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 except Councillor White.

Her Worship the Mayor presents a plaque for “London's Featured Company” to David LeClair, Owner and President, Sheila LeClair, Owner and General Manager, Donna Moore, Senior Manager, Client Management and Derek Lightfoot, Systems Manager representing Alliance iCommunications, 355 Wellington Street.

Councillor White enters the meeting at 5:02 p.m.

Her Worship the Mayor presents a certificate for “London's Featured Community Organization” to Angela McMillan and Dorothy Hickey of Cherryhill Healthy Ageing Program.

DISCLOSURES OF PECUNIARY INTEREST

130. Councillor Miller discloses a pecuniary interest in clauses 1 and 8 of the 11th Report of the Planning Committee having to do with properties located at 3681 Homewood Lane and 8492 Longwoods Road, respectively, by indicating that she has property listed in the appeal areas.

131. Councillor Baechler discloses a pecuniary interest in clause 7 of the 11th Report of the Planning Committee having to do with the Annexed Area Zoning By-law Project by indicating that she has a business which operates out of a location which is subject to a zoning change. Councillor Baechler further discloses a pecuniary interest in clause 12 of the 11th Report of the Planning Committee having to do with the Airport Area Community Improvement Plan by indicating that she owns property in the Skyway Industrial Park.

132. Councillor Bryant discloses a pecuniary interest in clause 11 of the 10th Report of the Board of Control having to do with the National Conference on Crisis Leadership by indicating that her spouse is employed with the Richard Ivey School of Business.

133. Controller Hume discloses a pecuniary interest in clause 6 of the 11th Report of the Planning Committee having to do with an application by Wickerson Heights Inc. for property located in the area of Wickerson Road by indicating that he owns property within the legal notification area.

134. Deputy Mayor Gosnell discloses a pecuniary interest in clause 7(b) of the 11th Report of the Planning Committee having to do with property in the vicinity of Mallard Road by indicating that he has a client with an interest in the construction of the Stanton Drain.

135. Controller Monteith discloses a pecuniary interest in clause 11 of the 10th Report of the Board of Control having to do with the National Conference on Crisis Leadership by indicating that he has been invited to attend the Conference as a guest of a local company.

136. Councillor Chahbar discloses a pecuniary interest in clause 15(i) of the 10th Report of the Board of Control having to do with road works on Commissioners Road West by indicating that he owns property in the area.
137. Councillor Eagle discloses a pecuniary interest in clause 15(i) of the 10th Report of the Board of Control having to do with road works on Commissioners Road, from Wonderland to Viscount, by indicating that she lives in the notification area.

**MINUTES**

138. Councillor Miller moves, seconded by Councillor Chahbar, that the Minutes of the Ninth Meeting held on March 27, 2006 be adopted. CARRIED

**CONFIDENTIAL MATTERS TO BE CONSIDERED IN PUBLIC**

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

**COMMUNICATIONS**

140. The Chair directs that the actions suggested by the City Clerk with respect to Communication No.'s 1 to 6, inclusive, as identified on the Orders of the Day and on the Added Communications be taken.

**ADDED REPORTS**

141. The City Clerk submits the 11th Report of the Board of Control. (See Report attached.)

**REPORTS**

10TH REPORT OF THE BOARD OF CONTROL

142. Controller Polhill presents the 10th Report of the Board of Control.

Controller Polhill moves that clauses 1 to 10, inclusive, be adopted. CARRIED

Councillor Bryant leaves the meeting at 5:12 p.m.

Controller Polhill moves that clause 11 be adopted.

Councillor Caranci moves, seconded by Deputy Mayor Gosnell, that clause 11 be amended by adding thereto at the end the words "it being further noted that the tickets that will become available in recognition of the City of London's sponsorship will be made available to staff involved in emergency planning, rather than to the Members of the Municipal Council.". CARRIED

The motion to adopt clause 11, as amended, is put and CARRIED on a recorded vote, the Members voting as follows:

YEAS: Mayor DeCicco, Deputy Mayor Gosnell, Controllers Polhill and Hume and Councillors Tranquilli, MacDonald, Alder, Chahbar, Caranci, Miller, Baechler and Usher. (12)

NAYS: Councillors Winninger, Eagle, White, Armstrong and Van Meerbergen. (5)

Councillor Bryant enters the meeting at 5:44 p.m.

Controller Polhill moves that clauses 12 to 14 be adopted. CARRIED

Controller Polhill moves that clause 15 be adopted.

The Chair directs that clause 15 be considered in conjunction with clause 2 of the 11th Report of the Board of Control.

Pursuant to section 17.2 of the Council Procedure By-law, Controller Monteith calls for a separate vote on part (vi) of clause 15.
Pursuant to section 17.2 of the Council Procedure By-law, Councillors Chahbar and Eagle call for a separate vote on part (i) of clause 15.

Councillor Miller moves, seconded by Councillor Usher, that part (vi) of clause 15 be referred back to the Board of Control for further consideration. CARRIED

The motion to adopt part (i) of clause 15 is put and CARRIED.

The motion to adopt parts (ii), (iii), (iv), (v) and (vii) of clause 15 is put and CARRIED.

**11TH REPORT OF THE BOARD OF CONTROL**

Controller Polhill presents the 11th Report of the Board of Control.

Controller Polhill moves that clause 2 be adopted.

Councillor Miller moves, seconded by Councillor Usher, that clause 2 be referred back to the Board of Control for further consideration in conjunction with part (vi) of clause 15 of the 10th Report of the Board of Control. CARRIED

In recognition of the community contributions made by students attending London's post-secondary educational institutions, Her Worship the Mayor and Members of Council welcome and recognize representatives of the incoming Students’ Councils from the University of Western Ontario, Huron University College, Brescia University College, King's University College and Fanshawe College.

**University of Western Ontario Students’ Council**

Ryan Dunn President
Paris Meilleur Vice President Education-Elect

**Huron University College**

Derek Lukson President
David Singh President-Elect

**Brescia University College**

Caitlyn Marshall President
Fran Tran President-Elect

**King’s University College**

Matthew Wilson Vice President, Finance
Vanessa Smythe Vice President Student Issues

**Fanshawe College Student Union**

Melissa Smart President
Christine Thomson President-Elect

Councillor Caranci moves, seconded by Councillor Usher, that Council recess. CARRIED

The Council recesses at 6:30 p.m. and reconvenes at 7:29 p.m. with Mayor DeCicco in the Chair and all Members present except Councillors Alder, Bryant, Caranci, MacDonald, Tranquilli, Van Meerbergen and White.

**10TH REPORT OF THE BOARD OF CONTROL (continued)**

Controller Polhill moves that clauses 16 to 20 be adopted.

Councillors Bryant and Van Meerbergen enter the meeting at 7:32 p.m.
Councillors MacDonald and Tranquilli enter the meeting at 7:33 p.m.
Councillor Caranci enters the meeting at 7:34 p.m.

Councillor White enters the meeting at 7:40 p.m.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Van Meerbergen calls for a separate vote on part (b) of clause 16.

At 7:53 p.m. Her Worship the Mayor places Councillor Van Meerbergen in the Chair and takes a seat at the Council Board.

At 7:55 p.m. Her Worship the Mayor resumes the Chair, and Councillor Van Meerbergen takes a seat at the Council Board.

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

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

The motion to adopt clause 17 is put and CARRIED.

Deputy Mayor Gosnell moves, seconded by Councillor Usher, that clause 18 be amended by adding thereto a new part (d) as follows:

"(d) a goal be adopted by the Municipal Council for a net tax levy increase of the rate of inflation or less for 2007 to 2009." CARRIED on a recorded vote, the Members voting as follows:

YEAS: Deputy Mayor Gosnell and Councillors Tranquilli, MacDonald, Chahbar, Caranci, Miller, Baschler, Armstrong, Usher and Van Meerbergen. (10)

NAYS: Mayor DeCicco, Controllers Monteith, Polhill and Hume and Councillors Winninger, Eagle, White and Bryant. (8)

The motion to adopt clause 18, as amended, is put and CARRIED.

Controller Polhill moves, seconded by Councillor Caranci, that clause 19 be amended in part (a) by deleting therefrom all words following the words “BE APPROVED”. CARRIED

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

Controller Polhill moves that clauses 20 to 22 be adopted. CARRIED

The Chair directs that clauses 23 to 31, inclusive, of Section II be noted.

11TH REPORT OF THE BOARD OF CONTROL (continued)

145. Controller Polhill presents the 11th Report of the Board of Control.

Controller Polhill moves that clause 1 be adopted. CARRIED

The Chair directs that clause 3 of Section II be noted.

8TH REPORT OF THE COMMUNITY AND PROTECTIVE SERVICES COMMITTEE

146. Councillor Eagle presents the 8th Report of the Community and Protective Services Committee.

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

Councillor Eagle moves that clause 5 be adopted.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Van Meerbergen calls for a separate vote on clause 5.
Councillor Usher moves, seconded by Councillor Armstrong, that clause 5 be amended by deleting part (b) in its entirety. CARRIED

The motion to adopt clause 5, as amended, is put and CARRIED.

Councillor Eagle moves that clauses 6 to 8 be adopted. CARRIED

The Chair directs that clauses 9 and 10 of Section II be noted.

11TH REPORT OF THE PLANNING COMMITTEE

147. Councillor Caranci presents the 11th Report of the Planning Committee.

Councillor Caranci moves that clauses 1 to 6, inclusive, be adopted.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Miller calls for a separate vote on clause 1.

The motion to adopt clause 1 is put and CARRIED.

Pursuant to section 17.2 of the Council Procedure By-law, Controller Hume calls for a separate vote on clause 6.

The motion to adopt clauses 2 to 5, inclusive, is put and CARRIED.

The motion to adopt clause 6 is put and CARRIED.

Councillor Caranci moves that clause 7 be adopted.

Councillor Caranci moves, seconded by Councillor Bryant, that clause 7 be amended by adding the word "revised" after the word "attached" on the first line of the second paragraph of clause 7(c); by deleting the words "4922 White Oak Road" from the second line of the third WHEREAS clause of the proposed draft by-law attached to clause 7(c) and by substituting therefor the words "1380 Wilton Grove Road"; and, by adding at the end of clause 7(c) the words "; it being noted that since the revision to the proposed draft by-law is of a minor technical nature, as provided by section 34(17) of the Planning Act, no further notice is required". CARRIED

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Bryant calls for a separate vote on part (b) of clause 7.

The motion to adopt part (b) of clause 7 is put and CARRIED.

The motion to adopt the balance of clause 7, as amended, is put and CARRIED.

Councillor Caranci moves that clauses 8 to 10 be adopted.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Baechler calls for a separate vote on clause 8.

Councillor Chahbar moves, seconded by Councillor Caranci, that part (c) of clause 8 be referred back to the Planning Committee for further consideration.

Controller Hume moves, seconded by Councillor White, that the motion to refer part (c) of clause 8 back to the Planning Committee for further consideration be amended so that all of clause 8 is referred back to the Planning Committee for further consideration. CARRIED

The motion to adopt clauses 9 and 10 is put and CARRIED.

Councillor Caranci moves that clause 11 be adopted.

Councillor Caranci moves, seconded by Councillor Chahbar, that clause 11 be amended by deleting clauses (b) and (c) and the proposed draft by-laws attached to clauses (b) and (c) and by replacing them with a revised part (b) to read "the attached revised proposed by-law BE INTRODUCED at the Municipal Council
meeting on April 10, 2006 to amend section 13.3 of the Official Plan of the City of London to identify the Old East Heritage Conservation District and to add a Character Statement and Policies for the Old East Heritage Conservation District to Section 13.6 of the Official Plan; and to amend Section 19.2.2 of the Official Plan of the City of London to include the Old East Heritage Conservation and District Plan and Guidelines, as guideline documents to guide property owners and development activity within the boundaries of the District and by adding at the end of clause 11 (b) the words "; it being noted that since the revisions to the proposed draft by-laws are of a minor technical nature, as provided by section 19.12.6.(i) of the Official Plan for the City of London, 1989, no further public notification or public meeting(s) are required". CARRIED

The motion to adopt clause 11, as amended, is put and CARRIED.

Councillor Caranci moves that clauses 12 to 15, inclusive, be adopted.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Winninger calls for a separate vote on clause 12.

The motion to adopt clause 12 is put and CARRIED.

The motion to adopt clauses 13 to 15, inclusive, is put and CARRIED.

The Chair directs that clauses 16 to 19, inclusive, of Section II be noted.

7TH REPORT OF THE ENVIRONMENT AND TRANSPORTATION COMMITTEE


Councillor Van Meerbergen moves that clause 1 be adopted. CARRIED

Councillor Van Meerbergen moves that clause 2 be adopted.

Councillor Van Meerbergen moves, seconded by Controller Polhill, that clause 2 be amended by adding thereto at the end the words "it being noted that the purpose of the above-mentioned report is for information purposes related to the development of a draft pesticide by-law; it being further noted that the content of the draft by-law will be determined at an ETC meeting subsequent to the meeting at which the above report is received and the draft by-law will then be the subject of a public participation meeting at a subsequent date, for which there will be at least 30 days notice in order to provide the public with ample opportunity for input on the draft by-law prior to its adoption."

Councillor Tranquilli leaves the meeting at 8:37 p.m.

Councillor Baechler moves, seconded by Councillor MacDonald, that the proposed motion moved by Councillor Van Meerbergen and seconded by Controller Polhill to add further wording to the end of clause 2 be referred to the Environment and Transportation Committee for consideration. CARRIED

Councillor Usher moves, seconded by Councillor Armstrong, that clause 2 be amended in line 2 by deleting therefrom the words "a future" and by substituting therefor the words "the next". CARRIED

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

The Chair directs that clauses 3 to 6, inclusive, of Section II be noted.

Councillor Caranci moves, seconded by Councillor MacDonald, 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 an expropriation of land by the municipality or local board for road widening purposes, litigation with respect to property
located at 259 Springbank Drive, including matters before the Ontario Municipal Board bearing Case No. LC050037 and advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(b) two matters pertaining to the disposition of land by the municipality;

(c) a matter pertaining to personal matters about identifiable individuals, including municipal or local board employees, and labour relations or employee negotiations;

(d) two matters pertaining to litigation before the Ontario Human Rights Commission affecting the Municipality, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and personal matters about an identifiable individual, including a municipal employee;

(e) a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and labour relations or employee negotiations regarding employment related matters pertaining to positions and individuals within the Corporation;

(f) a matter pertaining to labour relations or employee negotiations regarding employment related matters pertaining to positions or individuals within the Corporation;

(g) two matters pertaining to labour relations or employee negotiations;

(h) a matter pertaining to personal matters about an identifiable individual who is a municipal employee; and

(i) a matter pertaining to advice that is subject to solicitor-client privilege including communications necessary for that purpose regarding the decision from Justice McDermid of the Ontario Superior Court of Justice respecting Court File No: 1558 dated 2006-04-07. CARRIED

The Council rises and goes into the Committee of the Whole, in camera, at 8:53 p.m. with Deputy Mayor Gosnell in the Chair and all Members present except Councillors Alder and Tranquilli.

At 8:57 p.m. the Deputy Mayor places Her Worship the Mayor in the Chair and takes a seat at the Council Board.

At 9:22 p.m. Her Worship the Mayor places Controller Monteith in the Chair and takes a seat at the Council Board.

At 9:25 p.m. Her Worship the Mayor resumes the Chair, and Controller Monteith takes a seat at the Council Board.

At 10:03 p.m. Deputy Mayor Gosnell resumes the Chair, and Her Worship the Mayor takes a seat at the Council Board.

The Committee rises and Council resumes in regular session at 10:20 p.m. with Mayor DeCicco in the Chair and all Members present except Councillors Alder and Tranquilli.

13TH REPORT OF THE COMMITTEE OF THE WHOLE


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 General Manager of Finance and Corporate Services and on the advice of the City Solicitor’s Office, with the concurrence of the Manager of Realty Services, settlement of the expropriation of part of the lands owned by London and District School Staff’s Credit Union Limited, municipally located at 259 Springbank Drive, further described as Part 5, Expropriation Plan ER-255500 and containing an area of approximately 740 square feet, BE ACCEPTED on the following basis:

(a) the City of London pay the London and District School Staff’s Credit Union Limited, or its receiver, the sum of $12,000, together with simple interest calculated at the rate of 6 per cent per annum from the date of expropriation (November 7, 2003) to the date of payment and reasonable legal and appraisal fees as agreed between counsel for the liquidator for the London and District School Staff’s Credit Union and the Civic Administration, or as assessed;

(b) financing for this settlement BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix “A”;

(c) the Notice of Arbitration and Statement of Claim bearing OMB File No. LC050037 be dismissed by the liquidator for the London and District School Staff’s Credit Union Limited; and

(d) the Mayor and the City Clerk BE AUTHORIZED to execute Minutes of Settlement in the form attached hereto as Appendix “B”. (L15-02)

2. 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 the General Manager of Finance and Corporate Services, with the concurrence of the Director of Management Support, Audit and Risk, and the Fire Chief, on the advice of the Manager of Realty Services, the following actions be taken:

(a) the Mayor and the City Clerk BE AUTHORIZED to sign an agreement/contract with Westmar Construction Limited (an associated company to Rembrandt Homes and Brookside Development Inc.) for the construction of Fire House 13 for a price of $821,500 (plus GST) plus the cost to relocate the underground hydro service traversing the subject property and removal of an existing septic tank from the property; it being noted that in the event the fire house construction agreement is not completed within 30 days following acceptance of the offer as set out in item (c) below, then both the fire house construction agreement and the land sale agreement will be terminated; it being further noted that the final contract is to be approved in a form satisfactory to the City Solicitor;

(b) the land described as Part of Lot 11, Concession 5, being a portion of the City owned property known as 790 Fanshawe Park Road East and containing approximately 1.8 acres BE DECLARED SURPLUS; and

(c) the offer submitted by Brookside Development Inc. to purchase from the City the land described as Part of Lot 11, Concession 5, being a portion of the City owned property known as 790 Fanshawe Park Road East and containing approximately 1.8 acres, for the sum of $293,326, BE ACCEPTED, subject to the following conditions:

(i) the agreement being conditional for a period of 30 days for the purchaser to conduct its due diligence including, but not limited to, archaeological and methane testing;

(ii) the purchaser having a further ninety (90) days from satisfaction or waiver of (i) above to proceed with, at its expense, obtaining site plan approval for a proposed 22 unit residential development on lands
transferred to the purchaser from the City and an additional 10 units on
lands consisting of the rear portion of the adjoining Eastern Star Temple
of London Limited property;

(iii) a mutual covenant for the benefit of the City and the purchaser
whereby completion of this agreement is conditional on finalizing the
contract for the construction by Brookside Development (or a related
company) of the fire house on the front portion of the lands at 790
Fanshawe Park Road;

(iv) the City providing a survey and severing the land it requires for the fire
house and a public walkway to extend along the westerly boundary of the
overall City owned property at 790 Fanshawe Park Road East;

(v) the City consenting to the placement of a signboard on City
property for the purpose of advertising the purchaser's proposed
residential developments; it being noted that the sign is to be in
compliance with the City Sign By-law at a location to be approved by the
City;

(vi) the City agreeing that the purchaser shall be credited the amount of
$117,500 (plus GST) for the added costs to be incurred by the purchaser
for the removal of unsuitable soils and the placement of engineered fill; it
being noted that the purchaser will assume responsibility for any further
costs of remediation of adverse sub soils or methane gas that may be
encountered;

(vii) the City and the purchaser agreeing that if the proposed 22 unit
development on the subject property is reduced through provisions of the
site plan process, there will be an adjustment to the purchase price based
on the number of units approved;

(viii) the City consenting to the placement of fill on a strip of land located at the
rear of the property, described as Part 3 on Plan 33R9543, during
construction, provided that the materials are removed and the land
restored in accordance with approved site plan requirements;

(ix) the purchaser, at its expense, preparing mutually acceptable
easement/maintenance agreements suitable for registration regarding the
servicing, liability, operation and maintenance of the right-of-way from
Fanshawe Park Road across the fire house land to the residential land;
and

(x) the purchaser dedicating Part 4 on Plan 33R9543 in consideration of all
parkland dedication requirements;

it being noted that with respect to (vii) above, the proposed 22 unit density conforms to
the existing zoning by-law and the City's Building Division has conducted a preliminary
review of the proposed site plan and has indicated that a 22 unit density is possible; it
being noted that if a density greater than 22 units on the subject property is approved,
the purchase price will be adjusted upward on the basis of $13,333 per unit; and

(d) the financing for the construction of Fire House No. 13 BE APPROVED

as set out in the Sources of Financing Report attached hereto as Appendix “A”.

3. 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 the Director of
Human Resources, the Civic Administration BE AUTHORIZED to increase the salary
ranges contained within the Salary Structure for Management and Non-Union
Administrative Employees by 3% effective January 1, 2006 and that the salaries of all
individual employees covered by the Salary Structure BE ADJUSTED accordingly,
retroactive to January 1, 2006; the only exceptions being where such an adjustment
would place an individual employee above the salary range (outstanding performance
zone) for their position or where an employee's salary has been red circled.
4. 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 the City Solicitor's Office BE INSTRUCTED not to appeal the decision of Justice McDermid with respect to costs regarding the Order dated 2006-04-07.

Deputy Mayor Gosnell presents the 13th Report of the Committee of the Whole.

Deputy Mayor Gosnell moves, seconded by Councillor Chahbar, 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 with respect to clauses 1 to 4, inclusive, of the 13th Report of the Committee of the Whole. CARRIED

Controller Monteith moves, seconded by Councillor Chahbar, that the following recommendations be approved:

1. That, on the recommendation of the General Manager of Finance and Corporate Services and on the advice of the City Solicitor's Office, with the concurrence of the Manager of Realty Services, settlement of the expropriation of part of the lands owned by London and District School Staffs Credit Union Limited, municipally located at 259 Springbank Drive, further described as Part 5, Expropriation Plan ER-255500 and containing an area of approximately 740 square feet, BE ACCEPTED on the following basis:

(a) the City of London pay the London and District School Staffs Credit Union Limited, or its receiver, the sum of $12,000, together with simple interest calculated at the rate of 6 per cent per annum from the date of expropriation (November 7, 2003) to the date of payment and reasonable legal and appraisal fees as agreed between counsel for the liquidator for the London and District School Staffs Credit Union and the Civic Administration, or as assessed; financing for this settlement BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A";

(b) the Notice of Arbitration and Statement of Claim bearing OMB File No. LC050037 be dismissed by the liquidator for the London and District School Staffs Credit Union Limited; and

(c) the Mayor and the City Clerk BE AUTHORIZED to execute Minutes of Settlement in the form attached hereto as Appendix "B". (L15-02)

2. That, on the recommendation of the Chief Administrative Officer and the General Manager of Finance and Corporate Services, with the concurrence of the Director of Management Support, Audit and Risk, and the Fire Chief, on the advice of the Manager of Realty Services, the following actions be taken:

(a) the Mayor and the City Clerk BE AUTHORIZED to sign an agreement/contract with Westmar Construction Limited (an associated company to Rembrandt Homes and Brookside Development Inc.) for the construction of Fire House 13 for a price of $821,500 (plus GST) plus the cost to relocate the underground hydro service traversing the subject property and removal of an existing septic tank from the property; it being noted that in the event the fire house construction agreement is not completed within 30 days following acceptance of the offer as set out in item (c) below, then both the fire house construction agreement and the land sale agreement will be terminated; it being further noted that the final contract is to be approved in a form satisfactory to the City Solicitor;

(b) the land described as Part of Lot 11, Concession 5, being a portion of the City owned property known as 790 Fanshawe Park Road East and containing approximately 1.8 acres BE DECLARED SURPLUS; and

(c) the offer submitted by Brookside Development Inc. to purchase from the City the land described as Part of Lot 11, Concession 5, being a portion of the City owned property known as 790 Fanshawe Park Road East and containing approximately 1.8 acres, for the sum of $293,326, BE ACCEPTED, subject to the following conditions:
(i) the agreement being conditional for a period of 30 days for the purchaser to conduct its due diligence including, but not limited to, archaeological and methane testing;

(ii) the purchaser having a further ninety (90) days from satisfaction or waiver of (i) above to proceed with, at its expense, obtaining site plan approval for a proposed 22 unit residential development on lands transferred to the purchaser from the City and an additional 10 units on lands consisting of the rear portion of the adjoining Eastern Star Temple of London Limited property;

(iii) a mutual covenant for the benefit of the City and the purchaser whereby completion of this agreement is conditional on finalizing the contract for the construction by Brookside Development (or a related company) of the fire house on the front portion of the lands at 790 Fanshawe Park Road;

(iv) the City providing a survey and severing the land it requires for the fire house and a public walkway to extend along the westerly boundary of the overall City owned property at 790 Fanshawe Park Road East;

(v) the City consenting to the placement of a signboard on City property for the purpose of advertising the purchaser's proposed residential developments; it being noted that the sign is to be in compliance with the City Sign By-law at a location to be approved by the City;

(vi) the City agreeing that the purchaser shall be credited the amount of $117,500 (plus GST) for the added costs to be incurred by the purchaser for the removal of unsuitable soils and the placement of engineered fill; it being noted that the purchaser will assume responsibility for any further costs of remediation of adverse sub soils or methane gas that may be encountered;

(vii) the City and the purchaser agreeing that if the proposed 22 unit development on the subject property is reduced through provisions of the site plan process, there will be an adjustment to the purchase price based on the number of units approved;

(viii) the City consenting to the placement of fill on a strip of land located at the rear of the property, described as Part 3 on Plan 33R9543, during construction, provided that the materials are removed and the land restored in accordance with approved site plan requirements;

(ix) the purchaser, at its expense, preparing mutually acceptable easement/maintenance agreements suitable for registration regarding the servicing, liability, operation and maintenance of the right-of-way from Fanshawe Park Road across the fire house land to the residential land; and

(x) the purchaser dedicating Part 4 on Plan 33R9543 in consideration of all parkland dedication requirements;

it being noted that with respect to (vii) above, the proposed 22 unit density conforms to the existing zoning by-law and the City's Building Division has conducted a preliminary review of the proposed site plan and has indicated that a 22 unit density is possible; it being noted that if a density greater than 22 units on the subject property is approved, the purchase price will be adjusted upward on the basis of $13,333 per unit; and

(d) the financing for the construction of Fire House No. 13 BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A".

3. That, on the recommendation of the Chief Administrative Officer and the Director of Human Resources, the Civic Administration BE AUTHORIZED to increase the salary ranges contained within the Salary Structure for Management and Non-Union Administrative Employees by 3% effective January 1, 2006 and that the salaries of all individual employees covered by the Salary Structure BE ADJUSTED accordingly, retroactive to January 1, 2006; the only exceptions being where such an adjustment
would place an individual employee above the salary range (outstanding performance zone) for their position or where an employee's salary has been red circled.

4. That the City Solicitor's Office BE INSTRUCTED not to appeal the decision of Justice McDermid with respect to costs regarding the Order dated 2006-04-07. CARRIED

**BY-LAWS**

149. Deputy Mayor Gosnell moves, seconded by Controller Monteith, that the following Bills be introduced:

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<tr>
<th>Bill No.</th>
<th>By-law No.</th>
<th>Description</th>
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<td>171</td>
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A by-law to amend By-law No. 5000 and By-law No. Z-1 to rezone an area of land located at 1701-1915 Fanshawe Park Road West. (7/11/PC)

A by-law to amend By-law No. 5000 and By-law No. Z-1 to rezone an area of land located at 1922-1956 Mallard Road and lands at the west end of Woodcock Street. (7/11/PC)

A by-law amend By-law No. 2000 and By-law No. Z-1 to rezone an area of land located in the central portion of 1380 Wilton Grove Road. (7/11/PC)

A by-law to amend By-law No. Z-1-051390 (Annexed Area Zoning By-law Amendment) to rezone a portion of land located at 4922 White Oak Road. (7/11/PC)

A by-law to amend By-law No. Z-1-051390 (Annexed Area Zoning By-law Amendment) to make revisions to Section 2 (Definitions). (7/11/PC)

A by-law to amend By-law No. Z-1 to rezone and area of land located at 1420 Kilally Road and 1504 Highbury Avenue North. (10/11/PC)

A by-law to amend Section 13.3 of the Official Plan of the City of London to identify the Old East Heritage Conservation District and add a Character Statement and Policies for the Old East Heritage Conservation District to Section 13.6 of the Official Plan; and to amend Section 19.2.2 of the Official Plan of the City of London to include the Old East Heritage Conservation and District Plan and Guidelines, as guideline documents to guide property owners and development activity within the boundaries of the District. (11/11/PC)

Councillor MacDonald moves, seconded by Controller Monteith, that Bill No.’s 158 to 192, excluding Bill No.’s 171, 172, 189 and 191, and including Bill No. 186 as amended, be read a first time. CARRIED

Controller Polhill moves, seconded by Councillor MacDonald, that Bill No.’s 158 to 192, excluding Bill No.’s 171, 172, 189 and 191, and including Bill No. 186 as amended, be read a second time. CARRIED

Councillor Usher moves, seconded by Controller Monteith, that Bill No.’s 158 to 192, excluding Bill No.’s 171, 172, 189 and 191, and including Bill No. 186 as amended, 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. 158
By-law No. A.-5983-95
A by-law to confirm the proceedings of the Council Meeting held on the 10th day of April, 2006. (City Clerk)
<table>
<thead>
<tr>
<th>Bill No.</th>
<th>By-law No.</th>
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</tr>
</thead>
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<tr>
<td>159</td>
<td>C.P.-1284(mw)-96</td>
<td>A by-law to amend the Official Plan for the City of London, 1989. (relating to 1901-1903 Whitney Street) (17/15/PC-2005)</td>
</tr>
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<td>160</td>
<td>PS-111-06006</td>
<td>A by-law to amend By-law PS-111 entitled, A by-law to regulate traffic and the parking of motor vehicles in the City of London. (Director of Parking &amp; Traffic)</td>
</tr>
<tr>
<td>161</td>
<td>S.-4948-97</td>
<td>A by-law to assume certain works and services in the City of London. (Summerside Phase 3 Subdivision, 33M-383) (General Manager of Environmental &amp; Engineering Services and City Engineer)</td>
</tr>
<tr>
<td>162</td>
<td>W.-1944-98</td>
<td>A by-law to authorize the Walkway Lighting Project. (No. TS4042) (2/9/BC)</td>
</tr>
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<td>163</td>
<td>DELETED</td>
<td>A by-law to authorize the 2006 Sewer Replacement Program Project. (No. ES2409) (18/9/BC)</td>
</tr>
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<td>164</td>
<td>W.-1945-99</td>
<td>A by-law to authorize the 2006 Warranted Sidewalks Project. (No. TS1161) (18/9/BC)</td>
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<td>165</td>
<td>W.-1946-100</td>
<td>A by-law to authorize the 2005 New Traffic Signals &amp; Modernization Project. (No. TS4062) (18/9/BC)</td>
</tr>
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<td>166</td>
<td>W.-1948-102</td>
<td>A by-law to authorize the 2005 Thames Valley Parkway Project. (No. PD2130) (23/9/BC)</td>
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<td>167</td>
<td>W.-1949-103</td>
<td>A by-law to authorize the 2004 Environmentally Significant Areas Project. (No. PD2143) (23/9/BC)</td>
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<td>170</td>
<td>Z.-1-061481</td>
<td>A by-law to amend By-law No. Z.-1 to rezone an area of land located at 373 Clarke Road and 1901-1903 Whitney Street. (17/15/PC-2005)</td>
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Bill No. 184
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A by-law to amend by-law No. 5000 and By-law Z.-1 to rezone an area of land located at 1701-1915 Fanshawe Park Road West. (7/11/PC)

Bill No. 185
By-law No. Z.-1-061488
A by-law to amend By-law No. 5000 and By-law No. Z.-1 to rezone an area of land located at 1922-1956 Maillard Road and lands at the west end of Woodcock Street. (7/11/PC)

Bill No. 186
By-law No. Z.-1-061489
A by-law amend By-law No. 2000 and By-law No. Z.-1 to rezone an area of land located in the central portion of 1380 Wilton Grove Road. (7/11/PC)

Bill No. 187
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A by-law to amend By-law No. Z.-1-051390 (Annexed Area Zoning By-law Amendment) to rezone a portion of land located at 4922 White Oak Road. (7/11/PC)

Bill No. 188
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A by-law to amend By-law No. Z.-1-051390 (Annexed Area Zoning By-law Amendment) to make revisions to Section 2 (Definitions). (7/11/PC)

Bill No. 189
By-law No. DELETED

Bill No. 190
By-law No. Z.-1-061492
A by-law to amend By-law No. Z.-1 to rezone and area of land located at 1420 Kilally Road and 1504 Highbury Avenue North. (10/11/PC)

Bill No. 191
By-law No. DELETED
Bill No. 192
By-law No. C.P.-1284(mz)-112
A by-law to amend Section 13.3 of the Official Plan of the City of London to identify the Old East Heritage Conservation District and add a Character Statement and Policies for the Old East Heritage Conservation District to Section 13.6 of the Official Plan; and to amend Section 19.2.2 of the Official Plan of the City of London to include the Old East Heritage Conservation and District Plan and Guidelines, as guideline documents to guide property owners and development activity within the boundaries of the District. (11/11/PC)

CARRIED

ADJOURNMENT

150. Deputy Mayor Gosnell moves, seconded by Councillor Usher, that the Meeting adjourn. CARRIED

The Meeting adjourns at 10:22 p.m.

Anne Marie DeCicco, Mayor

Kevin Bain, City Clerk