The Council meets in Regular Session in the Municipal Offices this day at 5:00 p.m.


At the beginning of the Meeting all Members are present.

Her Worship the Mayor presents a plaque for “London’s Featured Company” to Kimberley Chesney, President/Owner, Paul Coleman, Senior Recruitment Specialist, Dianne Davidson, Recruitment Specialist, and Gisele Lavigne, Executive Co-ordinator representing Prime Management Group Inc., 365 Queens Avenue.

DISCLOSURES OF PECUNIARY INTEREST

None are disclosed.

MINUTES

346. Councillor MacDonald moves, seconded by Councillor Chahbar, that the Minutes of the 23rd Meeting held on November 1, 2004 be adopted. CARRIED

CONFIDENTIAL MATTERS TO BE CONSIDERED IN PUBLIC

The Council reviews the confidential matters listed for consideration at this meeting and determines that none should be considered in public.

COMMUNICATIONS

348. The Chair directs that the action suggested by the City Clerk with respect to Communication Nos. 1 and 2 as identified on the Orders of the Day be taken.

ADDED REPORTS

349. The City Clerk submits the 25th Report of the Environment and Transportation Committee. (See Report attached)

Councillor Caranci moves, seconded by Councillor Tranquilli, that pursuant to section 7.3 of the Council Procedure By-law, the order of business be changed to permit consideration of the 26th Report of the Environment and Transportation Committee at 7:30 p.m. CARRIED

REPORTS

37TH REPORT OF THE BOARD OF CONTROL

350. Controller Hume presents the 37th Report of the Board of Control.

Controller Hume moves that clauses 1 and 2 be adopted. CARRIED

Controller Hume moves that clause 3 be adopted.
Councillor Usher moves, seconded by Councillor MacDonald, that clause 3 be referred back to staff for further public input.

Councillor Chahbar moves, seconded by Controller Hume that the motion to refer clause 3 back to staff for further public input include “it being understood that the Members of Council will provide the General Manager of Environmental and Engineering Services and City Engineer with their input by no later than November 19, 2004 and, further, that the General Manager of Environmental and Engineering Services and City Engineer will provide the Board of Control with an update on this matter at its meeting on December 1, 2004.” CARRIED

The motion to refer clause 3 back to staff for further input, as amended, is put and CARRIED.

Controller Hume moves that clauses 4 and 5 be adopted. CARRIED

Controller Hume moves that clauses 6 to 11, inclusive, be adopted.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Van Meerbergen calls for a separate vote on parts (d) and (e) of clause 6.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Usher calls for a separate vote on clauses 7, 8 and 9.

The motion to adopt parts (a), (b), (c), (f) and (g) of clause 6 is put and CARRIED

The motion to adopt parts (e) and (f) of clause 6 is put and CARRIED.

The motion to adopt clause 7 is put and CARRIED.

The motion to adopt clause 8 is put and CARRIED.

The motion to adopt clause 9 is put and CARRIED.

The motion to adopt clauses 10 and 11 is put and CARRIED.

Councillor Van Meerbergen moves, seconded by Councillor Alder, that pursuant to section 17.4 of the Council Procedure By-law leave be given for discussion and debate and the making of a substantive motion to refer clause 12 back to staff to produce a draft budget based on a maximum tax increase of 3%. LOST on a recorded vote, the Members voting as follows:

YEAS: Councillors Chahbar, Baechler, Van Meerbergen, Alder and Tranquilli. (5)

NAYS: Mayor DeCicco, Deputy Mayor Gosnell, Controllers Monteith, Polhill and Hume and Councillors White, MacDonald, Armstrong, Winninger, Miller, Bryant, Usher, Eagle and Caranci. (14)

The Chair directs that clauses 12 to 22, inclusive, of Section II be noted.

20TH REPORT OF THE
COMMUNITY AND PROTECTIVE SERVICES COMMITTEE

351. Councillor Winninger presents the 20th Report of the Community and Protective Services Committee.

Councillor Winninger moves that clauses 1 to 4, inclusive, be adopted. CARRIED

Councillor Winninger moves that clause 5 be adopted.

Councillor Tranquilli moves, seconded by Councillor Caranci, that clause 5 be amended by adding thereto at the end the words “it being noted that the City Clerk was requested to communicate with each of the Council Advisory Committees to remind them of part 19 of Municipal Council Policy 5(16A) as it relates to financial support to third parties by Advisory Committees. CARRIED
The motion to adopt clause 5, as amended, is put and CARRIED.

The Chair directs that clauses 6 to 14, inclusive, of Section II be noted.

Councillor Caranci moves, seconded by Councillor Eagle, that the Council rise and go into Committee of the Whole, in camera, for the purpose of considering a matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose. CARRIED.

The Council rises and goes into Committee of the Whole, in camera, at 6:20 p.m. with Deputy Mayor Gosnell in the Chair.

The Committee of the Whole rises and Council resumes in regular session at 7:02 p.m.

Councillor MacDonald moves, seconded by Councillor Chahbar, that Council recess. CARRIED

The Council recesses at 7:02 p.m. and reconvenes at 7:40 p.m. with Mayor DeCicco in the Chair and with all Members present except Councillor Alder.

25TH REPORT OF THE ENVIRONMENT AND TRANSPORTATION COMMITTEE


Councillor Caranci moves that clause 1 be adopted.

Councillor Alder enters the meeting at 7:42 p.m.

Councillor Miller moves, seconded by Councillor Caranci, that a new part (c) be added as follows:

“(c) Sections 9.6, 9.8, 10.3, 10.7.1, 10.7.2, 10.7.3, 10.7.4, 10.8, as well as Tables 3, 4 and 5, be divided such that separate sections are created for references to limousines versus references to group transportation”. CARRIED

Councillor Miller moves, seconded by Councillor Caranci, that a new part (d) be added as follows:

(d) Section 10.7.4 be further amended in line 3 of part (c) to change the number “2” to the number “4”. CARRIED

Councillor Tranquilli moves, seconded by Councillor Alder, that a new section 2.5 entitled "Transition" be added as follows: “Notwithstanding any other provision of this By-law, anyone who renews a Limousine Driver or Owner Licence under By-law L.-125-139 before November 15, 2004, as a Group Transportation Vehicle Driver or Owner Licence under subsection 2.2(d)(ii)1 or subsection 2.2(d)(ii)3 may charge the Fare in Schedule "B" or the Fare in Schedule "D" for a transition period of seven and one half months and on June 30, 2005 shall only charge the Fare in Schedule "D".” CARRIED

The motion to adopt clause 1, as amended, is put and CARRIED.

The Chair directs that clause 2 of Section II be noted.

Councillors Caranci and Polhill leave the meeting at 8:10 p.m.

27TH REPORT OF THE PLANNING COMMITTEE

353. Councillor Baechler presents the 27th Report of the Planning Committee.

Councillor Baechler moves that clauses 1 to 15, inclusive, be adopted. CARRIED
Councillor Usher moves that clause 16 be adopted.

Controller Polhill re-enters the meeting at 8:15 p.m.

Pursuant to section 17.2 of the Council Procedure By-law, Deputy Mayor Gosnell calls for a separate vote on clause 16(a).

Councillor Caranci re-enters the meeting at 8:28 p.m.

The motion to adopt clause 16(a) is put and LOST.

Deputy Mayor Gosnell moves, seconded by Councillor Eagle, that clause 16(a) be amended to read as follows:

"(a) the Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the Riverbend Mews Subdivision, (39T-03506) BE APPROVED; it being noted that clause (ab) is deleted and replaced as follows:

"(ab) The Owner agrees to construct a 900 mm (36 inch) diameter storm sewer in the Block 109 open space corridor in this plan, from the storm outlet sewer which discharges to the stormwater management facility in this plan to the west limit of the plan, all to the specifications of the City Engineer and at no cost to the City. The Owner further agrees to comply with all requirements of Union Gas with respect to the crossing of the high pressure gas main within this plan by the storm sewer.

In lieu of constructing the subject section of storm sewer, the Owner may provide cash security for the cost of this section of sewer to the City prior to the issuance of a Certificate of Conditional Approval for the services in this plan. The value of the sewer construction is estimated at $111,000, including engineering and GST. The final value is to be established by the City Engineer in consultation with the Owner's consulting engineer at the time of provision of security. The security will be held by the City until such time as the storm sewer is needed to serve lands to the west of this plan, at which time the funds will be provided to the party who constructs the sewer. At the time of construction, if the sewer is claimable under the UWRF rules, the developer may initiate a claim.". CARRIED

The motion to adopt part (a) of clause 16, as amended, is put and CARRIED.

The motion to adopt parts (b) and (c) of clause 16 is put and CARRIED.

Councillor Usher moves that clauses 17 and 18 be adopted. CARRIED

Councillor Usher moves that clause 19 be adopted. LOST

Councillor Baechler moves, seconded by Councillor Winninger, that clause 19 be amended in line 1 by deleting therefrom the word "not". CARRIED

The motion to adopt clause 19, as amended, is put and CARRIED.

Councillor Baechler moves that clauses 20 and 21 be adopted.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Caranci calls for a separate vote on clause 21.

The motion to adopt clause 20 is put and CARRIED.

The motion to adopt clause 21 is put and CARRIED.

The Chair directs that clauses 22 to 24, inclusive, of Section II be noted.
Councillor Caranci presents the 24th Report of the Environment and Transportation Committee.

Councillor Caranci moves that clause 1 be adopted. CARRIED

Councillor Caranci moves that clause 2 be adopted.

Councillor Caranci moves, seconded by Councillor Tranquilli, that clause 2 be amended in line 2 by deleting therefrom the words “City Clerk” and by substituting therefor the words “City Treasurer”. CARRIED

The motion to adopt clause 2, as amended, is put and CARRIED.

Councillor Caranci moves that clauses 3 and 4 be adopted. CARRIED

Councillor Caranci moves that clause 5 be adopted.

Councillor Tranquilli moves, seconded by Councillor Caranci, that clause 5 be amended so that the appointment policies included in the Terms of Reference provide for two Co-Chairs, one from the City’s Administration and one from the public.

Pursuant to section 11.6 of the Council Procedure By-law, the motion moved by Councillor Tranquilli and seconded by Councillor Caranci is, at the joint request of the mover and seconder and with the consent of Council, withdrawn.

Councillor Eagle moves, seconded by Deputy Mayor Gosnell, that clause 5 be referred back to the Environment and Transportation Committee for further consideration of the proposed composition of the Task Force. CARRIED

Councillor Caranci moves that clause 6 be adopted.

Councillor Caranci moves, seconded by Councillor Chahbar, that clause 6 be amended by adding thereto at the end the words “it being noted that this policy applies to consulting engineers and architects”. CARRIED

The motion to adopt clause 6, as amended, is put and CARRIED.

Councillor Caranci moves that clauses 7 to 11, inclusive, be adopted. CARRIED

The Chair directs that clauses 12 to 19, inclusive, of Section II be noted.

ENQUIRIES

Councillor Miller enquires as to how the problems with the amplification system at the Remembrance Day Ceremony can be remedied.

The Chair refers this enquiry to the Acting General Manager of Community Services for remedial action.

Councillor MacDonald enquires as to whether or not there will be a noise wall installed by the houses on Highbury Avenue, between Huron and Cheapside Streets.

The Chair refers this inquiry to the General Manager of Environmental and Engineering Services and City Engineer for response to the Ward Councillors.

Deputy Mayor Gosnell moves, seconded by Councillor Tranquilli, that the Council rise and go into Committee of the Whole, in camera, for the purpose of considering the following:

(a) a matter pertaining to a proposed or pending acquisition or disposition of land by the municipality or local board;
(b) three matters pertaining to personal matters about an identifiable individual, including municipal or local board employees; and

(c) a matter pertaining to labour relations or employee negotiations.

The Council rises and goes into the Committee of the Whole, in camera, at 8:56 p.m. with Deputy Mayor Gosnell in the Chair and all Members present except Councillors Usher and Van Meerbergen.

Councillor Usher re-enters the meeting at 9:07 p.m.

The Committee rises and Council resumes in regular session at 9:12 p.m. with Mayor DeCicco in the Chair and all Members present except Councillor Van Meerbergen.

31ST REPORT OF THE COMMITTEE OF THE WHOLE


I YOUR COMMITTEE OF THE WHOLE REPORTS:

1. That, as procedural matter pursuant to Section 239 (6) of the Municipal Act, 2001, the following recommendation be forwarded to City Council for deliberation and a vote in public session:

That, on the recommendation of the Chief Administrative Officer and with the concurrence of the Management Bargaining Committee, the attached Memorandum of Agreement concerning the 2004-2005 Collective Agreement for the London Civic Employees' Local Union No. 107 (CUPE Local 107), representing the City's Full-time and Part-time Outside Workers, BE RATIFIED; and that the Mayor and the City Clerk BE AUTHORIZED to execute the Collective Agreement; it being noted that there is provision in the 2004 approved operating budget to fund the costs for the 2004 wage and benefit changes associated with this collective agreement.

Deputy Mayor Gosnell presents the 31st Report of the Committee of the Whole.

Deputy Mayor Gosnell moves, seconded by Controller Tranquilli, that pursuant to Section 15.4 of the Council Procedure By-law, leave be given for discussion and debate and the making of a substantive motion with respect to clause 1 of the 31st Report of the Committee of the Whole. CARRIED

Deputy Mayor Gosnell moves, seconded by Councillor Chahbar, that the following recommendation be approved:

1. That, on the recommendation of the Chief Administrative Officer and with the concurrence of the Management Bargaining Committee, the attached Memorandum of Agreement concerning the 2004-2005 Collective Agreement for the London Civic Employees' Local Union No. 107 (CUPE Local 107), representing the City's Full-time and Part-time Outside Workers, BE RATIFIED; and that the Mayor and the City Clerk BE AUTHORIZED to execute the Collective Agreement; it being noted that there is provision in the 2004 approved operating budget to fund the costs for the 2004 wage and benefit changes associated with this collective agreement. CARRIED

BY-LAWS

356. Councillor Tranquilli moves, seconded by Councillor MacDonald, that the following Bills be introduced:

Bill No. 415 A by-law to establish and adopt a Plan governing the provision of necessary services during an emergency

By-law No. A.-6898-253
Bill No. 416
By-law No. C.P.-1284(lc)-254
A by-law to amend the Official Plan for the City of London, 1989. (relating to the southerly portion of CON WTR Pt Lot 74 located west of Colonel Talbot Road and east of Clayton Walk) (17/27/PC)

Bill No. 417
By-law No. C.P.-1445-255
A by-law to exempt from Part Lot Control, lands located west of St. Julien Street, north of Tommy Hunter Way, being Pt. Lot 2 all of Lots 3, 4, and 5 on Registered Plan 484, in the City of London and County of Middlesex. (7/27/PC)

Bill No. 418
By-law No. D.-754-243
A by-law of The Corporation of the City of London to authorize the borrowing upon installment debentures in the amount of $11,086,062 towards the cost of certain capital works of The Corporation of the City of London. (15/25/BC)

Bill No. 419
By-law No. D.-755-244
A by-law of The Corporation of the City of London to authorize the borrowing upon installment debentures in the amount of $4,150,000 towards the cost of certain capital works of The Corporation of the City of London. (15/25/BC)

Bill No. 420
By-law No. Z.-1-041301
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1059-1073 Riverside Drive. (2/27/PC)

Bill No. 421
By-law No. Z.-1-041302
A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for an area of land located at 2455 and 2587 Colonel Talbot Road. (3/27/PC)

Bill No. 422
By-law No. Z.-1-041303
A by-law to repeal By-law No. Z.-1-041283 entitled “A by-law to amend By-law No. 5000 (former Township of London) and By-law No. Z-1 to remove lands located at 1223 to 1243 Sunningdale Road East from By-law No. 5000 and insert the said lands into Zoning By-law No. Z-1 and rezone the said lands”. (5/27/PC)

Bill No. 423
By-law No. Z.-1-041304
A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for an area of land located on a portion of 415 and 425 Southdale Road West. (8/27/PC)

Bill No. 424
By-law No. Z.-1-041305
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 138 Elmwood Avenue East. (10/27/PC)

Bill No. 425
By-law No. Z.-1-041306
A by-law to amend by-law No. Z.-1 to amend the front and exterior side yard depth for secondary collectors in Table 5.3 of Section 5 – Residential R1 Zone, add Section 5.3 6) – Front and Exterior Side Yard Depth for Built-Up Residential Areas and amend Section 4.23 – Setback/Front Yard Exemption in Built-Up Residential Areas. (11/27/PC)

Bill No. 426
By-law No. Z.-1-041307
A by-law to amend by-law No. Z.-1 to rezone an area of land located at 409 Sunningdale Road East, south side, between Richmond Street and Adelaide Street North. (13/27/PC)

Bill No. 427
By-law No. Z.-1-041308
A by-law to amend By-law No. Z.-1 to rezone the southerly portion of CON WTR Pt. Lot 74 located west of Colonel Talbot Road and east of Clayton Walk. (17/27/PC)
Bill No. 428
By-law No. L.-126-256
A by-law to provide for THE LICENSING, REGULATING AND GOVERNING OF TAXICABS, NAMELY CAB, ACCESSIBLE CAB, LIMOUSINE AND GROUP TRANSPORTATION VEHICLE DRIVERS, OWNERS AND BROKERS. (1/25/ETC)

CARRIED

First Reading:
Councillor Tranquilli moves, seconded by Councillor MacDonald, that Bill No.'s 406 to 428, inclusive, be read a first time. CARRIED

Second Reading:
Councillor Tranquilli moves, seconded by Councillor MacDonald, that Bill No.'s 406 to 428, inclusive, be read a second time. CARRIED

Third Reading:
Councillor Tranquilli moves, seconded by Councillor White, that Bill No.'s 406 to 428, inclusive, be read a third time and be finally passed and enacted as by-laws of The Corporation of the City of London, namely:

Bill No. 406
By-law No. A.-5897-245
A by-law to confirm the proceedings of the Council Meeting held on the 15th day of November, 2004. (City Clerk)

Bill No. 407
By-law No. C.G.-430-246
A by-law to authorize the construction of curbs and gutters on Broadway Avenue as local improvement under the provisions of the Ontario Regulation 119/03 under the Municipal Act, 2001. (4/5/ETC)

Bill No. 408
By-law No. C.G.-431-247
A by-law to authorize the construction of curbs and gutters on Melsandra Avenue as local improvement under the provisions of the Ontario Regulation 119/03 under the Municipal Act, 2001(5/5/ETC)

Bill No. 409
By-law No. C.G.-432-248
A by-law to authorize the construction of curbs and gutters on Steele Street as local improvement under the provisions of the Ontario Regulation 119/03 under the Municipal Act, 2001. (3/25/ETC)

Bill No. 410
By-law No. C.P.-1443-249
A by-law designating the Old East Village Community Improvement Project Area. (10/26/PC)

Bill No. 411
By-law No. C.P.-1444-250
A by-law to adopt the Old East Village Community Improvement Plan. (10/26/PC)

Bill No. 412
By-law No. PS-110-04040
A by-law to amend By-law PS-110 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (Director of Roads & Transportation)

Bill No. 413
By-law No. S.-4854-251
A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening Southdale Road East, west of Nixon Avenue) (Chief Surveyor)

Bill No. 414
By-law No. S.-4855-252
A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Adelaide Street North, north of Piccadilly Street; and as widening to Adelaide Street North, south of Pall Mall Street) (Chief Surveyor)

Bill No. 415
By-law No. A.-5898-253
A by-law to establish and adopt a Plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency. (3/20/CPSC)
Bill No. 416
By-law No. C.P.-1284(ic)-254
A by-law to amend the Official Plan for the City of London, 1989, (relating to the southerly portion of CON WTR Pt Lot 74 located west of Colonel Talbot Road and east of Clayton Walk) (17/27/PC)

Bill No. 417
By-law No. C.P.-1445-255
A by-law to exempt from Part Lot Control, lands located west of St. Julien Street, north of Tommy Hunter Way, being Pt. Lot 2 all of Lots 3, 4, and 5 on Registered Plan 484, in the City of London and County of Middlesex. (7/27/PC)

Bill No. 418
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A by-law of The Corporation of the City of London to authorize the borrowing upon installment debentures in the amount of $4,150,000 towards the cost of certain capital works of The Corporation of the City of London. (15/25/BC)

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A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for an area of land located at 2455 and 2587 Colonel Talbot Road. (3/27/PC)

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By-law No. Z.-1-041303
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Bill No. 423
By-law No. Z.-1-041304
A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for an area of land located on a portion of 415 and 425 Southdale Road West. (8/27/PC)

Bill No. 424
By-law No. Z.-1-041305
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 138 Elmwood Avenue East. (10/27/PC)

Bill No. 425
By-law No. Z.-1-041306
A by-law to amend By-law No. Z.-1 to amend the front and exterior side yard depth for secondary collectors in Table 5.3 of Section 5 — Residential R1 Zone, add Section 5.3 6) — Front and Exterior Side Yard Depth for Built-Up Residential Areas and amend Section 4.23 — Setback/Front Yard Exemption in Built-Up Residential Areas. (11/27/PC)

Bill No. 426
By-law No. Z.-1-041307
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 409 Sunningdale Road East, south side, between Richmond Street and Adelaide Street North. (13/27/PC)

Bill No. 427
By-law No. Z.-1-041308
A by-law to amend By-law No. Z.-1 to rezone the southerly portion of CON WTR Pt. Lot 74 located west of Colonel Talbot Road and east of Clayton Walk. (17/27/PC)
Bill No. 428
By-law No. L.-126-256

A by-law to provide for THE LICENSING, REGULATING AND GOVERNING OF TAXICABS, NAMELY CAB, ACCESSIBLE CAB, LIMOUSINE AND GROUP TRANSPORTATION VEHICLE DRIVERS, OWNERS AND BROKERS. (1/25/ETC)

CARRIED

ADJOURNMENT

357. Councillor Chahbar moves, seconded by Councillor Tranquilli, that the Meeting adjourn.
CARRIED

The Meeting adjourns at 9:15 p.m.

Anne Marie DeCicco, Mayor

Kevin Bain, City Clerk