COUNCIL PROCEEDINGS

THIRTEENTH MEETING

June 12, 2006

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 Councillors Caranci, Miller, White and Winninger.

Her Worship the Mayor presents a plaque for "London's Featured Company" to Brad Hagan, Plant Manager and Paul Walker, Sales Manager representing Labatt Breweries of Canada, 150 Simcoe Street.

Councillors Caranci, Miller and White enter the meeting at 5:02 p.m.

Her Worship the Mayor presents a certificate for "London's Featured Community Organization" to Anna-Maria White, President, Brian Hill, Treasurer and Eagle Staff Carrier and Chester Langille of N'Amerind.

Councillor Winninger enters the meeting at 5:05 p.m.

Councillor Eagle presents a plaque to the City of London in recognition of its efforts to implement Smokefree By-laws.

DISCLOSURES OF PECUNIARY INTEREST

184. Councillor Baechler discloses a pecuniary interest in clause 3 of the 15th Report of the Planning Committee having to do with the Annexed Area Zoning By-law Project by indicating that she owns a business which operates adjacent to one of the subject properties.

185. Councillor Caranci discloses a pecuniary interest in clause 13 of the 15th Report of the Planning Committee having to do with 1956 Richmond Street North by indicating that the applicant is a client of his employer.

186. Deputy Mayor Gosnell discloses a pecuniary interest in clauses 2 and 3 of the 15th Report of the Planning Committee and clause 1 of the 16th Report of the Planning Committee having to do with the Hyde Park West (Phase 2) Subdivision, the Annexed Area Zoning Project, and 460 Eastwood Street and 440 Clarke Road, respectively, by indicating that he has clients involved with these matters.

187. Councillor White discloses a pecuniary interest in clause 22(b) of the 15th Report of the Planning Committee having to do with a minor variance appeal by Richmond Block London Corporation for the property located at 325 Queens Avenue by indicating that her employer rents property from Mr. Farhi.

MINUTES

188. Councillor MacDonald moves, seconded by Councillor Tranquilli, that the Minutes of the Twelfth Meeting held on May 15, 2006 be adopted. CARRIED
CONFIDENTIAL MATTERS TO BE CONSIDERED IN PUBLIC

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

Councillor Eagle moves, seconded by Councillor Armstrong, that pursuant to section 7.3 of the Council Procedure By-law, the order of business be changed to permit consideration of clause 10 of the 11th Report of the Environment and Transportation Committee at 5:30 p.m. CARRIED

COMMUNICATIONS

190. The Chair directs that the actions suggested by the City Clerk with respect to Communication No.'s 1 to 5, inclusive, as identified on the Orders of the Day and on the Added Communications be taken.

ADDED REPORTS

191. The City Clerk submits the 16th Report of the Planning Committee. (See Report attached.)

REPORTS

14TH REPORT OF THE BOARD OF CONTROL

192. Controller Monteith presents the 14th Report of the Board of Control.

Controller Monteith moves that clause 1 be adopted. CARRIED

Controller Monteith moves that clause 2 be adopted.

Councillor Miller moves, seconded by Councillor Chahbar, that clause 2 be amended by adding thereto at the end the words "it being noted that the matter of the W12A Landfill site will be the subject of a public participation meeting at the June 19, 2006 meeting of the Environment and Transportation Committee and should any relevant matters arise therefrom, they will be taken into consideration with respect to this project." CARRIED

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

Controller Monteith moves that clauses 3 to 18, inclusive, be adopted. CARRIED

Controller Hume moves, seconded by Councillor MacDonald, 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 clause 24 as it relates to a request for a resolution on free trade negotiations with Korea. CARRIED

Controller Hume moves, seconded by Controller Polhill, that clause 24 be deleted and a new clause 18A be adopted as follows:

"WHEREAS the Ontario Mayors for Automotive Investment (OMAI) represent the vast majority of Ontario Communities with a significant automotive assembly and/or parts industry;

AND WHEREAS the OMAI represents local and area communities in which the auto parts and auto assembly industry produced:

- over 2.6 million vehicles in 2005;
- 1 in 6 vehicles produced in North America in 2005; and
- a total value of $99 Billion in 2005;

AND WHEREAS the OMAI represents communities that are home to approximately 138,000 thousand employees who work in the auto assembly and auto parts sectors;"
AND WHEREAS investment and production by the North American auto industry could be restricted by a one way flow of imported vehicles from some offshore jurisdictions;

AND WHEREAS increased foreign direct investment and the flow of traded goods and services in all sectors is essential to the future economic growth of Ontario and Canada;

AND WHEREAS Canada currently imports $150 worth of automotive products from Korea, for each $1 of automotive products we sell in Korea;

THEREFORE BE IT RESOLVED that the Government of Canada cancel negotiations for a free trade agreement with Korea which would result in a further negative impact on the one way flow of automotive products into our market;

AND BE IT FURTHER RESOLVED that future trade agreements require that offshore markets purchase substantial volumes of finished vehicles and auto parts from North America as a condition of their continued access to our own automotive market.

Controller Hume moves, seconded by Controller Polhill, that the motion be amended in paragraph 5 by adding thereto before the word "flow", the word "free". CARRIED

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

Controller Polhill moves, seconded by Deputy Mayor Gosnell, 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 clause 32 as it relates to a draft resolution in support of Ontario's position on the Federal-Provincial Fiscal Imbalance. CARRIED

Controller Polhill moves, seconded by Deputy Mayor Gosnell, that a new clause 18B be adopted as follows:

"WHEREAS Ontario's communities are proud of the contribution that Ontarians make to other parts of Canada;

WHEREAS Ontarians believe that Ontario must be treated fairly by the Federal Government;

WHEREAS the Government of Ontario is calling on the Federal Government to address the vertical fiscal imbalance that would see Ontario treated in an equal manner and therefore all provinces and territories receive federal transfers on a per capita basis and a fair share of funding for programs such as infrastructure, training and EI;

WHEREAS the Government of Ontario is calling on the Federal Government to refrain from increasing equalization, recognizing the current $11.5 billion equalization program (funded 43% by Ontario tax payers) is sufficient to fulfill its purpose of ensuring that people in all provinces and territories have access to comparable public services at comparable levels of taxation;

WHEREAS the Government of Ontario is also calling for a thorough, principled review of fiscal arrangements through a National Public Commission that would include municipal governments;

WHEREAS the Government of Ontario has recognized that municipal governments do not have access to revenues and resources equal to their responsibilities;

WHEREAS addressing the federal/provincial fiscal imbalance will allow the Government of Ontario to continue to address the provincial/municipal fiscal imbalance which currently undermines the sustainability of Ontario's communities; and
WHEREAS equitable fiscal arrangements will help build strong communities, a stronger Ontario and a stronger Canada;

THEREFORE BE IT RESOLVED that The Corporation of the City of London supports the Government of Ontario's position and its efforts to address the federal/provincial fiscal imbalance fairly, equitably, without increasing the federal equalization program (and including the creation of a tri-lateral national public commission on fiscal arrangements); and

FURTHER BE IT RESOLVED that the Right Honourable Stephen Harper, Prime Minister of Canada; the Honourable Dalton McGuinty, Premier of Ontario; the Honourable Jim Flaherty, Federal Minister of Finance; the Honourable John Gerretsen, Ontario Minister of Municipal Affairs and Housing; the Honourable Maria Bountrogianni, Ontario Minister of Intergovernmental Affairs; our local MPs and MPPs and the Association of Municipalities of Ontario be advised that this Council support Ontario's position on the fiscal imbalance."

Controller Hume moves, seconded by Controller Polhill, that a new paragraph be added to the motion before the last paragraph as follows:

“FURTHER BE IT RESOLVED that should the Government of Ontario be successful in its efforts to address the federal/provincial fiscal imbalance, The Corporation of the City of London respectfully requests the Government of Ontario to, in turn, enhance its efforts to address the provincial/municipal fiscal imbalance fairly and equitably; and”. CARRIED

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

The Chair directs that clauses 19 to 23, 24, as amended, and 25 to 33 of Section II be noted.

11TH REPORT OF THE COMMUNITY AND PROTECTIVE SERVICES COMMITTEE


Councillor Eagle moves that clauses 1 to 4 be adopted.

11TH REPORT OF THE ENVIRONMENT AND TRANSPORTATION COMMITTEE


Councillor Usher moves that clause 10 be adopted.

Controller Monteith moves, seconded by Councillor Miller, that the definition for infestation in the proposed by-law be revised to include weeds.

Councillor Armstrong moves, seconded by Councillor Baechler, that pursuant to section 9.6 of the Council Procedure By-law, Councillor Winninger be permitted to speak longer than 5 minutes with respect to clause 10. CARRIED

Councillor Miller moves, seconded by Councillor Caranci, that the definition of pest from the City of Thorold By-law be added to the proposed by-law.

Councillor Miller moves, seconded by Councillor Van Meerbergen, that clause 10 be amended in section 3, part (f) of the proposed pesticide by-law appended thereto by adding thereto after the word “golf course,” the words “playing field, lawn bowling green”.

Deputy Mayor Gosnell moves, seconded by Controller Polhill, that pursuant to section 9.6 of the Council Procedure By-law, Controller Hume be permitted to speak longer than 5 minutes with respect to clause 10. CARRIED
Councillor Chahbar moves, seconded by Councillor Caranci, that pursuant to section 9.6 of the Council Procedure By-law, Councillor Alder be permitted to speak longer than 5 minutes with respect to clause 10. CARRIED

Councillor Chahbar moves, seconded by Councillor Eagle, that pursuant to section 9.6 of the Council Procedure By-law, Councillor Baechler be permitted to speak longer than 5 minutes with respect to clause 10. CARRIED

At 6:22 p.m. Her Worship the Mayor places Controller Monteith in the Chair and takes a seat at the Council Board.

Councillor Baechler moves, seconded by Councillor Eagle, that pursuant to section 9.6 of the Council Procedure By-law, Deputy Mayor Gosnell be permitted to speak longer than 5 minutes with respect to clause 10. CARRIED

Councillor Baechler moves, seconded by Councillor Chahbar, that pursuant to section 9.6 of the Council Procedure By-law, Councillor Eagle be permitted to speak longer than 5 minutes with respect to clause 10. CARRIED

At 6:51 p.m. Her Worship the Mayor resumes the Chair, and Controller Monteith takes a seat at the Council Board.

Councillor Chahbar moves, seconded by Deputy Mayor Gosnell, that section 3 of the proposed by-law be deleted in its entirety for a total ban of the use of pesticides. LOST on a recorded vote, the Members voting as follows:

YEAS: Deputy Mayor Gosnell, Controller Polhill and Councillors Chahbar, Caranci and Van Meerbergen. (5)

NAYS: Mayor DeCicco, Controllers Monteith and Hume and Councillors Tranquilli, MacDonald, Winninger, Eagle, White, Bryant, Alder, Miller, Baechler, Armstrong and Usher. (14)

The motion to amend clause 10 in section 3, part (f) of the proposed pesticide by-law appended thereto by adding thereto after the word “golf course,” the words “playing field, lawn bowling green” is put and CARRIED on a recorded vote, the Members voting as follows:

YEAS: Deputy Mayor Gosnell, Controller Hume and Councillors Tranquilli, MacDonald, White, Alder, Chahbar, Caranci, Miller and Van Meerbergen. (10)

NAYS: Mayor DeCicco, Controllers Monteith and Polhill and Councillors Winninger, Eagle, Bryant, Baechler, Armstrong and Usher. (9)

The motion to amend the proposed by-law so that the definition for infestation also includes weeds is put and LOST on a recorded vote, the Members voting as follows:

YEAS: Deputy Mayor Gosnell, Controllers Monteith and Polhill and Councillors Tranquilli, Alder, Chahbar, Caranci, Miller and Van Meerbergen. (9)

NAYS: Mayor DeCicco, Controller Hume and Councillors MacDonald, Winninger, Eagle, White, Bryant, Baechler, Armstrong and Usher. (10)

The motion to adopt clause 10, as amended, is put and CARRIED on a recorded vote, the Members voting as follows:
YEAS: Mayor DeCicco, Controller Hume and Councillors Tranquilli, MacDonald, Winninger, Eagle, White, Bryant, Chahbar, Miller, Baechler, Armstrong and Usher. (13)

NAYS: Deputy Mayor Gosnell, Controllers Monteith and Polhill and Councillors Alder, Caranci and Van Meerbergen. (6)

Councillor Baechler moves, seconded by Deputy Mayor Gosnell, that Council recess. CARRIED

The Council recesses at 7:15 p.m. and reconvenes at 7:53 p.m. with Mayor DeCicco in the Chair and all Members present except Controllers Polhill and Hume and Councillor Van Meerbergen.

11TH REPORT OF THE COMMUNITY AND PROTECTIVE SERVICES COMMITTEE (continued)

195. Controller Polhill enters the meeting at 7:54 p.m.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Tranquilli calls for a separate vote on parts (d) and (e) of clause 2.

Controller Hume and Councillor Van Meerbergen enter the meeting at 7:58 p.m.

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

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Winninger calls for a separate vote on part (c) of clause 2.

The motion to adopt clause 1 is put and CARRIED.

The motion to adopt parts (a) and (b) of clause 2 is put and CARRIED.

The motion to adopt part (c) of clause 2 is put and CARRIED.

The motion to adopt the balance of clause 2 is put and CARRIED.

Councillor Miller moves, seconded by Councillor Eagle, that clause 3 be amended by deleting therefrom the words "Students' Council" and by substituting therefor the words "Rotaract Club" and by also deleting therefrom the words "Student Council's" and by substituting therefor the words "Rotaract Club's". CARRIED

The motion to adopt clause 3, as amended, is put and CARRIED.

The motion to adopt clause 4 is put and CARRIED.

Councillor Eagle moves that clauses 5 to 9, inclusive, be adopted. CARRIED

The Chair directs that clauses 10 to 16, inclusive, of Section II be noted.

15TH REPORT OF THE PLANNING COMMITTEE


Councillor Caranci moves that clauses 1 to 12, inclusive, be adopted. CARRIED

Councillor White moves that clause 13 be adopted. CARRIED

Councillor Caranci moves that clauses 14 to 19, inclusive, be adopted.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Baechler calls for a separate vote on clause 18.

The motion to adopt clauses 14 to 19, excluding clause 18, is put and CARRIED.
The motion to adopt clause 18 is put and CARRIED on a recorded vote, the Members
voting as follows:

YEAS: Mayor DeCicco, Deputy Mayor Gosnell, Controllers Monteith, Polhill and Hume
and Councillors Tranquilli, MacDonald, White, Alder, Chahbar, Caranci, Miller,
Armstrong and Van Meerbergen. (14)

NAYS: Councillors Winninger, Eagle, Bryant, Baechler and Usher. (5)

Councillor Caranci moves that 20 to 23, inclusive, be adopted. CARRIED

Pursuant to section 17.6 of the Council Procedure By-law, Councillor Caranci moves,
seconded by Deputy Mayor Gosnell, that clause 26 pertaining to the application
submitted by 1616963 Ontario Inc. (Phil Ruggeri) for the property located at 4448
Colonel Talbot Road and vacant lands at the northeast corner of Colonel Talbot Road
and Sunray Avenue BE REFERRED back to the Civic Administration for report back at
a joint meeting of the Planning Committee and the Environment and Transportation
Committee, for further consideration, such report to include the associated geotechnical
studies;

it being pointed out that at the public participation meeting associated with this
matter, the following individuals made an oral submission in connection therewith:

- R. Knutson, President – Knutson Planning Inc. – representing the applicant and
  providing an overview of the process to be followed to use the Eco-Flo
  communal sanitary sewage treatment system for this property and reiterating that
  this is an optimal site to use this type of technology.
- G. Faul, 11 Scottsdale Street – representing the Lambeth Community
  Association and noting they have met with the developer and are appreciative of
  the proposal for only one storey dwellings on this site; noting that while they are
  not able to comment on the technical aspects of the Eco-Flo system many
  residents in the area have not had any problems with septic systems on their
  properties.
- B. Knowles, representing the owner of 4442 Colonel Talbot Road and requesting
  additional information with respect to the proposed septic system. (D11-06-06).

The Chair directs that clauses 24 to 30, excluding clause 26, of Section II be noted.

16TH REPORT OF THE PLANNING COMMITTEE

197. Councillor Caranci presents the 16th Report of the Planning Committee.

Councillor Caranci moves that clause 1 be adopted. CARRIED

10TH REPORT OF THE
ENVIRONMENT AND TRANSPORTATION COMMITTEE

198. Councillor Van Meerbergen presents the 10th Report of the Environment and
Transportation Committee.

Councillor Van Meerbergen moves that clause 1 be adopted. CARRIED

11TH REPORT OF THE
ENVIRONMENT AND TRANSPORTATION COMMITTEE (continued)

199. Councillor Van Meerbergen presents the 11th Report of the Environment and
Transportation Committee.

Councillor Van Meerbergen moves that clause 1 be adopted.
Councillor Usher moves, seconded by Councillor Winninger, that clause 1 be amended by adding thereto at the end the words "through the usual appointment process." CARRIED

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

Councillor Van Meerbergen moves that clauses 2 to 9, inclusive, be adopted. CARRIED

Councillor Van Meerbergen moves that clause 11 be adopted. CARRIED

The Chair directs that clauses 12 to 17, inclusive, of Section II be noted.

ENQUIRIES

200. Councillor MacDonald enquires as to the possibility of locating a satellite Police Station at Fanshawe College.

The Chair refers this enquiry to the London Police Services.

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

(a) two matters pertaining to a proposed acquisition of land by the municipality for a road widening;
(b) a matter pertaining to a proposed acquisition of land by the municipality for park purposes and sewer works;
(c) a matter pertaining to a proposed acquisition of land by the municipality for recreation purposes;
(d) a matter pertaining to labour relations or employee negotiations;
(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) two matters pertaining to personal matters about identifiable individuals who are municipal employees;
(g) a matter pertaining to the proposed or pending disposition of land by the municipality; and
(h) a matter pertaining to outstanding litigation commenced by RSJ Holdings Inc. affecting the municipality, being a referral to the Ontario Municipal Board, dated May 12, 2006 and advice that is subject to solicitor-client privilege, including communications necessary for that purpose. CARRIED

The Council rises and goes into the Committee of the Whole, in camera, at 8:25 p.m. with Deputy Mayor Gosnell in the Chair and all Members present.

All staff, excluding K. Bain and V. McAlea-Major leave the meeting at 8:49 p.m.

The Committee rises and Council resumes in regular session at 8:58 p.m. with Mayor DeCicco in the Chair and all Members present.

16TH REPORT OF THE COMMITTEE OF THE WHOLE

C. Miller, S. E. White, D. Winninger, H. L. Usher, S. E. Eagle and P. M. Van Meerbergen and K. Bain, City Clerk.


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 General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, the settlement agreement submitted by Patricia Wilson for the portion of land expropriated by the City, being a portion of land from the property municipally known as 1040 Guildwood Boulevard, located on the northwest corner of Guildwood Gate and Oxford Street West, being Part of Lot 424, Plan 910 (Parts 8, 9, 10, 11, 12 and 13, Expropriation Plan ER-343423), measuring approximately 7' X 64' X Ir and containing an area of approximately 645.82 square feet plus a 129 square foot easement, for the Oxford Street West Road Widening Project, for the sum of $50,000 (inclusive of any funds already paid to Patricia Wilson through Section 25 of the Expropriations Act), BE ACCEPTED:

and that the financing for this settlement agreement BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A", subject to the City agreeing to pay the vendor's reasonable legal fees and appraisal fees and disbursements relating to the expropriation, subject to assessment. (SO7-02)

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 General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, the settlement agreement submitted by David Van Domelen and Lynn Kennedy-Van Domelen for the portion of land expropriated by the City, being a portion of land from the property municipally known as 1058 Guildwood Boulevard, located on the north side of Oxford Street West between Guildwood Gate and Hyde Park Road, being Part of Lot 24, Concession 2 (Parts 14 and 15, Expropriation Plan ER-343423), measuring approximately 40' X 27' and containing an area of approximately 1,079 square feet and a permanent easement containing an area of approximately 43 square feet over Part 16, Expropriation Plan ER-343423, for the Oxford Street West Road Widening Project, for the sum of $49,000 (inclusive of any funds already paid to the Van Domelens through Section 25 of the Expropriations Act), BE ACCEPTED;

and that the financing for this settlement agreement BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A", subject to the following conditions:

(a) the City agreeing to pay the vendor's reasonable legal fees, consultation fees, appraisal fees and disbursements relating to the expropriation, subject to assessment; and

(b) the City agreeing to pay a further sum of $3,500.00 to replace an existing shed located on the portion of land expropriated by the City. (SO7-02)

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, on the advice of the Manager of Realty Services, the offer submitted by Amica (London) Inc. to sell to the City the property located on the north side of Fanshawe Park Road West at the bridge crossing of Medway Creek, containing an area of approximately 2.356 acres and being part of Lot 28, R.C.P. 1029, for the sum of $54,080, BE ACCEPTED; and that the financing for this acquisition BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A". (L15-02)
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, on the recommendation of the General Manager of Finance and Corporate Services, with the concurrence of the General Manager of Community Services, and on the advice of the Manager of Realty Services, the following actions be taken:

(a) the offer dated May 8, 2006, to purchase from Crich Holdings & Buildings Limited a portion of land fronting on the north side of Sunningdale Road, east of Adelaide Street, described as Part of Lot 12, Concession 6, and containing an area of 8.8 acres more or less, for the sum of $2,050,000 BE ACCEPTED, subject to the following conditions:

(i) the vendor agreeing to deliver, within 5 days of acceptance, copies of any surveys, environmental reports or reports on soil conditions that it may have relating to the property;

(ii) the City, within 60 days from acceptance, satisfying itself as to the environmental and geotechnical condition of the property;

(iii) the City, within 120 days from acceptance, obtaining, at its expense, a rezoning of the property to permit a community facility;

(iv) the vendor, prior to closing, preparing a reference plan, at its expense, showing the parcel conveyed together with required easements;

(v) the purchaser permitting the vendor to farm the lands until December 31, 2006 at no charge to the vendor;

(vi) the vendor agreeing to provide to the City an environmental impact study for the vendor's lands within 90 days of acceptance; it being noted that in the event the environmental impact study reduces the developable area of the land below 8 acres, the City may terminate the agreement; and

(vii) the vendor agreeing, after closing, to install sanitary sewer and water service to the southerly property line within 90 days notice by the City but not to be given prior to June 2007;

(b) the Mayor and the City Clerk BE AUTHORIZED to execute the offer to purchase a portion of land from Crich Holdings & Buildings Limited, for the purpose of constructing a future community centre;

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

(d) the offer dated April 27, 2006, for the City to purchase from Peter Sergautis (in trust) a portion of land fronting on the north side of Sunningdale Road, west of Adelaide Street, described as Part of Lot 13, Concession 6, and containing an area of 10 acres, more or less, for the sum of $2,250,000 BE REFUSED. (A09-02)

Deputy Mayor Gosnell presents the 16th Report of the Committee of the Whole.

Deputy Mayor Gosnell moves, seconded by Councillor Tranquilli, 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 16th Report of the Committee of the Whole. CARRIED

Deputy Mayor Gosnell moves, seconded by Councillor MacDonald, that the following recommendations be approved:

1. That, on the recommendation of the General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, the settlement agreement submitted by Patricia Wilson for the portion of land expropriated by the City, being a portion of land from the property municipally known as 1040 Guildwood Boulevard, located on the northwest corner of Guildwood Gate and Oxford Street West, being Part of Lot 424, Plan 910 (Parts 8, 9, 10, 11, 12 and 13, Expropriation Plan ER-
343423), measuring approximately 7' X 64' X 1' and containing an area of approximately 645.82 square feet plus a 129 square foot easement, for the Oxford Street West Road Widening Project, for the sum of $50,000 (inclusive of any funds already paid to Patricia Wilson through Section 25 of the Expropriations Act), BE ACCEPTED; and that the financing for this settlement agreement BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A", subject to the City agreeing to pay the vendor's reasonable legal fees and appraisal fees and disbursements relating to the expropriation, subject to assessment. (S07-02)

2. That, on the recommendation of the General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, the settlement agreement submitted by David Van Domelen and Lynn Kennedy-Van Domelen for the portion of land expropriated by the City, being a portion of land from the property municipally known as 1058 Guildwood Boulevard, located on the north side of Oxford Street West between Guildwood Gate and Hyde Park Road, being Part of Lot 24, Concession 2 (Parts 14 and 15, Expropriation Plan ER-343423), measuring approximately 40' X 27' and containing an area of approximately 1,079 square feet and a permanent easement containing an area of approximately 43 square feet over Part 16, Expropriation Plan ER-343423, for the Oxford Street West Road Widening Project, for the sum of $49,000 (inclusive of any funds already paid to the Van Domeslens through Section 25 of the Expropriations Act), BE ACCEPTED; and that the financing for this settlement agreement BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A", subject to the following conditions:

(a) the City agreeing to pay the vendor's reasonable legal fees, consultation fees, appraisal fees and disbursements relating to the expropriation, subject to assessment; and

(b) the City agreeing to pay a further sum of $3,500.00 to replace an existing shed located on the portion of land expropriated by the City. (S07-02)

3. That, on the recommendation of the Chief Administrative Officer, on the advice of the Manager of Realty Services, the offer submitted by Amica (London) Inc. to sell to the City the property located on the north side of Fanshawe Park Road West at the bridge crossing of Medway Creek, containing an area of approximately 2.356 acres and being part of Lot 28, R.C.P. 1028, for the sum of $54,080, BE ACCEPTED; and that the financing for this acquisition BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A". (L15-02)

4. That, on the recommendation of the General Manager of Finance and Corporate Services, with the concurrence of the General Manager of Community Services, and on the advice of the Manager of Realty Services, the following actions be taken:

(a) the offer dated May 8, 2006, to purchase from Crich Holdings & Buildings Limited a portion of land fronting on the north side of Sunningdale Road, east of Adelaide Street, described as Part of Lot 12, Concession 6, and containing an area of 8.8 acres more or less, for the sum of $2,080,000 BE ACCEPTED, subject to the following conditions:

(i) the vendor agreeing to deliver, within 5 days of acceptance, copies of any surveys, environmental reports or reports on soil conditions that it may have relating to the property;

(ii) the City, within 60 days from acceptance, satisfying itself as to the environmental and geotechnical condition of the property;

(iii) the City, within 120 days from acceptance, obtaining, at its expense, a rezoning of the property to permit a community facility;

(iv) the vendor, prior to closing, preparing a reference plan, at its expense, showing the parcel conveyed together with required easements;

(v) the purchaser permitting the vendor to farm the lands until December 31, 2006 at no charge to the vendor;

(vi) the vendor agreeing to provide to the City an environmental impact study for the vendor's lands within 90 days of acceptance; it being noted that in the event the environmental impact study reduces the developable area
of the land below 8 acres, the City may terminate the agreement; and

(vii) the vendor agreeing, after closing, to install sanitary sewer and water service to the southerly property line within 90 days notice by the City but not to be given prior to June 2007;

(b) the Mayor and the City Clerk **BE AUTHORIZED** to execute the offer to purchase a portion of land from Crich Holdings & Buildings Limited, for the purpose of constructing a future community centre;

(c) the financing for this acquisition **BE APPROVED** as set out in the Sources of Financing Report attached hereto as Appendix "A"; and

(d) the offer dated April 27, 2006, for the City to purchase from Peter Sergautis (in trust) a portion of land fronting on the north side of Sunningdale Road, west of Adelaide Street, described as Part of Lot 13, Concession 6, and containing an area of 10 acres, more or less, for the sum of $2,250,000 **BE REFUSED.**

Councillor Caranci 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 at this time with respect to the issuance of a demolition permit for the residential property located at 911 Richmond Street. CARRIED

Councillor Caranci moves, seconded by Councillor MacDonald, that a demolition permit **BE ISSUED** to R.S.J. Holdings Inc. to demolish the property located at 911 Richmond Street. CARRIED on a recorded vote, the Members voting as follows:

YEAS: Mayor DeCicco, Deputy Mayor Gosnell, Controllers Monteith, Polhill and Hume and Councillors Tranquilli, MacDonald, Chahbar, Caranci, Miller, Baechler, Armstrong and Van Meerbergen. (13)

NAYS: Councillors Winninger, Eagle, White, Bryant, Alder and Usher. (6)

**BY-LAWS**

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

**Bill No. 282**
By-law No. C.P.- 1284(nb)-537
A by-law to amend the Official Plan for the City of London, 1989. (relating to 1074 Crumlin Sideroad) (10/15/PC)

**Bill No. 283**
By-law No. D.-756-604
A By-law of The Corporation of the City of London to authorize the borrowing upon serial debentures in the principal amount of $11,925,988 towards the cost of certain capital works of The Corporation of the City of London. (16/13/BC)

**Bill No. 284**
By-law No. D.-757-505
A By-law of The Corporation of the City of London to authorize the borrowing upon serial debentures in the principal amount of $12,675,208 towards the cost of certain capital works of The Corporation of the City of London. (16/13/BC)

**Bill No. 285**
By-law No. E.-168-538
A by-law to establish the dates for advance voting and the hours during which voting places shall be open on those dates. (9/14/BC)

**Bill No. 286**
By-law No. L-6-06011
A by-law to amend By-law L-6 entitled, "A by-law to provide for the licensing and regulation of various businesses." (10/14/BC)

**Bill No. 287**
By-law No. PH-14
A by-law to regulate the use of pesticides within the City of London. (10/10/ETC)
Bill No. 288
By-law No. Z.-1-061510
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1875 Wharncliffe Road South. (9/15/PC)

Bill No. 289
By-law No. Z.-1-061511
A by-law to amend By-law No. Z.-1 to rezone an area of and located at 1074 Crumlin Sideroad. (10/15/PC)

Bill No. 290
By-law No. Z.-1-061512
A by-law to rezone lands located at 1956 Richmond Street North in the City of London. (13/15/PC)

Bill No. 291
By-law No. Z.-1-061513
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 105 Fanshawe Park Road East. (15/15/PC)

Bill No. 292
By-law No. Z.-1-061514
A by-law to amend By-law No. Z.-1 to rezone an area of land located at part of 895 Fanshawe Park Road West. (16/15/PC)

Bill No. 293
By-law No. Z.-1-061515
A by-law to amend By-law No. Z.-1 to rezone an area of land located on the north side of Bradley Avenue, east of Highbury Avenue South, and legally described as Part of Lots 14, 15, and 16, Concession 1 (geographic Township of Westminster). (19/15/PC)

Bill No. 294
By-law No. 2000-164
A by-law to amend By-law No. 2000 (former Town of Westminster) to rezone the lands municipally located at 1875 Wharncliffe Road South. (9/15/PC)

Bill No. 295
By-law No. Z.-1-061516
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 440 Clarke Road. (1/16/PC)

Bill No. 296
By-law No. Z.-1-061517
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 460 Eastwood Street. (1/16/PC)

CARRIED

First Reading:

Councillor MacDonald moves, seconded by Councillor Tranquilli, that Bill No.'s 249 to 296, inclusive, be read a first time. CARRIED

Second Reading:

Councillor MacDonald moves, seconded by Councillor Tranquilli, that Bill No.'s 249 to 296, inclusive, be read a second time. CARRIED

Third Reading:

Councillor Usher moves, seconded by Councillor Tranquilli, that Bill No.'s 249 to 296, 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. 249
By-law No. A.-5991-506
A by-law to confirm the proceedings of the Council Meeting held on the 12th day of June, 2006. (City Clerk)

Bill No. 250
By-law No. A.-5992-507
A by-law to establish the Industrial Land Reserve Fund. (51/4/CW)

Bill No. 251
By-law No. A.-5993-508
A by-law to establish the City Facilities Reserve Fund. (51/4/CW)

Bill No. 252
By-law No. A.-5994-509
A by-law to establish the Vehicle and Equipment Replacement Reserve Fund. (51/4/CW)

Bill No. 253
By-law No. A.-5995-510
A by-law to establish the Library Facilities, Vehicle and Equipment Reserve Fund. (51/4/CW)
A by-law to repeal By-law W.-86-10 entitled, "A by-law to establish a Waterworks Reserve Fund for Major Maintenance and Repairs" of the former Public Utilities Commission of the City of London. (51/4/CW)

A by-law to repeal By-law A.5635-95 entitled, "A by-law to establish the Downtown Parking and Development Reserve Fund." (51/4/CW)

A by-law to establish the Land Acquisition Reserve Fund. (51/4/CW)

A by-law to repeal By-law A.-5730-145 entitled, "A by-law to establish a reserve fund for the Proceeds from the Sale and Transfer of All of the Issued and Outstanding Shares of LODNONCONNECT Inc.," (32/13/BC)


A by-law to repeal By-law A.-4764-190 entitled, "A by-law to establish a reserve fund known as the Forks of the Thames Property Acquisition Reserve Fund." (Manager of Financial Planning & Policy)

A by-law to establish the Workplace Safety and Insurance Board Reserve Fund. (Manager of Financial Planning & Policy)

A by-law to establish the Public Housing Major Upgrades Reserve Fund. (Manager of Financial Planning & Policy)

A by-law to establish the Courts Administration Repairs and Maintenance Reserve Fund. (Manager of Financial Planning & Policy)

A by-law to amend By-law PS-111-06008 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (Director of Parking & Traffic)

A by-law to assume certain works and services in the City of London. (Marigold Subdivision, 33M-426) (General Manager of Environmental Services and City Engineer)

A by-law to permit the London Public Library Board to maintain and use an encroachment upon the road allowance for Dundas Street, City of London. (City Solicitor)

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Apricot Drive) (Chief Surveyor)

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Hamilton Road, west of River Run Terrace) (Chief Surveyor)

A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Hamilton Road, north of Commissioners Road East) (Chief Surveyor)
Bill No. 269  
By-law No. S.-4966-525  
A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As part of Byronmanor Road, south of Cherrygrove Drive) (Chief Surveyor)

Bill No. 270  
By-law No. S.-4967-526  
A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Clarke Road, south of Royal Crescent) (Chief Surveyor)

Bill No. 271  
By-law No. S.-4968-527  
A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Bolter Road, north of Southdale Road West) (Chief Surveyor)

Bill No. 272  
By-law No. S.-4969-528  
A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Coronation Drive, opposite Dalmagarry Road) (Chief Surveyor)

Bill No. 273  
By-law No. S.-4970-529  
A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Oxford Street West, west of Hyde Park Road, and as widening to Hyde Park Road, south of Oxford Street West) (Chief Surveyor)

Bill No. 274  
By-law No. S.-4971-530  
A by-law to permit William Bradley to maintain and use an encroachment upon the road allowance for Horton Street East and Henry Street, City of London. (City Solicitor)

Bill No. 275  
By-law No. S.-4972-531  
A by-law to assume certain works and services in the City of London. (Cadeau Terrace 2 Subdivision, 33M-338) (General Manager of Environmental and Engineering Services & City Engineer)

Bill No. 276  
By-law No. W.-1864(b)-532  
A by-law to authorize the Edward Street Trunk Storm Sewer. (Project No. ES5138)" (2/13/BC)

Bill No. 277  
By-law No. W.-1945(a)-533  
A by-law to amend By-law No. W.-1945-99 entitled, "A by-law to authorize the 2006 Sewer Replacement Program Project. (No. ES2409)" (2/13/BC)

Bill No. 278  
By-law No. W.-1962-534  
A by-law to authorize the 2006 Springbank Park Upgrades Project. (No. PD1169) (8/13/BC)

Bill No. 279  
By-law No. W.-1963-535  
A by-law to authorize the 2006 Neighbourhood Park Infrastructure. (No. PD1272) (8/13/BC)

Bill No. 280  
By-law No. W.-1964-536  
A by-law to authorize the Westminster Park Basement Flooding Project. No. ES3071) (1/3/BC)

Bill No. 281  
By-law No. Z.-1-061509  
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 794 Nelson Street. (23/3/2005/PC)

Bill No. 282  
By-law No. C.P.-1284(nb)-537  
A by-law to amend the Official Plan for the City of London, 1989. (relating to 1074 Crumlin Sideroad) (10/15/PC)

Bill No. 283  
By-law No. D.-756-504  
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**CARRIED**

**ADJOURNMENT**

202. Councillor Caranci moves, seconded by Councillor MacDonald, that the Meeting adjourn. CARRIED

The Meeting adjourns at 9:01 p.m.

Anne Marie DeCicco, Mayor

Kevin Bain, City Clerk