

**NEPEAN COUNCIL
MINUTES
THURSDAY, MARCH 2, 2000
BEN FRANKLIN PLACE, 101 CENTREPOINTE DRIVE, NEPEAN**

The meeting commenced at 8:03 p.m.

Members Present:

Wayne Phillips, Acting Mayor
Councillor, Evergreen Ward

Councillor Rick Chiarelli
Nepean Centre Ward

Councillor Margaret Rywak
Knoxdale Ward

Councillor Lee Farnworth
Merivale Ward

Councillor Merv Sullivan
Lakeshore Ward

Members Absent:

Mayor Mary Pitt

Councillor Jan Harder
Barrhaven Ward

01 Prayer

Acting Mayor Phillips opened the meeting with a prayer.

02 Minutes

MOTION NUMBER 034-2000

Moved by Councillor Chiarelli
Seconded by Councillor Sullivan

BE IT RESOLVED THAT the minutes of the regular meeting of February 10, 2000, be approved as written.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

03 Financial Services Resolution - To approve Report No. 004-2000 regarding the 1999

Statement of Remuneration and Expenses.

MOTION NUMBER 035-2000

Moved by Councillor Sullivan
Seconded by Councillor Chiarelli

BE IT RESOLVED THAT Financial Services Report No. 004-2000, under Section 247 of the Municipal Act (R.S.O. 1990) which requires the Municipal Treasurer to submit to Council an itemized statement of remuneration and expenses paid to Members of Council and Council Appointees for 1999, be received.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

04 Financial Services Resolution - To approve Report No. 005-2000 regarding tax adjustments.

MOTION NUMBER 036-2000

Moved by Councillor Sullivan
Seconded by Councillor Chiarelli

WHEREAS Section 441 of the Municipal Act R.S.O. 1990 stipulates that if the Treasurer ascertains that certain taxes are uncollectible they may be struck off the Roll;

AND WHEREAS Section 442 of the Municipal Act R.S.O. 1990 allows for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made;

AND WHEREAS Section 444 of the Municipal Act R.S.O. 1990 allows for the Treasurer to recommend that taxes levied against any person be increased in the year in which the recommendation is made;

BE IT RESOLVED THAT Financial Services Report No. 005-2000 dated March 2, 2000 be approved pursuant to the above noted sections of the Municipal Act R.S.O., 1990.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

- 05 Development Services Resolution - To approve By-law Nos. 020-2000 (amend By-law Nos. 73-92 and 39-81 to rezone land within the South Merivale Business to Industrial Park Zone - MP Block "D" - Queen Anne Crescent) and 021-2000 (amend By-law No. 73-92 to rezone lands located at 3302 Moodie Drive to Mineral Extraction - MX to permit the operation of a Pit).**

MOTION NUMBER 037-2000

Moved by Councillor Farnworth
Seconded by Councillor Rywak

1. By-law 020 -2000

WHEREAS Planning and Development Committee at its meeting on February 29, 2000 held a public meeting pursuant Section 34 of the Planning Act, R.S.O., 1990, with respect to proposed amendments to By-law 73-92 and By-law 39-81 (to rezone land within the South Merivale Business Park along Queen Anne Crescent to INDUSTRIAL PARK ZONE - MP Block "D");

AND WHEREAS Council agrees with the recommendation of the Planning and Development Committee that By-laws 73-92 and 39-81 be amended as proposed.

2. By-law 021 -2000

WHEREAS Planning and Development Committee at its meeting on February 29, 2000 held a public meeting pursuant Section 34 of the Planning Act, R.S.O., 1990, with respect to a proposed amendment to By-law 73-92 (to rezone lands located at 3302 Moodie Drive to MINERAL EXTRACTION - MX to permit the operation of a PIT);

AND WHEREAS Council agrees with the recommendation of the Planning and Development Committee that By-law 73-92 be amended as proposed;

BE IT RESOLVED THAT By-law Numbers 020-2000 and 021-2000 be read a first time and a second time and be deemed to have been read a third time and passed.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

- 06 Development Services Resolution - To *not* amend By-law No. 39-81 to permit a Restaurant Fast Food as an additional permitted use - 1123 Meadowlands Drive.**

MOTION NUMBER 038-2000

Moved by Councillor Farnworth
Seconded by Councillor Rywak

WHEREAS Planning and Development Committee at its meeting of February 29, 2000 held a public meeting pursuant to Section 34 of the Planning Act, R.S.O. 1990 with respect to a proposed amendment to By-law 39-81 to permit a RESTAURANT FAST FOOD as an additional permitted use within the RESIDENTIAL SEVENTH DENSITY ZONE - R7 for a property located on the northwest corner of Fisher Avenue and Meadowlands Drive (1123 Meadowlands Drive);

Item No. 06 cont'd:

AND WHEREAS Council agrees with the recommendation of Planning and Development Committee that the application for by-law amendment to permit the additional use not be approved;

BE IT RESOLVED THAT the application by Minto Development Corporation to permit a RESTAURANT FAST FOOD at 1123 Meadowlands Drive not be approved.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

07 Development Services Resolution - Release of Site Plan Agreement between Wardell Development and the City of Nepean on lands described as Part Lot 28, Conc. A, R.F., being Parts 3, 4, 6, 8-16, 18 and 19, Plan 5R-12751, on Gurdwara Road.

MOTION NUMBER 039-2000

Moved by Councillor Rywak
Seconded by Councillor Farnworth

WHEREAS Wardell Development entered into a Site Plan Agreement on August 1, 1989 (Instrument No. N497425) with the City of Nepean affecting lands described as Part of Lot 28, Concession A, Rideau Front, being parts 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18 and 19 on Plan 5R-12751 on Gurdwara Road, which agreement is binding on successors in title;

AND WHEREAS Wardell Development did not proceed with development and the property has been subsequently acquired by Newill Corporation;

AND WHEREAS Newill Corporation does not intend to develop the land on the basis of the previously approved plan;

AND WHEREAS the new Owner will be required to enter into a new Site Plan Agreement with the City prior to any development taking place on the subject lands;

BE IT RESOLVED THAT the existing Site Plan Agreement (Instrument No. N497425) be hereby released and the Mayor and City Clerk, be and are hereby authorized to execute the release on behalf of the City of Nepean.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

- 08 Development Services Resolution - To approve Report No. P29-2000 - Application for site plan control approval by Rick McGovern for the construction of a new fireplace warehouse with associated showroom and office space on the southeast corner of Merivale Road and Roydon Place.**

MOTION NUMBER 040-2000

Moved by Councillor Rywak
Seconded by Councillor Chiarelli

BE IT RESOLVED THAT the following Planning and Development Department Reports which were recommended for approval to Council by Planning and Development Committee at its meeting on February 29, 2000 be approved and that the Mayor and City Clerk be and are hereby authorized to execute required documents relating thereto on behalf of the City:

- 1. Planning and Development Department Report No. P29-2000**
Application for site plan control approval by Rick McGovern on behalf of Reid Holdings Incorporated for the construction of a new fireplace warehouse with associated showroom and office space on the south-east corner of Merivale Road and Roydon Place.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

- 09 Development Services Resolution - To approve By-law No. 019-2000 to amend By-law No. 1 of 1996 for a temporary speed reduction on Strandherd Drive, between Jockvale Road and McKenna Casey Drive, and to reflect the renaming of a portion of Strandherd Drive to Deerfox Drive.**

MOTION NUMBER 041-2000

Moved by Councillor Rywak
Seconded by Councillor Farnworth

WHEREAS Public Works Committee at its meeting on February 8, 2000 considered Development Services - Engineering Report No. 004-2000 and approved a temporary speed limit reduction from 80 km/h to 60 km/h on Strandherd Drive between Jockvale Road and McKenna-Casey Drive;

AND WHEREAS Public Works Committee at its meeting on February 29, 2000 considered Development Services - Engineering Report No. 008-2000 and approved amendments to the Traffic and Parking By-law No. 1 of 1996 due to the renaming of a portion of Strandherd Drive to Deerfox Drive;

BE IT RESOLVED THAT By-law No. 019-2000 be read a first and second time and deemed to have been read a third time and passed.

**- Carried -
Councillor Phillips dissented
Mayor Pitt and Councillor Harder were absent**

- 10 Development Services Resolution - To consider the appointment of an Engineering Consultant for the design and preparation of contract documents for the Nepean Creek Stormwater Facility.**

MOTION NUMBER 042-2000

Moved by Councillor Rywak
Seconded by Councillor Farnworth

WHEREAS Public Works Committee at its meeting on February 29, 2000 considered Report No. 009-2000 and approved the recommendation to proceed with the design and preparation of contract documents for the Nepean Creek Stormwater Facility and Nepean Creek Culvert Replacement;

AND WHEREAS the 2000 Capital Budget provides sufficient funding to undertake this work in Project No. 2.3213.X.4095 funded from the Sewer Works Reserve Fund;

BE IT RESOLVED THAT the Mayor and City Clerk be authorized to sign an engineering agreement with CH2M Gore & Storrie to undertake this work, with an upset limit of \$297,000 plus G.S.T., to be funded by the City, and \$50,000 plus G.S.T. to be funded by the Region of Ottawa-Carleton.

**- Carried -
Councillor Phillips dissented
Mayor Pitt and Councillor Harder were absent**

- 11 Development Services Resolution - To consider the appointment of an Engineering Consultant for the design and preparation of contract documents for Strandherd Drive Realignment between McKenna Casey Drive and Jockvale Road.**

MOTION NUMBER 043-2000

Moved by Councillor Rywak
Seconded by Councillor Farnworth

WHEREAS Public Works Committee at its meeting of February 29, 2000 considered Report No. 010-2000 and approved the recommendation to proceed with the design and preparation of contract documents for Strandherd Drive Realignment between McKenna Casey Drive and Jockvale Road;

AND WHEREAS the 2000 Capital Budget provides sufficient funding for this work in Project No. 2.2113.X.4247, funded from the Development Charges and Road Construction Reserve Funds;

BE IT RESOLVED THAT the Mayor and City Clerk be authorized to sign an engineering agreement with Stantec Consulting Ltd. to undertake this work, with an upset limit of \$189,000 plus G.S.T.

**- Carried -
Councillor Phillips dissented
Mayor Pitt and Councillor Harder were absent**

12 Community Services Resolution - To approve the Capital Pathway Network Agreement for the Moodie Drive section and the Baseline to Richmond Road, at John Sutherland Drive, section.

MOTION NUMBER 044-2000

Moved by Councillor Chiarelli
Seconded by Councillor Sullivan

WHEREAS THE General Policy and Administration Committee considered Community Services Report No. 006-2000 March 2 , 2000;

AND WHEREAS THE Council approval is required to authorize the Mayor and City Clerk to sign these agreements on behalf of the City of Nepean;

BE IT RESOLVED THAT the Mayor and City Clerk be authorized to sign two Capital Pathway Network Agreements namely: Moodie Drive Section (Carling Ave. to N.N.E.P.) and the Queensway Carleton Hospital Section (Baseline Rd. to intersection of John Sutherland Drive and Richmond Road).

**- Carried -
Mayor Pitt and Councillor Harder were absent**

13 Community Services Resolution - To award the tender for the Core Park softball diamond and pathway lighting.

MOTION NUMBER 045-2000

Moved by Councillor Sullivan
Seconded by Councillor Chiarelli

WHEREAS THE General Policy and Administration Committee considered Community Services Report No. 07-2000 dated March 2, 2000;

AND WHEREAS the following tenders were received on February 29, 2000:

Black & McDonald Limited	\$236,000.00
Westboro Utilities	\$246,250.00
Geo. Bolton Ltd.	\$271,000.00

AND WHEREAS funding for this project is budgeted under Capital Project No. 2.6111.x.6107.035.0.2171 (Core Park - Park Construction) to be funded 90% from the Development Charges Reserve Fund and 10% from the Future Capital Projects Reserve Fund.

BE IT RESOLVED THAT the firm of Black & McDonald Limited be awarded the tender for Core Park softball diamond and pathway lighting in the amount of \$236,000.00.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

- 14 Administrative Services Resolution - To approve By-law No. 015-2000 to appoint a member to the Nepean Hydro Commission.**

This item was withdrawn at the meeting.

- 15 Administrative Services Resolution - To approve By-law No. 018-2000 to amend By-law No. 30-78 designating private roadways as fire routes.**

MOTION NUMBER 046-2000

Moved by Councillor Chiarelli
Seconded by Councillor Sullivan

BE IT RESOLVED THAT By-law 018-2000, being a by-law of the Corporation of the City of Nepean to amend By-law 30-78 to designate private roadways as fire routes, be read a first and second time and deemed to have been read a third time and passed.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

- 16 Administrative Services Resolution - To authorize the convening of regularly scheduled closed meetings.**

MOTION NUMBER 047-2000

Moved by Councillor Rywak
Seconded by Councillor Farnworth

WHEREAS Section 55(5) of the Municipal Act provides that a meeting may be closed to the public to discuss certain types of business;

AND WHEREAS Section 55(7) of the Municipal Act requires that Committee must state by resolution the intent to hold a closed meeting and the general nature of the matter to be considered;

AND WHEREAS at the March 2nd, 2000 General Policy and Administration Committee it considered Administrative Services Report No. 010-2000 and recommended to Council that Committees and Council provide for a regularly scheduled meeting time for the conduct of matters permitted to be held in closed meetings and that the City Clerk be authorized to supervise the placing of matters on the regularly scheduled closed meeting agendas of its Standing Committees and Council in accordance with Section 55(5) of the Municipal Act;

BE IT RESOLVED THAT regular closed meetings of the Committee and Council shall be held one hour previous to the regularly scheduled open meetings of the respective Council or Committee;

Item No. 16 cont'd:

AND BE IT FURTHER RESOLVED THAT upon confirmation in writing from the City Clerk that there are no items on the agenda, the Committee Chairperson or the Mayor, as the case may be, may cancel the next regularly scheduled closed meeting of either Committee or Council, as the case may be;

AND BE IT RESOLVED THAT Council authorizes the City Clerk of the Corporation of the City of Nepean to supervise the placing of matters within section 55 (5) or (6) of the Municipal Act on the regularly scheduled closed meeting agendas of the General Policy and Administration Committee, Planning and Development Committee, Public Works Committee or Council and that the Clerk be empowered to refuse to put on the agenda any matter that does not come expressly within such matters. Specifically those matters described under Section 55(5) and (6) of the Municipal Act are as follows:

- (a) the security of the property of the municipality;
- (b) personal matters about an identifiable individual including municipal employees;
- (c) a proposed or pending acquisition of land for municipal purposes;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;
- (h) consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, board, commission or other body is designated as head of the institution for the purposes of that Act.

AND BE IT FURTHER RESOLVED THAT any matter presented for consideration of Committee or Council, and that voting on any such matter will be in compliance with Section 55(9) of the Municipal Act;

AND BE IF FURTHER RESOLVED THAT all agendas, reports and minutes associated with closed meetings shall be held in the custody of the City Clerk and shall be considered confidential and shall not be disclosed unless required by law.

- Carried -

Mayor Pitt and Councillor Harder were absent

17 Resolution - To suspend the rules to consider an additional item.

MOTION NUMBER 048-2000

Moved by Councillor Farnworth
Seconded by Councillor Rywak

BE IT RESOLVED THAT the rules of procedure, under By-law 100-81, as amended, be suspended to allow the following additional item(s) to be placed on the agenda:

Item No. 17 cont'd:

Administrative Services Resolution - To approve an increase in the annual remuneration for the Hydro-Electric Commission of the City of Nepean.

- Carried -

Mayor Pitt and Councillor Harder were absent

- 18 Administrative Services Resolution - To approve an increase in the annual remuneration for the Hydro-Electric Commission of the City of Nepean.**

MOTION NUMBER 049-2000

Moved by Councillor Chiarelli
Seconded by Councillor Sullivan

WHEREAS the Hydro-Electric Commission of the City of Nepean has petitioned the Council of the City of Nepean to increase their annual remuneration by 2.25 percent effective January 1, 2000;

AND WHEREAS the *Public Utilities Act*, Section 44(1), Chapter P.52, R.S.O. 1990 empowers the Council of the Corporation of the City of Nepean to authorize such wage scale adjustments;

AND WHEREAS the General Policy and Administration Committee considered Administrative Services Report No. 006-2000;

AND WHEREAS based on incorrect information received from the Hydro-Electric Commission of the City of Nepean, Administrative Services Report No. 006-2000 indicated a current remuneration level of \$8,536.22 for the Chair, and \$6,828.97 for the Commissioners;

AND WHEREAS the correct current remuneration is \$8,771.02 for the Chair, and \$7,016.81 for the Commissioners;

BE IT RESOLVED THAT the Nepean Hydro-Electric Commission's remuneration be increased by 2.25 percent effective January 1, 2000, resulting in remuneration of \$8,968.44 for the Chair and \$7,174.68 for the Commissioners.

- Carried -

Councillor Phillips dissented

Mayor Pitt and Councillor Harder were absent

In response to a comment from Councillor Rywak, Mr. John LeMaistre, City Clerk/Executive Director, Administrative Services, confirmed that he will provide a copy of the motion to the General Manager of Nepean Hydro and will advise that Transition Board approval will be required.

19 Resolution - To approve By-law 10(05)2000 confirming the proceedings of Council at its regular meeting held on March 2, 2000.

MOTION NUMBER 050-2000

Moved by Councillor Sullivan
Seconded by Councillor Chiarelli

BE IT RESOLVED THAT By-law No. 10(05)2000, being a by-law to confirm the proceedings of Council at its regular meeting held on March 2, 2000, be introduced and read a first and second time and deemed to have been read a third time and passed.

**- Carried -
Mayor Pitt and Councillor Harder were absent**

There being no further business, the meeting adjourned at 8:08 p.m.

John LeMaistre, City Clerk

Wayne Phillips, Acting Mayor