

**NEPEAN COUNCIL  
MINUTES  
THURSDAY, MAY 25, 2000  
BEN FRANKLIN PLACE, 101 CENTREPOINTE DRIVE, NEPEAN**

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The meeting commenced at 7:10 p.m.

**Members Present:**

Mayor Mary Pitt

Councillor Rick Chiarelli  
Nepean Centre Ward

Councillor Margaret Rywak  
Knoxdale Ward

Councillor Wayne Phillips  
Evergreen Ward

Councillor Jan Harder  
Barrhaven Ward

**Members Absent:**

Councillor Lee Farnworth  
Merivale Ward

Councillor Merv Sullivan  
Lakeshore Ward

**01 Prayer**

Mayor Pitt opened the meeting with a prayer.

**02 Minutes**

**MOTION NUMBER 089-2000**

Moved by Councillor Chiarelli  
Seconded by Councillor Harder

BE IT RESOLVED THAT the minutes of the regular meeting of May 4, 2000, be approved as written.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

**03 Financial Services Resolution - To approve By-law No. 055-2000, being a by-law to levy local and regional municipal and school board taxes in the City of Nepean.**

**MOTION NUMBER 090-2000**

Moved by Councillor Chiarelli  
Seconded by Councillor Harder

BE IT RESOLVED THAT By-law 055-2000, being a by-law to levy local and regional municipal and school board taxes in the City of Nepean for the year 2000 be read a first and second time and deemed to have been read a third time and passed.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

**04 Financial Services Resolution - To approve Report No. 014-2000 regarding tax adjustments.**

**SUBJECT:**

Tax Adjustments

**LOCATION:**

N/A

**RECOMMENDATION:**

That the tax adjustments submitted under separate cover be approved

**REPORT:**

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.

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.

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.

Schedule "A" containing the above information has been submitted to Council under separate cover.

**FINANCIAL IMPLICATIONS:**

|   |                     |
|---|---------------------|
| Tax Adjustments - Section 441, 442, 444 | \$239,622.56        |
| Net Adjustment                          | <b>\$239,622.56</b> |

Distribution

|                      |                      |                          |
|----------------------|----------------------|--------------------------|
| Nepean - \$40,452.16 | Region - \$57,135.40 | Education - \$142,035.00 |
|----------------------|----------------------|--------------------------|

**TRANSITION BOARD APPROVAL REQUIRED:**

No

**Item No. 04 cont'd:**

**PUBLIC NOTIFICATION/CONSULTATION:**

Regular notification process: A local Community newspaper, all Community Associations, AccessNepean section of the public libraries, City voice mail boxes, City of Nepean website (www.city.nepean.on.ca) and news media.

**ATTACHMENTS included in the Agenda:**

Motion

**MOTION NUMBER 091-2000**

Moved by Councillor Chiarelli  
Seconded by Councillor Harder

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. 014-2000 dated May 25, 2000 be approved pursuant to the above-noted sections of the Municipal Act R.S.O., 1990.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

- 05 Development Services Resolution - To approve By-law No. 052-2000, to amend By-law 39-81, as amended by By-law 119-98, as directed by the Ontario Municipal Board, to permit a community commercial level retail development, with respect to lands located on the east side of Greenbank Road, south of Berrigan Drive and north of Strandherd Drive.**

**MOTION NUMBER 092-2000**

Moved by Councillor Harder  
Seconded by Councillor Chiarelli

**1. By-Law 052-2000**

WHEREAS 119-98 was passed by Council on December 3<sup>rd</sup> 1998 pursuant to Section 34 of the Planning Act, 1990 with respect to amending the zoning for land on the east side of Greenbank Road, south of Berrigan and north of Strandherd (Uniform Developments Building) to permit a community commercial level retail development;

AND WHEREAS the decision of Council was subsequently appealed to the Ontario

Municipal Board (OMB);

**Item No. 05 cont'd:**

AND WHEREAS the Boards decision upholding the by-law directs Council to amend it in accordance with Appendix A of Exhibit No. 9 filed at the OMB Hearing;

BE IT RESOLVED THAT By-law 052-2000 be read a first, time and a second time and be deemed to have been read a third time and passed.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

**06 Development Services Resolution - To approve By-law No. 053-2000, to exempt certain lands from part lot control (Deerfox semi-detached units).**

**MOTION NUMBER 093 - 2000**

Moved by Councillor Phillips  
Seconded by Councillor Chiarelli

**1. By-law 053-2000**

WHEREAS Section 50 of the Planning Act R.S.O. 1990 authorizes a municipality to provide by by-law that part-lot control does not apply to land that is within registered plans or parts thereof;

AND WHEREAS By-law 053-2000 is a by-law to exempt certain lands from part lot control described as Lot s 9 through 28 on Plan 4M-1063 (Deerfox Semi-detached Units);

BE IT RESOLVED THAT By-law 053-2000 be read a first time and a second time and deemed to have been read a third time and passed.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

**07 Development Services Resolution - To approve funding requests made to the City of Nepean's Millennium Community Fund (Round 3).**

**MOTION NUMBER 094 - 2000**

Moved by Councillor Rywak  
Seconded by Councillor Phillips

WHEREAS the General Policy and Administration Committee considered Development Services Report No. P074-2000 dated May 25, 2000;

BE IT RESOLVED THAT Council approve the funding requests made to the City of Nepean's Millennium Community Fund (Round 3) as identified in Development Services Report No. P074-2000.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

- 08 Development Services Resolution - To approve Report Nos. P078-2000 (Draft Plan of Condominium Approval - Redwood Executive Townhomes - Monterey Drive, Costello Avenue and Guthrie Street); P079-2000 (Application for site plan control approval for a nine-storey addition to the existing Nortel Networks office building at Constellation Crescent and CentrepoinTE Drive); P081-2000 (Application for site plan control approval to extend the berm along Queen Anne Crescent and parking lot expansion (Phase 4A)); P082-2000 (Application for site plan control approval for an outdoor patio at The Roses Café Too Restaurant, 3710 Richmond Road); and P084-2000 (To finance the costs for the design and construction of sections of Crestway and Leikin Drives).**

**MOTION NUMBER 095-2000**

Moved by Councillor Phillips  
Seconded by Councillor Harder

BE IT RESOLVED THAT the following Development Services Reports which were recommended for approval to Council by Planning and Development Committee at its meeting on May 23<sup>rd</sup> 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. **Development Services Report No. P078-2000**  
Redwood Executive Townhomes - Draft Plan of Condominium Approval  
The Draft Plan of Condominium Applications for Blocks 'F', Plan 467422, and Blocks 'G' and 'K', Plan 529418 on Monterey Drive, Costello Avenue, and Guthrie Street, be approved subject to the following conditions to be cleared prior to final plan registration.
  - a. The owner enter into an agreement with the City of Nepean to address among other matters, the following: a) implementation of the Crime Prevention Through Environmental Design Safety Audit; b) requirements of the Region of Ottawa-Carleton with regard to the construction of curbside pads for re-cycling and waste collection; c) provision of visitor parking and fencing; d) maintenance of sidewalks; and e) notice requirements of the Ottawa-Carleton District School Board.
  - b. Final payment of all fees as required by the City of Nepean; and
  - c. The owner enter into a condominium "Maintenance Agreement" with the Region of Ottawa-Carleton;
2. **Development Services Report No. P079-2000**  
Application for site plan control approval by Arnon Development Corporation for a nine-storey addition to the existing Nortel Networks office building at Constellation Crescent and CentrepoinTE Drive.  

**Councillor Rywak declared an interest**
3. **Development Services Report No. P081-2000**  
Whereas Council agrees with the recommendation of Planning and Development Committee to endorse the terms of reference and work program outline in the report; Application for Site Plan Control Approval by Richard Chmiel Architects, on behalf of JDS Uniphase to extend the berm along Queen Anne Crescent and parking lot expansion (Phase

4A).

**Item No. 08 cont'd:**

**4. Development Services Report No. P082- 2000**

Whereas Council agrees with the recommendation of Planning and Development Committee to endorse the terms of reference and work program outlined in the report; Application for Site Plan Control Approval for an outdoor patio at The Roses Café Too Restaurant for operation during the year 2000(3710 Richmond Rd, Baron's Plaza).

**5. Development Services Report No. P084-2000**

Whereas Planning and Development Committee at its meeting on May 23, 2000 considered Report No. P084-2000 requesting Council to authorize the City to finance the costs for the design and construction of sections of Crestway and Leikin Drives adjacent the lands not scheduled for development in 2000.

AND WHEREAS Committee approved the terms of the Agreement on Cost-sharing and Terms of Repayment, with Tartan Land Corporation, Richcraft Home Ltd. and Equity Management Ltd. to cover all costs otherwise attributable to them as part of their development.

BE IT RESOLVED THAT the 2000 Capital Budget be amended to be increased by \$1,160,000.00 to a total of \$1,400,000.00 under Capital Project No. 2.2113.X.4255.003.0.0 with funding provided as follows:

\$1,120,000.00 from Developers  
\$ 40,000.00 from Development Charges

AND BE IT RESOLVED THAT the cost for financing the portion that will be recovered from developers, be funded from the Development Charges, Work Plan No. 1.27.

- Withdrawn -

- Carried -

**Report No. P084-2000 was withdrawn  
Councillor Rywak declared an interest in Report No. P079-2000  
Councillors Farnworth and Sullivan were absent**

**09 Development Services Resolution - To award a contract for the 2000 Sidewalk Program (Phase 1).**

**MOTION NUMBER 096 - 2000**

Moved by Councillor Rywak  
Seconded by Councillor Phillips

WHEREAS Public Works Committee at its meetings on March 21, 2000, April 11, 2000 and May 2, 2000 considered Development Services-Engineering Report Nos. 011-2000, 015-2000 and 017-2000 respectively, and authorized the Engineering Division to tender part of the 2000 Sidewalk Construction Program;



**Item No. 09 cont'd:**

AND WHEREAS tenders for the 2000 Sidewalk Construction Program (Phase 1) were received by the City Clerk at 3:00 p.m. on Wednesday, May 24, 2000 and are summarized as follows:

| NO. | CONTRACTOR                    | AMOUNT       |
|-----|-------------------------------|--------------|
| 1   | Arnone Paving & Concrete Ltd. | \$349,193.10 |
| 2.  | Torus Construction            | \$377,535.00 |

AND WHEREAS the tender includes the sidewalk replacements on Meadowlands Drive; Ashgrove Crescent and Meadowbank Drive; construction of new sidewalks on Acres Road, Glencoe Street and Midland Crescent as part of the Annual Sidewalk Program; and miscellaneous concrete curb and sidewalk repairs;

AND WHEREAS the 2000 Capital Budget identifies \$300,000 for the sidewalk replacements on Meadowlands Drive, Ashgrove Crescent and Meadowbank Drive, under Project No. 2.2113.X.4217, funded from the Sidewalk Construction Reserve Fund;

AND WHEREAS the 2000 Capital Budget identifies \$100,000 of the \$650,000 allocation for construction of new sidewalks on Acres Road, Glencoe Street and Midland Crescent as part of the Annual Sidewalk Program, under Project No. 2.2113.X.4231, funded from the Sidewalk Construction Reserve Fund;

AND WHEREAS the 2000 Capital Budget identifies \$50,000 for miscellaneous concrete curb and sidewalk repairs, under Project No. 2.2113.X.4216, funded from the Sidewalk Construction and Road Construction Reserve Funds;

AND WHEREAS the anticipated expenditures for the 2000 Sidewalk Construction Program (Phase I) are as follows;

|                             | Sidewalk Replacement<br><br>(Project No. 2.2113.X.4217) | Annual Sidewalk Program<br><br>(Project No. 2.2113.X.4231) | Miscellaneous Concrete and Sidewalk Repairs<br><br>(Project No. 2.2113.X.4216) | TOTAL               |
|-----------------------------|---|--|--|---------------------|
| Construction                | \$238,554.50  | \$66,783.60  | \$43,855.00  | \$349,193.10        |
| Engineering                 | \$30,000.00   | \$10,000.00  | \$3,000.00   | \$43,000.00         |
| Misc. Costs/GST Contingency | \$31,445.50   | \$8,216.40   | \$3,145.00   | \$42,806.90         |
| <b>TOTAL</b>                | <b>\$300,000.00</b>                                     | <b>\$85,000.00</b>   | <b>\$50,000.00</b>   | <b>\$435,000.00</b> |

**Item No. 09 cont'd:**

AND WHEREAS the low tender of Arnone Paving and Concrete Ltd. in the amount of \$349,193.10 has been examined and approved;

BE IT THEREFORE RESOLVED THAT the tender of Arnone Paving and Concrete Ltd. in the amount of \$ 349,193.10 for the 2000 Sidewalk Construction Program (Phase I) be accepted and the Mayor and Clerk be authorized to sign all documentation on behalf of the City.

AND BE IT FURTHER RESOLVED THAT Council authorize expenditures to a total upset limit of \$435,000.00 for the 2000 Sidewalk Construction Program (Phase I) under Project No.'s 2.2113.X.4217, 2.2113.X.4231 and 2.2113.X.4216.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

**10 Development Services Resolution - To award a contract for the 2000 Road Rehabilitation Program.**

**MOTION NUMBER 097 - 2000**

Moved by Councillor Rywak  
Seconded by Councillor Phillips

WHEREAS Public Works Committee at its meetings on February 29, 2000 considered Development Services - Engineering Report No. 007-2000 and authorized the Engineering Division to tender the 2000 Road Rehabilitation Program;

AND WHEREAS tenders for the 2000 Road Rehabilitation Program were received by the City Clerk at 3:00 p.m. on Wednesday, May 17, 2000 and are summarized as follows:

| NO. | CONTRACTOR                  | AMOUNT         |
|-----|-----------------------------|----------------|
| 1   | TARCON LTD.                 | \$1,438,172.00 |
| 2   | DIBBLEE PAVING & MINERALS   | \$1,532,633.89 |
| 3   | KARSON KARTAGE KONSTRUCTION | \$1,696,000.00 |

AND WHEREAS the tender includes the asphalt overlay on Summerwalk Place and the construction of a sidewalk on Walgate Avenue between Winston Churchill Public School and Charkay Avenue as part of the Annual Sidewalk Program, as approved by Public Works Committee at its meetings on March 21, 2000 (Report No. 011-2000) and April 22, 2000 (Report No. 015-2000);

AND WHEREAS the tender also includes the asphalt overlay on Epsilon Way and Meridian Place as part of the Canadian Mortgage and Housing Corporation (CMHC) Subdivision Agreement in Centrepointe;

AND WHEREAS the 2000 Capital Budget identifies \$1,360,000 of the \$1,435,000 allocation for the 2000 Road Rehabilitation Program, under Project No. 2.2113.X.4207, funded from the Road Construction and Sewer Works Reserve Funds;

**Item No. 10 cont'd:**

AND WHEREAS there are insufficient funds to complete all the recommended streets as identified in Development Services - Engineering Report No. 007-2000;

AND WHEREAS the following streets will be deleted from the 2000 Road Rehabilitation Program;

| <b>STREET</b>      | <b>FROM</b>     | <b>TO</b>            |
|--------------------|-----------------|----------------------|
| Woodfield Drive    | Benlea Drive    | North Medhurst Drive |
| Strathearn Court   | Cul-de-Sac      | Woodfield Drive      |
| Kedgewick Court    | Woodfield Drive | Cul-de-Sac           |
| Oakridge Blvd.     | Palsen Street   | Brooklane Drive      |
| Headingly Crescent | East Kirkstall  | West Kirkstall       |

AND WHEREAS the 2000 Capital Budget identifies \$85,000 of the \$650,000 allocation for the asphalt overlay of Summerwalk Place and the construction of the sidewalk on Walgate Avenue as part of the Annual Sidewalk Program, under Project No. 2.2113.X.4231, funded from the Sidewalk Construction Reserve Fund;

AND WHEREAS \$123,000 is available to complete the asphalt overlay on Epsilon Way and Meridian Place, under Project No. 2.2113.X.4195, funded by Canadian Mortgage and Housing Corporation (CMHC);

AND WHEREAS the anticipated expenditures for the 2000 Road Rehabilitation Program are as follows:

|                                   | <b>2000 Road<br/>Rehabilitation<br/>Program</b> | <b>Annual<br/>Sidewalk<br/>Program</b> | <b>Epsilon/Meridian</b>                | <b>TOTAL</b>          |
|-----------------------------------|---|--|--|-----------------------|
|                                   | <b>(Project No.<br/>2.2113.X.4207)</b>          | <b>(Project No.<br/>2.2113.X.4231)</b> | <b>(Project No.<br/>2.2113.X.4195)</b> |                       |
| Construction                      | \$1,191,975.50                                  | \$56,996.50                            | \$26,586.00                            | \$1,275,558.00        |
| Engineering                       | \$85,000.00                                     | \$7,500.00                             | \$4,000.00                             | \$96,500.00           |
| Misc.<br>Costs/GST<br>Contingency | \$83,024.50                                     | \$6,503.50                             | \$4,414.00                             | \$ 93,942.00          |
| <b>TOTAL</b>                      | <b>\$1,360,000.00</b>                           | <b>\$71,000.00</b>                     | <b>\$35,000.00</b>                     | <b>\$1,466,000.00</b> |

**Item No. 10 cont'd:**

AND WHEREAS the low tender of Tarcon Limited in the adjusted amount of \$1,275,558.00 has been examined and approved;

BE IT THEREFORE RESOLVED THAT the tender of Tarcon Limited in the adjusted amount of \$1,275,558.00 for the 2000 Road Rehabilitation Program be accepted and the Mayor and Clerk be authorized to sign all documentation on behalf of the City;

AND BE IT FURTHER RESOLVED THAT Council authorize expenditures to a total upset limit of \$1,466,000.00 for the 2000 Road Rehabilitation Program under Project No.'s 2.2113.X.4207, 2.2113.X.4231 and 2.2113.X.4195.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

**11 Administrative Services Resolution - To approve By-law No. 054-2000 to appoint Municipal Law Enforcement Officers as Peace Officers.**

**MOTION NUMBER 098-2000**

Moved by Councillor Phillips  
Seconded by Councillor Rywak

BE IT RESOLVED THAT By-law 054-2000, being a by-law of the Corporation of the City of Nepean to amend By-law 10-98, being a by-law to appoint Municipal Law Enforcement Officers as Peace Officers be read a first and second time and deemed to have been read a third time and passed.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

**12 Resolution - To suspend the rules to consider additional items.**

**MOTION NUMBER 099 - 2000**

Moved by Councillor Rywak  
Seconded by Councillor Phillips

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:

- Development Services Resolution** - To approve the following By-laws:  
No. 056-2000 - To exempt certain lands from part-lot control (Blocks 1 to 5, Plan 4M-1078)  
No. 058-2000 - To amend By-law 39-81 to rezone lands south of existing Strandherd Road, west of Beatrice Drive and north of the future Strandherd Road re-alignment, to Residential Mixed Unit (RMU).  
No. 059-2000 - To authorize the sale of land at the corner of Woodroffe Avenue and Queensbury Drive.

**- Carried -**

**Councillors Farnworth and Sullivan were absent**

- 13 Development Services Resolution - To approve By-law Nos. 056-2000 (To exempt certain lands from part-lot control - Blocks 1 to 5, Plan 4M-1078); 058-2000 (To amend By-law 39-81 to rezone lands south of existing Strandherd Road, west of Beatrice Drive and north of the future Strandherd Road re-alignment, to Residential Mixed Unit - RMU); and 059-2000 (To authorize the sale of land at the corner of Woodroffe Avenue and Queensbury Drive).**

**MOTION NUMBER 100 - 2000**

Moved by Councillor Phillips  
Seconded by Councillor Chiarelli

**1. By-law 056-2000**

WHEREAS Section 50 of the Planning Act, R.S.O. 1990 authorizes to provide by by-law that part-lot control does not apply to land that is within a registered plan or parts thereof;

AND WHEREAS By-law 056-2000 is a by-law to exempt certain lands from part lot control described as Blocks 1-5 and 7 on Registered Plan 4M-1078;

**2. By-law 058-2000**

WHEREAS the Planning and Development Committee at its meeting of June 15, 1999 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 rezone Part of Lots 14 and 15, Concession 2, Rideau Front, being lands located south of existing Strandherd Road, west of Beatrice Drive and north of the future Strandherd Road re-alignment and known as Planning Area "A");

AND WHEREAS Council agrees with the recommendation of the Planning and Development Committee that By-law 39-81 be amended as proposed;

**3. By-law 059-2000**

WHEREAS The Corporation of the City of Nepean wishes to sell the land described as Part of Lot 17, Concession 2, Rideau Front and being Parts 2, 3, 4, 7, 8, 9, 12, 13, 14 and 15 on Reference Plan 4R-11431 and it is expedient that such a sale be approved by by-law;

AND WHEREAS the Council of The Corporation of the City of Nepean declared the lands surplus by Resolution Number 102-95 on April 25, 1995;

BE IT RESOLVED THAT By-laws 056-2000, 058-2000 and 059-2000 be read a first time and a second time and be deemed to have been read a third time and passed.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

**14 Resolution - To approve By-law 10(09)2000 confirming the proceedings of Council at its regular meeting held on May 25, 2000.**

**MOTION NUMBER 101-2000**

Moved by Councillor Rywak  
Seconded by Councillor Phillips

BE IT RESOLVED THAT By-law No. 10(09)2000, being a by-law to confirm the proceedings of Council at its regular meeting held on May 25, 2000, be introduced and read a first and second time and deemed to have been read a third time and passed.

**- Carried -  
Councillors Farnworth and Sullivan were absent**

There being no further business, the meeting adjourned at 7:15 p.m.

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John LeMaistre, City Clerk

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Mary Pitt, Mayor