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 Controller Polhill and Councillors Branscombe and Winninger.

Her Worship the Mayor presents a certificate for "London's Featured Community Organization" to Cheryl Finn, Executive Director and Mike Koenig, Chair of London Sports Council.

Councillor Winninger enters the meeting at 5:01 p.m.

Her Worship the Mayor recognizes the St. Thomas Aquinas Girls' Hockey Team on winning the 2007 OFSAA AAA-AAAAA Championship title, for its second consecutive season.

Controller Polhill enters the meeting at 5:04 p.m.

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

DISCLOSURES OF PECUNIARY INTEREST

134. Deputy Mayor Gosnell discloses a pecuniary interest in clause 14 of the 15th Report of the Board of Control having to do with the Corporate Energy Facility Renewal Program by indicating that he acts for a company involved in this field.

135. Controller Hume discloses a pecuniary interest in clause 2 of the 12th Report of the Planning Committee having to do with the Wickerson Road (Phase 1) Subdivision by indicating that he resides within the notification radius of the subject site.

136. Councillor Bryant discloses a pecuniary interest in clause 29 of the 12th Report of the Planning Committee having to do with the zoning related to the Thames River flood plain in the proximity of the University of Western Ontario by indicating that her spouse is employed by the University of Western Ontario. Councillor Bryant further discloses a pecuniary interest in clause 13 of the 15th Report of the Board of Control having to do with the Western Road widening Phase 1 tender, by indicating that her spouse is employed by the University of Western Ontario.

137. Councillor Baechler discloses a pecuniary interest in clause 3 of the 12th Report of the Planning Committee having to do with lands located on the west side of Hyde Park Road, between Hyde Park Road and the southerly extension of Blue Heron Drive by indicating that she owns a business which operates adjacent to the subject property. Councillor Baechler further discloses a pecuniary interest in clause 31 of the 12th Report of the Planning Committee having to do with property located on the north and east sides of North Centre Road, between Richmond Street and Fanshawe Park Road East by indicating that she resides in close proximity to the subject site.

138. Councillor Branscombe discloses a pecuniary interest in clause 2 of the Confidential Appendix to the 15th Report of the Board of Control having to do with a matter pertaining to the proposed disposition of industrial land by the municipality by indicating that her spouse owns property and operates a business in the vicinity of the subject lands.
139. Councillor MacDonald moves, seconded by Councillor Orser, that the Minutes of the Tenth Meeting held on April 16, 2007 be adopted. CARRIED

CONFIDENTIAL MATTERS TO BE CONSIDERED IN PUBLIC

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

COMMUNICATIONS

141. The Chair directs that the actions suggested by the City Clerk with respect to Communication No.'s 1 to 3, inclusive, as identified on the Orders of the Day and on the Added Communications be taken.

REPORTS

15TH REPORT OF THE BOARD OF CONTROL

142. Controller Hume presents the 15th Report of the Board of Control.

Controller Hume moves that clauses 1 to 7, inclusive, be adopted. CARRIED Clauses 1 to 7 read as follows:

1. That, on the recommendation of the Director, Wastewater and Treatment, the following actions be taken with respect to the Greenway Pollution Control Centre High Level Bar Screen Replacement (Project No. ES5080), namely:

(a) the bid submitted by Finnbilt General Contracting Limited, 4226 Perth Road #9, R.R. #2, St. Marys, at its tendered price of $564,316 (excluding GST) for the replacement of the existing high level bar screens and associated equipment, BE ACCEPTED; it being pointed out that the bid submitted by Finnbilt General Contracting Limited was the lower of two (2) bids received and meets the City's specifications and requirements in all areas;

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

(c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project; and

(d) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to this project (Tender 07-21). (W06-00)

2. That, on the recommendation of the Director, Wastewater and Treatment, the following actions be taken with respect to the 2007 Water/Sewer Replacement Program - Kipps Lane/Arbour Glen Crescent project (Project No. EW3632), namely:

(a) the bid submitted by United Contracting (London), 2940 Dingman Drive, London, at its tendered price of $2,053,937.09 (excluding GST) be accepted; it being noted that the bid submitted by United Contracting (London) was the lowest of seven (7) bids received and meets the City's specifications and requirements in all areas;

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

(c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project; and

(d) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract for the material to be supplied and the work to be done relating to this project (Tender 07-24). (W13-00)
3. That, on the recommendation of the Director, Wastewater and Treatment, the following actions be taken with respect to the construction of the 2007 Sewer/Watermain Replacement Program - Contract 2 (Project Nos. ES2411/ EW3762), namely:

(a) the bid submitted by Bre-Ex Limited, 247 Exeter Road, London, at its tendered price of $2,813,053.13 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by Bre-Ex Limited was the lowest of four (4) bids received and meets the City's specifications and requirements in all areas;

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

(c) Delcan Corporation BE AUTHORIZED to carry out the resident inspection and contract administration for the said project in accordance with the estimate, on file, at an upset amount of $314,225.30 (excluding GST), based upon the Suggested Schedule of Fees for Engineering Projects, recommended by Professional Engineers Ontario; and in accordance with Council Policy 7(9A), Clause (e); it being noted that $98,552.30 (excluding GST) was previously approved by Council on 2006-06-26;

(d) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project; and

(e) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order for the material to be supplied and the work to be done relating to this project (Tender 07-28). (W10-01)

4. That, on the recommendation of the Director - Water, Environment & Customer Relations, the following actions be taken with respect to the 2007 Sewer & Watermain Replacement Program, Contract # 4 - Regent Street (Project Nos. ES2411/ EW3762), namely:

(a) the bid submitted by L-82 Construction Limited, 15 Hamley Road, London, at its tendered price of $2,055,276 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by L-82 Construction Limited was the lowest of six (6) bids received and meets the City's specifications and requirements in all areas;

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

(c) Spriet Associates London Ltd. BE AUTHORIZED to carry out the resident inspection and contract administration for the said project in accordance with the final estimate, on file, at an upset amount of $201,850 (excluding GST), based upon the Suggested Schedule of Fees for Engineering Projects, recommended by Professional Engineers Ontario, and in accordance with Council Policy 7(9A), Clause (e); it being noted that this firm completed the engineering design;

(d) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project, and

(e) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order for the materials to be supplied on this project (Tender 07-35). (W10-01)

5. That, on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer, the following actions be taken with respect to the contract renewal for the supply and delivery of diesel fuel and gasoline, namely:

(a) the existing contract with Dowler-Karn Limited, 43841 Talbot Line, R.R. #3, St. Thomas, for the supply and delivery of diesel fuel and gasoline, BE EXTENDED for an additional year;

(b) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this material supply contract; and

(c) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to this matter. (V05-00)
6. That, on the recommendation of the Administrator, Dearness Home, the following actions be taken with respect to the supply and delivery of medical products for the Dearness Home, namely:

(a) the bid submitted by Futuremed Health Care Products Inc., 277 Basaltic Road, Concord ON at its tendered price of $190,471.39 (GST and PST extra), BE ACCEPTED; it being noted that the bid submitted by Futuremed Health Care Products Inc. was the overall lowest of five (5) bids received and meets the City's terms, conditions and specifications in all areas; and

(b) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to this matter (Tender 07-13). (C11-00)

7. That, on the recommendation of the General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, the vacant parcel of land, identified as Parts 1, 2, 3, 4, 5 and 6, Plan 33R-11516, measuring approximately 66' X 150' (20.116 m x 46.031 m) and containing an area of approximately 9,900 square feet (927 square meters), BE DECLARED SURPLUS; and that the subject lands BE DISPOSED OF in accordance with City Policy, subject to the following conditions:

(a) the Purchaser will be responsible for removing the existing pavement, including the existing two (2) catch basins and restoration of the curb and gutter across the frontage of the lands;

(b) the Purchaser will be responsible for storm and sanitary private drain connections and the installation of a new catch basin on the north side of Ivanhill Road; and

(c) the City providing, at its expense, a reference plan outlining the subject property. (L15-01)

Controller Hume moves that clause 8 be adopted.

Controller Hume moves, seconded by Deputy Mayor Gosnell, that clause 8 be amended by deleting clause 8(b)(iii) in its entirety and by substituting therefor a new clause 8(b)(iii) as follows:

"(iii) Municipal Council, as the Expropriating Approving Authority, approves of the disposition of the properties set out in part (b) of this recommendation subject to the Expropriations Act, and pursuant to Section 42 of the Expropriations Act, Municipal Council approves the disposal without giving the owners from whom the lands were taken the first chance to repurchase the lands on the terms of the best offer received by the City."

CARRIED

The motion to adopt clause 8, as amended, is put and CARRIED. Clause 8, as amended, reads as follows:

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

(a) the City owned properties known municipally as:

165 Springbank Drive
178 Springbank Drive
181 Springbank Drive
183 Springbank Drive
325 Springbank Drive

BE DECLARED SURPLUS; and that the Mayor and the City Clerk BE AUTHORIZED to execute all documents necessary for the subject properties to be included in the Canada-Ontario New Affordable Housing Program with the Realty Services Division coordinating the sales as per the approved program;

(b) the City owned properties not included in the Canada-Ontario New Affordable Housing Program, known municipally as:
BE DECLARED SURPLUS; and that the Mayor and the City Clerk BE AUTHORIZED to execute all documents necessary to provide for the sale of the subject properties on a public tender process, subject to the following conditions:

(i) all Purchasers agreeing to purchase any of the properties in an "as is" condition and acknowledging that a "Property Owner's Statement of Disclosure" will not be provided;

(ii) all Purchasers acknowledging that vacant possession of a particular property may be subject to existing tenancies where applicable; and

(iii) Municipal Council, as the Expropriating Approving Authority, approves of the disposition of the properties set out in part (b) of this recommendation subject to the Expropriations Act, and pursuant to Section 42 of the Expropriations Act, Municipal Council approves the disposal without giving the owners from whom the lands were taken the first chance to repurchase the lands on the terms of the best offer received by the City. (CO3-00)

155 Springbank Drive
157 Springbank Drive
174 Springbank Drive
176 Springbank Drive
316-320 Springbank Drive
365 Springbank Drive

Controller Hume moves that clause 9 be adopted. CARRIED Clause 9 reads as follows:

9. That, on the recommendation of the General Manager of Finance and Corporate Services, savings from positions vacated since March 10, 2007 BE CONTRIBUTED to the appropriate vacancy management reserve that has been established for each rate supported fund; it being noted that the purpose of these funds is to provide a one time funding source as recommended by the Corporate Management Team; it being further noted that the Corporation has realized total corporate savings to date in 2007 of $422,028 ($373,609 - general; $27,529 - wastewater; and $0 - water) and that during the same period in 2006, total corporate savings were $505,432 ($433,838 - general; $33,688 - water; $37,906 - wastewater). (F03-00)

Controller Hume moves that clause 10 be adopted.

Councillor Van Meerbergen moves, seconded by Councillor Miller, that clause 10 be amended in 10(b)(iii) by deleting 10(b)(iii) in its entirety and by substituting therefor a new part 10(b)(iii) as follows:

"the remaining $390,000 be applied to road improvements; it being noted that the General Manager of Environmental and Engineering Services and City Engineer was requested to report back to the Municipal Council with respect to what road works these funds would be applied to;". CARRIED

Councillor Miller moves, seconded by Controller Hume, that clause 10 be further amended in 10(b)(i) by adding thereto at the end the words "subject to a report back at the next meeting of the Board of Control with respect to the future building requirements of the Middlesex London Health Unit". CARRIED

The motion to adopt clause 10, as amended, is put and CARRIED. Clause 10, as amended, reads as follows:

10. That, on the recommendation of the General Manager of Finance and Corporate Services, the following actions be taken with respect to the fourth quarter 2006 Operating Budget Status Report:

(a) the Fourth Quarter 2006 Operating Budget Status Report, showing a Corporate $12.5 million operating surplus resulting from a General Property Tax Budget surplus of $12.2 million as identified by Civic Departments, Boards and
11. That, on the recommendation of the City Treasurer, the attached assessment appeals initiated by Finance Division staff **BE APPROVED.** (F04-00)

12. That, on the recommendation of the Director of Intergovernmental and Community Liaison, the Regional Economic Development Initiative (REDI) developed by the Western Ontario region of the Community Futures Development Corporations (CFDCs) **BE ENDORSED** and that the Honourable Tony Clement and the Right Honourable Stephen Harper **BE ADVISED** of Council’s support; it being noted that the REDI application to the Federal government is a request for $75 million over five years to be equally distributed among the 22 CFDCs. (M16-00)

Commissions, a $1.0 million surplus from the Wastewater and Treatment Budget, and a $0.7 million operating deficit from the Water Budget as set out in Appendix ‘A’ attached hereto, **BE RECEIVED** for information;

(b) the additional $1.0 million property tax surplus reported as a result of year end savings disclosed by the Middlesex London Health Unit ($640,000) and the London Convention Centre ($335,556) **BE ALLOCATED** as follows:

(i) $250,000 of the reported additional $640,000 operating budget surplus identified by the Middlesex London Health Unit be used to fund renovations at 50 King Street, subject to a report back at the next meeting of the Board of Control with respect to the future building requirements of the Middlesex London Health Unit;

(ii) $335,556 of the reported operating budget surplus from the London Convention Centre be applied as follows:

(A) **$120,300** to the London Convention Centre Capital Reserve Fund held by the City of London;

(B) **$215,256** be contributed to the operating reserve held by the London Convention Centre to top up this reserve to the approved target balance of 10% of annual revenue; and

(iii) the remaining $390,000 be applied to road improvements; it being noted that the General Manager of Environmental and Engineering Services and City Engineer was requested to report back to the Municipal Council with respect to what road work these funds would be applied to;

(c) the $1.0 million surplus generated in the 2007 Wastewater and Treatment Budget **BE UTILIZED** to create a Wastewater Rate Stabilization Reserve; it being noted that the funding can mitigate annual revenue fluctuations resulting from water consumption patterns; and

(d) consistent with Council direction on December 19, 2006, the draw down of $0.7 million from the Water Works Reserve Fund to finance the 2006 year end operating deficit **BE RECONFIRMED;**

it being noted that the final year end results are subject to the 2006 external audit of the municipality. (F05-00)

Controller Hume moves that clauses 11 and 12 be adopted. **CARRIED** Clauses 11 and 12 read as follows:

11. That, on the recommendation of the City Treasurer, the attached assessment appeals initiated by Finance Division staff **BE APPROVED.** (F04-00)

12. That, on the recommendation of the Director of Intergovernmental and Community Liaison, the Regional Economic Development Initiative (REDI) developed by the Western Ontario region of the Community Futures Development Corporations (CFDCs) **BE ENDORSED** and that the Honourable Tony Clement and the Right Honourable Stephen Harper **BE ADVISED** of Council’s support; it being noted that the REDI application to the Federal government is a request for $75 million over five years to be equally distributed among the 22 CFDCs. (M16-00)

Controller Hume moves that clause 13 be adopted.

Councillor Bryant leaves the meeting at 5:24 p.m.

Councillor Lonc moves, seconded by Councillor Baechler, that clause 13 be amended in line 8 of part (b) by deleting therefrom the words “to reduce the debt required for this project or”. **CARRIED**

Councillor Winninger moves, seconded by Councillor Miller, that clause 13 be further amended by adding thereto at the end of part (f) the words “and, if negotiations have not been concluded by June 2007, provide an update on same
by the end of June 2007, including reference to the initial agreement related to this matter;”. CARRIED

Pursuant to section 17.2 of the Council Procedure By-law, Councillor Van Meerbergen calls for a separate vote on clause 13(a).

The motion to adopt clause 13(a) is put and CARRIED.

The motion to adopt the balance of clause 13, as amended, is put and CARRIED.

Councillor Bryant enters the meeting at 6:06 p.m.

Clause 13, as amended, reads as follows:

13. That, on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer, the following actions be taken with respect to the Western Road Widening Project, Phase 1 (Project No. TS1401), namely:

(a) the bid submitted by McLean Taylor Construction Limited, at its tendered price of $9,216,981.13 (exclusive of GST), BE ACCEPTED; it being pointed out that the bid submitted by McLean Taylor Construction Limited was the lower of two (2) bids received and meets the City's specifications and requirements in all areas;

(b) the financing for this project BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix 'A'; it being noted that discussions and negotiations are in progress between the Civic Administration and University of Western Ontario (UWO) officials about the university's financial responsibilities under their development agreement with respect to the bridge and other components of the project and road improvements outside the scope of this contract; it being further noted that the results of such negotiations may be utilized to fund the advancement of Phase 2 of the Western Road Project;

(c) Earth Tech Canada Inc. BE AUTHORIZED to carry out the resident supervision and general administration of this project in accordance with its agreement with the City at an upset limit of $406,477.50 (excluding GST); it being noted that this firm completed the engineering design for this project;

(d) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;

(e) the approval given herein BE CONDITIONAL upon the conditions for final acceptance being met, and the Corporation entering into a formal contract or issuing a purchase order relating to this project (Tender 07-27); and

(f) the Civic Administration BE DIRECTED to report back to Council on the outcome of discussions and negotiations with UWO about development agreement financial responsibilities and, if negotiations have not been concluded by June 2007, provide an update on same by the end of June 2007, including reference to the initial agreement related to this matter;

It being noted that the University of Western Ontario has provided the General Manager of Environmental and Engineering Services & City Engineer with a letter indicating that any decision by the City to let a contract for work on Western Road, including the bridge widening, will be without prejudice to any position the City may wish to take with respect to the enforceability of the provisions of the Development Agreement; it being further noted that the Board of Control received the attached communication from Councillor Lorne with respect to this matter. (S07-02)

Controller Hurne moves that clauses 14 to 32 be adopted.

Pursuant to section 17.2 of the Council Procedure By-law, Deputy Mayor Gosnell calls for a separate vote on clause 14.

Councillor Caranci moves, seconded by Councillor Winninger, that clause 14 be amended by adding thereto a new part (d) as follows:
The motion to adopt clause 14, as amended, is put and CARRIED. Clause 14, as amended, reads as follows:

14. That the following actions be taken with respect to the Corporate Energy Facility Renewal Program:

(a) on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer, the by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council Meeting on April 30, 2007:

(i) to approve the agreement for Facility Renewal Upgrade and Energy Saving Measures with Ameresco Canada Inc. at an upset limit of $1,200,000; and

(ii) to authorize the Mayor and the City Clerk to execute the agreement with Ameresco Canada Inc. (Schedule "A" to the by-law);

(b) on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer, the financing for this project BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "B";

(c) the General Manager of Environmental and Engineering Services & City Engineer BE REQUESTED to provide a report for the Municipal Council meeting on April 30, 2007 explaining the marginal costs associated with the energy saving measures being proposed under this program; and

(d) this matter also be given consideration during the Budget process for the purpose of determining potential funding for the program." (W12-00)

The motion to adopt clauses 15 to 32 is put and CARRIED. Clauses 15 to 32 read as follows:

15. That, on the recommendation of the General Manager of Finance and Corporate Services, the following actions be taken:

(a) that the 2007 Old East Village Business Improvement Area proposed budget submission in the amount of $25,003, including a Municipal Special Levy of $14,000, BE APPROVED; and

(b) the Civic Administration BE AUTHORIZED to increase the Municipal Special Levy amount prior to issuing final bills to allow for the estimated rebate of Business Improvement Area levies for vacancies in respect of the year 2007. (D07-00)

16. That, on the recommendation of the General Manager of Finance and Corporate Services, the following actions be taken:

(a) that the 2007 London Downtown Business Association proposed budget submission in the amount of $854,115, including a Municipal Special Levy of $667,647, BE APPROVED; and

(b) the Civic Administration BE AUTHORIZED to increase the Municipal Special Levy amount prior to issuing final bills to allow for the estimated rebate of Business Improvement Area levies for vacancies in respect of the year 2007. (D07-00)

17. That, the Civic Administration BE REQUESTED to contact the Old East Village BIA and the London Downtown Business Association to discuss the possibility of incorporating an inflationary increase into the yearly municipal levy for the Business Improvement Areas and report back during the 2008 budget deliberations.
18. That, on the recommendation of the City Treasurer, the recommendations in the Tax Adjustment Agenda dated April 25, 2007 BE APPROVED; it being noted that at the public hearing associated with this matter there were no members of the public in attendance to speak to these matters before the Board of Control. (G08-00)

19. That, on the recommendation of the City Treasurer, the taxes on the blocks of land described in the attached schedule BE APPOINTIONED in accordance with the said schedule, pursuant to Section 356 of the Municipal Act, 2001; it being noted that at the public hearing associated with this matter there were no members of the public in attendance to speak to these matters before the Board of Control. (F16-00)

20. That the following actions be taken with respect to the water, sanitary and storm rate structure review, namely:

(a) the BMA Executive Summary entitled Water/Sanitary/Storm Rate Structure Report BE RECEIVED for information;

(b) the principles used to develop the rate structures BE SUPPORTED for public consultation by Council, including to:
   i. be fair and equitable
   ii. promote conservation
   iii. be affordable and sustainable
   iv. stabilize revenue
   v. be defensible
   vi. be consistent
   vii. respect history
   viii. be simple to understand and maintain
   ix. support economic development
   x. support job retention and growth; and

(c) the Civic Administration BE DIRECTED to undertake further consultation on the development of the rate structure with our stakeholders including the public, developers, the economic development community and businesses operating in London, over the next three months and to report back on the proposed rate structure in the fall of 2007;

(d) the Civic Administration BE DIRECTED to report back on the implications of a storm drainage charge for lands under development as a new revenue source, or alternative methods for addressing drainage and erosion issues from new development;

(e) stakeholders BE ADVISED that unless compelling arguments are made to the contrary, the City does not intend to pursue the following:
   (i) a special storm drainage rate for properties without storm sewers in their area due to the prohibitive administrative costs to implement this exception-based system;
   (ii) a further discount to water and storm rates for large institutions based on the fact that these customers will benefit from the pipe value determination and the declining block water rate; and

(f) the Civic Administration BE REQUESTED to report back following the receipt of input from the London Economic Development Corporation with respect to the potential economic impact associated with the suggested rate structure;

it being noted that the Board of Control received the attached presentation from the Environmental and Engineering Services Department with respect to the rate structure review. (W13-00)

21. That David Edward BE APPOINTED to the London Convention Centre Corporation Board of Directors for the term ending November 30, 2009 to replace David Estok who has resigned his appointment to this Board. (G03-00)

22. (27) That a by-law BE INTRODUCED at the Municipal Council meeting to be held on April 30, 2007 to increase the number of Directors on the Covent Garden Market Board of Directors to ten in order to provide for the appointment of one representative from the "Emerging Leaders". (G02-00)
23. That Catherine Joyes **BE APPOINTED** to the Trees and Forests Advisory Committee as the London Community Foundation representative for the term ending November 30, 2010 to replace Libby Fowler who has resigned her appointment to this Advisory Committee. (G03-00)

24. That, on the recommendation of the Creative City Committee, the Terms of Reference of the Creative City Committee (CCC) **BE AMENDED** to include non-voting resource members from each of the areas of Youth, Housing and Sport.

25. That, on the recommendation of the Creative City Committee, the attached Creative City Fund Projects (2006 and 2007 applications) **BE APPROVED**; it being noted that the total amount of funding being recommended for approval is $59,772, leaving a remaining balance of $40,228 in the Fund.

26. That the following **BE APPOINTED** to the Town and Gown Committee for the term ending November 30, 2010:

- Susan Grindrod, University of Western Ontario Administrative Representative
- Bernice Hull, Fanshawe College Administrative Representative
- Travis Mazereeuw, President-Elect, Fanshawe Student Union, Student Council Representative of Fanshawe College
- President-Elect, University of Western Ontario Students’ Council, or designate, to be nominated for consideration by the Board of Control, Student Council Representative of UWO
- Susan E. Bentley, Neighbourhood Representative – University of Western Ontario Vicinity
- Jack A. Goodwin, Neighbourhood Representative – Fanshawe College Vicinity

27. That the following **BE APPOINTED** to the Tourism London Board of Directors for the term ending November 30, 2010:

- Controller W. J. Polhill
- Councillor P. Hubert

28. That Controller G. Barber **BE APPOINTED** to the Children’s Aid Society of London and Middlesex for the term ending November 30, 2010.

29. That the following actions be taken with respect to the report on “Developing Sustainable Energy Policy Workshop”:

(a) the report on the workshop held October 22 to 24, 2006 **BE RECEIVED**;
(b) the Civic Administration **BE REQUESTED** to develop an action plan for consideration with respect to the report;

...it being noted that the Board of Control received the attached presentation from a delegation headed by Dianne Cunningham, Director, Lawrence National Centre for Policy and Management.

30. That Festa Italiana 2007 to be held August 10 to 12, 2007 **BE DESIGNATED** as a Municipally Significant Event in the City of London. (M09-00)

31. That Councillor B. R. MacDonald **BE NOMINATED** to the 2007/2008 Federation of Canadian Municipalities National Board of Directors. (A02-02)

32. That, on the recommendation of the City Treasurer, the attached by-law **BE INTRODUCED** at the Municipal Council meeting on April 30, 2007 to authorize the Mayor and the City Treasurer to execute an agreement on behalf of the City of London with respect to the funding provided by the Province of Ontario under the Ontario Bus Replacement Program. (S10-00) (See attached.)

The Chair directs that clauses 33 to 45, inclusive, of Section II be noted. Clauses 33 to 45 read as follows:
33. That the Board of Control received and noted an information report from the General Manager of Finance and Corporate Services with respect to the 2006 Fourth Quarter Capital Budget Status Report. (F05-00)

34. That the Board of Control received and noted an information report from the General Manager of Finance and Corporate Services with respect to an update on the refrigerator replacement program in London & Middlesex Housing Corporation buildings. (C03-00)

35. That the Board of Control received and noted an information report from the General Manager of Finance and Corporate Services with respect to the Development Charges Reserve Fund and the Urban Works Reserve Fund (UWRF) fourth quarter report. (F14-00)

36. That the Board of Control received and noted an information report from the Director of Intergovernmental and Community Liaison with respect to the application to have London designated Underserviced under the Underserviced Area Program of the Ministry of Health and Long Term Care in an effort to address the shortage of family doctors in London. (C09-00)

37. That the Board of Control (BC) received an information report from the City Clerk with respect to the Municipal Property Assessment Corporation (MPAC) and problems with the Voters' List for the 2006 Municipal Election. The BC asked the City Solicitor to report back to the Board on the options available as a result of MPAC's position on this matter.

38. That the Board of Control (BC) convened as an Administrative Tribunal to consider a development charges complaint by Somerset (ca) Inc. in Trust and Paton Bros. Ltd. requesting a development charge exemption for a proposed building to be constructed on land located at 697 Sovereign Road and the BC, after receiving all of the submissions and evidence from Alan Patton on behalf of Somerset (ca) Inc. in Trust and Paton Bros. Ltd., and R. Cerminara, Director of Building Controls, and J. Page, Solicitor II for the City of London, adjourned and reserved its decision until May 9, 2007. The BC noted that the conditional period contained in the Agreement of Purchase of Sale dated February 5, 2007 between Somerset (ca) Inc. in Trust and the City relating to Lot 21, Plan 33M-251, also known as 697 Sovereign Road, can be extended if required to allow for consideration of the development charges complaint. (F06-00)

39. That the Board of Control (BC) received communications from Tristan Snider and Geoffrey Axford resigning their appointments to the Environmental and Ecological Planning Advisory Committee (EEPAC). The BC accepted the resignations with regret and asked the Mayor to forward letters of appreciation to Mr. Snider and Mr. Axford. The BC also asked the City Clerk to determine if there are any applications on file for this body and to take the necessary steps to fill the vacancy. (G03-00)

40. That the Board of Control received and noted clauses 3 to 8, inclusive, of the 1st Report of the Creative City Committee from its meeting held on April 17, 2007. (See Report attached.)

41. That the Board of Control (BC) received a communication from CAA-Canada Locals 27 & 1520 requesting delegation status at a Board of Control meeting to speak to the Board about the Canadian Pension Charter. The BC asked the City Clerk to arrange a delegation from the CAA-Canada Locals 27 & 1520 at a future meeting.

42. That the Board of Control (BC) received a communication from Inky Mark, M.P., Dauphin-Swan River-Marquette, requesting support for Bill C-417, the Canadian Soldiers' and Peacekeepers' Memorial Wall Act. The BC asked the City Clerk to obtain input from the local MPs and Veterans Groups with respect to this proposal and report back to the Board. (M03-00)

43. That the Board of Control received the attached presentation from Paul Davenport, President of the University of Western Ontario (UWO), with respect to the City of London Stewardship Report and the UWO Campus Master Plan.

44. That Deputy Mayor Gosnell disclosed a pecuniary interest in clause 14 of this Report having to do with the Corporate Energy Facility Renewal Program by indicating that he acts for a company involved in this field.
9TH REPORT OF THE
COMMUNITY AND PROTECTIVE SERVICES COMMITTEE

Councillor Winninger presents the 9th Report of the Community and Protective Services Committee.

Councillor Winninger moves that clauses 1 to 5, inclusive, be adopted. CARRIED

Clauses 1 to 5 read as follows:

1. That, on the recommendation of the General Manager of Community Services, the attached proposed by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting being held on April 30, 2007 to:

(a) approve the attached amending agreement (Schedule "A") between The Corporation of the City of London and Medical Pharmacy Ltd.; and

(b) authorize the Mayor and the City Clerk to execute the said agreement;

It being noted that the agreement authorizes Medical Pharmacy Ltd. to provide pharmaceutical services at the Dearness Home. (2007-C11-00)

2. That, on the recommendation of the General Manager of Community Services, the Mayor BE REQUESTED to forward a communication to the Chair of the Social Benefits Tribunal supporting the request made by the London Region Ontario Disability Support Program and Ontario Works Community Advocates Group to have all Social Benefits Tribunal hearings returned to more central London locations with specific hearing times as soon as possible; and further suggesting that consideration also be given to utilization of City-owned facilities in the Downtown area for the location of the hearings. (2007-C04-00)

3. That, on the recommendation of the Council Housing Leadership Committee, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the Convert-to-Rent/Rehab Program:
an Operating/Forgivable Loan Agreement BE ENTERED INTO with:

Property Owner: Michael and Mari Depierro
Property Address: 773 Dundas Street East
Number of Units: 1
City Funding: $16,630.00

4. That, on the recommendation of the London Diversity and Race Relations Advisory Committee (LDRRAC), the Mayor BE ASKED to invite Her Excellency the Right Honourable Michaëlle Jean, Governor General of Canada, to be the guest speaker at the October 17, 2007 LDRRAC Open House; it being noted that the theme of the Open House is "Dimensions in Diversity".

5. That the following matters BE NOTED AND FILED:

(a) the 3rd Report of the Accessibility Advisory Committee from its meeting held on March 22, 2007 (See Report attached);

(b) clauses 2 to 12, inclusive, of the 3rd Report of the Council Housing Leadership Committee from its meeting held on April 3, 2007 (See Report attached); and,

(c) clauses 2 to 12, inclusive, of the 4th Report of the London Diversity and Race Relations Advisory Committee from its meeting held on March 29, 2007 (See Report attached).

The Chair directs that clauses 6 to 11, inclusive, of Section II be noted. Clauses 6 to 11 read as follows:

6. That the Community and Protective Services Committee (CPSC) reviewed and received a copy of the "Dearness Home Community Newsletter" for the month of April 2007. (10.7.1.05)

7. That the Community and Protective Services Committee reviewed and received an information report from the General Manager of Community Services with respect to the Ontario Works caseload trends monthly report for the month of March 2007. (2007-C16-00)

8. That the Community and Protective Services Committee reviewed and received an information report from the General Manager of Community Services with respect to the London Youth Service Providers Educational Forum to be held on May 2, 2007 at Huron University College. (2007-C06-00)

9. That the Community and Protective Services Committee (CPSC) reviewed and received written communications dated March 23, 2007 and April 4, 2007 from the Honourable J. Gerretsen, Minister of Municipal Affairs and Housing, pertaining to Delivering Opportunities for Ontario Renters (DOOR) and Wave 1 of the Canada-Ontario Affordable Housing Program (AHP), respectively. The CPSC referred the communications to the Council Housing Leadership Committee for its consideration. (2007-C03-00)

10. That the Community and Protective Services Committee reviewed and received written communications dated April 5, 2007 and April 2, 2007 from the Honourable M.A. Chambers, Minister of Children and Youth Services with respect to early learning and child care and the Universal Child Care Benefit, respectively.
11. That the Community and Protective Services Committee reviewed and received a written communication dated April 5, 2007 from the Honourable J. Gerretszen, Minister of Municipal Affairs and Housing, in response to a letter from the Mayor expressing concern with respect to housing matters.

12TH REPORT OF THE PLANNING COMMITTEE

144. Councillor Baechler presents the 12th Report of the Planning Committee.

Councillor Baechler moves that clauses 1 and 2 be adopted.

Pursuant to section 17.2 of the Council Procedure By-law, Controller Hume calls for a separate vote on clause 2.

The motion to adopt clause 1 is put and CARRIED.

The motion to adopt clause 2 is put and CARRIED. Clauses 1 and 2 read as follows:

1. That, on the recommendation of the General Manager of Planning and Development:

   (a) the attached terms of reference for an Urban Design Steering Committee BE ADOPTED; it being noted the composition of Voting Members was amended by deleting "Two representatives appointed by Council" and replacing it with "Two Members of Council"; and

   (b) the City Clerk BE DIRECTED to seek out appointments and advertise for the purpose of soliciting applications to fill at-large positions and to bring a slate of candidates to Board of Control for nomination to Municipal Council as soon as possible;

   it being noted that July, 2007 will be the target date for the first meeting of the Urban Design Steering Committee and it is expected that the Urban Design Steering Committee will disband by December 31, 2008. (2007-G02-00)

2. That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Kape Developments Inc. for the subdivision of land over Part of Lot 48, Concession 1, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the east side of Wickerson Road, south of Byron Baseline Road West:

   (a) the attached Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Kape Developments Inc. for the Wickerson Road (Phase 1) Subdivision, (39T-00508) BE APPROVED; it being noted clause 28(ah) is amended to read as follows:

       "The Owner shall implement the requirements of the City concerning tree preservation measures during all phases of construction. The Owner shall provide monthly status reports to the Manager of Parks Planning and Design ensuring the appropriate measures are in place and functioning, prior to and during work on this site";

   (b) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement and all documents required to fulfill its conditions; and

   (c) the applicant BE ADVISED that the General Manager of Environmental Engineering Services & City Engineer has estimated the following Revenues and Claims:

   IMPACT OF SUBDIVISION ON RESERVE FUNDS AND BUDGET

<table>
<thead>
<tr>
<th>Urban Works Reserve Fund</th>
<th>Estimated Revenue</th>
<th>Estimated Claims</th>
<th>Net Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>$174,581</td>
<td>Nill</td>
<td>$174,581</td>
</tr>
</tbody>
</table>
That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the application of Doman Developments Inc. relating to lands located on the west side of Hyde Park Road, between Hyde Park Road and the southerly extension of Blue Heron Drive:

(a) the request to amend Zoning By-law No. Z-1 to change the zoning of the subject lands from a Light Industrial Special Provision (L11(7)/L14) Zone to a Restricted Service Commercial/Light Industrial Special Provision (RSC1/RSC2/RSC4/L11(7)/L14) Zone which would permit such uses as automobile repair garages, automobile sales and service establishments, home improvement and furnishing stores, repair and rental establishments, service and repair establishments, pharmacies, and video rental establishments, in addition to the present permitted uses, BE REFUSED;

(b) the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on April 30, 2007 to amend the Official Plan to change the designation of the subject lands from Light Industrial to Restricted Service Commercial; and

(c) the proposed by-law attached hereto as Appendix "B" BE INTRODUCED at the Municipal Council meeting on April 30, 2007 to amend Zoning By-law No. Z-1 (in conformity with the Official Plan, as amended in part (b) above) to change the zoning of the subject lands FROM a Light Industrial Special Provision (L11(7)/L14) Zone TO a holding Restricted Service Commercial Special Provision/Light Industrial Special Provision (h-57+RSC5(L11(7)/L14) Zone to permit such uses as automobile repair garages, automobile sales and service establishments, home improvement and furnishing stores, repair and rental establishments, service and repair establishments, pharmacies, video rental establishments, building supply

NOTE:

1. ESTIMATES ARE CALCULATED USING CURRENT RATES AND THE INFORMATION IS REPORTED ALL IN ACCORDANCE WITH THE DEVELOPMENT CHARGES AND URBAN WORKS FUND BY-LAW (E. C.P.-1440-167), AND ANY AMENDMENTS THERETO. ANY CLAIM PAYMENT FROM THE URBAN WORKS FUND WILL BE IN ACCORDANCE WITH BY-LAW NO. C.P.-1440-167 AND AS APPROVED BY THE CITY ENGINEER.

2. ESTIMATES ARE BASED ON INFORMATION PROVIDED BY THE APPLICANT AND ARE PROVIDED FOR INFORMATION PURPOSES ONLY. THEY DO NOT CONSTITUTE ANY COMMITMENTS ON BEHALF OF THE CITY OF LONDON. ACTUAL CLAIMS WILL BE DETERMINED IN CONJUNCTION WITH THE SUBDIVISION AGREEMENT AND THE BY-LAWS. ACTUAL REVENUES ARE DETERMINED IN CONJUNCTION WITH BUILDING PERMITS AND THE BY-LAWS AT THAT TIME.

3. THE OWNER SHOULD TAKE NOTE THAT THE MOST RECENTLY PROCESSED CLAIM PAID BY THE CITY FROM THE URBAN WORKS FUND WAS PAID AFTER A DELAY OF 26 WEEKS AFTER ITS APPROVAL PERSUANT TO THE PROVISIONS OF THE AGREEMENT APPLICABLE TO THAT PAYMENT AND THE PROVISIONS OF BY-LAW C.P.-1440-167. PLEASE TAKE NOTE THAT THE WAITING PERIOD FOR PAYMENT OF THIS CLAIM MAY EXCEED THE DELAY FOR THE MOST RECENTLY PROCESSED CLAIM.

ANTICIPATED SCHEDULE FOR IMPACT ON CAPITAL WORKS BUDGET

Estimated claims from the City's Capital Works Budget (CWB Water Division) are for the cost of constructing a watermain on Wickerson Road. 

<table>
<thead>
<tr>
<th>Capital Works Budget</th>
<th>Estimated Claim</th>
<th>Estimated Year of Construction</th>
<th>Estimated Year of Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$185,000</td>
<td>2007</td>
<td>2008</td>
</tr>
</tbody>
</table>

(2007-D26-03)
outlets, nursery and garden stores, and bulk sales establishments, in addition to
the present permitted uses; with a special provision for all Restricted Service
Commercial uses to limit the total maximum gross floor area to 6500 square
metres (69,965 sq.ft.), subject to a holding provision to ensure the adequate
 provision of sanitary treatment capacity at the Oxford Pollution Control Plant.
(2007-D11-02)

Councillor Baechler moves that clauses 4 to 20, inclusive, be adopted.

Councillor Winniger moves, seconded by Councillor Baechler, that clause 15 be
amended in line 4 of part (a) by deleting the letter "f" from the second word and in
the second last line of the clause by deleting the word "extension" and by
substituting therefor the word "extension". CARRIED

Her Worship the Mayor presents the Tim Hickman Memorial Health and Safety
Scholarship to Paula McFarlane.

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

The Council recesses at 6:30 p.m. and reconvenes at 7:30 p.m. with Mayor DeCicco-
Best in the Chair and all Members present except Controller Barber.

The motion to adopt clauses 4 to 14, 15 as amended, and 16 to 20, all inclusive, is put
and CARRIED

4. That, on the recommendation of the General Manager of Planning and
Development, the following actions be taken with respect to the extension request
application of Jackson Summerside Land Corp. relating to the property located on
the north side of Commissioners Road East, opposite Chelton Road, legally described as
Part of Lot 13, Concession 1 and all of Lot 13 Broken Front Concession "B" (Geographic
Town of Westminster):

(a) the Approval Authority BE REQUESTED to approve a three year extension of the
draft plan of subdivision approval, as submitted by Jackson Summerside Land Corp.
(formerly Percy Zalfman Holdings Limited, Zajjo Holding Limited, and Sabel
Holdings Limited), (File No. 39T-00517), prepared by prepared by Callon Dietz
(Drawing No. X-580, dated July 16, 2002) and certified by Terry P. Dietz, O.L.S.,
as red-line amended, which shows a total of five (5) multi-family medium density
and low density cluster blocks, two (2) open space blocks, three (3) access blocks
and one (1) road widening block, served by one internal road;

It being noted the Owner has entered into a Subdivision Agreement with the City which
was registered on title on October 20, 2006 as Instrument Number ER464414. (2007-
D26-03)

5. That, on the recommendation of the London Advisory Committee on
Heritage, notice of the Municipal Council's intention to designate Christ's Anglican Church
located at 138 Wellington Street to be of historical, architectural and contextual value or interest BE GIVEN for the attached reasons under the provisions of subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O.18; it being pointed out that the owners of the subject property (G. Smith and B. Howe) have concurred in the above recommendation on the understanding that the land to be included in the designation will be as shown on the assessment roll.

6. That, on the recommendation of the London Advisory Committee on
Heritage, notice of the Municipal Council's intention to designate the property located at
119 Wortley Road to be of historical, architectural and contextual value or interest BE GIVEN for the attached reasons under the provisions of subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O.18; it being pointed out that the owners of the subject
property (U. Prelog) have concurred in the above recommendation on the understanding that the land to be included in the designation will be as shown on the assessment roll.

8. That, on the recommendation of the London Advisory Committee on Heritage and the General Manager of Planning and Development, with the advice of the Heritage Planner, the Heritage Alteration Permit of J. Underwood requesting permission for an alteration by demolition and reconstruction to the designated heritage property located at 911 Lorne Avenue BE APPROVED; it being noted that the Heritage Planner has reviewed the proposed removal of the current garage and construction of a new garage and has advised that the impact of such alteration on the heritage features of the property identified in the reasons for designation is negligible.

9. That the application by the City of London relating to Section 4.1, Accessory Uses of Zoning By-law Z.-1 BE REFERRED back to staff to review comments from the public participation meeting held in connection with this matter and to report back at a future meeting of the Planning Committee;

It being noted that reference to a written communication being received from the Manager of Community Partnerships and Funding in the Planning Division staff report should be deleted as the written submission was only forwarded to Planning staff by that individual;

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

- V. McGarry, V. McGarry Law Office, 255 Queens Avenue – expressing support for an amended by-law to fill the gap between uses ancillary to residential use and outright automotive uses, but noting there are some issues that are of concern which would benefit from amended language to ensure the intent is effected while a balance is maintained; also noting that the uses as described are open ended and include uses that can be permitted, but not uses that can’t be permitted, such as bodywork, painting, activities which create noise and exterior storage or deposit of derelict vehicles or parts; further noting specific concerns relating to condition 1 under part (a) of the staff recommendation, requesting some other suitable form of ownership of a vehicle be permitted, condition 2, that the times of 8:00 a.m. – 6:00 p.m. be amended to allow for emergency changing of a flat tire etc. outside of those hours, condition 4, amend to less than 6 days as a minor repair should take much less time to complete, and also that consideration be given to a resident repairing a child’s, parent’s or sibling’s vehicle, or a friend’s vehicle should that friend also be participating in the repair process. (2007-D11-02)

10. That, on the recommendation of the General Manager of Planning and Development, based on the application of Gus Rahim relating to the property located at 55 Chalkstone Drive, the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on April 30, 2007 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject lands FROM a Holding Light Industrial (h*L16/L17) Zone which permits a range of Light Industrial uses including manufacturing and assembly industries, research and development establishments, food, tobacco and beverage processing industries, warehouse establishments, building or contracting establishments, storage depots, transport terminals and service establishments TO a Temporary Holding Light Industrial (T-_h*L16/L17) Zone which permits the same range of uses and temporarily allows for a commercial transportation driver training school, a storage depot, a transport terminal and a building/contracting establishment for a period not exceeding three (3) years beginning April 30, 2007;

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

- G. Rahim, applicant – expressing support for the staff recommendation. (2007-D11-06)

11. (13) That, on the recommendation of the General Manager of Planning and Development, based on the application of Louise Collins (Mia’s Flowers) relating to the property located at 2061 Dundas Street, the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on April 30, 2007 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to extend permission for a nursery and garden store for a period not exceeding three (3) years from the date of the passing of the by-law;
12. That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the application of the City of London relating to Community Shopping Areas:

(a) the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on April 30, 2007 to amend the Official Plan to include in Section 4.3.2 "Permitted Uses Shopping Area" to permit commercial schools and private schools; and

(b) the proposed by-law attached hereto as Appendix "B" BE INTRODUCED at the Municipal Council meeting on April 30, 2007 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan, as amended in part (a) above) TO amend Section 22.2, "Commercial Shopping Area- Permitted Uses" to include Commercial Schools and Private Schools, as permitted uses and TO amend Table 22.3, "Community Shopping Area- Regulations" for CSA Zone Variations to include a line stating: commercial school and private school uses as a proportion of total gross floor area 15% maximum;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2007-D11-02)

13. That, on the recommendation of the General Manager of Planning and Development, based on the application of Dahn Tran relating to the lands located 69 Elmwood Avenue East, the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on April 30, 2007 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject site FROM a Convenience Commercial (CC) Zone which permits convenience service establishment, convenient store, financial institutions and personal service establishments all without drive-through TO a Residential R3/Convenience Commercial (R3-1/CC) Zone to permit in addition to the above noted uses, a single detached, semi detached, triplex, fourplex and converted dwellings;

it being noted that pursuant to Section 34(17) of the Planning Act, it has been determined that no further notice of the proposed revised by-law noted above is required;

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

- D. Tran, 69 Elmwood Avenue East - applicant, noting that he has owned the convenience store and 2 rental properties for 19 years and has an excellent relationship with the community but due to continuing construction work on surrounding roads and water mains, which are necessary repairs, his business has decreased significantly and he can no longer continue to operate at a loss, and would like to close the business and instead have a third rental property in its place; further noting that when no further construction is anticipated, he would like the flexibility to re-open the business to serve the community and would request a Convenience Commercial Zone in addition to the Residential R3 Zone for this property.

- R. Campbell, 69 Elmwood Avenue East, expressing support for the applicant's request for a combination Zone for this property, as outlined in his written submission included on the Planning Committee's added agenda; noting that Mr. Tran's business has suffered over the years due to construction and resultant changes in traffic patterns, but that the neighbourhood would like to see the flexibility for him to re-open his business in the future;

it being further noted that the Planning Committee also received and noted written communications in support of the applicant on its added agenda from the following individuals:

- M. Thompson, 11 Brighton Street
- R. Byfield, 60 Edward Street
- C. Trudelle, 80 Duchess Street
- K. Collins, 16 Edward Street
K. Bowman, 49 Edward Street
P. and N. Flynn, 85 Elmwood Avenue East
J. Dow, 73 Elmwood Avenue East
A petition signed by approximately 48 people from the neighbourhood. (2007-D11-07)

14. That the following actions be taken with respect to the application submitted by 1659960 Ontario Limited (Ali Soufan) relating to the property located at 1956 Richmond Street for a draft plan of vacant land condominium of Stonebrook London Limited:

(a) the report from the General Manager of Planning and Development BE RECEIVED;

(b) the Approval Authority BE ADVISED there are no further amendments to the conditions of draft condominium approval; and

(c) the Approval Authority BE ADVISED that at the public participation meeting associated with this matter, the following individual made an oral submission in connection therewith:
   - D. Naish, 1970 Richmond Street North – expressing support for the project; noting the developer has taken an inclusive approach to the neighbourhood during the planning process. (2007-D08-00)

15. That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the site plan approval application of Southside Management Construction Trustee relating to the property located at 1020, 1026 & 1040 Wonderland Road South:

(a) the attached site plan and development agreement clauses for a commercial addition (929.71 sq. m) for a retail store (party supply outlet) BE APPROVED, subject to approval of the site services and the addition of a security camera on the southeast corner of the building and

(b) the applicant BE ADVISED of the following claims and revenues information:

<table>
<thead>
<tr>
<th>Estimates</th>
<th>Estimated Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Works Reserve Fund</td>
<td>$62,080.69</td>
</tr>
<tr>
<td>Other Reserve Funds (City Services &amp; Hydro)</td>
<td>$97,350.85</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$159,431.54</td>
</tr>
</tbody>
</table>

It being noted the extent of these charges will be confirmed at the permit stage;

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

- P. Murano, representing the applicant and expressing support for the staff recommendation and support for the installation of a security camera on the southeast corner of the building.
- J. Agnew - Condominium Manager, Middlesex Condominium Corporation #122, 15-163 Pine Valley Drive – representing 55 owners at the condominium complex at 163 Pine Valley Drive and noting all their concerns have been met after discussions with staff with the exception of whether there could be a security camera on the southeast corner of the building;

It being further noted the Planning Committee received a written communication from D. Postowoj, Owner/Operator, Wendy's located at 375 Southdale Road West expressing concern about access to his restaurant from Southdale Road West, and asked staff to advise Mr. Postowoj that there is no planned extension to the median on this road that would restrict access to his location. (2007-D25-00)

16. That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the Mobile Sign Operator's
Licensing By-law:

(a) By-law No. L.127-659, a by-law for licensing, regulating and governing persons who carry on business of leasing mobile signs BE REPEALED; and

(b) the attached proposed Mobile Sign Business Licensing By-law BE INTRODUCED at the Municipal Council meeting on April 30, 2007;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2007-P10-00/2007-D24-00)

17. That the application of Trustees of Mocha Temple for a variance from the regulations of the Sign and Canopy By-law to permit the construction of a 2.9 square metre ground sign with a height of 3.8 metres on the road allowance at 468 Colborne Street BE REFERRED back to staff for further discussions relating to the design of the sign and placement of the statue with both the applicant and the Woodfield Community Association and to report back at a future meeting of the Planning Committee;

it being noted the Planning Committee heard a delegation from J. Brown, 468 Colborne Street, representing the applicant and expressing a desire to continue discussions with staff and the community to try to arrive a compromise for the design of the sign. (2007-D24-00)

18. That, on the recommendation of the General Manager of Planning and Development, the application of Oxlon Investments Inc. for Enterprise Rent A Car for a variance from the regulations of the Sign and Canopy By-law to permit the construction of a 4.2 square metre ground sign at 500 Oxford Street West BE APPROVED. (2007-D24-00)

19. That, on the recommendation of the General Manager of Planning and Development, the application of 653557 Ontario Limited Benalt Limited c/o Wendy's Restaurants for a variance from the regulations of the Sign and Canopy By-law to permit the construction of two 0.6 square metre directional information signs on the road allowance and less than 5.75 metres from the travel portion of the road at 243 Oxford Street East BE APPROVED, SUBJECT TO the owner entering into and complying with the standard form licensing agreement for signs on the road allowance. (2007-D24-00)

20. That, on the recommendation of the General Manager of Planning and Development, based on the application of Everwood Place Ltd. relating to the property located at 1109 Hamilton Road:

(a) the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on April 30, 2007 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of the subject lands FROM a Holding Residential R5 (h*h-18*R5-3) Zone which permits cluster townhouses and cluster stacked townhouses at a maximum density of 35 units per hectare and a maximum height of 12.0 metres TO a Holding Residential R7 (h*h-18*R7*D29*H12) Zone to permit a seniors retirement lodge at a maximum density of 29 units per hectare and a maximum height of 12 metres; and

(b) the General Manager of Planning and Development BE REQUESTED to arrange a public participation meeting of the Planning Committee for consideration of the site plan required for this development;

it being noted that the following issues will be addressed at the site plan approval stage: 1) safe access onto Hamilton Road; 2) possible tree preservation and retention on the subject site; 3) slope stability and geotechnical assessment; 4) appropriate privacy fencing and/or the necessity of retaining walls; 5) orientation of development adjacent to Hamilton Road to minimize the need for noise walls along the arterial road; it being further noted that the Pottersburg Pollution Control Plant is slated for expansion in the future and that future expansions may occur in the vicinity of the proposed development;

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

- D. Dudek, IBI Group - representing the applicant and expressing support for the staff recommendation. (2007-D11-02)
Councillor Baechler moves that clause 21 be adopted. CARRIED Clause 21 reads as follows:

21. **That a demolition permit BE ISSUED to Covington Group to demolish the residential building located at 903 Richmond Street; it being noted that the new dwelling design is to reflect the character and streetscape of the existing neighbourhood dwellings.** (2007-D10-00)

Councillor Bryant moves that clause 22 be adopted.

Councillor Baechler moves, seconded by Councillor Bryant, that clause 22 be referred back to the Planning Committee for further information.

Controller Barber enters the meeting at 7:34 p.m.

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

The motion to adopt clause 22 is put and CARRIED. Clause 22 reads as follows:

22. **That a demolition permit BE ISSUED to the City of London c/o Realty Services to demolish the residential building located at 1431 Trafalgar Street.** (2007-D10-00)

Councillor Baechler moves that clauses 23 to 26, inclusive, be adopted. CARRIED

Clauses 23 to 26 read as follows:

23. **That a demolition permit BE ISSUED to the Bank of Montreal to demolish the building located at 217 Colborne Street.** (2007-D10-00)

24. **That a demolition permit BE ISSUED to 885214 Ontario Ltd. (Paul Onn) to demolish the residential building with two units located at 596 Waterloo Street.** (2007-D10-00)

25. **That the monthly report of the Building Division for March 2007 BE NOTED AND FILED.** (2007-D06-00)

26. **That the communication dated March 27, 2007 from the City Clerk pertaining to an inquiry by Councillor S. E. Eagle about the City's tree inventory and aerial photos BE NOTED AND FILED.**

Pursuant to Section 17.6 of the Council Procedure By-law, Councillor Bryant moves, seconded by Councillor Winninger, that a new clause 26A be adopted, arising from clause 31 of the 12th Report of the Planning Committee, as follows:

"**That the City of London BE REQUESTED to seek a review of the Ontario Municipal Board Decision 0854 under section 43 of the Ontario Municipal Board Act on Block 1, 33M-405, commonly known as the former University of Western Ontario-Gibbons Lands; it being noted that this is a primary seeping slope, known as the Provincially-Significant Ava Moraine Complex; it being further noted that this would require an extension of time. The reasons for requesting the review are as follows:**

(a) the Ministry of Natural Resources still holds this as a Provincially Significant Wetland and this is evidenced by the fact that the file remains open. This is known as a Dynamic File System, set up to keep adding to the database for such a significant location;

(b) the City of London is mandated to carry out the intentions and have regard for the Provincial Policy Statement 1997, specifically 2.3 Natural Heritage which states:

'Natural heritage features and areas will be protected from incompatible development.'
a) Development and site alteration will not be permitted in:

- significant wetlands south and east of the Canadian Shield;

and,

(c) the City of London must have regard and carry out the Provincial Policy Statement, including updating the schedule that indicates these significant locations; a 240 metre swath through the wetland is legally not permitted." CARRIED on a recorded vote, the Members voting as follows:

YEAS: Mayor DeCicco-Best, Controller Barber and Councillors Armstrong, Eagle, Winninger, Branscombe, Bryant, Lonc, Hubert and Usher. (10)

NAYS: Deputy Mayor Gosnell, Controllers Polhill and Hume and Councillors Van Meerbergen, MacDonald, Caranci, Orser and Miller. (8)

The Chair directs that clauses 27 to 36, inclusive, of Section II be noted. Clauses 27 to 36 read as follows:

27. That the Planning Committee received and noted a report from the General Manager of Planning and Development with respect to the Land Needs Background Study of the Official Plan Review. (2007-D18-00)

28. That the Planning Committee received and noted a communication dated March 27, 2007 from John Gerresten, Minister of Municipal Affairs and Housing with respect to Brownfield Redevelopment and asked that the Civic Administration include the legislative brownfield reform package on the agenda for the next meeting to be held with area MPPs. (2007-D07-00)

29. That the Planning Committee received and noted a communication from Paul Davenport, President and Vice-Chancellor of the University of Western Ontario with respect to zoning and the Thames River flood plain. (2007-G05-00)

30. That the Planning Committee received and noted clauses 4 through 21, inclusive, of the 6th Report of the London Advisory Committee on Heritage from its meeting held on April 11, 2007. (See Report attached.)

31. That the Planning Committee was unable to reach a majority decision with respect to taking any action concerning the attached information report from the General Manager of Planning and Development dated April 23, 2007 with respect to Ontario Municipal Board Decision 0854 relating to an application submitted by Sifton Properties Limited for the property located on the north and east sides of North Centre Road between Richmond Street and Fanshawe Park Road East, referred to as Block 1, Plan 33M-405, and pursuant to Section 17.6 of the Council Procedure By-law is hereby submitting the matter to the Municipal Council for its disposition; it being noted the Planning Committee heard a delegation from Gloria McGinn-McTeer, President, Stoneybrook Heights/Uplands Residents’ Association with respect to this matter requesting the City to appeal this decision as there are grounds under Section 43, and that without an appeal there will be a loss of a significant wetland that could have been prevented. (2007-D11-07)

32. That Controller G. Hume advised the Planning Committee of an article published in the Toronto Star on Sunday, April 22, 2007 with respect to issues between the development and artistic communities when new developments co-exist with creative cities initiatives.

33. That the Planning Committee reviewed and updated its Deferred Matters List.

34. That Councillor J. L. Baechler disclosed a pecuniary interest in clause 3 of this report by indicating she operates a business in this area, and in clause 31 of this report by indicating she resides in close proximity to the subject site.

35. That Councillor J. P. Bryant disclosed a pecuniary interest in clause 29 of this report by indicating her spouse is employed by the University of Western Ontario.

36. That Controller G. Hume disclosed a pecuniary interest in clause 2 of this report by indicating he resides within the notification radius of the subject site.
1. That, on the recommendation of the Transportation Advisory Committee (TAC), the TAC BE PROVIDED with the opportunity to comment on the drive-through policies currently being developed by the General Manager of Planning and Development.

2. That, on the recommendation of the Transportation Advisory Committee (TAC), the TAC BE NOTIFIED of all Transportation Class Environmental Assessment public meetings prior to the meetings taking place.

Councillor Usher moves that clause 3 be adopted.

Councillor Miller moves, seconded by Councillor Lonc, that clause 3 be amended by deleting clause 3 in its entirety and by substituting therefor a new clause 3 as follows:

"3. (10) That a public participation meeting BE HELD at a future meeting of the Environment and Transportation Committee for the purpose of receiving public input on a proposed pilot project for structured parking on the west side of Richmond Street, between Dufferin Avenue and Oxford Street, after 6:00 p.m. during the week and all day on Saturday and Sunday; it being noted that the Environment and Transportation Committee (ETC) heard verbal presentations from B. Serinko, M. Smith and S. Howell, Richmond Row Association, and J. Ford, London Transit Commission, with respect to this matter. (2007-S04-00). CARRIED"

Councillor Baechler moves, seconded by Councillor Miller that clause 3 be further amended to note that the General Manager of Environmental and Engineering Services and City Engineer was requested to also provide a further report with respect to a proposed concept for the aforementioned structured parking. CARRIED

The motion to adopt clause 3, as amended, is put and CARRIED on a recorded vote, the Members voting as follows:

YEAS: Mayor DeCicco-Best, Controllers Barber, Polhill and Hume and Councillors Van Meerbergen, MacDonald, Armstrong, Eagle, Caranci, Branscombe, Bryant, Baechler, Orser, Lonc, Hubert and Miller. (16)

NAYS: Deputy Mayor Gosnell and Councillors Winninger and Usher. (3)

Clause 3, as amended, reads as follows:

3. (10) That a public participation meeting BE HELD at a future meeting of the Environment and Transportation Committee for the purpose of receiving public input on a proposed pilot project for structured parking on the west side of Richmond Street, between Dufferin Avenue and Oxford Street, after 6:00 p.m. during the week and all day on Saturday and Sunday; it being noted that the General Manager of Environmental and Engineering Services and City Engineer was requested to also provide a further report with respect to a proposed concept for the aforementioned structured parking; it being further noted that the Environment and Transportation Committee (ETC) heard verbal presentations from B. Serinko, M. Smith and S. Howell, Richmond Row Association, and J. Ford, London Transit Commission, with respect to this matter. (2007-S04-00)

Councillor Usher moves that clauses 4 and 5 be adopted. CARRIED Clauses 4 and 5 read as follows:
4. That the Mayor BE ASKED to write a follow-up letter to the Canadian National Railway (CNR) with copies of the letter to be provided to G. Pearson, MP, London North Centre, the Federation of Canadian Municipalities and the Canadian Transportation Agency, requesting that a noise study be prepared for McLarenwood Terrace by CNR in the next six months; it being noted that if satisfactory actions are not taken, the City may ask the Canadian Transportation Agency to mediate the issue between the City and CNR; it being further noted that the Environment and Transportation Committee (ETC) reviewed and received written communications dated March 9, 2007, March 19, 2007, April 12, 2007 from Mayor A. M. DeCicco-Best, G. Pearson, Member of Parliament, London North Centre and I. C. W. Spear, Director, Rail Infrastructure Directorate, Rail and Marine Branch, Canadian Transportation Agency, respectively, with respect to this matter. (2007-S05-00)

5. That the following matters be NOTED AND FILED:
   (a) the 4th Report of the Advisory Committee on the Environment from its meeting held on April 4, 2007 (See Report attached.);
   (b) the 1st Report of the Trees and Forests Advisory Committee from its meeting held on March 23, 2007 (See Report attached.); and
   (c) that clauses 3 to 10, inclusive, of the 4th Report of the Transportation Advisory Committee from its meeting held on April 3, 2007 (See Report attached.); and
   (d) a written communication dated April 5, 2007 from D. Dimitrie, 705-752 Kipps Lane with respect to the Kipps Lane and Arbour Glen Crescent Watermain Replacement – Project No. EWS761. (2007-W13-00)

Controller Barber 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 16. CARRIED

Controller Barber moves, seconded by Councillor Eagle, that clause 16 be amended in line 6 by deleting therefrom the word "for". CARRIED

Pursuant to Section 17.6 of the Council Procedure By-law, Councillor Miller moves, seconded by Controller Polhill, that the matter of overnight parking restrictions be referred back to the Civic Administration for an implementation plan for on-street parking between 3 a.m. and 5 a.m. from the May 24th weekend until Labour Day weekend in 2008, recognizing geographic exceptions, options that are cost effective for the City, options for both tourists and residents and liaison with other communities that have an unrestricted parking policies to assist us with establishing a policy that has been successful in other communities.

At 8:38 p.m. Her Worship the Mayor places Deputy Mayor Gosnell in the Chair and leaves the meeting.

Councillor Miller moves, seconded by Councillor Bryant, that the motion to refer the matter of overnight parking restrictions back to the Civic Administration be amended to also recognize the option of overnight passes and that the proposed plan come back to a public participation meeting. CARRIED

Controller Polhill moves, seconded by Councillor Miller that the motion to refer be further amended to provide that the Civic Administration report back to the Environment and Transportation Committee meeting to be held November 12, 2007. CARRIED

At 8:45 p.m. Her Worship the Mayor resumes the Chair, and Deputy Mayor Gosnell takes his seat at the Council Board.

Councillor Branscombe moves, seconded by Deputy Mayor Gosnell that the motion to refer be further amended to provide that the implementation plan be described as being a "proposed implementation plan". CARRIED

Controller Hume moves, seconded by Councillor Miller, that the motion to refer be further amended to provide that the May 24th weekend be referred to as the Victoria Day weekend. CARRIED
Councillor Branscombe moves, seconded by Councillor Eagle, that the motion to refer be further amended to provide that the Civic Administration also obtain input from relevant Advisory Committees of the London Municipal Council.

CARRIED

The motion to refer the matter of overnight parking restrictions to the Civic Administration, as amended, is put and CARRIED as a new clause 5A. Clause 5A reads as follows:

5A. That the matter of overnight parking restrictions be referred back to the Civic Administration to report back to the Environment and Transportation Committee, at its meeting to be held on November 12, 2007, with a proposed implementation plan for 2008, for on-street parking between 3:00 a.m. and 5:00 a.m., from the Victoria Day weekend, through to the Labour Day weekend, such report to give consideration to geographical exceptions, cost-effective options for the City of London, options for both tourists and residents, the potential use of overnight parking passes, the experience of other municipalities which have successfully implemented unrestricted parking policies, as well as input from relevant Advisory Committees of the London Municipal Council.

The Chair directs that clauses 6 to 15, inclusive, clause 16, as amended, and clauses 17 and 18 of Section II be noted. Clauses 6 to 18 read as follows:

6. That the Environment and Transportation Committee (ETC) reviewed and received an information report from the General Manager of Environmental and Engineering Services and City Engineer with respect to the water system risk management exercise and evaluation. (2007-W13-00)

7. That the Environment and Transportation Committee (ETC) reviewed and received an information report from the Director of Water, Environment and Customer Relations with respect to an update on the water meter and meter reading strategy. (2007-W13-00)

8. That the Environment and Transportation Committee (ETC) reviewed and received an information report from the Water Compliance Co-ordinator, Elgin Area Primary Water Supply System with respect to the Elgin-Middlesex Pumping Station 2006 Compliance Report. (2007-W13-02)


10. That the Environment and Transportation Committee (ETC) reviewed and received an information report from the Water Compliance Co-ordinator, Lake Huron Primary Water Supply System with respect to the Lake Huron Primary Water Supply System 2006 Compliance Report. (2007-W13-01)

11. That the Environment and Transportation Committee (ETC) heard a verbal presentation and received a communication dated March 26, 2007, from T. O’Brien, Sergeant, Traffic Management Unit, London Police Services, with respect to a proposed amendment to the S-1 By-law (Streets By-law). The ETC referred the communication back to Sergeant T. O’Brien and asked that he consult with the City Solicitors Office and the Environmental and Engineering Services Department to further review issues relating to pedestrians walking on the roadway and interfering with traffic; it being noted that the aforementioned review is to include exploring the possibility of establishing a Task Force to deal with this issue and an educational component is to be included with any recommendations brought back at a future meeting of the ETC.

12. That the Environment and Transportation Committee was unable to reach a majority decision with respect to overnight parking restrictions and pursuant to Section 17.6 of the Council Procedure By-law is hereby submitting the matter to the Municipal Council for its disposition. (The Municipal Council resolution adopted at its meeting held on April 16, 2006 and the communication dated April 20, 2007 from Councillor J. Bryant, with respect to overnight parking restrictions are attached for reference). (2007-S04-00)
13. That the Environment and Transportation Committee (ETC) recessed and convened as the Committee of Appeals to hear an appeal with respect to the Notice to Muzzle a Dog issued to Robert Hunter, 210 Worthington Avenue. Pursuant to City of London By-law PH-4, a decision was made to uphold the muzzle order and that the dog be microchipped. (2007-P04-00)

14. That the Environment and Transportation Committee (ETC) recessed and convened as the Committee of Appeals to hear an appeal with respect to the Notice to Muzzle a Dog issued to Daphne Bailey, 31 Inverary Road. Pursuant to City of London By-law PH-4, a decision was made to change the name of the owner of the dog from Daphne Bailey to Richard Bailey and to issue a Notice of Caution. (2007-P04-00)

15. That the Environment and Transportation Committee (ETC) recessed and convened as the Committee of Appeals to hear an appeal with respect to the Notice to Muzzle a Dog issued to Jacquie Murray, 124 Timber Crescent. Pursuant to City of London By-law PH-4, a decision was made to issue a Notice of Caution recognizing that Mr. & Mrs. Murray have agreed to muzzle the dog except for the following circumstances:

(a) while the dog is on the property of Mr. & Mrs. Simons, 112 Timber Drive; and

(b) while the dog is attending agility class taught by A. MacDonald, K-9 Concepts;

it being noted that the dog does not have to be muzzled while on its own property. (See attached communication dated April 17, 2007 from J. & B. Simons, 112 Timber Crescent). (2007-P04-00)

16. That the Environment and Transportation Committee (ETC) reviewed and received a written communication dated April 16, 2007 from Controller G. Barber and Councillors N. Branscombe and J. Bryant with respect to reduction of plastic grocery bags in London. The ETC asked the General Manager of Environmental and Engineering Services and City Engineer to include a section on the possibility of banning, reducing and recycling plastic bags in his broader report on solid waste services to be presented to the ETC in June, 2007. (2007-W11-00)

17. That the Environment and Transportation Committee (ETC) received a report from the General Manager of Environmental & Engineering Services & City Engineer, heard verbal presentations from Mayor A. M. DeCicco, the General Manager of Environmental and Engineering Services & City Engineer, the Director of Water, Environment & Customer Relations, Dr. B. Warshawsky, Associate Medical Officer of Health, Dr. J. Reffle, Director, Environmental Health & Chronic Disease Prevention Services, Middlesex-London Health Unit, R. Welker, Division Manager, Water Engineering, J. Braam, Division Manager, Water and Sewer Operations, and D. Huggins, Water Quality Manager, and received the attached communications from E. Gamble, Director of Corporate Communications and D. Flaherty, Manager, Communications, MLHU with respect to the safety of London's drinking water. The ETC thanked the Civic Administration for their efforts to address this matter.

18. That the Environment and Transportation Committee (ETC) received communications from Councillor S. E. Eagle and Father J. Pirt, Catholic Community of St. George, with respect to parking in the vicinity of St. George Catholic Church. The ETC asked the General Manager of Environmental and Engineering Services & City Engineer to conduct a mail-back survey of the residents on Lynden to gauge their support for moving the existing evening and weekend parking from the east side of Lynden to the west side of the street in working with the Church and the community to resolve this matter. (2007-S04-00)

EMERGENT MOTION

146. Councillor Baechler moves, seconded by Councillor Bryant, that pursuant to section 18.2 of the Council Procedure By-law, leave be given for the purpose of introducing an emergent motion with respect to Source Protection Committees. CARRIED

Councillor Baechler moves, seconded by Councillor Bryant, that the following actions be taken with respect to the draft Ontario Regulations under the Clean Water Act, 2006 pertaining to the formation of Source Protection Committees:
(a) the Upper Thames River Conservation Authority’s recommendation that the Source Protection Committee size be 21, as opposed to the 15 set out in the draft regulation, BE SUPPORTED; and

(b) the City of London BE DIRECTED to send notice to the Province, in response to the draft Ontario Regulations under the Clean Water Act, 2006 as they relate to “Source Protection Committees, Number and Appointment of Members”, requesting the removal of the restriction on Conservation Authority Board Members sitting on the Source Protection Committee, should such a Member be nominated by a municipality or by another sector or group. CARRIED

Councillor Caranci moves, seconded by Councillor Baechler, 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 disposition of land by the municipality with respect to a tax sale;
(b) a matter pertaining to a proposed acquisition of land by the municipality for recreation purposes;
(c) a matter pertaining to a proposed acquisition of land on Adelaide Street North by the municipality;
(d) two matters pertaining to a proposed disposition of industrial land by the municipality;
(e) a matter 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;
(f) a matter pertaining to personal matters involving identifiable individuals who are municipal employees with respect to an employment related matter; and
(g) a matter pertaining to personal matters involving an identifiable individual who is a municipal employee with respect to employment related matters. CARRIED

The Council rises and goes into the Committee of the Whole, in camera, at 8:50 p.m. with Deputy Mayor Gosnell in the Chair and all Members present.

At 9:33 p.m. all staff, with the exception of the City Clerk and V. McAlea-Major, leave the meeting.

The Committee rises and Council resumes in regular session at 9:34 p.m. with Mayor DeCicco-Best in the Chair and all Members present.

13TH 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 General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, the offer submitted by Antonio Sanita Land Development Limited, to purchase 20 acres, more or less, subject to survey, on the east side of Robin’s Hill Road, and being comprised of Block 6, Plan 33M-530 and Part of Part 6, Plan 33R-14453 in the City of London, for the consideration of $900,000 (reflecting $45,000 per acre), BE ACCEPTED, subject to the following conditions:

(a) the purchaser shall be granted a six year option, to expire February 1, 2013, to purchase approximately 5.0 acres (referred to in the offer as Parcel C), retained by the City, at the price of $45,000 per acre;

(b) the purchaser shall have thirty (30) days from acceptance to arrange financing and satisfy themselves regarding a site plan agreement with the City;

(c) the Purchaser shall be allowed sixty (60) days from date of acceptance of the Agreement to carry out soil tests as it might reasonably require;

(d) after the date of conditional acceptance, the purchaser shall be permitted to begin site stripping/excavation/preparation work in the immediate vicinity of the proposed building on Parcel A;

(e) the City will provide a reference plan to the purchaser at its expense;

(f) the purchaser may direct the City to transfer Parcels A and B in separate title at the time of closing;

(g) the purchaser was represented by a real estate agent, and commission shall be paid in accordance with City Policy for industrial land sales; and

(h) the purchaser satisfying themselves of the location and design of future Street C, and the impact of the proposed grading plan for the Skyway subdivision on their proposed development.

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

Deputy Mayor Gosnell moves, seconded by Councillor Baechler, 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 1 of the 13th Report of the Committee of the Whole. CARRIED

Deputy Mayor Gosnell moves, seconded by Councillor Baechler, that the following recommendation 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 offer submitted by Antonio Sanita Land Development Limited, to purchase 20 acres, more or less, subject to survey, on the east side of Robin’s Hill Road, and being comprised of Block 6, Plan 33M-530 and Part of Part 6, Plan 33R-14453 in the City of London, for the consideration of $900,000 (reflecting $45,000 per acre), BE ACCEPTED, subject to the following conditions:

(a) the purchaser shall be granted a six year option, to expire February 1, 2013, to purchase approximately 5.0 acres (referred to in the offer as Parcel C), retained by the City, at the price of $45,000 per acre;

(b) the purchaser shall have thirty (30) days from acceptance to arrange financing and satisfy themselves regarding a site plan agreement with the City;

(c) the Purchaser shall be allowed sixty (60) days from date of acceptance of the Agreement to carry out soil tests as it might reasonably require;

(d) after the date of conditional acceptance, the purchaser shall be permitted to begin site stripping/excavation/preparation work in the immediate vicinity of the proposed building on Parcel A;

(e) the City will provide a reference plan to the purchaser at its expense;
(f) the purchaser may direct the City to transfer Parcels A and B in separate title at
the time of closing;

(g) the purchaser was represented by a real estate agent, and commission shall be
paid in accordance with City Policy for industrial land sales; and

(h) the purchaser satisfying themselves of the location and design of future Street C,
and the impact of the proposed grading plan for the Skyway subdivision on their
proposed development. CARRIED

BY-LAWS

147. Controller Polhill moves, seconded by Councillor MacDonald, that the following Bills be
introduced:

Bill No. 176  By-law No. A.-6099-111  A by-law to enter into a contract with Ameresco Canada
Inc. for Facility Renewal Upgrades and Energy Savings Measures. (14/15/BC)

Bill No. 177  By-law No. A.-6100-112  A by-law to fix the number of Directors for the Covent
Garden Market Corporation. (22/15/BC)

Bill No. 178  By-law No. A.-6101-113  A By-law to authorize the execution of a Letter of
Agreement related to funding provided by the Province of Ontario under the Ontario Bus Replacement Program. (32/15/BC)

Bill No. 179  By-law No. A.-6102-114  A By-law to approve the Amending Agreement between
The Corporation of the City of London and Medical Pharmacy Ltd.; and to authorize the Mayor and Clerk to
execute the Amending Agreement. (1/9/CPSC)

Bill No. 180  By-law No. C.P.-1284(oa)-115  A by-law to amend the Official Plan for the City of
London, 1989 relating to lands located on the west side of Hyde Park Road, between Hyde Park Road and the
southerly extension of Blue Heron Drive. (3/12/PC)

Bill No. 181  By-law No. C.P.-1284(ob)-116  A by-law to amend the Official Plan for the City of
London, 1989 relating to Community Shopping Area
designations. (12/12/PC)

Bill No. 182  By-law No. L.-128-117  A by-law for licensing, regulating and governing persons
who carry on the business of leasing mobile signs. (16/12/PC)

Bill No. 183  By-law No. Z.-1-071626  A by-law to amend By-law No. Z.-1 to rezone an area of
land located on the west side of Hyde Park Road, between Hyde Park Road and the southerly extension of Blue Heron Drive. (3/12/PC)

Bill No. 184  By-law No. Z.-1-071627  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 251 Fanshawe Park Road West. (5/12/PC)

Bill No. 185  By-law No. Z.-1-071628  A by-law to amend By-law No. Z.-1 to rezone an area of
land located at 55 Chalkstone Drive. (10/12/PC)

Bill No. 186  By-law No. Z.-1-071629  A by-law to amend By-law No. Z.-1 to extend the
Temporary Use (T-10) relating to property located at
2061 Dundas Street, south side, between Speight
Boulevard and Carlyle Drive. (11/12/PC)

Bill No. 187  By-law No. Z.-1-071630  A by-law to amend By-law No. Z.-1 to add permitted
uses to all Community Shopping Area Zone Variations. (12/12/PC)

Bill No. 188  By-law No. Z.-1-071631  A by-law to amend By-law No. Z.-1 to rezone an area of
land located at 69 Elwood Avenue East. (13/12/PC)
Bill No. 189  
By-law No. Z.-1-071632  
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1109 Hamilton Road. (20/12/PC)  
CARRIED

First Reading:
Controller Polhill moves, seconded by Councillor Miller, that Bill No.'s 168 to 189, inclusive, be read a first time. CARRIED

Second Reading:
Controller Polhill moves, seconded by Councillor Caranci, that Bill No.'s 168 to 189, inclusive, be read a second time. CARRIED

Third Reading:
Councillor Usher moves, seconded by Councillor Miller, that Bill No.'s 168 to 189, inclusive, be read a third time and be finally passed and enacted as by-laws of The Corporation of the City of London, namely:

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>By-law No.</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>168</td>
<td>A.-6098-103</td>
<td>A by-law to confirm the proceedings of the Council Meeting held on the 30th day of April, 2007. (City Clerk)</td>
</tr>
<tr>
<td>169</td>
<td>S.-5044-104</td>
<td>A by-law to permit Canadian Imperial Bank of Commerce to maintain and use an encroachment upon the road allowance for Oxford Street East, City of London. (City Solicitor)</td>
</tr>
<tr>
<td>170</td>
<td>S.-5045-105</td>
<td>A by-law to permit David Muir Gillies to maintain and use an encroachment upon the road allowance for Queens Avenue, City of London. (City Solicitor)</td>
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<tr>
<td>171</td>
<td>S.-5046-106</td>
<td>A by-law to assume certain works and services in the City of London. (Huntington Phase 2 Subdivision, 33M-375). (General Manager of Environmental Services and City Engineer)</td>
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<td>175</td>
<td>W.-1901(a)-110</td>
<td>A by-law to amend By-law No. W.-1901-205 entitled, &quot;A by-law to authorize the Police Facilities (Project No. PP4460)&quot;. (1/13c/BC) (1/12/CW)</td>
</tr>
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Bill No. 184
By-law No. Z.-1-071627
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 251 Fanshawe Park Road West. (5/12/PC)

Bill No. 185
By-law No. Z.-1-071628
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 55 Chalkstone Drive. (10/12/PC)

Bill No. 186
By-law No. Z.-1-071629
A by-law to amend By-law No. Z.-1 to extend the Temporary Use (T-10) relating to property located at 2061 Dundas Street, south side, between Speight Boulevard and Carlyle Drive. (11/12/PC)

Bill No. 187
By-law No. Z.-1-071630
A by-law to amend By-law No. Z.-1 to add permitted uses to all Community Shopping Area Zone Variations. (12/12/PC)

Bill No. 188
By-law No. Z.-1-071631
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 69 Elwood Avenue East. (13/12/PC)

Bill No. 189
By-law No. Z.-1-071632
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1109 Hamilton Road. (20/12/PC)

CARRIED

ADJOURNMENT

148. Councillor Caranci moves, seconded by Councillor Miller, that the Meeting adjourn. CARRIED

The Meeting adjourns at 9:35 p.m.

Anne Marie DeCicco-Best, Mayor

Kevin Bain, City Clerk