelph Water Conservation Program – Benefits Overview' be received.

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

VOTING AGAINST: (0)

Carried

**Discretionary Social Services Funeral Directors Fees Update**

**Councillor Laidlaw presented Clause 3 that was extracted from the Community & Social Services Committee Sixth Consent Report.**

Ms. A. Pappert  
Ms. S. Aram

21. Moved by Councillor Laidlaw  
Seconded by Councillor Dennis  
THAT Report #CSS-CESS-1115 "Discretionary Social Services Funeral Directors Fees Update", dated May 10, 2011 be received;

AND THAT the City funding for 100% municipally-funded discretionary funeral services be increased by 20% to align with the County of Wellington's Funeral Directors Fees funding with the funding be retroactive to the beginning of 2011.

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

VOTING AGAINST: (0)

Carried

**Special Events Coordination & Logistics**

**Councillor Laidlaw presented Clause 1 that was extracted from the Community & Social Services Committee Sixth Consent Report.**

Ms. A. Pappert  
Ms. B. Boisvert

22. Moved by Councillor Laidlaw  
Seconded by Councillor Dennis  
THAT Report #CSS-ACS-1123 entitled "Special Events Coordination & Logistics" dated June 14, 2011, be received;

AND THAT the special events coordination and logistics service function be referred to the corporate service review process for consideration.

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

VOTING AGAINST: (0)

Carried

Ms. A. Pappert

23. Moved by Councillor Laidlaw  
Seconded by Councillor Dennis

THAT staff proceed with operating the special events and logistics functions with an expected variance of approximately \$15,000 to meet current demand.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Guthrie, Hofland, Laidlaw, Piper, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillors Furfaro, Kovach and Van Hellemond (3)

Carried

24. Moved by Councillor Burcher  
Seconded by Councillor Findlay

THAT Procedural By-law (1996)-15200 be suspended to allow Council to continue beyond 11 p.m.

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

VOTING AGAINST: (0)

Carried

### **Public Art Policy**

**Councillor Laidlaw presented Clause 5 that was extracted from the Community & Social Services Committee Sixth Consent Report.**

25. Moved by Councillor Laidlaw  
Seconded by Councillor Burcher

THAT report #CSS-ACE-1121 dated June 14, 2011 regarding the Public Art Policy for Guelph be approved;

AND THAT the Public Art Policy as attached to this report be approved;

AND THAT the Public Art Reserve Fund be established, with funding to the reserve for the first three years coming from the allocation of \$100,000 of the previous year's operating surplus, if a surplus is available;

AND THAT staff be directed to establish a Public Art Committee as a subcommittee of the Cultural Advisory Committee.

26. Moved in Amendment by Councillor Kovach  
Seconded by Councillor Bell  
THAT "and approved by Council" be added to Clause 3.

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

VOTING AGAINST: (0)

Carried

Ms. A. Pappert  
Ms. S. Aram

27. Moved by Councillor Laidlaw  
Seconded by Councillor Burcher  
THAT report #CSS-ACE-1121 dated June 14, 2011 regarding the Public Art Policy for Guelph be approved;

AND THAT the Public Art Policy attached as Schedule 2;

AND THAT staff be directed to establish a Public Art Committee as a subcommittee of the Cultural Advisory Committee.

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

VOTING AGAINST: (0)

Carried

Ms. A. Pappert  
Ms. S. Aram

28. Moved by Councillor Laidlaw  
Seconded by Councillor Burcher  
THAT the Public Art Reserve Fund be established, with funding to the reserve for the first three years coming from the allocation of \$100,000 of the previous year's operating surplus, if a surplus is available and approved by Council.

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

VOTING AGAINST: Councillor Kovach (1)

Carried

**2010 Operating Budget Variance Report as at December 31, 2010**

**Councillor Hofland presented Clause 5 that was extracted from the Corporate Administration,**

**Finance & Emergency Services Committee Fifth Consent Report.**

Ms. S. Aram 29. Moved by Councillor Hofland  
Seconded by Councillor Guthrie  
THAT the Finance report dated June 13, 2011 entitled "2010 Operating Budget Variance Report as at December 31, 2010", be received;

AND THAT staff be authorized to transfer the year end surplus amounts to reserves/reserve funds as outlined below as amended:

**Tax Supported Surplus of \$1,539,039**

- \$249,223 be allocated to the Police Relocation reserve
- \$74,029 be allocated to the Library for the Bookmobile
- \$300,000 be allocated to the Ontario Municipal Board (OMB) Reserve
- \$300,000 be allocated to the Insurance Reserve
- \$300,000 be allocated to the Operating Contingency Reserve (for unexpected operating impacts such as dramatic energy price variations or severe weather conditions)
- \$315,787 be allocated to the Rate Stabilization Reserve

**User Pay Surplus of \$1,705,498**

- Water surplus of \$1,038,059 with \$400,000 allocated to the Water Rate Stabilization Reserve and \$638,059 be allocated to the Water Capital Reserve Fund
- Wastewater surplus of \$667,439 be allocated to the Wastewater Capital Reserve Fund.

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

VOTING AGAINST: (0)

Carried

**Open Air Urinals – Pilot Conclusion**

**Councillor Findlay presented Clause 4 that was extracted from the Operations & Transit Committee Fifth Consent Report.**

Mr. D. McCaughan 30. Moved by Councillor Findlay  
Seconded by Councillor Bell  
THAT the Operations & Transit Committee Report #OT061136 Open Air Urinals – Pilot Conclusion dated June 20<sup>th</sup>, 2011 be received;



AND THAT the creation of additional permanent, public washrooms be considered as part of any municipally-funded capital project undertaken in the downtown area.

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

VOTING AGAINST: (0)

Carried

Mr. D. McCaughan

31. Moved by Councillor Findlay  
Seconded by Councillor Bell

THAT aesthetically pleasing permanent and/or temporary pissiors be approved for public use subject to permanent public washrooms being simultaneously open and available within a reasonable distance from any placed pissior.

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

VOTING AGAINST: Councillor Kovach (1)

Carried

### **BY-LAWS**

32. Moved by Councillor Furfaro  
Seconded by Councillor Van Hellemond

THAT By-laws Numbered (2011)-19225 to (2011)-19232, inclusive, are hereby passed.

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

VOTING AGAINST: (0)

Carried

### **MAYOR'S ANNOUNCEMENTS**

Mayor advised that Councillors Bell and Furfaro will be holding a Town Hall Meeting on July 28, 2011 at the Victoria Road Recreation Center.

**NOTICE OF MOTION**

Councillor Furfaro advised that he will be presenting a notice of motion at a future meeting of Council to recognize and thank market square zone businesses for their several years tolerance during the reconstruction.

Councillor Bell advised that he will be presenting a notice of motion at a future meeting of Council with respect to bike lanes on Grange Road between Victoria and Watson Roads.

**ADJOURNMENT**

The meeting adjourned at 11:05 o'clock p.m.

Minutes read and confirmed July 25, 2011.

.....  
Mayor

.....  
Acting Clerk

### **OFFICIAL PLAN AMENDMENT**

THAT the application by Astrid J. Clos Planning Consultants on behalf of Thomasfield Homes Limited for approval of an Official Plan Amendment to designate Blocks 23, 24 and 25, as shown on Schedule 3, from "General Residential" to "High Density Residential" Official Plan designation to permit high density residential apartments in a residential subdivision 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 approved.

### **SUBDIVISION CONDITIONS**

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Thomasfield Homes Limited for approval of a Draft Plan of Residential Subdivision to permit the development of a minimum of 205 dwelling units on 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 APPROVED, subject to the following conditions:

### **CITY CONDITIONS**

1. That this approval applies only to the revised draft plan of subdivision prepared by Astrid J. Clos Planning Consultants, Project No. 0553, dated April 27, 2011, as shown on Schedule 3, including road widenings and reserves.

### **Conditions to be met prior to grading and site alteration**

2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer, in accordance with the City of Guelph By-law (2010)-19058, prior to any tree removal, grading or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if earthworks are to occur prior to entering into the subdivision agreement.
4. The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
5. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. The approved

overall grading plan shall be the basis for any site specific grading plan to be submitted prior to the issuance of any building permit within the subdivision.

8. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
9. The Developer shall provide a qualified **environmental inspector**, satisfactory to the General Manager of Planning & Building Services and the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures. The inspector shall report on their findings to the City.
10. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
11. The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.
12. The Developer agrees that the **retaining walls in Block 30** abutting existing residential properties and required for the protection of trees shall not be higher than 1.5 metres.
13. The Developer shall prepare an **Environmental Implementation Report (EIR)** based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). The EIR will include a monitoring program to assess the performance of the stormwater management facilities in the subdivision. Furthermore, the EIR will outline the implementation process including the requirement to provide information to homeowners in the subdivision concerning the stormwater management facilities and their maintenance. The EIR shall also address the items identified in the Environmental Advisory Committee (EAC) resolution dated October 13, 2010 and the GRCA letter dated December 16, 2010, to the satisfaction of the City. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and GRCA.
14. The Developer shall **design the extension of Gosling Gardens and the extension of Poppy** to ensure that the stormwater management for the two roadways to accommodate the 5-year storm runoff will be provided through a common facility to the satisfaction of the City Engineer. The Developer agrees that prior to proceeding with detailed design, it shall confirm, to the satisfaction of the City Engineer, that the stormwater from all storms greater than the 5 year event from the two roadways can be safely conveyed and

managed in the Clairfields subdivision. Any additional work that may be required for such conveyance and accommodation shall be at the expense of the Developer.

15. The Developer shall submit a **Storm Water Management Report and Plan** to the satisfaction of the City Engineer. The Report and Plan shall be prepared in accordance with recognized best management practices, Provincial Guidelines, and the City's current "Design Principles for Storm Water Management Facilities", and address the following: (a) Stormwater Management for the subdivision including Road A; (b) Stormwater Management for Gosling Gardens and Poppy Drive as outlined in Condition 14; (c) provide maintenance and operational requirements for any control and/or conveyance facilities in a format to be available for the City of Guelph's Operations and Transit Department; and (d) provide SWM criteria and guidelines to be followed by Stormwater Management of future multiunit development blocks. Low impact development should be considered for the apartment blocks.
16. The Developer shall submit to the City a **Water Servicing Plan** to the satisfaction of the City Engineer indicating arrangements to connect to the City's water supply system under (a) existing Pressure Zone 1 conditions, and (b) future Pressure Zone 3 conditions. If required, the arrangements will include on-site booster pumping station and appurtenances under existing conditions, as well as fire pumps for the apartment buildings as determined through the Site Plan and Building Permit applications. The Developer shall be responsible for the cost of all the arrangements to service the subdivision, including the watermain installed in the subdivision along the extension of Gosling Gardens and Street A, and the operation and maintenance of the on-site booster pumping station and appurtenances.
17. The Developer shall provide a **Sanitary Servicing Plan** that will include **sanitary sewer flow monitoring in the Clairfields subdivision** prior to the detailed design of sanitary servicing for the proposed subdivision. A monitoring plan shall be prepared to the satisfaction of the City Engineer and the results of monitoring shall establish that (a) there is adequate downstream capacity in the Clairfields subdivision sanitary system to receive sanitary flows from the subject subdivision, and (b) any mitigation measures required to appropriately address potential surcharging impacts in the Clairfields Subdivision resulting from the development. The detailed design of sanitary servicing for the proposed subdivision shall be prepared only after requirements (a) and (b) are fulfilled, to the satisfaction of the City Engineer. If surcharging is identified as a possibility, the developer shall undertake at the developer's expense the implementation of the required mitigation measures to address potential surcharging impacts in the Clairfields Subdivision.

**Conditions to be met prior to execution of subdivision agreement**

18. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
19. The Developer shall have **engineering drawings and final reports** prepared for the approval of the City Engineer.
20. With the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all roads and services** within and external to the subdivision, including the requirements outlined in Conditions 14, 15, 16 and 17 that are required to service the lands within the subdivision including such works as water facilities, sanitary facilities, storm facilities, and road works including sidewalks, boulevards, curbs and traffic signals.
21. The Developer shall pay to the City the cost of all municipal services within the proposed subdivision, as determined by the City Engineer. The Developer is responsible for the frontage charges for existing municipal services on Clair Road and Gordon Street, as determined by the City Engineer.
22. The Developer agrees that no development will be permitted on the lands unless the grading plan prepared for the subdivision and approved by the City Engineer indicates that the **maximum proposed elevation** on the lots and blocks to be developed is less than an elevation of 344 metres, or, until the City Engineer confirms that adequate water pressure is available to service the lands. All costs associated with location, design, construction, operation and maintenance of a water booster pump system to maintain adequate water pressure will be the responsibility of the Developer.
23. The Developer agrees that no development will be permitted on the lands unless there is **adequate sanitary sewer capacity** in the downstream sanitary system in the Clairfields subdivision. All costs associated with any required upgrades or twinning of existing downstream sewers in order to accommodate the flow from these lands will be the responsibility of the Developer.
24. The Developer agrees that no development will be permitted on the lands unless there is **adequate stormwater management capacity** in the roads, sewers and greenway system in the Clairfields subdivision. All costs associated with any required upgrades to convey and accommodate the storm flows from Gosling Gardens will be the responsibility of the Developer.
25. The Developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impact of groundwater and provides recommendations for pavement design and pipe bedding.
26. The Developer shall implement to the satisfaction of the City Engineer the recommendations of the **Traffic Impact Study** undertaken for this subdivision and approved by the City Engineer.

27. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
28. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision.
29. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
30. The Developer shall provide an **On-street Parking Plan** for the subdivision to the satisfaction of the City Engineer.
31. The Developer shall pay the cost of the installation of one Second Order, **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
32. The Developer shall **phase the subdivision** to the satisfaction of the City. Such phasing shall conform to the current Development Priorities Plan.
33. The 0.3 metre reserve on **Block 35** will not be lifted by the City until such time as **Blocks 22 and 29** are under one ownership. The location of the cluster townhouse development access to Poppy Drive will also have to be confirmed to the satisfaction of the City prior to site plan approval.
34. The Owner agrees to provide the first right of refusal for the purchase of future development **Blocks 30 and 31** to the abutting property owners at 1861, 1871 and 1879 Gordon Street to provide the opportunity to incorporate these lands within the potential future redevelopment of these adjacent properties to the satisfaction of the City. In the event these adjacent landowners confirm in writing that they do not wish to purchase Blocks 30 and 31, these blocks can be merged and developed in conjunction with cluster townhouse Block 22 and 29 to the satisfaction of the City.
35. The Developer shall submit a **Traffic Noise Impact Report** to the satisfaction of the General Manger of Planning & Building Services. The report shall describe adjacent land uses, which are potential generators of excessive noise and the means whereby their impacts will be reduced to acceptable levels. The Developer shall implement the recommendations of the approved report to the satisfaction of the General Manager of Planning & Building Services and the City Engineer.
36. The Developer shall be responsible for the cost of design and development of the **demarcation** of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of a 2 year warrantee period completed by a Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Executive Director of Operations and Transit. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for

the cost of development of the demarcation for the City lands to the satisfaction of the Executive Director of Operations and Transit.

37. The Developer shall be responsible for the cost of design and implementation of the **Open Space Works and Restoration** in accordance with the “Environmental Implementation Report” to the satisfaction of the Executive Director of Operations and Transit. The Developer shall provide the City with **cash or letter of credit** to cover the City’s estimate for the cost of the Open Space works and restoration for the City lands to the satisfaction of the Executive Director of Operations and Transit.
38. The Developer shall design and develop the **Storm Water Management Facility Landscaping** in accordance with the City’s current “Design Principles for Storm Water Management Facilities” to the satisfaction of the General Manager of Planning & Building Services and the City Engineer. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the General Manager of Planning & Building Services.
39. The Developer shall be responsible for the cost of design of a potential **Pedestrian Trail System** for the Storm Water Management Block, if determined necessary. This shall include submitting drawings for approval, identifying the trail system, interpretative signage and trail design details, to the satisfaction of the General Manager of Planning & Building Services and the City Engineer. This shall also include the submission of drawings completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the General Manager of Planning & Building Services.
40. The Developer shall provide Planning and Building Services with a digital file in either **AutoCAD - DWG format or DXF format** containing the following final approved information: parcel fabric, street network, grades/contours, existing vegetation to be retained in the park, and landscaping for the open space and storm water management blocks.

**Conditions to be met prior to registration of the plan**

41. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.
42. The Developer shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.



43. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.
44. Prior to the City accepting any real property interests, if contamination is found, the Developer shall:
- a) submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Reality Services;
  - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
  - c) file a **Record of Site Condition** (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City
45. The Developer shall enter into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
46. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria – July 23, 1993".
47. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
48. The Developer shall pay any **outstanding debts** owed to the City.
49. The Developer shall pay **development charges** to the City in accordance with By-law Number (2009) - 18792, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington

County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.

50. The Developer shall **erect and maintain signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all the lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the Zoning of all lands abutting the subdivision, inquiries should be directed to Planning and Building Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.
51. The Developer shall convey to the City all lands required for **Storm Water Management facilities**, at the expense of the Developer.
52. The Developer shall pay **cash-in-lieu of parkland** for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.
53. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title (Planning):
- a) "Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."
  - b) "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
  - c) "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic".
  - d) "Purchasers and/or tenants of advised that the Stormwater Management Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails."
  - e) "Purchasers and/or tenants of all lots are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."

- f) "Purchasers and/or tenants of all lots or units are advised that the boundaries of the open space and stormwater management block will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of living fences and property demarcation markers adjacent to certain lot numbers and black vinyl chain link fence adjacent to other lot numbers."
  - g) "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".
  - h) "Purchasers and/or tenants of all lots or units abutting City owned lands are advised that no private gates will be allowed into Blocks 26, 27 and 28 that abut these Blocks and Lots".
  - i) "Purchasers and/or tenants of all lots or units are advised that a public trail may be installed abutting or in close proximity to Block 27".
  - j) Purchasers and/or tenants of all lots or units are advised that the lands adjacent to this subdivision may be utilized for agricultural activities such as herbicide application, planting and harvesting of various crops which may affect the living environment of residents living in close proximity to the farming operations."
  - k) "Purchasers and/or tenants of all lots or units are advised that the adjacent lands are designated for future corporate business park and commercial land uses".
54. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
55. The Developer shall ensure that **street lighting and underground wiring** shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.
56. The site plans for all **corner building lots**, as determined by the City, shall be submitted to the City for approval of driveway location.
57. The Developer agrees to eliminate the use of any **covenants that would restrict the use of clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
58. The Developer shall include a **restrictive covenant** to be registered on title to lots yet to be identified, whereby the owner agrees and acknowledges that the stormwater infiltration galleries shall not be damaged, removed, blocked, diverted or interfered with in any manner. Furthermore, the Developer shall place a notice in all offers of purchase and sale for those lots advising the

purchasers that there is a stormwater infiltration gallery across the rear of the lot and furthermore, that the stormwater infiltration gallery shall not be damaged, removed, blocked, diverted or interfered with in any manner.

59. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.

#### **Conditions to be met prior to the issuance of building permits**

60. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
61. Prior to the issuance of a building permit, the Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the **subdivision hydro servicing** has been completed to the satisfaction of Guelph Hydro.
62. The Developer shall submit a report prepared by a professional engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
63. The Developer shall submit a report prepared by a professional engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases (Radon and Methane)** in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.

#### **Conditions to be met prior to site plan approval**

64. The Owner acknowledges and agrees that the single detached dwelling units on the subject site will be constructed to the EnergyStar standard that promotes energy efficiency standards in order to comply with the **Community Energy Initiative**, to the satisfaction of the City. Further, prior to site plan approval, the Owner shall provide the City with evidence that the dwelling units in Blocks 22, 23, 24 and 25 of the subdivision will be constructed to the standards set out in Schedule 10 of Planning & Building, Engineering and Environment Report 11-30, dated June 7, 2011.

#### **AGENCY CONDITIONS**

65. That prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents shall submit the following

plans and reports to the satisfaction and approval of the **Grand River Conservation Authority**:

- a) A detailed storm water management report and plans in accordance with the Preliminary Site Servicing and Stormwater Management Design report;
- b) An erosion and siltation control plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction, including a monitoring and maintenance plan and provisions for timely revegetation of the site;
- c) Detailed lot grading and drainage plans; and
- d) An Environmental Implementation Report (EIR) to the satisfaction of the Grand River Conservation Authority in consultation with the City of Guelph. The EIR should include the above noted reports and the follow-up recommendations proposed in the Environmental Impact Study (EIS).

66. That the subdivision agreement between the owners and the municipality contain provisions for:

- a) The completion and maintenance of the works in accordance with the approved plans and reports contained in condition 62; and
- b) The maintenance of all storm water management systems in accordance with the approved plans throughout all phases of grading and construction.

67. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.

68. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.

69. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:

"Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to

a school outside the area, and further, that students may in future have to be transferred to another school”

70. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
71. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
72. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 64 has been satisfied.
73. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 65, 66 and 67 have been satisfied.
74. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc.**, shall advise the City in writing how conditions 44 and 58 have been satisfied.
75. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 68 has been satisfied.
76. That prior to the registration of all, or any portion of, the plan, the **Grand River Conservation Authority** shall advise the City in writing, how Conditions 62 and 63 have been satisfied.”
77. That this **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of the extension of Draft Plan approval.

**Condition Added by Council**

78. That the Developer include **traffic calming** in the engineering design for the residential portion of Gosling Gardens, for the purpose of discouraging through traffic, to the satisfaction of the City Engineer.

AND THAT the Zoning By-law Amendment application be approved and that City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to change the subject lands from the current Agricultural (A) Zone in the Township of Puslinch Zoning By-law to the following zoning categories as follows:

| LOTS/BLOCKS           | LAND USE  | ZONING  |
|-----------------------|---|---------|
| Lots 1-21             | <b>Single Detached Residential</b><br>Minimum Lot Frontage – 12 m<br>Minimum Front Yard – 4.5 m (for dwelling) and 6 m (for garage)<br>Minimum Side Yard – 1.2 m on one side and 0.6 on the other side (where garage provided)  | R.1C-18 |
| Blocks 22, 29, 30, 31 | <b>Cluster Townhouses</b><br>Minimum Side Yard – 1.5 m<br>Maximum Building coverage – 40%<br>Min distance between windows to habitable rooms – 9 m  | R.3A-?  |
| Block 23              | <b>Apartment Regulations</b><br>Minimum Density - 120 units per hectare<br>Maximum Density – 150 units per hectare<br>Minimum Front and Exterior Side Yard – 4.5 m<br>Minimum Side and Rear Yard – 7.5 m<br>Maximum Building Height – 4 storeys                                     | R.4A-?  |
| Block 24              | <b>Apartment Regulations</b><br>Minimum Density - 120 units per hectare<br>Maximum Density – 150 units per hectare<br>Minimum Side Yard – 5 m<br>Minimum Setback from Gordon Street – 6 m<br>Maximum Setback from Gordon Street – 7.5 m   | R.4A-?  |
| Block 25              | <b>Apartment Regulations</b><br>Minimum Density - 120 units per hectare<br>Maximum Density – 150 units per hectare<br>Minimum Side Yard – 6 metres<br>Maximum Building Height – 4 storeys<br>Minimum Setback from Gordon Street – 6 m<br>Maximum Setback from Gordon Street – 7.5 m | R.4A-?  |
| Blocks 27, 28         | <b>Stormwater Management</b>  | P.1     |
| Block 26              | <b>Open Space</b>   | P.1     |

# CORPORATE POLICY AND PROCEDURE



POLICY **Public Art Policy**

REVISION DATE May 2011 draft

## POLICY STATEMENT

The City of Guelph recognizes that art in public places is a valuable asset that enhances the quality of life for its citizens, strengthens community pride, improves the aesthetic of the public environment, and contributes to its cultural aspirations, social well being and economic vitality. Through public art we celebrate our culture and heritage, reflect our diversity, express shared values and define our unique identity. Public art advances the City's strategic goal to build a well-designed and appealing city that supports the four pillars of sustainability and engages the community.

## PURPOSE

The purpose of this Public Art Policy is to:

- i. Establish a standardized and transparent process for the acquisition, selection, maintenance, de-accession, monitoring and evaluation of purchased and/or donated works of art for display in public spaces;
- ii. Provide guidelines for the selection and display of loaned art-works not owned by the City of Guelph;
- iii. Provide a sustainable funding model for the development, acquisition and management of Public Art for the City of Guelph.

## DEFINITIONS

**Public Art** is defined as artworks that are created by artists and acquired by the City with the specific intention of being sited on or staged in municipally owned public space. Works of public art may be permanent acquisitions or temporarily on loan, and may be characterized as aesthetic, functional, interactive, or any combination thereof, and created using any material or any combination of media, including but not limited to sculptures, water features, paintings, drawings, textiles, furnishings, installations, and kinetic works.

Art that does not leave a lasting record of its creation (i.e. ice sculptures) is considered temporary art, and is not subject to this Policy. Furnishings, such as benches, light standards, and signage, are exempt from this policy unless a design component is commissioned. Municipally owned museum, library and archival collections, commemorative plaques and memorials fall under separate existing policies, and are therefore not subject to this Policy. Murals are also exempt from this Policy as they are subject to a separate policy that will be developed specifically for mural projects.



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**Artist** refers to the designer/creator of a piece of artwork and can include, but is not limited to, professional artists, graphic designers, collaborative teams, architects, and landscape designers.

**Public Space** refers to the space that is available and frequently used by the public within the public domain and can include, but is not limited to, parks, boulevards, trail systems, open space, waterways, roads, bridges, gateways, street spaces, exterior and interior public areas associated with City-owned buildings and civic squares.

**Art Loans** refers to artwork that is borrowed by the City, through a loan agreement, for a defined period of time from a lender who owns and retains ownership of the artwork.

**De-accessioning** refers to the process of permanently removing a piece of Public Art from a site or from the City's permanent art collection.

**Acquisition** refers to the formal process used to accept an artwork into the City's Public Art Collection.

**Permanent Art Collection** refers to public artworks acquired, maintained and preserved by the City and exhibited in the public domain for the benefit of this and future generations.

**Community Art** is created collaboratively in a partnership between an artist and a self-identified community. Community members actively participate in the creation of the art. The artistic process is of equal importance to the artistic product.

## **PROCEDURE**

### **1. Roles & Responsibilities**

The selection of Public Art is a consultative process involving multiple participants, including City staff, community representatives and Council.

#### **1.1 Public Art Committee**

A Public Art Committee (PAC) will be established as a standing subcommittee of the Cultural Advisory Committee. The PAC will

- i. advise on the implementation of the public art policy through the Cultural Advisory Committee;
- ii. review proposed project scope and terms of reference;
- iii. ensure application of established procedures and guidelines for each selection process;
- iv. advise and promote communication and outreach of the policy to the community;

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- v. advise and recommend to Council through the Cultural Advisory Committee on proposed gifts, donations and bequests to the city in accordance to established guidelines;
  - vi. advise on the development and implementation of maintenance for the art collection and for accessioning and de-accessioning of works associated with the Public Art Policy; and
  - vii. review the staff's Public Art Operational Plan for placing works within the public domain.

The PAC will consist of seven (7) members selected from the community. At least three (3) members of the committee will be from the Cultural Advisory Committee. Four (4) members will be selected by the Cultural Advisory Committee and shall have professional experience related to at least one of the following disciplines: urban planning or developing, landscape architecture, architecture, visual, literary or performing arts, art history, art administration or education, curating, visual arts consulting, civil engineering, art reviewing/writing, or heritage research and planning. The members shall be residents of Guelph and shall demonstrate a significant knowledge of arts and culture.

The PAC will be subject to the City's Code of Conduct policies to ensure a fair and equitable treatment of all participants in the process and to ensure that their recommendations to Council are without bias.

## 1.2 Role of Staff

The implementation of the Public Art Policy will be coordinated by the Arts and Culture Program Officer. Staff will

- i. facilitate regular PAC meetings circulating information; providing guidance, arranging for the recording of minutes;
- ii. recommend to Council an annual budget through the budget process;
- iii. establish and maintain the Public Art inventory;
- iv. coordinate conservation of the City's Public Art collection as required;
- v. investigate Federal, Provincial, or other sources of funding to promote and support the development of art in public spaces in Guelph; and
- vi. assume responsibility for any other items arising from the implementation process.

An inter-departmental public art planning team will be established to work in conjunction with PAC for artwork selection and ongoing, long-term Public Art planning, including site selection and maintenance. The planning team will include staff representatives from the departments of Arts, Culture & Entertainment, Parks & Recreation Program & Facilities, Planning, Legal, Corporate Building Maintenance, and Economic Development & Tourism.

## 1.3 Role of City Council

Council will:

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- i. act as an advocate for art in public spaces in the City;
  - ii. approve the Public Art Policy;
  - iii. approve any changes to the Public Art Policy, as needed;
  - iv. receive recommendations from the PAC through staff related to the acquisition, loan, or de-accession of Public Art;
  - v. authorize expenditures from the Public Art Reserve Fund; and
  - vi. approve the annual Public Art budget through the budget process.

## **2. Funding**

Funding to support the Public Art Policy will be provided through the establishment of a Public Art Reserve Fund. For the years 2012 – 2014, funding to the reserve will come from the allocation of \$100,000 of the previous year's operating surplus, if there is a surplus available. This funding model will be re-evaluated at the end of the initial three year period.

A minimum of 75% of all funds collected must be used for the design, fabrication, installation and documentation of public artworks or community art projects chosen through an objective jurying selection process.

Funds ranging up to 25% will be apportioned to the governance and administration of the selection process, collection, inventory, insurance, staffing, legal requirements, de-accessioning of works and the overall policy review.

Funding may also be provided through the Public Art Reserve Fund for community art projects. A jury, consisting of PAC members and members of the inter-departmental public art planning team, will determine whether or not a community art project should proceed and/or be funded. The goal of these community art projects is to engage citizens and may or may not include the use of professional artists.

Development contributions to the Reserve will be encouraged through Section 37 of the Ontario Planning Act. Municipal contributions to a Public Art Reserve Fund will also be used to leverage funding from other governmental and private sources.

### Maintenance Budget

Maintenance costs for all site-specific works will be incorporated into the annual operating budgets for each site.

A Public Art Maintenance budget line will be established and an annual allocation will be made as part of the regular municipal operating budget process to address costs related to the ongoing maintenance and conservation of those artworks in the City's Public Art collection not associated with a specific municipal building.

## **3. Acquisition**

The City may acquire Public Art through selection and purchase, commission, or donation.

The process for the selection of Public Art should:

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- attract artists from a variety of artistic disciplines
  - be meaningful, fair and equitable
  - encourage opportunities for learning, participation, and experimentation in arts and culture
  - incorporate and integrate Public Art into the planning, design, and execution of selected civic development projects

Proposals for the acquisition of Public Art shall be solicited through:

- open competition
- invited competition
- direct award, where permitted by the City's Purchasing Policy

Public Art shall be selected on merit through a process informed by expertise and community input through the PAC. The selection shall be made by a jurying process coordinated by the Public Art Committee with guidance from the inter-departmental public art planning team. The Executive Director, Community & Social Services, or designate, will make the final recommendation to Council for approval.

Each work of art that is being considered for acquisition to the City's permanent collection will be evaluated according to the following criteria:

- quality of work
- condition of work
- monetary and/or appraised value
- artistic reputation of the artist
- suitability of the work for display in a public space
- that the artwork does not duplicate other permanent collection works or aspects of the collection
- relevance to the City's natural and built environment, cultural heritage, and/or history
- authenticity of the work
- ethical and legal considerations regarding ownership

All offers of gifts, donations and bequests of artworks shall be reviewed by the Public Art Committee with guidance from the inter-departmental public art planning team to assess artistic merit, site suitability and context, durability and maintenance requirements, financial implications and public safety prior to any acquisition, designation or installation as Public Art.

All acquisitions, whether purchased or accepted as donation, will be accompanied by a maintenance plan that is supplied by the artist/donor. All donations must be unencumbered and the locations for donated works of art will be subject to the Public Art Operational Plan. The donor of the artwork must have legal title to the work and is responsible for meeting the Canada Revenue Agency criteria to receive an Official Receipt for Income Tax Purposes for the donation.

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This process, which includes an appraisal of the artwork at the donor's expense to determine its fair market value, requires pre-approval of the Finance Department.

The City may decline to consider or accept any gift, bequest or donation of art in its sole discretion.

#### **4. Display of Artwork not owned by the City**

The City may secure, on a temporary basis, works of art for display in public spaces through art loans. Temporary installations of artworks may last from one day to one year, typically remaining on view for three to six months.

All artworks to be displayed in public spaces will be evaluated against the following criteria:

- quality of the artwork
- artistic reputation of the artist
- suitability of the work for display in a public space (i.e. size, subject matter)
- condition of the artwork
- city's ability to safely display and conserve the work
- exposure provided for Guelph artists

Proposals for art loans will be reviewed by an inter-departmental panel led by Community & Social Services Department staff. Following the approval of a proposal, a license agreement between the artist and/or sponsoring organization and the City will be executed.

The artist and/or sponsoring organization will be responsible for funding, installation, maintenance, timely removal of the artwork, and restoration of the site.

#### **5. Site Selection**

Sites for Public Art will be identified through the development of a Public Art Operational Plan. This plan, developed and managed jointly by Community & Social Services and Planning, Engineering & Environmental Services and Operations & Transit Services, will parallel the Public Art Policy and recommend a practical implementation strategy for Public Art. In addition to identifying and prioritizing locations throughout the City where Public Art may be situated, the Operational Plan will make recommendations regarding theme and materials based on an assessment of the current inventory of Public Art and will serve as the first stage in the development of a more detailed and longer-term Public Art master plan.

Planning, Engineering & Environmental Services, Downtown Renewal, and Economic Development & Tourism will work with new and established businesses, agencies and other levels of government, architects, builders and contractors to identify opportunities for Public Art in architecture, building and/or landscape designs of private infrastructure, or the layout of open spaces, public connections to adjacent features (i.e. streets, bridges, road infrastructures, interchanges, gateways, light standards, parks and open spaces), and related requirements for urban environments and streetscapes. Private sector developers will be encouraged to integrate Public Art into the design of a site,

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buildings and/or landscaping, especially in publicly accessible and visible areas of the site, including, but not limited to building facades, floors, ceilings, courtyards, or entrances and could include functional and decorative elements including, but not limited to benches, water features, and light standards.

## **6. Installation**

The City is responsible for coordinating the installation of all works of art that the City has acquired or borrowed. The installation process will be identified, in advance, through the agreement of purchase, commission, donation, or exhibition contract and may involve participation of the artist and/or a contracted professional installer. The condition of all acquired works will be reported upon receipt, and any problems found will be referred to the artist/lender for resolution, prior to installation.

## **7. Maintenance**

It is the responsibility of the City to maintain all permanent works of art within the collection, in accordance with the approved maintenance plan required for each artwork.

Development of the maintenance plan is the responsibility of the artist and must be submitted with the proposal at the time it is being reviewed and considered. The complexity of maintenance plans may vary based on the size, nature and material of the art work, therefore maintenance plans must also meet the satisfaction of Operations & Transit Services. Maintenance plans will include, but are not limited to, maintenance specifications, budget implications, manufacturer lists, and key contacts, including the artist.

The City will be responsible for the care and maintenance of the artwork, in accordance with the approved maintenance plan. Community & Social Services staff will monitor the maintenance plan. The appropriate City department will undertake an inspection of the artwork according to a pre-determined schedule. A qualified art restorer may be retained to undertake the inspection, if deemed necessary.

## **7. Storage**

The City will ensure short-term and long-term storage that meets appropriate museum standards for all works of art in its care. Whenever possible, existing City and community resources will be used for the storage and management of the City's permanent collection.

## **8. De-accessioning of Public Art**

The City has the right and responsibility to de-accession Public Art when necessary. All reasonable efforts shall be made to resolve problems or re-site the Public Art, in consultation with the artist and/or donor, where appropriate. Reasons for de-accession include, but are not limited to:

- endangerment of public safety
- excessive repair, maintenance or irreparable damage
- inaccessibility
- site redevelopment

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In the event of accidental loss, theft or vandalism, the City retains the right to determine whether replacement or de-accession of the artwork is appropriate.

No artwork will be de-accessioned and disposed of without consultation of the Public Art Committee. Recommendations of the PAC regarding the need for and method of de-accessioning will be made through Community & Social Services staff to Council for approval. The de-accessioned art may be moved, sold, returned to the artist or destroyed, with any monies received through the sale of art allocated to the Public Art Reserve Fund.

## **9. Insurance**

All permanent and portable artworks owned by the City through purchase, commission and/or donation, are the property of the City and are insured under the City's Insurance Policy.

For all artworks on exhibit in City-owned public spaces through a loan agreement, the artist will submit a copy of insurance coverage for the artwork, or a signed waiver freeing the City from liability in case of accidental loss, theft, damage or vandalism. In addition, the artist will also submit a complete list of the displayed artwork(s) which will include the title, dimensions, medium and appraised value of the artwork.

## **10. Agreements**

The artist will enter into a written agreement with the City, following the approval of the commission/acquisition of the artwork. This written agreement will address the artist's obligations, which will include, but are not limited to:

- scope of work
- materials
- timelines
- installation
- maintenance
- warranty
- copyright and moral rights
- payments to sub-contractors

This agreement would also set out the City's obligations that will include, but are not limited to:

- payment
- adhering to the approved maintenance plan
- insurance of the artwork
- community notification
- artist recognition

## **11. Monitoring and Evaluation**

Community & Social Services will undertake an evaluation of the Public Art Policy within one year after it is fully implemented to assess its effectiveness and to identify

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amendments if required. Following this initial review, the policy will be re-evaluated every five years.

Any proposed substantive amendments will be submitted to Council for consideration and approval. The City will regularly monitor the effectiveness of the Policy.