



Minutes of Guelph City Council

February 28, 2022, 5:30 p.m.

Remote meeting live streamed on guelph.ca/live

- Council:**
- Mayor C. Guthrie
 - Councillor P. Allt
 - Councillor B. Bell
 - Councillor C. Billings
 - Councillor L. Caron
 - Councillor C. Downer
 - Councillor D. Gibson
 - Councillor R. Goller
 - Councillor J. Gordon
 - Councillor J. Hofland
 - Councillor M. MacKinnon
 - Councillor D. O'Rourke
- Absent:**
- Councillor M. Salisbury
- Staff:**
- S. Stewart, Chief Administrative Officer
 - C. Clack-Bush, Deputy Chief Administrative Officer, Public Services
 - J. Holmes, Deputy Chief Administrative Officer, Infrastructure, Development and Enterprise Services
 - T. Lee, Deputy Chief Administrative Officer, Corporate Services
 - T. Baker, General Manager, Finance/City Treasurer
 - A. Vilko, General Manager, Facilities and Energy Management
 - J. Krauter, Deputy Treasurer, Manager Taxation Revenue
 - S. O'Brien, General Manager, City Clerk's Office/City Clerk
 - T. Di Lullo, Council and Committee Coordinator
 - G. Meades, Council and Committee Coordinator
 - A. Sandor, Council and Committee Assistant

Also Present: John Mascarin, Integrity Commissioner, Partner, Aird and Berlis LLP

2. Call to Order - 5:30 p.m.

Mayor Guthrie called the meeting to order. (5:38 p.m.)

3. Authority to move into closed meeting

Moved By Councillor Allt

Seconded By Councillor Hofland

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to section 239(2)(d), (e) and (f) of the Municipal Act relating to labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Voting in Favour: (12): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Billings, Councillor Caron, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Carried (12 to 0)

The following items were considered:

3.1. Disclosure of Pecuniary Interest and General Nature Thereof (closed items)

3.2. Confirmation of Minutes for the closed Council meetings held January 31, 2022

3.3. Bargaining Mandate Report Ontario Public Service Employees Union - 2022-63

3.4. 239 Elizabeth Street Update - 2022-79

3.1 Disclosure of Pecuniary Interest and General Nature Thereof (closed items)

3.2 Confirmation of Minutes for the closed Council meetings held January 31, 2022

3.3 Bargaining Mandate Report Ontario Public Service Employees Union - 2022-63

3.4 239 Elizabeth Street Update - 2022-79

4. Open Meeting – 6:30 p.m.

Mayor Guthrie called the meeting to order. (6:54 p.m.)

4.5 Closed Meeting Summary

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

Bargaining Mandate Report Ontario Public Service Employees Union - 2022-63

Staff were given direction regarding this matter.

239 Elizabeth Street Update - 2022-79

Moved By Councillor Goller

Seconded By Councillor MacKinnon

1. That the demolition of the building located at 239 Elizabeth Street, as outlined in report 2021-296, dated October 12, 2021, and in report 2022-79 dated February 28, 2022, be approved; and
2. That no action be taken on direction to staff to issue a notice of intention to designate the property municipally known as 239 Elizabeth Street, Guelph, given that the property does not meet the criteria for determining cultural heritage value or interest as outlined in Ontario Regulation 9/06 made under the Ontario Heritage Act.

Voting in Favour: (7): Mayor Guthrie, Councillor Bell, Councillor Billings, Councillor Gibson, Councillor Goller, Councillor MacKinnon, and Councillor O'Rourke

Voting Against: (5): Councillor Allt, Councillor Caron, Councillor Downer, Councillor Gordon, and Councillor Hofland

Carried (7 to 5)

Moved By Councillor Caron

Seconded By Councillor Bell

3. That Staff be directed to work with Chair of Heritage Guelph to add the matter of 239 Elizabeth Street to a future Closed Meeting agenda.

Voting in Favour: (11): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Billings, Councillor Caron, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Gordon, Councillor Hofland, and Councillor O'Rourke

Voting Against: (1): Councillor MacKinnon

Carried (11 to 1)

4.4 Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

5. Confirmation of Open Minutes

Moved By Councillor Hofland

Seconded By Councillor Allt

That the minutes of the open Council Meetings held January 17 and 31, 2022, Special Council meeting held January 24, 2022 and Committee of the Whole meeting held January 10, 2022 be confirmed as recorded and without being read.

Voting in Favour: (12): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Billings, Councillor Caron, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Carried (12 to 0)

6. Committee of the Whole Consent Report

The following item was extracted:

Property Assessed Clean Energy Update - 2022-27

7. Items for Discussion

7.1 Long-term and Short-term Rental Housing Report, 2020-138

The following delegate spoke on the item
Roger Garriock

Main Motion

Moved By Councillor MacKinnon

Seconded By Councillor O'Rourke

1. That Council approve the approach to licence short-term rentals under the City's Business Licence By-law (2009)-18855.
2. That Council direct staff to engage key stakeholders and the public to develop a short-term rental category along with regulations under the City's Business Licensing By-law (2009)-18855 and report back to Council in the fourth quarter of 2022.
3. That the Business Licence fee for short-term rentals and associated costs be included in the 2023 budget confirmation.
4. That staff continue to use the proactive enforcement and education approach to manage long-term rental housing in Guelph for the next two years, and that staff report back with updated data for future consideration of rental licencing.

First Amendment to the Main Motion

Moved By Councillor Downer

Seconded By Councillor Caron

1. That Council approve the approach to licence short-term rentals under the City's Business Licence By-law (2009)-18855.
2. That Council direct staff to engage key stakeholders and the public to develop a short-term rental category along with regulations under the City's Business Licensing By-law (2009)-18855 and report back to Council in the fourth quarter of 2022.
3. That the Business Licence fee for short-term rentals and associated costs be included in the 2023 budget confirmation.
4. **That staff continue to use the proactive enforcement and education approach to manage long-term rental housing in Guelph and that staff report back in Q3 of 2023 with updated data and options for the regulation of long-term rental housing that addresses health and safety issues and provides consistency in all buildings containing 3 or less rental units.**

Voting in Favour: (12): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Billings, Councillor Caron, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Carried (12 to 0)

Second Amendment to the Main Motion

Moved By Councillor Goller

Seconded By Councillor Hofland

1. That Council approve the approach to licence short-term rentals under the City's Business Licence By-law (2009)-18855.
2. That Council direct staff to engage key stakeholders and the public to develop a short-term rental category along with regulations under the City's Business Licensing By-law (2009)-18855 **and that as part of the engagement staff look at options for the licensing of both principal and non-principal residences for Council's consideration** and report back to Council in the fourth quarter of 2022.
3. That the Business Licence fee for short-term rentals and associated costs be included in the 2023 budget confirmation.
4. That staff continue to use the proactive enforcement and education approach to manage long-term rental housing in Guelph and that staff report back in Q3 of 2023 with updated data and options for the regulation of long-term rental housing that addresses health and safety issues and provides consistency in all buildings containing 3 or less rental units.

Voting in Favour: (9): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Caron, Councillor Downer, Councillor Goller, Councillor Gordon, Councillor Hofland, and Councillor O'Rourke

Voting Against: (3): Councillor Billings, Councillor Gibson, and Councillor MacKinnon

Carried (9 to 3)

Main Motion as Amended

Moved By Councillor MacKinnon

Seconded By Councillor O'Rourke

1. That Council approve the approach to licence short-term rentals under the City's Business Licence By-law (2009)-18855.
2. That Council direct staff to engage key stakeholders and the public to develop a short-term rental category along with regulations under the City's Business Licensing By-law (2009)-18855 and that as part of the engagement staff look at options for the licensing of both principal and non-principal residences for Council's consideration and report back to Council in the fourth quarter of 2022.
3. That the Business Licence fee for short-term rentals and associated costs be included in the 2023 budget confirmation.
4. That staff continue to use the proactive enforcement and education approach to manage long-term rental housing in Guelph and that staff report back in Q3 of 2023 with updated data and options for the regulation of long-term rental housing that addresses health and safety issues and provides consistency in all buildings containing 3 or less rental units.

Voting in Favour: (11): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Billings, Councillor Caron, Councillor Downer, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Voting Against: (1): Councillor Gibson

Carried (11 to 1)

Council recessed at 7:45 p.m.

Council reconvened at 8:09 p.m.

7.2 Municipal Accommodation Tax - 2022-09

The following delegates spoke on the item

Susan Ratcliffe

Miranda Mulholland

Moved By Councillor Hofland

Seconded By Councillor Gordon

1. That a four percent Municipal Accommodation Tax rate, as outlined in report 2022-09 Municipal Accommodation Tax, dated February 7, 2022, be approved.

2. That staff be directed to negotiate and execute a five-year agreement, subject to the satisfaction and authority of the City Solicitor and the Deputy Chief Administrative Officer, Infrastructure, Development and Enterprise, with the Guelph Chamber of Commerce (the Tourism Entity) for the purpose of implementing a Municipal Accommodation Tax.
3. That Appendix A of the General Reserve and Reserve Fund Policy be amended to reflect the creation of a Tourism Municipal Accommodation Tax Reserve (184) with the terms and authority as identified in the 2022-09 Municipal Accommodation Tax report, dated February 7, 2022.
4. That the Tourism Municipal Accommodation Tax Reserve be approved to be over-drawn up to a maximum of \$1 million, to be paid back by 2027, to enable the program startup activities.

Voting in Favour: (10): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Caron, Councillor Downer, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Voting Against: (2): Councillor Billings, and Councillor Gibson

Carried (10 to 2)

7.3 2021 Annual Report of Integrity Commissioner - 2022-43

John Mascarin, Integrity Commissioner, Partner, Aird and Berlis LLP presented on the Annual Report of Integrity Commissioner.

Moved By Councillor Hofland

Seconded By Councillor Gibson

1. That the 2021 Annual Report of the Integrity Commissioner, dated February 28, 2022, be received.
2. That the City Clerk be directed to circulate the 2021 Annual Report of the Integrity Commissioner, and all future annual reports of the Integrity Commissioner, to all applicable local boards and advisory committees.

Voting in Favour: (12): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Billings, Councillor Caron, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Carried (12 to 0)

7.4 Property Assessed Clean Energy Update - 2022-27

Main Motion

Moved By Councillor O'Rourke

Seconded By Councillor Hofland

1. That staff be directed to finalize the funding opportunity including a loan of up to \$10 million and a grant of up to \$5 million for a residential Property Assessed Clean Energy program with Federation of Canadian Municipalities through the Community Efficiency Funding of the Green Municipal Fund.
2. That staff be directed to develop, implement, and administer a Property Assessed Clean Energy program and that delegated authority be provided to both the Deputy Chief Administrative Officer, Infrastructure Development Enterprise and Deputy Chief Administrative Officer, Corporate Services to enter into and execute any required agreements and staffing contracts for such implementation.
3. That the City's financial contribution to the Property Assessed Clean Energy program of up to \$3.5 million be funded from the 100 Renewable Energy Reserve Fund and that this funding obligation be incorporated into future City budgets or apportioned from other funding opportunities.
4. That Appendix A of the General Reserve and Reserve Fund Policy be amended to reflect the creation of a Property Assessed Clean Energy Reserve Fund with the terms and authority as identified in the Property Assessed Clean Energy Update dated February 7, 2022.
5. That staff be directed to draft the appropriate by-laws required for a Property Assessed Clean Energy program and bring those forward to a future Council meeting for approval.

Amendment to the Main Motion

Moved By Councillor O'Rourke

Seconded By Councillor Gibson

6. That staff be directed to review and implement the appropriate competitive user fee to be applied to recover City administrative costs not funded through the FCM grant for the PACE program.

Voting in Favour: (11): Mayor Guthrie, Councillor Allt, Councillor Billings, Councillor Caron, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Voting Against: (1): Councillor Bell

Carried (11 to 1)

Main Motion as Amended

Moved By Councillor O'Rourke

Seconded By Councillor Hofland

1. That staff be directed to finalize the funding opportunity including a loan of up to \$10 million and a grant of up to \$5 million for a residential Property Assessed Clean Energy program with Federation of Canadian Municipalities through the Community Efficiency Funding of the Green Municipal Fund.
2. That staff be directed to develop, implement, and administer a Property Assessed Clean Energy program and that delegated authority be provided to both the Deputy Chief Administrative Officer, Infrastructure Development Enterprise and Deputy Chief Administrative Officer, Corporate Services to enter into and execute any required agreements and staffing contracts for such implementation.
3. That the City's financial contribution to the Property Assessed Clean Energy program of up to \$3.5 million be funded from the 100 Renewable Energy Reserve Fund and that this funding obligation be incorporated into future City budgets or apportioned from other funding opportunities.
4. That Appendix A of the General Reserve and Reserve Fund Policy be amended to reflect the creation of a Property Assessed Clean Energy Reserve Fund with the terms and authority as identified in

the Property Assessed Clean Energy Update dated February 7, 2022.

5. That staff be directed to draft the appropriate by-laws required for a Property Assessed Clean Energy program and bring those forward to a future Council meeting for approval.
6. That staff be directed to review and implement the appropriate competitive user fee to be applied to recover City administrative costs not funded through the FCM grant for the PACE program.

Voting in Favour: (10): Mayor Guthrie, Councillor Allt, Councillor Caron, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Voting Against: (2): Councillor Bell, and Councillor Billings

Carried (10 to 2)

7.5 Reconsideration of Alternate Voting Methods for the 2022 Municipal Election

Moved By Councillor MacKinnon

Seconded By Councillor Gibson

That Council reconsiders the following two decisions at the February 28th, 2022 City Council meeting:

February 17, 2021

1. That a by-law be adopted to support the use of vote by mail as an alternative voting method in the 2022 municipal and school board election.

November 22, 2021

1. That the City continue with the current approved alternative voting methods of vote by mail (VBM) and a home vote service pilot for the 2022 municipal election.

Voting in Favour: (5): Mayor Guthrie, Councillor Billings, Councillor Gibson, Councillor Goller, and Councillor MacKinnon

Voting Against: (7): Councillor Allt, Councillor Bell, Councillor Caron, Councillor Downer, Councillor Gordon, Councillor Hofland, and Councillor O'Rourke

Defeated (5 to 7)

9. By-laws

Moved By Councillor Caron
Seconded By Councillor Downer

That By-laws numbered (2022)-20682 to (2022)-20683 and (2022)-20686 to (2022)-20687 are hereby passed.

Voting in Favour: (12): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Billings, Councillor Caron, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Carried (12 to 0)

10. Mayor's Announcements

Mayor Guthrie acknowledged the passing of Hayes Murphy, former member of Guelph City Council, on February 22, 2022. Mayor Guthrie extended Councils sincere condolences to his wife, Judith and their three daughters.

11. Adjournment

Moved By Councillor Billings
Seconded By Councillor Downer

That the meeting be adjourned (10:01 p.m.).

Voting in Favour: (12): Mayor Guthrie, Councillor Allt, Councillor Bell, Councillor Billings, Councillor Caron, Councillor Downer, Councillor Gibson, Councillor Goller, Councillor Gordon, Councillor Hofland, Councillor MacKinnon, and Councillor O'Rourke

Carried (12 to 0)

Mayor Guthrie

Stephen O'Brien - City Clerk