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


At the beginning of the Meeting all Members are present except Councillor Armstrong.

Her Worship the Mayor presents a plaque for "London's Featured Company" to Greg Dinsdale, Senior Vice President representing LBMX Inc., 1702-148 Fullarton Street.

Her Worship the Mayor presents a certificate for "London's Featured Community Organization" to Carol Brown, Director, Jonathan McKinnon, Board of Directors, Ric Henderson, Client and Terry Guthrie, Client representing the Coffee House.

Her Worship the Mayor recognizes Jon Barnett for his act of bravery for assisting a grade 6 student, who was hit by a car in December 2003.

Councillor Harold Usher, Chair of the London Transit Commission presents Her Worship the Mayor with the Canadian Urban Transit Association Award.

Her Worship the Mayor recognizes the following young Londoners who were among the winners of the Canada Millennium Scholarship Foundation’s millennium excellent awards:

Lynsey Boam
Jonathon Edwards
Kara Schneider
Lauren Killip
Neel Malhorta
Courtney MacAulay

Her Worship the Mayor will recognize the following individuals who were nominated for the Krista Sepp Memorial Awards:

Jennifer Pasch
Marion Whitfield
Zoe Edwards
Melanie Studholme

Her Worship the Mayor displays a plaque that she received on behalf of the City of London, for its Demonstrated Excellence with the Organization of the X World In-Line Hockey Championships.

DISCLOSURES OF PECUNIARY INTEREST

224. Deputy Mayor Gosnell discloses a pecuniary interest in clauses 17 and 38 of the 15th Report of the Planning Committee and Bill No's. 274, 268, 278, 279 and 280 having to do with Sunbelt Business Centre Ltd. and First London North Developments Inc. by indicating his client has an interest in these developments.

225. Councillor Caranci discloses a pecuniary interest in clause 17 of the 15th Report of the Planning Committee and Bill No. 274 having to do with Sunbelt Business Centre by indicating that the subject property is owned by his employer.

226. Councillor Baechler discloses a pecuniary interest in clause 1 of the 15th Report of the Planning Committee having to do with Special Provisions for the Skyway Industrial Park – Phase 1 Subdivision by indicating she owns property on Jetstream Road.
Councillor Bryant discloses a pecuniary interest in clause 24 of the 27th Report of the Board of Control having to do with the 2004 Development Charge by indicating her husband is employed at the University of Western Ontario.

**MINUTES**

227. Controller Polhill moves, seconded by Councillor Usher, that the Minutes of the 15th Meeting held on June 14, 2004 be adopted. **CARRIED**

**CONFIDENTIAL MATTERS TO BE CONSIDERED IN PUBLIC**

228. The Council reviews the confidential matters listed for consideration at this meeting and determines that clause 1 of the Confidential Appendix to the 13th Report of Community and Protective Services and clause 1 of the Confidential Appendix to the 16th Report of the Planning Committee should be considered in public.

**COMMUNICATIONS**

229. The Chair directs that the actions suggested by the City Clerk with respect to Communication No.'s 1 to 10, inclusive, as identified on the Orders of the Day and on the Added Communications be taken.

**ADDED REPORTS**

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

**REPORTS**

**27TH REPORT OF THE BOARD OF CONTROL**

231. Deputy Mayor Gosnell presents the 27th Report of the Board of Control.

Deputy Mayor Gosnell moves that clauses 1 to 19, inclusive, be adopted. **CARRIED** with Councillor Van Meerbergen voting Nay to clause 10.

Deputy Mayor Gosnell moves that clause 20 be adopted.

Councillor Tranquilli moves, seconded by Councillor MacDonald, that clause 20 be amended by adding a new sub clause (e) as follows:

“(e) that the Community Services Department BE REQUESTED to provide a report to the September 1, 2004 Board of Control meeting regarding the potential cost savings if Council meetings started at 6:00 p.m. in order to eliminate the need for the provision of dinners on Council meeting nights.” **CARRIED**

The motion to adopt clause 20, as amended, is put and **CARRIED** with Controller Monteith and Councillor Van Meerbergen voting Nay.

Deputy Mayor Gosnell moves that clauses 21 to 23, be adopted. **CARRIED**

Deputy Mayor Gosnell moves that clause 24 be adopted.

Councillor Chahbar moves, seconded by Councillor Tranquilli, that pursuant to Section 7.6 of the Council Procedure By-law, Councillor Baechler be permitted to speak longer than 5 minutes with respect to clause 24. **CARRIED**

Councillor Baechler moves, seconded by Councillor Eagle, that clause 24 be amended by deleting the word “requested” in the first line of clause (f) and replacing it with the word “directed” and that clause 24 be further amended by adding the following at the end of clause (f):
“It being noted that the report from the Civic Administration will include a calculation for a non-residential development charge and the available information on the matter of a social housing component of the development charge.” CARRIED

Councillor Baechler moves, seconded by Deputy Mayor Gosnell that clause 24 be further amended by adding a new clause (g) as follows:

“(g) the Civic Administration BE DIRECTED to request the Province to consider a new category for development charges to include landfill site replacement costs when the Development Charges Act is reviewed by the Province.” CARRIED

Councillor Baechler moves, seconded by Councillor Eagle that clause 24 be further amended by adding the following at the end of clause (a) (ii):

“it being noted that the administrative charge is not charged under the development charge but under the Urban Works Fund and that the staff will review this matter and will report back to the Board of Control.” CARRIED

The motion to adopt clause 24, as amended, is put and CARRIED.

Deputy Mayor Gosnell moves that clause 25 be adopted. CARRIED

Deputy Mayor Gosnell moves that clause 26 be adopted.

Deputy Mayor Gosnell moves, seconded by Councillor Miller, that clause 26 be amended by deleting clause 26 in its entirety and replacing it with the following:

“That, on the recommendation of the General Manager of Environmental and Engineering Services and City Engineer, the attached resolution BE ENDORSED by Municipal Council and forwarded to the Province of Ontario, the City of Toronto, the Large Urban Mayor’s Caucus of Ontario, and the London MPP’s.” CARRIED

The motion to adopt clause 26, as amended, is put and CARRIED.

Deputy Mayor Gosnell moves that clauses 27 to 28, be adopted. CARRIED

The Chair directs that clauses 29 to 34, inclusive, of Section II be noted.

15TH REPORT OF THE PLANNING COMMITTEE

232. Councillor Usher presents clause 1 of the 15th Report of the Planning Committee and Councillor Baechler presents the remaining clauses.

Councillor Usher moves that clause 1 be adopted. CARRIED

Councillor Baechler moves that clauses 2 to 16, inclusive, be adopted. CARRIED

Councillor Baechler moves that clauses 17 and 18 be adopted. CARRIED with Councillor Van Meerbergen voting Nay to clause 17.

Councillor Baechler moves that clause 19 be adopted.

Councillor Baechler moves, seconded by Councillor Miller, that clause 19 be amended by deleting the word “on” in the first line and substituting therefor the word “notwithstanding”. Further amend by deleting clauses (a) and (b) and replacing it with the following:

“(a) the application for a variance from the regulations of the sign and canopy by-law to permit the construction of a 6.4 metres ground sign BE APPROVED.” CARRIED

The motion to adopt clause 19, as amended, is put and CARRIED.
Councillor Baechler moves that clause 20 be adopted.

Councillor Baechler moves, seconded by Councillor Usher, that clause 20 be amended in the third line of the first paragraph by adding there to the words "consisting of 8 square metres" after the words "directional signs" and further amend in the fourth line of the first paragraph by deleting all of the words after "BE APPROVED". CARRIED

The motion to adopt clause 20, as amended, is put and CARRIED.

Councillor Baechler moves that clauses 21 to 27, inclusive, be adopted. CARRIED

Controller Hume moves, seconded by Controller Monteith that clause 28 of the 15th Report of the Planning Committee and clause 1 of the 16th Report of the Planning Committee be deferred to after the Committee of the Whole session in order to receive advice that is subject to solicitor-client privilege. CARRIED

Councillor Baechler moves that clauses 29 and 30, be adopted. CARRIED

Councillor Baechler moves that clause 31 be adopted.

Councillor Baechler moves, seconded by Councillor Usher that clause 31 be amended by adding the following Condition #24: The owner agrees to provide 1.83 metres (6 ft.) high board on board fence along the north side of Lot 1 and Lots 8 to 51, both inclusive abutting the retained Wolseley Barracks site. LOST with the following Members voting Nay: Councillors Caranci, Tranquilli, Alder, Van Meerbergen, Bryant, Chahbar, Controllers Polhill, Hume and Monteith and Mayor DeCicco.

Councillor Baechler moves, seconded by Councillor Usher that clause 31 be amended in the last line of the revised paragraph, dealing with Condition #29 by deleting the word "and". CARRIED

The motion to adopt clause 31, as amended, is put and CARRIED with Councillors Eagle and Winninger voting Nay.

Councillor Baechler moves that clauses 32 to 34, be adopted. CARRIED

Councillor Baechler moves, seconded by Councillor Usher that pursuant to section 15.4 of the Council Procedure By-Law, leave be given for discussion and debate and the making of a substantive motion with respect to clause 38. CARRIED.

Councillor Baechler moves, seconded by Councillor Usher,

"38. That, on the direction of Municipal Council, the General Manager of Planning and Development is submitting the attached enacting clauses to amend the Official Plan and Zoning By-law with respect to the application of First London North Developments Inc. relating to properties located at 1250-1326 Fanshawe Park Road West and lands fronting onto Hyde Park Road opposite Seagull Road and extending to the north limit of Patch 01012; the Official Plan and Zoning By-law review initiated by the City of London on properties located at 1350-1422 and 1335-1424 Fanshawe Park Road West and the southerly portion of the First London North Lands which comprise most of Patch 01012 abutting the east side of Hyde Park Road; and the application of Stanton Brothers Limited relating to the property located at 1281 Fanshawe Park Road West, east of Hyde Park Road:

1. First London North Amendments

(a) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend the Official Plan in accordance with the attached amendment to;

1) change the designations of lands at 1250-1422 and 1281-1425 Fanshawe Park Road West and lands north of the woodlot on Hyde Park Road from Community Shopping Area, Associated Shopping Area Commercial, Restricted Service Commercial,
Office Area and Multi-Family, Medium Density Residential to a Commercial Policy Area designation which permits a maximum gross floor area for retail of 113,620m² (1.23 million sq.ft) and incorporate special policies to guide the development of this major commercial node;

2) delete Section 10.1.3 hxxiii) of the Official Plan to remove existing policies which apply to this site; and

3) add a new Section to Section 4.7 to add the Fanshawe/Hyde Park Road Commercial Node as a new Commercial Policy Area.

(b) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend Zoning By-law No. 5000 (Former London Township), in accordance with the attached enacting clause, to delete the Highway Commercial Exception (C1-9) Zone which applies to 1350-1422 Fanshawe Park Road West and remove this site from the By-law;

(c) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend Zoning By-law Z-1, in conformity with the Official Plan (as amended above), in accordance with the attached enacting clause, to apply an Associated Shopping Area Commercial Special Provision (ASA3/ASA6/ASA8( )) Zone to 1422 Fanshawe Park Road West which permits retail, offices and personal service uses to a total maximum gross floor area of 5575m² (60,000 sq.ft.), a maximum coverage of 33% and a minimum landscaped open space of 11% within the zone and permits a financial institution with a maximum gross floor area of 520m² (5600 sq.ft.); and apply an Associated Shopping Area Commercial Special Provision (ASA3/ASA6/ASA8( )) Zone to 1350 and 1380 Fanshawe Park Road West which permits the same range of uses to a maximum gross floor area of 5575m² (60,000 sq.ft.); it being noted that consideration will be given to the Commercial Design Guidelines through the on-going site plan review process;

(d) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend Zoning By-law No. 5000 (Former London Township), in accordance with the attached enacting clause, to delete the Agricultural (A1) Zone which applies to lands on the east side of Hyde Park Road south of Seagull Road and remove this site from the By-law;

(e) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend Zoning By-law Z-1, in conformity with the Official Plan (as amended above), in accordance with the attached enacting clause, to apply the Open Space (OS5) Zone to lands on the east side of Hyde Park Road south of Seagull Road;

(f) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend Zoning By-law Z-1, in conformity with the Official Plan (as amended above), in accordance with the attached enacting clause to;

1) change the zoning on the property FROM a Holding Restricted Service Commercial Special Provision (h.h-20.RSC2(5)/RSC4) Zone which permits a limited range of commercial uses at a maximum gross floor area of 18,580m² (200,000 sq.ft.), Holding Office Area Special Provision (h.OF3(2)) and Holding Residential R5 (h.R5-7) Zones TO Holding Associated Shopping Area Commercial Special Provision (h.h-25.ASA3/ASA6/ASA8( )) and Holding Residential R5 (h.R5-7) Zones TO Holding Associated Shopping Area Commercial Special Provision (h.h-25.ASA3/ASA6/ASA8( )) and Associated Shopping Area Commercial Special Provision (ASA3/ASA6/ASA8( )) Zones to permit a maximum gross floor area for retail uses of 53890m² (580,086 sq.ft.) within the three zoned areas combined, a Holding Office Area Special Provision (h.h-25.OF3(2)) Zone to permit 6968m² (75,000 sq.ft.) of office space, and a Holding Residential R5 (h.R5-2) Zone to permit cluster townhouse and stacked townhouse dwellings at a maximum density of 60 units per hectare (24 units per acre) subject to holding provisions for servicing and an environmental study; and
2) delete the existing Restricted Service Commercial Special Provision (RSC2(5)) Zone;

IT BEING NOTED that prior to removal of the "h" holding provision, that an agreement be entered into between the City of London and First London North Developments Inc. to construct the necessary roadworks to accommodate the scale of commercial development permitted by the above amendments; it being further noted that a report is to come forward at a future joint meeting of the Environment and Transportation Committee and the Planning Committee regarding the participation of other landowners in the above-mentioned cost sharing agreement for the completion of the required road works.

2. Stanton Application – 1281 Fanshawe Park Road West

(a) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend Zoning By-law No. 5000 (Former London Township) in accordance with the attached enacting clause, to delete the Agricultural (A1) Zone which applies to 1281 Fanshawe Park Road West and remove this site from the By-law; and

(b) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend Zoning By-law Z-1, in conformity with the Official Plan (as amended), in accordance with the attached enacting clause, to apply a Holding Associated Shopping Area Commercial Special Provision (h.h-25.ASA3/ASA6/ASA8(_)) Zone to 1281 Fanshawe Park Road West to permit retail, offices and personal service uses to a maximum gross floor area of 18,580m² (200,000 sq.ft.);

IT BEING NOTED that prior to removal of the "h" holding provision, that an agreement be entered into between the City of London and Stanton Brothers Limited to construct the necessary roadworks to accommodate the scale of commercial development permitted by the above amendments; it being further noted that a report is to come forward at a future meeting of the Environment and Transportation Committee and the Planning Committee regarding the participation of other landowners in the above-mentioned cost sharing agreement for the completion of the required road works.

The motion to adopt clause 38, as amended, is put and CARRIED on a recorded vote, the Members voting as follows:

YEAS: Controllers Montheith, Polhill and Hume and Councillors MacDonald, Chahbar, Miller, Van Meerbergen, Alder, Tranquilli and Caranci (10)

NAYS: Mayor DeCicco and Councillors White, Winninger, Bryant, Usher, Baechler and Eagle (7)

Councillor Baechler moves, seconded by Councillor Usher, that pursuant to section 15.4 of the Council Procedure By-Law, leave be given for discussion and debate and the making of a substantive motion with respect to clause 39. CARRIED

Councillor Baechler moves, seconded by Councillor Winninger,

"39. That, on the direction of Municipal Council, the General Manager of Planning and Development is submitting the attached enacting clauses to amend the Official Plan and Zoning By-law with respect to the application of Stately Stair Company Limited relating to the property located at 7024 Kilbourne Road, northwest corner of Colonel Talbot Road:

(a) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend the Official Plan in accordance with the attached amendment, to add a special policy in Section 3.6.5 vii) (Locations of Convenience Commercial and Service Station Uses) and add this site to Appendix 1 of the Official Plan to permit new convenience commercial uses;

(b) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend Zoning By-law No. 2000 (Former Town of Westminster),
in accordance with the attached enacting clause, to change the zoning of the subject lands TO delete the existing Light Industrial Exception (M1-7) Zone, which only permits the manufacture and assembly of wood products, and remove the subject site from the Bylaw;

(c) a by-law BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to amend Zoning By-law Z-1, in accordance with the attached enacting clause, in conformity with the Low Density Residential designation (as amended above) in the Official Plan, and APPLY a Holding Convenience Commercial Special Provision/Neighbourhood Facility (h-5,h-17,h-18,CC1( )/NF1) Zone which permits; convenience service establishments, food stores, convenience business service establishments, commercial schools, florist shops, pharmacies, convenience stores, financial institutions, personal service establishments all without drive-through facilities with a maximum height of 4.0m (13 ft) and a minimum rear yard setback of 6.0m (19.7 ft) and a minimum rear yard setback of 6.0m (19.7 ft); dwelling units, medical dental offices, offices, studios, churches, day care centres, community centres, elementary schools, libraries, private schools and fire stations with holding provisions for site servicing, public site plan review and archaeological assessment; and

(d) the request to apply a Convenience Commercial/Service Station (CC6/SS) Zone BE REFUSED."

The motion to adopt clause 39, as amended, is put and CARRIED.

The Chair directs that clauses 35 to 37 and 40 and 41, of Section II be noted.

The meeting recesses for dinner break at 6:30 p.m. and reconvenes at 7:14 p.m.

16TH REPORT OF THE ENVIRONMENT AND TRANSPORTATION COMMITTEE


Councillor Caranci moves that clause 1 be adopted.

Councillor Caranci moves, seconded by Councillor Tranquilli, that clause 1 be amended in the first line of part (a) (i) by deleting therefrom the words "over 100 cm" and by substituting therefor the words "100 cm and over". CARRIED

Councillor Caranci moves, seconded by Councillor Miller, that clause 1 be further amended by referring clause 1 back to the Civic Administration. CARRIED

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

Councillor Caranci moves that clauses 2 to 5, inclusive, be adopted. CARRIED

Councillor Caranci moves that clause 6 be adopted.

Controller Hume moves, seconded by Councillor Baechler that this item be referred back to staff for input from the downtown business community. LOST with the following Members voting Nay: Councillors Caranci, Tranquilli, Alder, Baechler, Chahbar, Van Meerbergen, Usher, MacDonald, Miller and White, Controllers Polhill and Monteith, Deputy Mayor Gosnell and Mayor DeCicco.

The motion to adopt clause 6, as written, is put, is passed and CARRIED with Controller Hume voting Nay.

Councillor Caranci moves that clause 7 be adopted. CARRIED

Councillor Caranci moves that clause 8 be adopted.
Councillor Caranci moves, seconded by Councillor Tranquilli, that clause 8 be amended by deleting sub clause (c) in its entirety and renumbering sub clause (d) to (c). CARRIED

The motion to adopt clause 8, as amended, is put and CARRIED.

Councillor Caranci moves that clause 9 be adopted.

Councillor Caranci moves, seconded by Councillor Tranquilli, that clause 9 be amended by deleting therefrom the word “feet” and by substituting therefore the word “metres”. CARRIED

The motion to adopt clause 9, as amended, is put and CARRIED.

Councillor Caranci moves that clause 10 be adopted. CARRIED

Councillor Caranci moves that clause 11 be adopted.

Councillor Caranci moves, seconded by Councillor Tranquilli, that clause 11 be amended by deleting therefrom the word “Street” in the second line and substituting therefore the word “Place”. CARRIED

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

Councillor Caranci moves that clause 12 be adopted. CARRIED

The Chair directs that clauses 13 and 14, of Section II be noted.

234. Councillor Winninger presents the 13th Report of the Community and Protective Services Committee.

Councillor Winninger moves that clause 1 be adopted.

Councillor Winninger moves, seconded by Councillor Chahbar, that clause 1 be amended by adding the following at the end of the clause:

“It being noted that staff will encourage Coca-Cola Bottling Company to promote healthier beverage alternatives and that staff BE REQUESTED to report back to the Community and Protective Services Committee on this matter.” CARRIED

The motion to adopt clause 1, as amended, is put and CARRIED with Councillor Baechler voting Nay.

Councillor Winninger moves that clause 2 be adopted.

Councillor Usher moves, seconded by Councillor Chahbar, that clause 2 be amended by deleting the word “donation” and replacing it with the word “grant”. CARRIED.

The motion to adopt clause 2, as amended, is put and CARRIED with Councillor Tranquilli voting Nay.

The Chair directs that clauses 3 to 9, inclusive, of Section II be noted.

235. Controller Polhill asks that the General Manager of Environmental & Engineering Services & City Engineer be requested to identify alternatives to current fleet procurement practices and policies including consideration of the use of multi year tenders/quotations, standardization (to the extent possible) of fleet vehicles and equipment by procurement through a single pre-approved provider/supplier and innovative practices used by other Municipalities.
The Chair refers this enquiry to the General Manager of Environmental & Engineering Services & City Engineer for a report back to the Board of Control.

Councillor Caranci refers to the recent court decision regarding the interim control by-law and requests indemnification for him as well as Controller Polhill under the Council Member Indemnification By-law.

It was moved by Councillor Caranci, seconded by Councillor MacDonald that leave be given for the discussion and debate of a motion to indemnify Controller Polhill and Councillor Caranci under the Council Member Indemnification By-law. LOST with the following voting as follows: Councillors Eagle, Van Meerbergen, Usher, Baechler, Bryant, Winninger, Controllers Hume and Monteith and Deputy Mayor voting Nay.

Councillor MacDonald moves, seconded by Councillor Alder, that the Council rise and go into Committee of the Whole, in camera, for the purpose of considering confidential recommendations and report from the Board of Control. CARRIED

The Council rises and goes into the Committee of the Whole, in camera, at 8:00 p.m. with Deputy Mayor Gosnell in the Chair and all Members present except Councillor Armstrong.

The Committee rises and Council resumes in regular session at 9:36 p.m. with Mayor DeCicco in the Chair and all Members present except Councillor Armstrong.

19TH REPORT OF THE COMMITTEE OF THE WHOLE


I YOUR COMMITTEE OF THE WHOLE RECOMMENDS THAT THE MUNICIPAL COUNCIL CONSIDER THE FOLLOWING RECOMMENDATIONS:

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 Leonard George Shortt to sell to the City property municipally known as 1421 Trafalgar Street, located on the south side of Trafalgar Street east of Hale Street, being Part of Lot 6, Plan 285, measuring approximately 40' X 125' and containing an area of approximately 5,000 square feet, for the Hale/ Trafalgar/CN Rail Grade Separation Project, for the sum of $125,000, BE ACCEPTED, and that the financing for this acquisition BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A", subject to the following conditions:

(a) the City agreeing to pay the vendor's reasonable legal fees to close this transaction, subject to assessment;
(b) the City agreeing to pay a further sum of $2,500 representing full and final costs for moving expenses; and
(c) the City agreeing to pay a further sum of $500.00 for appliances. (73.17.2.)

2. That, on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer, the following actions be taken:

(a) the City of London, in its capacity as Administering Municipality for the Lake Huron and Elgin Area Primary Water Supply Systems, CONFIRM the provision of a guarantee on behalf of the Primary Water Supply Systems; and

(b) the Council for the City of London, in its capacity as Administering Municipality AUTHORIZE the Mayor and the City Clerk to execute a guarantee agreement on behalf of the Lake Huron Primary Water Supply
3. That, on the recommendation of the Acting General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, with the concurrence of the City Solicitor's Office, the offer submitted by the London Hunt and Country Club to sell to the City a portion of land from the frontage of 1425 Oxford Street West, located on the north side of Oxford Street West between Sanatorium Road and the Thames River, being Part of Lots 27 and 28, Concession 2 (Parts 1 to 9, inclusive on Plan 33R-14699), measuring approximately 3,220' X 26' and containing an area of approximately 2.019 acres (87,948 square feet), for the Oxford Street West Extension Project, for the sum of $1,100,001, comprised of $414,948 for value of the land plus $685,053 for injurious affection, disturbance, tree and vegetation damage, BE ACCEPTED, and that the financing for this acquisition BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A", subject to the following condition:

(a) the City agreeing to pay the vendor an amount of $40,000 for legal, appraisal and consultants fees and disbursements.

Deputy Mayor Gosnell presents the 19th Report of the Committee of the Whole.

Deputy Mayor Gosnell moves that clauses 1 to 3, inclusive, be adopted. CARRIED with Councillors Eagle, Van Meerbergen, Baechler, Bryant, Usher, Winninger, Controller Monteith and Deputy Mayor Gosnell voting Nay to clause 1 and Councillors Eagle, Baechler, Usher, Miller and Winninger voting Nay to clause 3.

15TH REPORT OF THE PLANNING COMMITTEE (continued)

236. Councillor Baechler moves, seconded by Councillor Miller, that clause 28 of the 15th Report of the Planning Committee be deleted. CARRIED

16TH REPORT OF THE PLANNING COMMITTEE

237. Councillor Baechler presents the 16th Report of the Planning Committee.

Councillor Baechler moves that clause 1 be adopted.

Councillor Baechler moves, seconded by Councillor Miller, that clause 1 be amended by deleting clause 1 in its entirety and replacing it with the following:

"That the following actions be taken regarding the implementation of fees for the review of subdivision servicing designs:

(a) the by-law dealing with the fees for the review of Subdivision Servicing Drawings BE INTRODUCED at the Municipal Council meeting on June 28, 2004 to provide for an effective date for the new fees of June 28, 2004 for new subdivision applications received by the City;

(b) the report relating to the implementation of fees for the review of subdivision servicing designs BE RECEIVED following consultation with lay industry stakeholders;

(c) the attached policy, Schedule "C" regarding drawing fees BE APPROVED;

(d) the Civic Administration BE AUTHORIZED to implement the policy starting June 28, 2004;

(e) the Civic Administration REPORT BACK to Council on the results of the Program after the first six months of implementation; and

(f) the Civic Administration to provide a report to the Planning Committee on any outstanding issues respecting this matter including the process to be followed for the extension of approved subdivision plans;
it being noted that the Planning Committee heard a delegation from S. Janes, President, London Development Institute indicating that while they have met with staff and are generally in agreement with respect to this process, they are still concerned about the potential inclusion of applications already in progress, which would subject these applications to additional fees and requesting that applications in progress when the new policy takes effect be processed under the previous process;

it being further noted that the Planning Committee also heard a delegation from J. Heyninck, Chair, London Chapter, Consulting Engineers of Ontario, noting that there have been significant changes to the process as a result of discussions with staff and expressing a willingness to continue to work with staff to further improve the process. CARRIED

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

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

Deputy Mayor Gosnell moves, seconded by Councillor Tranquilli, that reconsideration be given to consider the request by Councillor Caranci and Controller Polhill for indemnification under the Council Member Indemnification By-law. At this point in the meeting both Controller Polhill and Councillor Caranci disclose a pecuniary conflict of interest regarding this item as they are involved in the matter. The motion for reconsideration is put and CARRIED with Councillors Eagle, Baechler, Usher and Winninger voting Nay.

Deputy Mayor Gosnell moves, seconded by Councillor Tranquilli,

"That the request for indemnification for legal fees of approximately $19,000 under the Council Member Indemnification By-law, submitted by Controller Polhill and Councillor Caranci BE GRANTED subject to review and approval of the City Solicitor; and that the City Solicitor report back to the Board of Control on the action taken regarding this matter."

Councillor Winninger leaves the meeting at 9:50 p.m.

Councillor Van Meerbergen leaves the meeting at 10:02 p.m.

Councillor Eagle moves, seconded by Councillor Usher that the motion be referred to Board of Control. LOST with 8 Members of Council voting Nay.

The original motion is put and CARRIED on a recorded vote with the Members voting as follows:

YEAS: Deputy Mayor Gosnell, Controller Hume and Councillors White, MacDonald, Chahbar, Miller, Usher and Tranquilli and Mayor DeCicco (9)

NAYS: Controller Monteith and Councillors Bryant, Baechler and Eagle (4)

BY-LAWS

238. Councillor Chahbar moves, seconded by Councillor Alder, that the following Bills be introduced:

Bill No. 263
By-law No. D.-752-155
A by-law of The Corporation of the City of London to authorize the borrowing upon debentures in the principal amount of $21,000,000 for purposes of The Corporation of the City of London (10 year instalment debentures) (17/27/BC)

Bill No. 264
By-law No. D.-753-156
A by-law of The Corporation of the City of London to authorize the borrowing upon debentures in the principal amount of $30,000,000 for purposes of The Corporation of the City of London (20 year amortizing debentures) (17/27/BC)
Bill No. 265
By-law No. C.P.-1284(kp)-163
A by-law to amend the Official Plan for the City of London, 1989. (relating to lands at 7024 Kilbourne Road) (39/15/PC)

Bill No. 266
By-law No. C.P.-1284(kq)-164
A by-law to amend the Official Plan for the City of London, 1989. (relating to 295 Rectory Street) (23/15/PC)

Bill No. 267
By-law No. C.P.-1284(kr)-165
A by-law to amend the Official Plan for the City of London, 1989. (relating to 29, 31 & 35 Clarke Road) (25/15/PC)

Bill No. 268
By-law No. C.P.-1284(ks)-166
A by-law to amend the Official Plan for the City of London, 1989. (relating to 1281-1425 Fanshawe Park Road West & 1250-1422 Fanshawe Park Road West) (38/15/PC)

Bill No. 269
By-law No. C.P.-1440-167
A by-law respecting Development Charges. (24/27/BC)

Bill No. 270
By-law No. CP-9-04003
A by-law to amend By-law CP-9 entitled, "A by-law to provide for the conveyance of land and cash in lieu thereof for park and other purposes." (City Clerk)

Bill No. 271
By-law No. L.S.P.-3363-168
A by-law to designate 795 Dundas Street to be of historical and contextual value or interest. (33/15/PC)

Bill No. 272
By-law No. Z.-1-041253
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 3126 Colonel Talbot Road (legally described as part of Lots 76 and 77, Concession East of the North Branch of the Talbot Road)(Geographic Township of Westminster). (4/15/PC)

Bill No. 273
By-law No. Z.-1-041254
A by-law to amend By-law No. Z.-1 to rezone an area of land legally described as Part of Lots 13, 14, 15 and 16, Concession 1 (Geographic Township of Westminster) (16/15/PC)

Bill No. 274
By-law No. Z.-1-041255
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1285 Hubrey Road. (17/15/PC)

Bill No. 275
By-law No. Z.-1-041256
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 295 Rectory Street. (23/15/PC)

Bill No. 276
By-law No. Z.-1-041257
A by-law to amend By-law No. Z.-1 to rezone an area of land located at 31 and 35 Clarke Road. (25/15/PC)

Bill No. 277
By-law No. Z.-1-041258
A by-law to amend By-law No. 5000 (former Township of London) and By-law No. Z.-1 to remove lands located at 1350-1422 Fanshawe Park Road West from By-law No. 5000 and insert the said lands into Zoning By-law No. Z.-1 and rezone the said lands. (38/15/PC)

Bill No. 278
By-law No. Z.-1-041259
A by-law to amend By-law No. 5000 (former Township of London) and By-law No. Z.-1 to remove lands located on the east side of Hyde Park Road, south of Seagull Road from By-law No. 5000 and insert the said lands into Zoning By-law No. Z.-1 and rezone the said lands (38/15/PC)

Bill No. 279
By-law No. Z.-1-041260
A by-law to amend By-law No. Z.-1 to rezone and area of land located at 1250-1326 Fanshawe Park Road West and additional lands on the east side of Hyde Park Road. (38/15/PC)
Bill No. 280
By-law No. Z.-1-041281
A by-law to amend By-law No. 5000 (former Township of London) and By-law No. Z.-1 to remove lands located at 1281 Fanshawe Park Road West from By-law No. 5000 and insert the said lands into Zoning By-law No. Z.-1 and rezone the said lands. (38/15/PC)

Bill No. 281
By-law No. Z.-1-041262
A by-law to amend By-law No. 2000 (former Town of Westminster) and By-law No. Z.-1 to remove lands located at 7024 Kilbourne Road, north-west corner of Kilbourne Road and Colonel Talbot Road from By-law No. 2000 and insert the said lands into Zoning By-law No. Z.-1 and rezone the said lands. (39/15/PC)

Bill No. 282
By-law No. CP-6-04007
A by-law to amend By-law CP-6 entitled, "Planning Fees By-law." (General Manager of Planning and Development)

CARRIED with Councillors Usher, Eagle, Baechler and Bryant voting Nay to Bill No.'s 266, 277, 278, 279 and 280.

First Reading:
Councillor Miller moves, seconded by Councillor MacDonald, that Bill No.'s 254 to 282, inclusive, be read a first time. CARRIED with Councillors Usher, Eagle, Baechler and Bryant voting Nay to Bill No.'s 268, 277, 278, 279 and 280.

Second Reading:
Councillor Miller moves, seconded by Councillor Alder, that Bill No.'s 254 to 282, inclusive, be read a second time. CARRIED with Councillors Usher, Eagle, Baechler and Bryant voting Nay to Bill No.'s 268, 277, 278, 279 and 280.

Third Reading:
Councillor MacDonald moves, seconded by Councillor Tranquilli, that Bill No.'s 254 to 282, inclusive, be read a third time and be finally passed and enacted as by-laws of The Corporation of the City of London, namely:

Bill No. 254
By-law No. A.-5585-154
A by-law to confirm the proceedings of the Council Meeting held on the 28th day of June, 2004. (City Clerk)

Bill No. 255
By-law No. C.P.-1284(ko)-157
A by-law to repeal By-law No. C.P.-1284(kn)-152 entitled, "A by-law to amend the Official Plan for the City of London, 1989. (relating to 7024 Kilbourne Road) (City Clerk)

Bill No. 256
By-law No. PS-110-04035
A by-law to amend By-law PS-110 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (Director of Roads & Transportation)

Bill No. 257
By-law No. S.-4831-158
A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As part of Brunswick Avenue, west of Aldersbrook Road) (Chief Surveyor)

Bill No. 258
By-law No. S.-4832-159
A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Ridout Street South, north of Base Line Road East) (Chief Surveyor)

Bill No. 259
By-law No. W.-1893-160
A by-law to authorize the 2004 Specialized Sewer Repair. (Project No. ES2677) (4/25/BC)

Bill No. 260
By-law No. W.-1894-161
A by-law to authorize the 2004 Road Surface Treatment. (Project No. TS3214) (3/25/BC)
Bill No. 261  
By-law No. W.-1895-162  
A by-law to authorize the 2004 Bridge Major Upgrades. (Project No. TS1729) (2/25/BC)

Bill No. 262  
By-law No. Z.-1-041252  
A by-law to repeal By-law No. Z.-1-041250 entitled, "A by-law to amend By-law No. 2000 (former Town of Westminster) and By-law No. Z.-1 to remove lands located at 7024 Kilbourne Road, north-west corner of Kilbourne Road and Colonel Talbot Road from By-law No. 2000 and insert the said lands into zoning By-law No. Z.-1 and rezone the said lands." (City Clerk)

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Bill No. 266  
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Bill No. 267  
By-law No. C.P.-1284(kr)-165  
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Bill No. 268  
By-law No. C.P.-1284(ks)-166  
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A by-law to amend By-law No. Z.-1 to rezone an area of land located at 31 and 35 Clarke Road. (25/15/PC)

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A by-law to amend By-law No. Z.-1 to rezone and area of land located at 1250-1326 Fanshawe Park Road West and additional lands on the east side of Hyde Park Road. (38/15/PC)

Bill No. 280
By-law No. Z.-1-041261
A by-law to amend By-law No. 5000 (former Township of London) and By-law No. Z.-1 to remove lands located at 1281 Fanshawe Park Road West from By-law No. 5000 and insert the said lands into Zoning By-law No. Z.-1 and rezone the said lands. (38/15/PC)

Bill No. 281
By-law No. Z.-1-041262
A by-law to amend By-law No. 2000 (former Town of Westminster) and By-law No. Z.-1 to remove lands located at 7024 Kilbourne Road, north-west corner of Kilbourne Road and Colonel Talbot Road from By-law No. 2000 and insert the said lands into Zoning By-law No. Z.-1 and rezone the said lands. (39/15/PC)

Bill No. 282
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A by-law to amend By-law CP-6 entitled, "Planning Fees By-law." (General Manager of Planning and Development)

CARRIED with Councillors Usher, Eagle, Bryant and Baechler voting Nay to Bill No.'s 268, 277, 278, 279 and 280.

ADJOURNMENT

239. Councillor Miller moves, seconded by Councillor Chahbar, that the Meeting adjourn. CARRIED

The Meeting adjourns at 10:14 p.m.

Anne Marie DeCicco, Mayor

Kevin Bain, City Clerk