



**London**  
CANADA

## COUNCIL MINUTES

December 6, 2011

The Council meets in Regular Session in the Council Chambers this day at 5:03 p.m.

PRESENT: Mayor J.F. Fontana, Councillors B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White and C. Saunders (City Clerk).

ALSO PRESENT: J.A. Fielding, R.L. Fair, M. Hayward, P. McNally, D. Ailles, J.P. Barber, G. Belch, J. Braam, J. Buchanan, D. Clarke, W. Coxhead, J. Edward, J.M. Fleming, P. Foto, J. Freeman, E. Gamble, G.T. Hopcroft, T.A. Johnson, B. Masuch, V. McAlea Major, D. O'Brien, L.M. Rowe, J. Page, J. Stanford, J. Taylor, B. Warner, B. Westlake-Power.

ABSENT: Councillor S. Orser.

### I RECOGNITIONS

1. His Worship the Mayor presents a certificate for "London's Featured Community Organization" to Art Blumas, Board President, Andy Spriet, Board Member, Janice Johnston, Board Member and Sandra De Salvo, Executive Director of The Arts Project.
2. His Worship the Mayor and Margaret Martin, Regional Field Officer, The Duke of Edinburgh's Award, recognize the following individuals on achieving The Duke of Edinburgh's Bronze Award:

#### **The Dukes of Banting – Sir Frederick Banting Secondary School**

Alex Foto  
Karen Pratt  
Zachary Turner

#### **GGC 2<sup>nd</sup> London Rangers**

Erica Besterd

#### **11<sup>th</sup> London Venturer Company**

Cameron Carruthers  
Ryan Carruthers  
Thomas Crossley  
Sean Kearney  
Rebecca Martin  
Spencer McCormick  
Nathan McIntyre  
Kevin Raczynski  
Nathan Strachan  
Nick Versteegh

#### **741 Air Squadron – St. Thomas**

Lee Keagan

#### **Boys/Girls Club London**

Pedro Ortega Santos

**London Central Secondary School**

Michael Hall  
Susan He

**Independent Participants**

Tyson Cushman  
Danielle McNichol

3. Jim Graham, Chair, Celebrate London presents His Worship the Mayor with the National Award for Communities in Bloom.
4. His Worship the Mayor receives a commemorative Rick Hansen 25th Anniversary Relay medal from Councillor H.L. Usher, on behalf of Darda Sales, London's final medal bearer.
5. His Worship the Mayor accepts greetings from London Food Bank representatives Glen Pearson and Jane Roy and donations to the London Food Bank are collected from Members of Council and the Civic Administration.
6. A moment of silence is held in memory of the victims of the Montreal Massacre.

**II DISCLOSURES OF PECUNIARY INTEREST**

1. Councillor P. Hubert discloses a pecuniary interest in clause 7 of the 30th Report of the Finance and Administration Committee having to do with the Ontario Works in the Community Strategy for East London, by indicating that he is the Executive Director of a social service agency with a contract with Ontario Works. Councillor P. Hubert further discloses a pecuniary interest in clause C-1 of the Confidential Appendix to the 30th Report of the Finance and Administration Committee having to do with a matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a lease amendment; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed lease amendment; commercial and financial information supplied in confidence pertaining to the proposed lease amendment, the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed lease amendment whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed lease amendment whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed lease amendment, by indicating that he is the Executive Director of a social service agency with a contract with Ontario Works.
2. Councillor M. Brown discloses a pecuniary interest in clause 1 of the 38th Report of the Committee of the Whole having to do with matters of common interest between the City of London and the Thames Valley District School Board (TVDSB) by indicating that he is employed by the TVDSB. Councillor M. Brown further discloses a conflict of interest in the November 24, 2011 Record of Proceeding of the Licensing Appeal Committee by indicating that the appellant spoke with him prior to the Hearing.
3. Councillor N. Branscombe discloses a pecuniary interest in clause 15 of the 29th Report of the Built and Natural Environment Committee having to do with property at 45 Artisans Crescent by indicating that her spouse owns the subject property. Councillor N. Branscombe further discloses a pecuniary interest in clause 2 of the 1st Report of

the Investment and Economic Prosperity Committee having to do with the International Air Cargo Terminal Update, by indicating that the Terminal is in close proximity to her spouse's business.

4. Councillor D. Brown discloses a pecuniary interest in clause 4 of the 21st Report of the Community and Neighbourhoods Committee having to do with the Taxi/Limousine By-law Review by indicating that her employer owns a taxi and limousine business. Councillor D. Brown further discloses a pecuniary interest in clause 1 of the 2nd Report of the Investment and Economic Prosperity Committee having to do with "Building the City of Opportunity", as it relates to the London Transit Commission, by indicating that her employer has a contract with the London Transit Commission. Councillor D. Brown also discloses a pecuniary interest in the November 24, 2011 Record of Proceeding of the Licensing Appeal Committee, by indicating that it relates to the cab priority list and her employer operates a taxi company.

### **III CONFIRMATION AND SIGNING OF THE MINUTES OF THE TWENTIETH MEETING HELD ON NOVEMBER 21, 2011**

Motion made by Councillor D. Brown and seconded by Councillor P. Van Meerbergen to Approve the Minutes of the Twentieth Meeting held on November 21, 2011.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion made by Councillor D. Brown and seconded by Councillor P. Van Meerbergen to Approve Minutes of the Special Council Meeting held on December 2, 2011.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

### **IV REVIEW OF CONFIDENTIAL MATTERS TO BE CONSIDERED IN PUBLIC**

None.

### **V COMMUNICATIONS AND PETITIONS**

1. Update Regarding Water Fluoridation in London. (Refer to the Built and Natural Environment Committee Stage for Consideration with Clause 2 of the 29th Report of the Built and Natural Environment Committee.)
  - a) N. Warren, 239 Riverside Drive;
  - b) T. Bigos, 2019 Springridge Drive;
  - c) D. Caron, E-mail;
  - d) A. Manji, E-mail;
  - e) S. Roch, 6 Greenhills Place;
  - f) J. Ashford, 58 Doncaster Place;
  - g) G. Emery, 283 Sarnia Road;
  - h) N. Greenhow, Registered Nurse, 70 Cottonwood Crescent;
  - i) T. Gooding, 804-500 Gordon Avenue;
  - j) H. and D. Redman, 1105-500 Springbank Drive;
  - k) A. d.V. Spoelstra, 3285 Catherine Street; and

- l) T. Johnson, 964 Thistledown Way.
2. S. Latella, 6182 Hamlyn Street - Cedar Auto of London Ltd. - 2170 Wharncliffe Road South (Z-7944). (Refer to the Built and Natural Environment Committee Stage for Consideration with Clause 14 of the 29th Report of the Built and Natural Environment Committee.)
3. Sifton Properties Limited - 2140 Kains Road (Z-7953). (Refer to the Built and Natural Environment Committee Stage for Consideration with Clause 16 of the 29th Report of the Built and Natural Environment Committee.)
  - a) L. and D. McVittie, 2157 Jack Nash Drive;
  - b) I. Black and S. Stewart, 1384 Sandy Somerville Drive;
  - c) D. and D. Anderson, 1920 Riverbend Road; and
  - d) H.W. Moyer, 1262 Sandy Somerville Drive.
4. (ADDED) A. Patton, Patton Cormier & Associates - Reservoir Hill - 940 Springbank Drive. (Refer to the Built and Natural Environment Committee Stage for Consideration with Clause 12 of the 29th Report of the Built and Natural Environment Committee.)
5. (ADDED) A. Patton, Patton Cormier & Associates - Ontario Municipal Board Appeal - 176127 Ontario Limited - 633 Commissioners Road West and Blocks 66 and 73, Plan 33M-119. (Refer to the Built and Natural Environment Committee Stage for Consideration with Clause 24 of the 29th Report of the Built and Natural Environment Committee.)

Motion made by Councillor H.L. Usher and seconded by Councillor B. Polhill to receive the communications.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

## **VI MOTIONS OF WHICH NOTICE IS GIVEN**

None.

## **VII ADDED REPORTS**

1. 1st Report of the Finance and Administrative Services Committee

## **VIII REPORTS**

### **21st Report of the Community and Neighbourhoods Committee** Councillor Usher Presents

1. Municipality of Thames Centre Partnership Opportunities in Waste Management.

Motion made by Councillor H.L. Usher to Approve that, on the recommendation of the Director of Environmental Programs and Solid Waste, the following actions be taken with respect to shared waste management services with the Municipality of Thames Centre:

- (a) the expansion of the service area of the W12A Landfill to include the Municipality of Thames Centre BE APPROVED, subject to the Municipality of Thames Centre:
  - (i) expanding the service area of its landfill to include the City of London;
  - (ii) agreeing to accept waste from the City of London up to an amount equal to the waste it disposes at the W12A landfill; and,

- (iii) executing a standard Blue Box Processing Agreement to process recyclables at the Manning Drive Material Recovery Facility; and,
- (b) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this matter. (2011-W00-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

2. Provincial Increase to Maximum Per Diem Rate and Personal Needs Allowance for Emergency Shelters

Motion made by Councillor H.L. Usher to Approve that, on the recommendation of the Director of Social and Community Support Services, with the concurrence of the Executive Director of Community Services, the revised proposed by-law, ~~attached~~ as Appendix A, BE INTRODUCED at the Municipal Council meeting to be held on December 6, 2011, to increase the maximum per diem rate payable to emergency shelter operators for costs of board and lodging pursuant to an "Emergency Hostel Services Agreement" from the rate of \$43.00 to \$43.50, in accordance with the provincially-approved maximum cost sharable rate, effective December 1, 2011. (2011-C06-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

3. RFP 11-40 - London CARES Housing Stability Component – Contribution Agreement with Unity Project for Relief of Homelessness in London

Motion made by Councillor H.L. Usher to Approve that, on the recommendation of the Director of Social and Community Support Services, with the concurrence of the Executive Director of Community Services, the following actions be taken with respect to RFP 11-40 for the London CARES Housing Stability Component:

- (a) the proposal submitted by Unity Project for Relief of Homelessness in London, 717 Dundas Street, London, ON N5W 2Z5, at the allocated annual funding of: 2011 \$66,700; 2012 \$338,157 (plus \$57,960.50 subject to available federal funding); 2013 \$339,307 (plus \$57,960.50 subject to available federal funding), HST included, based on a twenty-five (25) month contract, BE ACCEPTED; and,
- (b) on the prior condition that (a), above, is accepted, the ~~attached~~ proposed By-law (Appendix A) BE INTRODUCED at the Municipal Council meeting to be held on December 6, 2011, to:
  - (i) approve the Contribution Agreement to be entered into between the City and Unity Project for Relief of Homelessness in London; and,
  - (ii) authorize the Mayor and the City Clerk to execute the Contribution Agreement approved in section (b)(i) above; and,
- (c) the Executive Director of Community Services BE AUTHORIZED to act under certain sections of the Contribution Agreement approved in section (b)(i) above. (2011-C10-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

#### 4. Taxi/Limousine By-law Review

Motion made by Councillor H.L. Usher to Approve that the following actions be taken with respect to the Taxi/Limousine By-law review:

- (a) the report dated November 29, 2011, from the Director of Building Controls, Chief Building Official and Licence Manager, which includes a proposed draft by-law, BE RECEIVED for information;
- (b) the Civic Administration BE REQUESTED to report back in January 2012 with any proposed changes to the draft by-law referenced in (a) above, in response to comments received at the November 29, 2011 public participation meeting; and,
- (c) the Civic Administration BE REQUESTED to report back to the Public Safety Committee (PSC) with respect to lifting the limitations imposed on the number of Accessible Cab Owner Licences issued;

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

- J. Pepers, General Manager, U-Need-A-Cab, 729 Dundas Street – providing comments as outlined in the ~~attached~~ communication.
- B. Rice, Checker Limousine, 573 Admiral Court - providing comments as outlined in the ~~attached~~ communication.
- J. Al Fuady, Resident – indicating that there needs to be a definite distinction between limousines and taxis; noting that limousines can behave in a manner as a taxi business; expressing that limousines are luxurious and that is how that business should behave; requesting that the distinction between limousines and taxis be clearly marked.
- H. Savehilaghi, President, Yellow London Taxi Inc., 238 Brunswick Avenue – indicating that the taxi industry is not here to push anyone out of business but stressing the need for distinction between transportation limousines and taxis; noting that limousines are uniformed and expressing that taxis will not tolerate interference in their territories - they pay for it and are licensed for it; further indicating that if he applies for a brokerage he is supplying a taxi service, he can't claim he is a limousine service; stating that it is time for the politicians to come out with a transparent and balanced enforcement solution; and noting that cameras are essential as the initial protection for cab drivers.
- N. Abbasey, 1657 Seymour Crescent - providing comments as outlined in the ~~attached~~ communication.
- N. Favaro, 1385 Corley Drive - providing comments as outlined in the ~~attached~~ communication.
- B. Howell, 62 Forward Avenue - providing comments as outlined in the ~~attached~~ communication.
- N. Vakili, 847 White Oak Road – sharing an ancient parable about a camel and a bird; indicating that limousines are stopping everywhere, and that taxis are playing at being taxis so if you are a limousine then play like a limousine; asking what is behind these tinted windows, and expressing that cameras help keep everyone safe; further expressing that his expenses are less because he doesn't pay dispatch fees, etc.
- Dr. M. Chaudhary, 1095 Jalna Boulevard – providing comments as outlined in the ~~attached~~ communication.
- A. Cetinkaya, 502-1255 Commissioners Road West – indicating that he has had a taxi license for 14 years and when he started driving taxi his expenses were not as high as now and there were not as many limousines at the bars when they close at 2:00 a.m., now they are all at the bars at closing time; noting that he works six days a week and only takes one day off; further indicating that the limousines are charging less and giving flat rates, etc., and are hurting the taxi industry; also noting that with over 100 limousines in the City it is getting harder to make a living; noting that he had only one plate last year and is trying to survive; expressing that limousines are for luxury, limousines and taxis should not be the same; and lastly, the limousines should not be allowed on the street, they even come to the bus station.
- J. R. Donnelly, Vice President, The ABOUTOWN Group of Companies, 1 Bathurst Street - providing comments as outlined in the ~~attached~~ communication.
- R. Amini, President London Taxi Association, 309-1 Jacksway Crescent - providing comments as outlined in the ~~attached~~ communication.
- D. Cadman, 1134 Adelaide Street North – indicating that he has been a driver for Checker Limousine for 10 years and there is nothing wrong with Checker, they have treated him great; further indicating that the customers ask why they can't have the

service in their town, they feel safe in a nice car and with a company that cares about the drivers and the customers; expressing that London should be given what they want and appreciate.

- O. Hobson, 45 Evergreen Avenue – indicating that the cost of these proposed debts will have to be passed on to the customer, noting that taxi drivers work long hours; asking who is going to pay for the cameras, this cost will be passed on to the drivers; expressing that first aid training should be part of the license; further indicating that any decals on the vehicles should be clearly displayed; further noting that the limousine industry exists and if limousines want to behave like a taxi they must pay the same.
- Dr. D. Yousif, 797 Mapleridge Street - providing comments as outlined in the attached communication.
- Q. Abei, 9 Glenroy Road – indicating that he has issues with Checker Limousine; noting that the City of London can have its own by-law, Council can think for themselves and for us, that is why we elected them; noting that with the last increase in prices, a part-time inspector can be hired and prices have been increased in the past and City staff wants to put it on our shoulders.
- J. Fisher, 54 Ansondale Road – indicating that he was a taxi driver for many years and driving a taxi is a hard job; further indicating that the Province has the right to revoke a license and the City has the authority to put whatever they want in a by-law; noting that taxis have more restrictions and costs – no one but the City has the right to issue a license.
- S. Ghasempour, 931 Fogerty Street - providing comments as outlined in the attached communication.
- F. Musta, 145 North Centre Road - providing comments as outlined in the attached communication.
- J. Kukurudziak, 139-305 Briarhill Avenue - providing comments as outlined in the attached communication.
- M. Esmailbeigi, 472 Castlegrove Boulevard – expressing he doesn't do anything illegal in his car just because the windows are tinted, and that if he pays more it is his business; noting that limousines are a kind of taxi with a higher end; noting that the customers have the right to choose my service, they choose the limousine to get a better service.
- S. Zangeneh, 158-1560 Adelaide Street North – indicating that in his car he can't see the camera; stating he gets customers who have no money to pay and they force him to drive, and spit on him and swear at him, but he reports this to the Police; further indicating that the City cannot interfere unless it is a sexual assault or death – it is one of the most dangerous jobs in the world, he would like to have his job made safe.
- N. Haluga-Jorge, 21 McTaggart Crescent - providing comments as outlined in the attached communication.
- S. Smith, 124 Bruce Street - providing comments as outlined in the attached communication.
- S. Al Fuady, Resident - expressing that he has many friends with Checker Limousine, he respects all businesses in the City, noting that the taxi drivers are not trying to shut anyone down, everyone needs to make a living; noting that he believes all licenses in the City belong to the City; indicating that he has come a long way to where he is now and no one is going to shut him down; further noting that he works hard, taxis have to put up with people puking and trying to rob you; further expressing that he joined the army 3 years ago and came back to buy a plate – this is his business; further indicating that 12 years ago he made his money picking up fares at the clubs and now he is making the same income as he did back then; and lastly, enough is enough, stop playing with our livelihood.
- I. Omer, 585 Proudfoot Lane - providing comments as outlined in the attached communication.
- S. Van Den Akker, 746 Oxford Street West – noting that she is representing the business and is neutral in all the other issues; expressing that she is not in agreement with the by-law that restricts business to compete, if a company wants a higher overhead and to charge a price and compete it should be given that right; indicating that if you want to compete you have to be versatile and make adjustments.
- W. Hunter, 449 Simcoe Street – indicating that he is not affiliated with any company, he has travelled in Checker Limousine and found them to be clean, and travelled in Aboutown and they provided good service; stating we have to do what is best for the City of London; noting that London has the worst unemployment rate and we are fighting about who picks up who; further indicating that we have to watch out for the money and the elderly have to be watched out for; expressing that he doesn't feel the in car camera will deter anyone from robbing you, if they are going to rob you they will do it even if a camera is there.

- Z. Amer, 1106 Jalna Boulevard – indicating that he drove four years for a taxi and the last four years with Checker Limousine; noting that the problem is with the economy, there are more cars on the road than there is business; further noting that all calls are recorded with the limousines because the calls all go through a dispatcher; indicating that 50% of our customers are seniors and we serve them very well.
- J. Pournabi, 1360 Elson Road - providing comments as outlined in the attached communication.
- El Kassouf, 184 Elliot Street – indicating that he has been a taxi driver for twelve years, an accessible driver for seven years, driving an accessible taxi is not about money it is about compassion; noting that he is paying for the plate, it would be better for him to go and buy any plate; indicating that he is not making any more money only having more stress – you have to help us out here, gas costs him \$1,500 which he pays with his credit card; further indicating that no one is going to check the cameras, they don't care about the driver only the customer, although is good to have a camera for safety; requesting that pictures be posted of the bad people who hurt cab drivers.
- P. Ferguson, 572 Admiral Court – indicating that he started with Checker 22 years ago and has had very few complaints, the cars are well maintained and have not be taken off the road, our customers are happy with our fares and the drivers are happy with the income they make; noting that Checker has logged 5,000 trips this year; expressing that the individuals coming out of the bars will choose between a taxi and a limousine; further indicating that they set their rates and hours and follow all by-laws - it is all about the customer, you have to compete to be good.
- J. Donnelly Sr., The ABOUTOWN Group of Companies, 1 Bathurst Street – indicating that the customer has to be key, there are the people in the industry, drivers, companies, it is important to have fair regulation, it helps the industry, drivers and customers; noting that you can hail a taxi not a limousine; also noting that you can see a taxi by its bright lights; and lastly, limousine stands should be established, it's all about service; and having security cameras is not about fraud, it is for catching the criminals. (2011-G05-00)

Motion to Approve parts (a) & (b) of clause 4 is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, H.L. Usher, J.P. Bryant, S.E. White (13)

RECUSED: D. Brown (1)

Motion made to Approve part (c) of clause 4 is put.

Motion Failed

YEAS: D.G. Henderson, S.E. White (2)

NAYS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, P. Van Meerbergen, H.L. Usher, J.P. Bryant (11)

RECUSED: D. Brown (1)

Clause 4, as amended, reads as follows:

that the following actions be taken with respect to the Taxi/Limousine By-law review:

- (a) the report dated November 29, 2011, from the Director of Building Controls, Chief Building Official and Licence Manager, which includes a proposed draft by-law, BE RECEIVED for information; and
- (b) the Civic Administration BE REQUESTED to report back in January 2012 with any proposed changes to the draft by-law referenced in (a) above, in response to comments received at the November 29, 2011 public participation meeting;

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



- J. Peppers, General Manager, U-Need-A-Cab, 729 Dundas Street – providing comments as outlined in the attached communication.
- B. Rice, Checker Limousine, 573 Admiral Court - providing comments as outlined in the attached communication.
- J. Al Fuady, Resident – indicating that there needs to be a definite distinction between limousines and taxis; noting that limousines can behave in a manner as a taxi business; expressing that limousines are luxurious and that is how that business should behave; requesting that the distinction between limousines and taxis be clearly marked.
- H. Savehilaghi, President, Yellow London Taxi Inc., 238 Brunswick Avenue – indicating that the taxi industry is not here to push anyone out of business but stressing the need for distinction between transportation limousines and taxis; noting that limousines are uniformed and expressing that taxis will not tolerate interference in their territories - they pay for it and are licensed for it; further indicating that if he applies for a brokerage he is supplying a taxi service, he can't claim he is a limousine service; stating that it is time for the politicians to come out with a transparent and balanced enforcement solution; and noting that cameras are essential as the initial protection for cab drivers.
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- N. Vakili, 847 White Oak Road – sharing an ancient parable about a camel and a bird; indicating that limousines are stopping everywhere, and that taxis are playing at being taxis so if you are a limousine then play like a limousine; asking what is behind these tinted windows, and expressing that cameras help keep everyone safe; further expressing that his expenses are less because he doesn't pay dispatch fees, etc.
- Dr. M. Chaudhary, 1095 Jalna Boulevard – providing comments as outlined in the attached communication.
- A. Cetinkaya, 502-1255 Commissioners Road West – indicating that he has had a taxi license for 14 years and when he started driving taxi his expenses were not as high as now and there were not as many limousines at the bars when they close at 2:00 a.m., now they are all at the bars at closing time; noting that he works six days a week and only takes one day off; further indicating that the limousines are charging less and giving flat rates, etc., and are hurting the taxi industry; also noting that with over 100 limousines in the City it is getting harder to make a living; noting that he had only one plate last year and is trying to survive; expressing that limousines are for luxury, limousines and taxis should not be the same; and lastly, the limousines should not be allowed on the street, they even come to the bus station.
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license and the City has the authority to put whatever they want in a by-law; noting that taxis have more restrictions and costs – no one but the City has the right to issue a license.

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- F. Musta, 145 North Centre Road - providing comments as outlined in the attached communication.
- J. Kukurudziak, 139-305 Briarhill Avenue - providing comments as outlined in the attached communication.
- M. Esmailbeigi, 472 Castlegrove Boulevard – expressing he doesn't do anything illegal in his car just because the windows are tinted, and that if he pays more it is his business; noting that limousines are a kind of taxi with a higher end; noting that the customers have the right to choose my service, they choose the limousine to get a better service.
- S. Zangeneh, 158-1560 Adelaide Street North – indicating that in his car he can't see the camera; stating he gets customers who have no money to pay and they force him to drive, and spit on him and swear at him, but he reports this to the Police; further indicating that the City cannot interfere unless it is a sexual assault or death – it is one of the most dangerous jobs in the world, he would like to have his job made safe.
- N. Haluga-Jorge, 21 McTaggart Crescent - providing comments as outlined in the attached communication.
- S. Smith, 124 Bruce Street - providing comments as outlined in the attached communication.
- S. Al Fuady, Resident - expressing that he has many friends with Checker Limousine, he respects all businesses in the City, noting that the taxi drivers are not trying to shut anyone down, everyone needs to make a living; noting that he believes all licenses in the City belong to the City; indicating that he has come a long way to where he is now and no one is going to shut him down; further noting that he works hard, taxis have to put up with people puking and trying to rob you; further expressing that he joined the army 3 years ago and came back to buy a plate – this is his business; further indicating that 12 years ago he made his money picking up fares at the clubs and now he is making the same income as he did back then; and lastly, enough is enough, stop playing with our livelihood.
- I. Omer, 585 Proudfoot Lane - providing comments as outlined in the attached communication.
- S. Van Den Akker, 746 Oxford Street West – noting that she is representing the business and is neutral in all the other issues; expressing that she is not in agreement with the by-law that restricts business to compete, if a company wants a higher overhead and to charge a price and compete it should be given that right; indicating that if you want to compete you have to be versatile and make adjustments.
- W. Hunter, 449 Simcoe Street – indicating that he is not affiliated with any company, he has travelled in Checker Limousine and found them to be clean, and travelled in Aboutown and they provided good service; stating we have to do what is best for the City of London; noting that London has the worst unemployment rate and we are fighting about who picks up who; further indicating that we have to watch out for the money and the elderly have to be watched out for; expressing that he doesn't feel the in car camera will deter anyone from robbing you, if they are going to rob you they will do it even if a camera is there.
- Z. Amer, 1106 Jalna Boulevard – indicating that he drove four years for a taxi and the last four years with Checker Limousine; noting that the problem is with the economy, there are more cars on the road than there is business; further noting that all calls are recorded with the limousines because the calls all go through a dispatcher; indicating that 50% of our customers are seniors and we serve them very well.
- J. Pournabi, 1360 Elson Road - providing comments as outlined in the attached communication.
- El Kassouf, 184 Elliot Street – indicating that he has been a taxi driver for twelve years, an accessible driver for seven years, driving an accessible taxi is not about money it is about compassion; noting that he is paying for the plate, it would be better for him to go and buy any plate; indicating that he is not making any more money only having more stress – you have to help us out here, gas costs him \$1,500 which he pays with his credit card; further indicating that no one is going to check the cameras, they don't care about the driver only the customer, although is good to have a camera for safety; requesting that pictures be posted of the bad people who hurt cab drivers.
- P. Ferguson, 572 Admiral Court – indicating that he started with Checker 22 years ago and has had very few complaints, the cars are well maintained and have not be taken off the road, our customers are happy with our fares and the drivers are happy with the income they make; noting that Checker has logged 5,000 trips this year; expressing that

the individuals coming out of the bars will choose between a taxi and a limousine; further indicating that they set their rates and hours and follow all by-laws - it is all about the customer, you have to compete to be good.

- J. Donnelly Sr., The ABOUTOWN Group of Companies, 1 Bathurst Street – indicating that the customer has to be key, there are the people in the industry, drivers, companies, it is important to have fair regulation, it helps the industry, drivers and customers; noting that you can hail a taxi not a limousine; also noting that you can see a taxi by its bright lights; and lastly, limousine stands should be established, it's all about service; and having security cameras is not about fraud, it is for catching the criminals. (2011-G05-00)

5. Dearness Long Term Care - Update

Motion made by Councillor H.L. Usher to Approve that the Community and Neighbourhoods Committee heard the ~~attached~~ presentation from C. Howard, Interim Administrator and H. Colyer, Director of Care, Dearness Home with respect to an update on Dearness Long Term Care.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

6. 5th Report of the Childcare Advisory Committee

Motion made by Councillor H.L. Usher to Approve that the Community and Neighbourhoods Committee reviewed and received the 5th Report of the Child Care Advisory Committee from its meeting held on November 16, 2011. (See Report ~~attached~~.)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

7. 11th Report of the London Diversity & Race Relations Advisory Committee

Motion made by Councillor H.L. Usher to Approve that the Community and Neighbourhoods Committee reviewed and received the 11th Report of the London Diversity and Race Relations Advisory Committee from its meeting held on November 17, 2011. (See Report ~~attached~~.)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

8. Lyme Disease Surveillance and Promotional Activities in Middlesex-London

Motion made by Councillor H.L. Usher to Approve that the Community and Neighbourhoods Committee reviewed and received a communication dated November 17, 2011, and heard the ~~attached~~ presentation from Dr. G. Pollett, Medical Officer of Health, Dr. B. Warshawsky, Associate Medical Officer of Health, and I. Kalsi, Director of Environmental Health and Chronic Disease Prevention Services, Middlesex-London Health Unit, with respect to Lyme Disease surveillance and promotional activities in Middlesex-London. (2011-C09-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

9. Office of the Independent Police Review Director

Motion made by Councillor H.L. Usher to Approve that the Community and Neighbourhoods Committee reviewed and received a communication dated August 31, 2011, and heard the ~~attached~~ presentation from N. Welniak, Regional Outreach and Education Advisory, Office of the Independent Police Review Director (OIPRD), with respect to the OIPRD's public complaint system. (2011-P11-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

10. London Urban Services Organization (LUSO) - Banana Hurling Incident at the John Labatt Centre and Transgendered Incident

Motion made by Councillor H.L. Usher to Approve that the Community and Neighbourhoods Committee reviewed and received a communication dated November 17, 2011 from E. Rodrigues, Executive Director, and M. Fraser, Anti-Hate and Anti-Bias Program Coordinator, London Urban Services Organization (LUSO) Community Services, in response to the banana hurling incident at the John Labatt Centre and the transgendered individual banned from the Trail's End Farmer's Market.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

**30th Report of the Finance and Administration Committee**  
Councillor Bryant Presents

1. Consolidation of City of London Fees and Charges

Motion made by Councillor J.P. Bryant to Approve that, on the recommendation of the City Clerk, with the concurrence of the City Treasurer, Chief Financial Officer, the revised ~~attached~~ proposed by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting on December 6, 2011 for the purpose of repealing By-law A-28, being "A by-law to provide for various Community Services Department fees and charges", By-law A-40, being "A by-law to provide for various fees and charges," and By-law WM-27, being "A by-law to provide for imposing fees and charges for the services, activities and use of the waste management system", with a new Fees and Charges By-law that:

- (a) updates and consolidates the fees and charges contained in the Community Services Department Fees and Charges By-law A-28, the Fees and Charges By-law A-40, and the Waste Management System Fees and Charges By-law WM-27;
- (b) removes certain fees and charges that are no longer applicable; and
- (c) adds certain fees and charges for services or activities provided by the City of London;

it being pointed out that there were no submissions made at the public participation meeting held in connection with this matter.

Motion made by Councillor J.P. Bryant and seconded by Councillor Hubert to Amend clause 1 by removing the first page contained in Schedule 1 titled "Transportation Services", and by replacing it with the ~~attached~~ new page.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion made by Councillor J.P. Bryant and seconded by Councillor P. Hubert to Approve main motion, as amended.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

2. Procurement of Goods and Services Policy Revisions

Motion made by Councillor J.P. Bryant to Approve that, on the recommendation of the City Treasurer, Chief Financial Officer, the following actions be taken with respect to the City of London's Procurement of Goods and Services Policy:

- (a) the ~~attached~~ proposed by-law, being a By-Law to amend By-Law No. A.-6151-17, BE INTRODUCED at the Municipal Council meeting on December 6, 2011, to revise Schedule "C" to By-Law No. A.-6151-17 being the Procurement of Goods and Services Policy, including;
  - (i) the replacement of Chief Administrative Officer with City Manager, the replacement of General Managers with Department Heads and Board of Control with Committees (as amended by City Council), in addition to updates made for other current organizational changes;
  - (ii) the deletion of section 1.5 being replaced in item (iii);
  - (iii) the addition of section 1.5 Sustainable Purchasing and 1.6 Supplier Code of Conduct;
  - (iv) the addition of section 2.13 regarding the responsibility for disclosure of designated substances;
  - (v) the addition of Grouped Consultant Selection process to 15.2 (d);
  - (vi) the addition of 20.2 (v) and 20.3 (d) and (e) regarding Contract Amendments/Extensions;
  - (vii) the additions to Schedule B of section 3) viii) Newspaper Advertising, ix) Retirement Recognition Awards, section 8) v) Employee Group Benefits and Programs, ix) Labour Relations Services and 9) Electrical Inspection Services; and
  - (viii) various other minor "housekeeping" items as required; and
- (b) the City Treasurer/Chief Financial Officer BE REQUESTED to report back to the Finance and Administrative Services Committee, within six to twelve months, regarding the results of implementing the above-noted changes, so that the Municipal Council can determine if the changes have been effective in achieving the desired results.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

3. Request for Write Off of Miscellaneous and Dearness Home Accounts Receivable

Motion made by Councillor J.P. Bryant to Approve that, on the recommendation of the Deputy City Treasurer, the Civic Administration BE AUTHORIZED to write off the outstanding Miscellaneous and Dearness accounts receivable, ~~attached~~ as Appendix A, to the Allowance for Doubtful Accounts, in accordance with the Uncollectible Accounts Receivable Policy.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

4. City of London Days - John Labatt Centre

Motion made by Councillor J.P. Bryant to Approve that, on the recommendation of the City Clerk, and in accordance with the policy for City events at the John Labatt Centre, the following events BE APPROVED as City of London Days at the John Labatt Centre:

London Celebrates Canada

Sunday February 15, 2015 – 50th Anniversary of the Canadian Flag

Wednesday February 15, 2017 – Canada's Sesquicentennial Anniversary of Confederation

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

5. Contractor-Controlled Insurance Program

Motion made by Councillor J. P. Bryant to Approve that, on the recommendation of the City Solicitor and on the advice of the Risk Manager, the Civic Administration BE DIRECTED to amend insurance coverage requirements for construction projects in order to improve coverage consistency and reduce the potential for project insurers to be placed in an adversarial position should claims arise.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

6. Expropriation of Lands on the South Side of Dingman Drive and East of Wonderland Road South

Motion made by Councillor J.P. Bryant to Approve that, on the recommendation of the Managing Director - Corporate Assets, with the concurrence of the Executive Director - Planning, Environmental and Engineering Services, on the advice of the Manager Realty Services, approval BE GIVEN to the expropriation of lands as may be required for a new project known as the Dingman Creek Erosion Control Wetland Facility, on the south side of Dingman Drive and east of Wonderland Road South, and that the following actions BE TAKEN in connection therewith:

- (a) application be made by The Corporation of the City of London as Expropriating Authority to the Council of The Corporation of the City of London as approving authority for the approval to expropriate the lands required for the Dingman Creek Erosion Control Wetland Facility Project, on the south side of Dingman Drive and east of Wonderland Road South;
- (b) The Corporation of the City of London serve and publish notice of the above application in accordance with the terms of the Expropriations Act;
- (c) The Corporation of the City of London forward to the Chief Inquiry Officer any requests for a hearing that may be received and report such to the Council of The Corporation of the City of London for its information; and
- (d) a by-law be introduced at the appropriate time to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

7. Ontario Works in the Community Strategy East London

Motion made by Councillor J.P. Bryant to Approve that consideration of the recommendation of the Director of Social and Community Support Services, with the concurrence of the Executive Director of Community Services, with respect to the implementation of the Ontario Works in the Community Strategy in East London, BE DEFERRED until the next meeting of the Finance and Administrative Services Committee so that the Civic Administration can provide a further update on this matter.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

8. Proposed Community Facility - Southwest London

Motion made by Councillor J.P. Bryant to Approve that the communication dated September 28, 2011, from A. Soufan, York Developments, with respect to the proposed community facility in Southwest London, BE REFERRED to the Civic Administration to report back, as soon after December 7, 2011 as possible, on the opportunities and challenges associated with the proposal made by York Developments, in order to assist the Municipal Council in determining if this is an offer that the City of London should pursue; it being noted that the Finance and Administration Committee heard a verbal delegation from A. Soufan, York Developments, with respect to this matter.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

9. Added - Revised By-law - Consolidation of City of London Fees and Charges

See clause #1.

10. Added - Ombudsman Ontario - Open Meeting Inquiry

Motion made by Councillor J.P. Bryant to Approve that the following actions be taken with respect to the ~~attached~~ request of the Ontario Ombudsman, dated November 28, 2011, with respect to the closed session held during the November 7, 2011 Council meeting:

- (a) the City Clerk BE INSTRUCTED to withhold or redact the November 7, 2011 closed session minutes and any documents that were considered during the November 7, 2011 closed session, on the basis of solicitor-client privilege; and
- (b) the City Clerk BE INSTRUCTED to provide the Ontario Ombudsman with an itemized list of the information and/or documents being withheld, including the date, the nature of the document, and the name of its creator and addressees, as well as the reasons for not disclosing this information.

Motion made by Councillor J.P. Bryant and seconded by Councillor D. Brown to amend clause 10 to read as follows:

That based upon the referral to the Finance and Administration Committee from the Mayor's office of a letter dated November 28, 2011 from Senior Counsel of the Ombudsman Ontario to the Mayor inviting the Mayor to:

- "Please provide copies of the following documentation to assist with our investigation, by December 9, 2011:
- The closed session agenda for the November 7, 2011 meeting.
  - The closed session minutes from the November 7, 2011 meeting.
  - Any documents (letters, reports, etc.) that were considered during the closed session.

-Any other documents related to the matter being investigated.”

and based upon the representation in that letter that “[i]f the City intends to withhold or redact information on the basis of solicitor-client privilege, we require that you provide us with a list of the information and/or documents being withheld, including the date, the nature of the document, and the name of its creator and addresses, as well as the reason for not disclosing the document in response to our request”;

and having regard to the reasons of the Supreme Court of Canada in Canada (*Privacy Commissioner*) v. *Blood Tribe Department of Health* which describe the reason for not disclosing solicitor-client privileged documents as follows: “It is well established that the general words of a statutory grant of authority to an office holder such as an ombudsperson ... do not confer a right to access solicitor-client privileged documents, even for the limited purpose of determining whether the privilege is properly claimed. That role is reserved to the courts. Express words are necessary to permit a regulator or other statutory official to “pierce” the privilege”.

That the following actions be taken in response to the request of the Ontario Ombudsman, dated November 28, 2011, on the basis that the Confidential Minutes of the Committee of the Whole meeting relating to the occupation of Victoria Park are subject to both solicitor-client and litigation privilege and on the basis that anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by or proceedings before the Ombudsman under the Ombudsman Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court: and on the basis that the Ombudsman will not, disclose any information received by him or her as Ombudsman except that the Ombudsman may disclose in any report made by him under this Act such matters as in the Ombudsman’s opinion ought to be disclosed in order to establish grounds for his or her conclusions and recommendations.

- (a) the City Clerk BE INSTRUCTED to withhold or redact the November 7, 2011 closed session minutes and any documents that were considered during the November 7, 2011 closed session, on the basis of solicitor-client privilege except that the City Clerk is directed not to redact any paragraphs in the confidential minutes indicating a vote on a direction or instruction to officers, employees, solicitors or agents of the municipality and the identity of the officers, employees, solicitors or agents of the municipality to whom any direction or instruction was given but the City Clerk shall treat as confidential and privileged any instructions to the city’s solicitors that were given and the City Clerk will not waive confidentiality or privilege in communicating the confidential minutes to the Ombudsman;
- (b) the City Clerk BE INSTRUCTED to disclose to the Ombudsman any description contained in the confidential minutes which identifies the documents considered at the closed meeting provided that by making such disclosure the City Clerk does not waive confidentiality or privilege with respect to any advice subject to solicitor-client privilege; and
- (c) the City Clerk BE DIRECTED to:
  - (i) provide the confidential minutes as redacted to the Ombudsman on the basis that the confidential minutes as redacted continue to be confidential and privileged;
  - (ii) to withhold in their entirety any confidential reports from the city’s solicitors on the basis of maintaining solicitor-client privilege and subject to the requirements for confidentiality that apply to the Ombudsman as set out in the Ombudsman Act and Regulations.

Motion made by Councillor J.L. Baechler and seconded by Councillor N. Branscombe to move into closed session at this time to receive advice from the City Solicitor.

Motion Failed

YEAS: J.L. Baechler, N. Branscombe, P. Hubert, J.P. Bryant, S.E. White (5)

NAYS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, M. Brown, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher (9)



At 6:27 p.m. Mayor J.F. Fontana places Councillor P. Hubert in the Chair and takes a seat at the Council Board.

At 6:29 p.m. Mayor J.F. Fontana returns to the Chair and Councillor P. Hubert takes his seat at the Council Board.

Motion made by Councillor D.G. Henderson and seconded by Councillor J.P. Bryant to Defer consideration of clause 10, as amended, following the usual closed session.

Motion Passed

YEAS: W.J. Armstrong, J.L. Baechler, N. Branscombe, M. Brown, D.G. Henderson, D. Brown, J.P. Bryant, S.E. White (8)

NAYS: J.F. Fontana, B. Polhill, J.B. Swan, P. Hubert, P. Van Meerbergen, H.L. Usher (6)

11. Added - Replacement Pages - Consolidation of City of London Fees and Charges

See clause #1.

12. Added - Agenda Management and Coordination

Motion made by Councillor J.P. Bryant to Approve that the City Manager and the City Clerk BE REQUESTED to report back at a future meeting of the Finance and Administrative Services Committee with respect to how committee agendas might be better managed and coordinated, including a reduction in the number of added items.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

13. Added - Temperature Concerns - Council Chambers

Motion made by Councillor J.P. Bryant to Approve that the Committee Secretary was requested to ask Facilities staff to take the necessary steps to improve the temperature in the Council Chambers, as various Council Members have expressed concern regarding the low temperatures and drafts in the Council Chambers.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

14. Confidential Matters

Motion made by Councillor Bryant to Approve that the Finance and Administration Committee convened in camera from 11:16 a.m. to 12:49 p.m., after having passed a motion to do so, with respect to the ~~attached~~ matters.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion made by Councillor S. White and seconded by Councillor J.P. Bryant to Recess.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

The Council recesses at 6:34 and reconvenes at 7:30 p.m. with Mayor J.F. Fontana in the Chair and all Members present except Councillor Orser.

**29th Report of the Built and Natural Environment Committee**

Councillor B. Polhill Presents

1. Supply and Delivery of Underground Pre-Cast Concrete Products – Tender 11-95

Motion made by Councillor B. Polhill to approve that, on the recommendation of the Executive Director, Planning, Environmental & Engineering Services, the following actions be taken with respect to the supply and delivery of underground pre-cast concrete products (Tender 11-95):

- (a) the tender submitted by M-Con Pipe & Products Inc., 2691 Greenfield Road, Ayr, ON, N0B 1E0, in the amount of \$196,566.93, excluding HST, BE ACCEPTED; it being noted that M-Con Pipe & products Inc. submitted the low bid and meets the terms, conditions and specifications in all areas;
- (b) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this purchase; and,
- (c) the approval hereby given BE CONDITIONAL upon the Corporation entering into a formal contract or having a purchase order, or contract record relating to the subject matter of this approval. (2011-V10-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

2. Update Regarding Water Fluoridation in London

Motion made by Councillor B. Polhill to Approve that, notwithstanding the recommendation of the Director of Water and City Engineer, a public participation meeting BE HELD, at the appropriate Standing Committee, with respect to water fluoridation; it being noted that Dr. G. Pollett, Medical Officer of Health, Middlesex-London Health Unit; Health Canada representatives and representatives of the Environmental & Engineering Services Department be asked to attend the public participation meeting; it being noted that the Built and Natural Environment Committee received the following communications with respect to this matter:

- (a) a communication dated November 27, 2011 from B. Wells, 408-190 Cherryhill Circle;
- (b) a communication dated November 27, 2011 from C. Gupta, 919 Plantation Road;
- (c) a communication dated November 27, 2011 from R. Guthrie, 109 Somerset Road;
- (d) a communication dated November 28, 2011 from D. Costa, 76 Roman Crescent;
- (e) a communication dated November 28, 2011 from K. Miller, 19 – 925 Lawson Road;
- (f) a communication dated November 28, 2011 from S. Kamins, 1702 – 323 Colborne Street; and,
- (g) a request for delegation status from K. Miller, S. Keating and C. Gupta; it being noted that the request for delegation was denied. (2011-W13-00)

Motion made by Councillor B. Polhill and seconded by Councillor Hubert to Amend clause 2 in line 5 by inserting the word "Planning," before the word "Environmental".

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion made by Councillor P. Hubert and seconded by Councillor J. Swan to refer clause 2 to the Middlesex-London Health Unit to hold a public participation meeting on this matter.

At the request of the mover and the seconder, and with the consent of the Council, the motion to refer clause 2 to the Middlesex-London Health Unit to hold a public participation meeting is withdrawn.

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

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Clause 2, as amended reads as follows:

that, notwithstanding the recommendation of the Director of Water and City Engineer, a public participation meeting BE HELD, at the appropriate Standing Committee, with respect to water fluoridation; it being noted that Dr. G. Pollett, Medical Officer of Health, Middlesex-London Health Unit; Health Canada representatives and representatives of the Planning, Environmental & Engineering Services Department be asked to attend the public participation meeting; it being noted that the Built and Natural Environment Committee received the following communications with respect to this matter:

- (a) a communication dated November 27, 2011 from B. Wells, 408-190 Cherryhill Circle;
- (b) a communication dated November 27, 2011 from C. Gupta, 919 Plantation Road;
- (c) a communication dated November 27, 2011 from R. Guthrie, 109 Somerset Road;
- (d) a communication dated November 28, 2011 from D. Costa, 76 Roman Crescent;
- (e) a communication dated November 28, 2011 from K. Miller, 19 – 925 Lawson Road;
- (f) a communication dated November 28, 2011 from S. Kamins, 1702 – 323 Colborne Street; and,
- (g) a request for delegation status from K. Miller, S. Keating and C. Gupta; it being noted that the request for delegation was denied. (2011-W13-00)

3. Stanley Street Sanitary Sewage Pumping Station – Environmental Assessment and Screening Report Executive Summary

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Director, Wastewater and Treatment, the following actions be taken with respect to the Stanley Street Sanitary Sewage Pumping Station Environmental Assessment & Screening Report Executive Summary:

- (a) the Stanley Street Sanitary Sewage Pumping Station Environmental Assessment & Screening Report Executive Summary BE ACCEPTED;
- (b) the Environmental Assessment Screening Report BE PLACED on public record for a 30-day review period; and,
- (c) a Notice of Completion BE FILED with the Municipal Clerk after the Environmental Assessment Screening Report public review period is completed. (2011-W10-01)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

4. Amendments to the Traffic and Parking By-law

Motion made by Councillor B. Polhill to Approve that on the recommendation of the Acting Director, Roads & Transportation, the revised ~~attached~~ proposed by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting to be held on December 6, 2011 for the purpose of amending the Traffic and Parking By-law (P.S. 111), to address traffic safety, operations and parking concerns relating to regulatory signs, stop signs, yield signs, through highways, no parking zones on Adare Crescent, Andover Drive, Clenray Place, Fairview Avenue and Pond View Road, no stopping zones, higher speed limits on Fanshawe Park Road West and Southdale Road West, unmetered municipal parking and typographical errors. (2011-G05-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

5. 2012 Parking Fines

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Acting Director, Roads & Transportation, the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary to increase set fines for parking related offences as outlined in the ~~attached~~ Appendix "A". (2011-S04-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

6. Special Provisions – 2047790 Ontario Inc. (Z-Group) – Powell Subdivision – Phase 2 – 530 Sunningdale Road East (39T-05510)

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Director of Development Planning and the Managing Director, Development Approvals Business Unit, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the subdivisions of land on the South Half of Lot 14, Concession 6, (geographic Township of London), City of London, County of Middlesex, municipally referred to as 530 Sunningdale Road East:

- (a) the ~~attached~~ Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the Powell Subdivision, (39T-05510) BE APPROVED;
- (b) the financing for this project BE APPROVED as set out in the Source of Financing Report, ~~attached~~ hereto as Appendix "A";
- (c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill the draft approval conditions; and,
- (d) the applicant BE ADVISED that the Director of Development Finance has projected the estimated claims and revenues information, ~~attached~~ hereto as Appendix "B". (2011-D26-06)

Motion made by Councillor B. Polhill and seconded by Councillor D. Brown to Amend clause 6 in part (d) by inserting the word "the revised" before the words "Appendix B" and by replacing

the referenced attachment with the new "Appendix 'B'" ~~attached~~ hereto.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion is put to Approve clause 6, as amended.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Clause 6, as amended reads as follows:

that, on the recommendation of the Director of Development Planning and the Managing Director, Development Approvals Business Unit, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the subdivisions of land on the South Half of Lot 14, Concession 6, (geographic Township of London), City of London, County of Middlesex, municipally referred to as 530 Sunningdale Road East:

- (a) the ~~attached~~ Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the Powell Subdivision, (39T-05510) BE APPROVED;
- (b) the financing for this project BE APPROVED as set out in the Source of Financing Report, ~~attached~~ hereto as Appendix "A";
- (c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill the draft approval conditions; and,
- (d) the applicant BE ADVISED that the Director of Development Finance has projected the estimated claims and revenues information, ~~attached~~ hereto as the revised Appendix "B". (2011-D26-06)

7. Draft Terms of Reference for the 2011 Official Plan Review

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Agricultural Advisory Committee, the Municipal Council BE ASKED to consider the resolution of the issues at Southdale Road West and Colonel Talbot Road as a priority when reviewing the draft terms of reference for the 2011 Official Plan review.

Motion made by Councillor J.L. Baechler and seconded by Councillor J.B. Swan to Amend clause 7 in line 3 by deleting the words "as a priority".

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion to adopt clause 7, as amended is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Clause 7, as amended reads as follows:

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Agricultural Advisory Committee, the Municipal Council BE ASKED to consider the resolution of the issues at Southdale Road West and Colonel Talbot Road when reviewing the draft terms of reference for the 2011 Official Plan review.

8. Demolition Application - 736 Talbot Street

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the London Advisory Committee on Heritage (LACH), the Director of Building Controls and Chief Building Official BE ADVISED that the LACH does not support the designation of the property located at 736 Talbot Street; it being noted that the LACH requested that the Heritage Planner be allowed to document the building if it is to be demolished.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

9. Demolition Application - 254 Gideon Drive

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the London Advisory Committee on Heritage (LACH), the Director of Building Controls and Chief Building Official BE ADVISED that the LACH does not support the designation of the property located at 254 Gideon Drive; it being noted that the LACH requested that the Heritage Planner be allowed to document the building if it is to be demolished.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Pursuant to section 17.2 of the Council Procedure By-law, Councillor J.P. Bryant calls for a separate vote on clause 10.

10. Demolition Application - 91 Southdale Road

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the London Advisory Committee on Heritage (LACH), the Director of Building Controls and Chief Building Official BE ADVISED that the LACH does not support the designation of the property located at 91 Southdale Road; it being noted that the LACH requested that the Heritage Planner be allowed to document the building and that all salvageable heritage aspects of the property be retained.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

11. Wortley Village - Old South Heritage Conservation District

Motion made by Councillor B. Polhill to Approve that, the following recommendation of the London Advisory Committee on Heritage (LACH), relating to the Wortley Village - Old South Heritage Conservation District (WV/OS HCD) BE REFERRED to the December 12, 2011 Planning and Environment Committee meeting.

The LACH recommendation reads as follows:

“That the following actions be taken with respect to the Wortley Village - Old South Heritage Conservation District (WV/OS HCD):

- (a) the WV-OS HCD Study BE RECEIVED;
- (b) the boundaries, as revised, for the WV/OS HCD BE APPROVED; and,
- (c) the Municipal Council BE REQUESTED to initiate Phase 2 of the WV-OS HCD; it being noted that Phase 2 produces the District Plan and the Conservation Guidelines; it being further noted that funding is expected to be available in the 2012 Budget.”

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

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

12. Reservoir Hill – 940 Springbank Drive

Motion made by Councillor B. Polhill to Approve that, the following recommendation of the London Advisory Committee on Heritage, with respect to the property located at 940 Springbank Drive, BE FORWARDED to the Civic Administration for consideration and to report back when this matter is considered at the site plan stage.

The LACH recommendation reads as follows:

- (a) approval of the site plan, which does not comply with the restraints imposed by the Ontario Municipal Board, sets a dangerous precedent; and,
- (b) approval of the site plan will result in additional loss of the part of the site which the Ontario Municipal Board directed should be rezoned OS5;

it being noted that the London Advisory Committee on Heritage received a presentation from A. Hopkins, 9 Springbank Drive, with respect to this matter.

Motion Passed

YEAS: W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, H.L. Usher, J.P. Bryant (8)

NAYS: J.F. Fontana, B. Polhill, D.G. Henderson, P. Van Meerbergen, D. Brown, S.E. White (6)

13. Inventory of Heritage Resources – City of London Website

Motion made by Councillor B. Polhill to Approve that the London Advisory Committee on Heritage BE ALLOWED to retain its remaining 2011 Budget for use in 2012, for the inclusion of a photograph and a link to the Statements of Significance for heritage designated properties listed in the Inventory of Heritage Resources contained on the City of London’s website.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

14. Cedar Auto of London Ltd. – 2170 Wharncliffe Road South (Z-7944)

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of Cedar Auto of London Ltd. relating to a portion of the subject land located at 2170 Wharncliffe Road South, the revised ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject land FROM a h-17.AC2 Zone which permits a range of commercial, and residential uses TO a h-17•h-(\*)•AC2( ) Zone to permit the additional use of

automobile sales and service establishment; it being noted that the h-17 holding provision requires water and sanitary services prior to development, with the exception of dry uses on approved private sanitary services; it being further noted that the h-(\*) holding provision requires that urban design and comprehensive traffic patterns in the area be considered during the site plan review process and a development agreement be entered into prior to development to ensure the orderly development of the site; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-02)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

15. 1145505 Ontario Limited – 45 Artisans Crescent (Z-7967)

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Director, Land Use Planning and City Planner, based on the application of 1145505 Ontario Limited relating to the property located at 45 Artisans Crescent, the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to CHANGE Section 4.13 5) to permit vehicles to manoeuvre into loading areas at 45 Artisans Crescent, using the Artisans Crescent road allowance; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-06)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

RECUSED: N. Branscombe (1)

16. Sifton Properties Limited – 2140 Kains Road (Z-7953)

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 2140 Kains Road:

- (a) the ~~attached~~ proposed revised by-law BE INTRODUCED at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Neighbourhood Shopping Area (NSA1) Zone which permits bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments, and brewing on premises establishments, within a shopping centre format, TO a Neighbourhood Shopping Area Special Provision (NSA5( )) Zone to permit the above listed range of uses in a shopping centre format or in standalone buildings that do not form part of a shopping centre, with special provisions to establish a maximum building setback of 4.5 metres for a minimum of 35 metres of the built form along Kains Road, and a maximum yard depth adjacent to the South leg of Somerville Drive (private) of 10.0 metres; to allow for a maximum total gross floor area for office use within the zone, of 3,000 square metres; a maximum total gross floor area for office use as a proportion of the maximum total gross floor area of 57%; a maximum gross floor area for restaurants of 700 square metres; a maximum gross floor area of 1700 square metres for offices, including medical/dental offices; and to apply the shopping centre parking rate of 1 space per every 20 square metres of gross leasable floor area;
- (b) the Site Plan Approval Authority BE REQUESTED to address the following design issues through the site plan process:
  - (i) the provision of a height element incorporated in the building at the southeast corner of the property to denote this significant streetscape;



- (ii) street oriented built form with building elevations that support pedestrian activity along Somerville Drive (private) and along Kains Road;
  - (iii) a combination of built form, enhanced landscaping and pedestrian spaces that visually and functionally integrates with the Thames Valley Parkway along Kains Road;
  - (iv) a parking lot design that provides pedestrian amenity as a public space; and,
  - (v) creation of a clearly defined, pleasant and direct connection between the site and the nearest transit stop;
- (c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM a Neighbourhood Shopping Area (NSA1) Zone which permits bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments, and brewing on premises establishments, within a shopping centre format, TO a Neighbourhood Shopping Area Special Provision (NSA5( )) Zone to permit the above listed range of uses in standalone buildings that do not form part of a shopping centre, with special provisions to allow for a maximum total gross floor area within the zone, of 3,000 square metres; a maximum gross floor area for restaurants of 700 square metres; a maximum gross floor area of 1700 square metres for offices, including medical/dental offices; and the shopping centre parking rate of 1 space per every 20 square metres of gross floor area, BE REFUSED for the following reasons:
- (i) the staff recommendation clarifies that either a shopping centre or standalone format may be permitted;
  - (ii) an additional special provision is required to allow for a total gross floor area for office use as a proportion of the maximum total gross floor area of 57%; and;
  - (iii) the staff recommendation includes additional special provisions to ensure that a minimum length of the built form is located close to Kains Road and Somerville Drive (private) to create a pedestrian oriented environment; and,
- (d) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law as the proposed changes are minor in nature and reflective of the site concept that was submitted with the application;

it being noted that the Built and Natural Environment Committee received written communications dated November 18, 2011 and November 22, 2011, respectively, from A. and E. Dobronyi, 1508 Kirkpatrick Way and J. C. Rodriguez and C. De Leon, 1562 Kirkpatrick Way, with respect to this matter;

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

- M. Zunti, Sifton Properties Limited – expressing support for the application; responding to Mr. Furlongers' concerns by indicating that there will be a high standard of design for the signs; indicating that she cannot respond to the operating hours as the tenants have not been confirmed; however, she does not believe that the stores/restaurants will be open late at night.
- B. Furlonger, 1556 Kirpatrick Way – expressing concern with how this will affect his property; enquiring as to the various stores and/or restaurants hours and the noise at night; and requesting input on any signage that is installed. (2011-D11-07)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

#### 17. Demolition Application – C. Sedge – 736 Talbot Street

Motion made by Councillor B. Polhill to Approve that, the following actions be taken with respect to the demolition application of C. Sedge, for the residential property, located at 736 Talbot Street:

- (a) on the recommendation of the Director, Land Use Planning and City Planner, the above-noted demolition permit BE ISSUED;
- (b) the property owners BE REQUESTED to permit the London Advisory Committee on Heritage to photograph the heritage features of the property prior to its demolition; and,
- (c) all salvageable heritage aspects of the building be BE RETAINED and all reusable heritage items be stored, so they may be incorporated into future construction on the site;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D10-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

18. Demolition Application - Medd-Co Holdings Corp. – 91 Southdale Road East

Motion made by Councillor B. Polhill to Approve that, the following actions be taken with respect to the demolition application of Medd-Co Holdings Corp., for the institutional structures, located at 91 Southdale Road East:

- (a) on the recommendation of the Director, Land Use Planning and City Planner, the above-noted demolition permit BE ISSUED;
- (b) the property owners BE REQUESTED to permit the London Advisory Committee on Heritage to photograph the heritage features of the property prior to its demolition; and,
- (c) all salvageable heritage aspects of the building be BE RETAINED and all reusable heritage items be stored, so they may be incorporated into future construction on the site;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D10-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

19. Demolition Application – Liahn Farms Ltd. – 254 Gideon Drive

Motion made by Councillor B. Polhill to Approve that, the following actions be taken with respect to the demolition application of Liahn Farms Ltd. for the residential structure and farm buildings located at 254 Gideon Drive:

- (a) on the recommendation of the Director, Land Use Planning and City Planner, the above-noted demolition permit BE ISSUED;
- (b) the property owners BE REQUESTED to permit the London Advisory Committee on Heritage to photograph the heritage features of the property prior to its demolition; and,
- (c) all salvageable heritage aspects of the building be BE RETAINED and all reusable heritage items be stored so they may be incorporated into future construction on the site;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D10-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

20. Devcom Developments Inc. – 1155 Commissioners Road East and Middlesex Condominium Corporation No. 156 – 733-739 Deveron Crescent (OZ-7962)

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Director of Development Planning, based on the application of Devcom Developments Inc. and Middlesex Condominium Corporation No. 156, relating to the property located at 1155 Commissioners Road East and a portion of the property located at 733-739 Deveron Crescent:

- (a) the ~~attached~~ proposed revised by-law BE INTRODUCED at the Municipal Council meeting to be held on December 6, 2011, to amend the Official Plan by changing the designation on Schedule "A" - Land Use FROM "Multi-family, Medium Density Residential" TO "Neighbourhood Commercial Node"; and,
- (b) the ~~attached~~ proposed revised by-law BE INTRODUCED at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law Z.-1, (in conformity with the Official Plan, as amended in Part (a) above), to change the zoning of the subject lands FROM an Associated Shopping Area Commercial Special Provision (ASA1(9)/ASA3(2)) Zone which permits a range of retail/commercial uses such as convenience stores, financial institutions, restaurants, grocery stores, pharmacies, dry cleaning and laundry plants, personal service establishments, day care centres, clinics, and medical/dental offices; and FROM a Residential R8 (R8-4) Zone which permits such uses as low-rise apartment buildings, senior citizens apartment buildings, and stacked townhouses, TO an Associated Shopping Area Commercial Special Provision (ASA1( )/ASA3( )) Zone to permit the current range of retail/commercial uses, together with special provisions for an interior side yard depth abutting a residential zone of 1.5 metres, a rear yard depth abutting a residential zone of 2.45 metres, a maximum lot coverage of 36 percent, and a minimum 59 parking spaces for a pharmacy use;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-02)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

21. Isaac Shapiro – 569 Victoria Street (B-7961)

Motion made by Councillor B. Polhill to Approve that, notwithstanding the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the objection submitted by I. Shapiro on October 28, 2011, from the decision of the City of London Residential Boulevard Parking, relating to the property located at 569 Victoria Street:

- (a) the application from I. Shapiro to permit boulevard parking at 569 Victoria Street BE APPROVED; and,
- (b) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this matter;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-04)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

22. Royal Host Limited – 800 Exeter Road (Z-7957)

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of Royal Host Limited relating to the property located at 800 Exeter Road, the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Highway Service Commercial Special Provision (HS1/HS4(1)) Zone which permits assembly halls, financial institutions, hotels, motel and restaurants TO a Highway Service Commercial Special Provision (HS1( )/HS4(1)) Zone to add “Apartment-Hotel” to the list of permitted uses and to change the regulation that limits the maximum gross floor area devoted to dwelling units from 50% to 60%; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-06)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

23. Development and Economic Plans in the Boler Mountain Area

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Managing Director, Development Approvals Business Unit and the Manager, Parks Planning & Design, the following actions be taken with respect to the concept of the joint shared use of Boler Mountain and City open space lands:

- (a) the Civic Administration BE DIRECTED to explore the concept of joint shared use of Boler Mountain and City open space lands, SUBJECT TO:
  - (i) any limitations set by environmental constraints; and,
  - (ii) the establishment of a main access to the Boler Mountain from Wickerson Road; and,
- (b) the concept of joint shared use of Boler Mountain and City open space lands BE APPROVED, IN PRINCIPLE, subject to the completion of agreements between private land owners, as shown in the ~~attached~~ Appendix “A”;

it being noted that the SWM servicing was for servicing for growth development within the Urban Growth boundary; and,

it being also noted that the Built and Natural Environment Committee heard a verbal presentation from J. Kennedy, Boler Mountain, with respect to this matter. (2011-D14-08)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

24. Ontario Municipal Board Appeal – 176127 Ontario Limited - 633 Commissioners Road West and Blocks 66 and 73, Plan 33M-119

Motion made by Councillor B. Polhill to Approve that the Development Approvals Business Unit BE DIRECTED to process and circulate the revised application and provide advice to a future public participation meeting of the Planning and Environment Committee as it relates to the Ontario Municipal Board appeal by 176127 Ontario Limited relating to the properties located at 633 Commissioners Road West and Blocks 66 and 73, Plan 33M-119.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

25. 12th Report of Environmental and Ecological Planning Advisory Committee

Motion made by Councillor B. Polhill to Note that the Built and Natural Environment Committee reviewed and received the 12th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on November 17, 2011. (See Report ~~attached~~.)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

26. 5th Report of Agricultural Advisory Committee

Motion made by Councillor B. Pohill to Note that the Built and Natural Environment Committee reviewed and received clauses 2 to 5, inclusive, of the 5th Report of the Agricultural Advisory Committee, from its meeting held on November 16, 2011. (See Report ~~attached~~.)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

27. Building Division Monthly Report

Motion made by Councillor B. Polhill to Note that the Built and Natural Environment Committee reviewed and received the revised monthly report from the Director of Building Controls and Chief Building Official relating to Building Activity and Inspector Workloads for October, 2011. (2011-D05-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

28. 12th Report of London Advisory Committee on Heritage

Motion made by Councillor B. Polhill to Note that the Built and Natural Environment Committee reviewed and received clauses 7 to 19, inclusive, of the 12th Report of the London Advisory Committee on Heritage. (See Report ~~attached~~.)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

29. Lighting – Your Storage Team – 715 Fanshawe Park Road

Motion made by Councillor B. Polhill to Note that the Built and Natural Environment Committee reviewed and received communications dated November 21, 2011 and November 28, 2011, respectively, from Councillor M. Brown and D. McKinnon, 71 Acorn Place, with respect to lighting concerns relating to the property located at 715 Fanshawe Park Road. (2011-M06-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

30. Confidential Matters

Motion made by Councillor B. Polhill to Note that the Built and Natural Environment Committee convened in camera from 5:05 p.m. to 5:37 p.m., after having passed a motion to do so, with respect to the following matters:

- C-1 A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and advice with respect to potential litigation with respect to the Southeast Reservoir and Pumping Station.
- C-2 A matter pertaining to litigation or potential litigation, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and giving instructions and directions to the solicitors of the municipality in connection with the appeal of 1767127 Ontario Limited to the Ontario Municipal Board, including matters before administrative tribunals, affecting the municipality or local board relating to a refusal to approve a zoning by-law amendment and site plan. (See Confidential Appendix to the 29th Report of the Built and Natural Environment Committee enclosed for Members only.)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

**1st Report of the Investment and Economic Prosperity Committee**  
Councillor J.B. Swan Presents

1. Election of Vice Chair

Motion made by Councillor J. B. Swan to Approve that the Investment and Economic Prosperity Committee elected Councillors M. Brown and P. Van Meerbergen as its Vice Chairs for the term ending November 30, 2012.

Motion made by Councillor S.E. White and seconded by Councillor J.B. Swan to Approve that the Council Procedure By-law be revised to allow two Vice Chairs for the Investment and Economic Prosperity Committee.

Motion Failed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, P. Van Meerbergen, D. Brown, S.E. White (7)

NAYS: J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, H.L. Usher, J.P. Bryant (7)

Motion made by Councillor P. Hubert and seconded by Councillor J.L. Baechler to amend clause 1 be deleting the clause in its entirety and replacing it with the following new clause:

“That the Investment and Economic Prosperity Committee elected Councillor M. Brown as its Vice Chair for the term ending November 30, 2012.”

Motion Passed

YEAS: J.F. Fontana, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, H.L. Usher, J.P. Bryant (9)

NAYS: B. Polhill, D.G. Henderson, P. Van Meerbergen, D. Brown, S.E. White (5)

Clause 1, as amended reads as follows:

That the Investment and Economic Prosperity Committee elected Councillor M. Brown as its Vice Chair for the term ending November 30, 2012.

## 2. International Air Cargo Terminal Update

Motion made by Councillor J.B. Swan to Approve that the following actions be taken with respect to the update regarding the International Air Cargo Terminal:

- (a) the presentation from Steve Baker, President & C.E.O, London International Airport BE RECEIVED for information;
- (b) the Federal and Provincial Governments BE REQUESTED to introduce regulatory changes that would facilitate foreign investment, abolish barriers that hamper trade, create an efficient regulatory regime and enhance labour market policies to stimulate job creations;
- (c) the Greater London International Airport Authority BE REQUESTED to invest in and support the implementation of five-year pilot project to market test a Free Trade Zone; and
- (d) the Civic Administration BE DIRECTED to undertake the preparation of an Airport Area Community Improvement Plan to provide incentives for new aerospace businesses;

it being noted that the Investment and Economic Prosperity Committee heard a verbal delegation from Steve Baker, President & C.E.O., London International Airport and Peter White, President, London Economic Development Corporation with respect to this matter.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

## 3. Terms of Reference – Investment and Economic Prosperity Committee

Motion made by Councillor J.B. Swan to Approve that the following actions be taken with respect to the draft Terms of Reference for the Investment and Economic Prosperity Committee (IEPC):

- (a) the ~~attached~~ draft Terms of Reference BE APPROVED IN PRINCIPLE; and
- (b) the Civic Administration BE DIRECTED to circulate the draft Terms of Reference for public input and report back at a future meeting.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

## 4. Project Planning and Priorities

Motion made by Councillor J.B. Swan to Approve that the ~~attached~~ presentation from the City Treasurer, Chief Financial Officer regarding Project Planning and Priorities BE RECEIVED.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

## 5. Scheduling of Special Meetings

Motion made by Councillor J.B. Swan to Approve that the following Special Meetings of the Investment and Economic Prosperity Committee BE SCHEDULED:

- (a) Friday, November 25, 2011, at 2:00 p.m.; and
- (b) Saturday, December 3, 2011, from 9:00 a.m. until Noon.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

6. Public Engagement

Motion made by Councillor J.B. Swan to Approve that the Director of Corporate Communications BE REQUESTED to provide a report to the Investment and Economic Prosperity Committee with respect to recommended methods of engaging the public as it relates to investment and economic opportunities for the City of London.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

**2nd Report of the Investment and Economic Prosperity Committee**  
Councillor J.B. Swan Presents

1. Building the City of Opportunity

Motion made by Councillor P. Van Meerbergen to Approve that, notwithstanding the recommendation of the City Manager and the Director of Land Use Planning and City Planner, the following actions be taken with respect to the presentation "Building the City of Opportunity":

- (a) the ~~attached~~ presentation from the Director of Land Use Planning and City Planner entitled "Building the City of Opportunity" BE RECEIVED for information; it being noted that all financial and other information regarding specific opportunities is very preliminary and requires further research and exploration; and
- (b) the ~~attached~~ proposed process for developing an investment strategy BE RECEIVED.

Motion made by Councillor B. Polhill and seconded by Councillor D. Brown to Refer clause 1 to a future meeting of the Investment and Economic Prosperity Committee for additional consideration.

Motion Failed

YEAS: B. Polhill, W.J. Armstrong, N. Branscombe, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher (7)

NAYS: J.F. Fontana, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, J.P. Bryant, S.E. White (7)

Pursuant to section 17.2 of the Council Procedure By-law, Councillor M. Brown calls for a separate vote on parts (a) and (b) of clause 1.

Motion made by Councillor P. Van Meerbergen to Approve part (a) of clause 1.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion made by Councillor J.B. Swan and seconded by Councillor P. Hubert to Amend part (b) to add the words "and BE ENDORSED IN PRINCIPLE".



Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, H.L. Usher, J.P. Bryant, S.E. White (11)

NAYS: D.G. Henderson, P. Van Meerbergen, D. Brown (3)

The motion to adopt part (b), as amended, is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, H.L. Usher, J.P. Bryant, S.E. White (11)

NAYS: D.G. Henderson, P. Van Meerbergen, D. Brown (3)

Clause 1, as amended reads as follows:

that, notwithstanding the recommendation of the City Manager and the Director of Land Use Planning and City Planner, the following actions be taken with respect to the presentation "Building the City of Opportunity":

- (a) the ~~attached~~ presentation from the Director of Land Use Planning and City Planner entitled "Building the City of Opportunity" BE RECEIVED for information; it being noted that all financial and other information regarding specific opportunities is very preliminary and requires further research and exploration; and
- (b) the ~~attached~~ proposed process for developing an investment strategy BE RECEIVED and BE ENDORSED IN PRINCIPLE.

- 2. Reconsideration of the 1% Special Economic Levy for the 2012 Budget and 2013 to 2016 Budget Forecast

Motion made by Councillor J.B. Swan and seconded by Councillor B. Polhill that clause 2 be referred to the 2012 budget as follows:

That the following actions be taken with respect to the 1% Special Economic Levy:

- (a) the matter of a 1% special economic levy BE REFERRED to the 2012 Budget Process; and;
- (b) the Civic Administration BE REQUESTED to identify alternative sources of financing for consideration as part of the 2012 Budget process.

Moved by Councillor P. Hubert and seconded by Councillor W.J. Armstrong that Council recess for 5 minutes. The Council recesses at 9:28 p.m. and reconvenes at 9:33 p.m. with Councillor P. Hubert in the chair and all Members present except Councillor S. Orser.

Moved by Councillor S.E. White and seconded by Councillor J.B. Swan that pursuant to section 9.6 of the Council Procedure By-law, Mayor J.F. Fontana be permitted to speak longer than 5 minutes with respect to clause 2.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

The motion to Refer clause 2 is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, M. Brown, P. Hubert, H.L. Usher, J.P. Bryant (8)

NAYS: J.L. Baechler, N. Branscombe, D.G. Henderson, P. Van Meerbergen, D. Brown, S.E. White (6)

3. Deferred Matters/Additional Business

Motion made to Note that the Chair advised that the Special Meeting of the Investment and Economic Prosperity Committee scheduled for December 3, 2011 is cancelled.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

**1st Report of the Finance and Administrative Services Committee**  
Councillor P. Hubert Presents

1. Disclosures of Pecuniary Interest

Moved by Councillor P. Hubert to Note that no disclosures were made.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

2. Election of Vice-Chair for term ending November 30, 2012

Moved by Councillor P. Hubert that Councillor P. Hubert **BE ELECTED** as Vice Chair of the Finance and Administrative Services Committee for the term ending November 30, 2012.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

3. Book Entry Only Securities Service Agreement

Moved by Councillor P. Hubert that, on the recommendation of the City Treasurer, Chief Financial Officer, the following actions be taken regarding the Book Entry Only Securities – Service Agreement between The Corporation of the City of London and CDS Clearing and Depository Services Inc. (“CDS”):

- (a) the ~~attached~~ proposed by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting on December 6, 2011, to approve requiring a bond of indemnification from CDS as a condition of issuing replacement debentures;
- (b) the ~~attached~~ proposed by-law (Appendix B) **BE INTRODUCED** at the Municipal Council meeting on December 6, 2011, to authorize the Book Entry Only Securities – Service Agreement and Rider 1 (Municipalities) between The Corporation of the City of London and CDS; and
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute the Book Entry Only – Securities Services Agreement and Rider 1 (Municipalities), ~~attached~~ as Schedule 1, and any associated documents with CDS.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

#### 4. Capital Markets Debenture Issue Update

Moved by Councillor P. Hubert that, on the recommendation of the City Treasurer, Chief Financial Officer, the following actions be taken with respect to the Capital Markets Debenture Issue:

- (a) the issue of a ten-year serial debenture for \$63,400,000, reflecting an average all in rate of 2.887% to close on December 15, 2011, **BE CONFIRMED**; and
- (b) the ~~attached~~ proposed By-law D.-765-16 **BE INTRODUCED** at the Municipal Council meeting of December 6, 2011 for three readings to authorize the borrowing upon serial debentures for a ten-year term in the amount of \$63,400,000 towards the cost of certain capital works of The Corporation of the City of London.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

#### 5. Ontario Infrastructure and Lands Corporation (OILC) Debenture Issue Update

Moved by Councillor P. Hubert that, on the recommendation of the City Treasurer, Chief Financial Officer the following actions be taken with respect to the Ontario Infrastructure and Lands Corporation (OILC) Debenture Issue:

- (a) the issue of a ten-year serial debenture for \$52,809,914, reflecting an offering yield of 2.86%, to the Ontario Infrastructure and Lands Corporation (OILC), to close on December 15, 2011, **BE CONFIRMED**; and
- (b) the ~~attached~~ proposed By-law D.-764-15 **BE INTRODUCED** at the Municipal Council meeting of December 6, 2011 for three readings to authorize the borrowing upon serial debentures for a ten-year term in the amount of \$52,809,914 towards the cost of certain capital works of The Corporation of the City of London.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

### **38th Report of the Committee of the Whole** Councillor N. Branscombe Presents

#### 1. Matters of Common Interest – City of London and TVDSB

Motion made by Councillor N. Branscombe to Approve that the following actions be taken with respect to establishing a forum for collaboration and discussion relative to matters of common interest to The Corporation of the City of London and the Thames Valley District School Board:

- (a) a City/TVDSB Liaison Committee BE ESTABLISHED, comprised of representatives of the Municipal Council and the Board of Trustees;
- (b) the City Clerk, in liaison with the Civic Administration and the TVDSB Administration, BE DIRECTED to develop draft terms of reference for the Liaison Committee noted in (a), above, for report back to and approval of the Municipal Council and the TVDSB Trustees; it being noted that the terms of reference should provide for the appropriate administrative support; and
- (c) the Civic Administration and the TVDSB Administration BE REQUESTED to meet on a regular basis to discuss matters of mutual interest and to provide regular updates to the Community Services Committee with respect to those discussions;

it being noted that the Committee of the Whole heard a verbal presentation from Tracy Grant, Chair; Kevin Bushell, Executive Officer, Facility Services and Capital Planning; Marion Moynihan, Superintendent; and Paul Tufts, Superintendent, with respect to this matter.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

RECUSED: M. Brown (1)

2. Response of the Civic Administration to Concerns Raised by Occupy London at Committee of the Whole

Motion made by Councillor N. Branscombe to Approve that the November 23, 2011 update report from the Executive Director of Community Services BE RECEIVED and BE REFERRED to the Community Services Committee for its consideration; it being noted that the concerns expressed from representatives of Occupy London, at the October 28, 2011 CW meeting held specifically for the purpose of hearing the concerns of Occupy London, do not necessarily reflect the viewpoint of Occupy London as a whole.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

3. Disclosure of Pecuniary Interest – Councillor M. Brown

Motion made by Councillor N. Branscombe to Note that Councillor M. Brown disclosed a pecuniary interest in clause 1 of this Report, by indicating that he is employed by the Thames Valley District School Board.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

**6th Report of the Services Review Committee**  
Councillor N. Branscombe Presents

At 10:06 p.m. Councillor M. Brown takes the Chair and Mayor J.F. Fontana leaves the meeting.

1. Payroll Services - Third Party

Motion made by Councillor N. Branscombe to Approve that the Civic Administration BE REQUESTED to provide a report back to the Services Review Committee with respect to the provision of payroll services for third-parties (outside agencies, boards, etc.), on a cost-recovery basis.

Motion Passed

YEAS: B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

2. MainStreet London

Motion made by Councillor N. Branscombe to Note that the Services Review Committee received a verbal presentation from J. MacDonald, Manager, Downtown London, with respect to MainStreet London.

Motion Passed

YEAS: B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

3. Consideration of Business Cases - Proposed Add/Cut List

Motion made by Councillor N. Branscombe to Note that the Services Review Committee (SRC) deferred consideration and review of the following business cases to a future meeting of the SRC, with a recommendation to be forwarded to the Municipal Council in conjunction with the 2012 Budget:

- (a) Asset Management - Corporate Asset Management Development;
- (b) Asset Management - Corporate Asset Management Software System and Consultants; and,
- (c) Human Resources - Diversity Programs/Initiatives.

Motion Passed

YEAS: B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

4. Business Plan Summary Review

Motion made by Councillor N. Branscombe to Note that the Services Review Committee (SRC) held a general discussion with respect to the following Business Plan Summaries:

- (a) Asset Management (10.1.2); it being noted that the ~~attached~~ sample communication tool, from the City of Hamilton were provided for information;
- (b) Facilities (10.1.5);
- (c) Human Resources (10.1.9);
- (d) Human Rights (10.1.10);
- (e) Legal Services (10.1.11); and,
- (f) Payroll (10.1.12) (two business plans); it being noted that the SRC did not complete its discussion of these plans and will continue such at the next meeting of the SRC.

Motion Passed

YEAS: B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

5. Remaining Agenda Items

Motion made by Councillor N. Branscombe to Note that, due to loss of quorum, items 7 to 16 were deferred to a future agenda of the Services Review Committee.

Motion Passed

YEAS: B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

6. Next Meeting

Motion made by Councillor N. Branscombe to Note that the next meeting of the Services Review Committee (SRC) is scheduled to be held on November 22, 2011, at 9:00 a.m.

Motion Passed

YEAS: B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

**7th Report of the Services Review Committee**  
Councillor N. Branscombe Presents

Mayor J.F. Fontana returns to the Chair at 10:11 PM and Councillor M. Brown takes his seat at the Council Board.

1. Technology Upgrades – Council Chambers and Committee Rooms 4 & 5

Motion made by Councillor N. Branscombe to Approve that, on the recommendation of the City Clerk and the Chief Technology Officer, and with the concurrence of the Manager of Purchasing & Supply, the following actions be taken with respect to the Technology Upgrades for the Council Chambers and Committee Rooms 4 & 5:

- (a) the tender for Technology Upgrades – Council Chambers & Committee Rooms 4 & 5, submitted by Dynamix London Inc., 5 Hamley Road, London, Ontario N6E 3W1, at their tendered price of \$208,022.00 (excluding HST), BE ACCEPTED;
- (b) the Civic Administration BE AUTHORIZED additional capital funding of \$38,515.00 (excluding HST) to proceed with the purchase and installation of additional desktop computers and servers required by the Technology Services Division to implement web streaming capabilities for Council Chambers and to implement electronic voting, the electronic agenda and web streaming capabilities for Committee Rooms 4 & 5;
- (c) the funding for the above-noted project BE APPROVED as set out in the Sources of Financing Report ~~attached~~ hereto as Appendix “A”; it being noted that annual operating costs to sustain the technology upgrades, estimated to be \$27,823 in Year One and \$59,687 in Year Two and beyond, can be accommodated in the base 2012 and beyond Corporate Operating Budget;
- (d) the Civic Administration BE AUTHORIZED to undertake all administrative acts which are necessary in connection with this matter; and
- (e) the approvals hereby given BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to the subject matter of this approval;

it being noted that the Services Review Committee reviewed and received a Municipal Council resolution adopted at its meeting held on November 7, 2011, with respect to this matter.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

2. Fire Services

Motion made by Councillor N. Branscombe to Approve that the Civic Administration BE REQUESTED to provide a report back to the Services Review Committee with respect to the following matters related to Fire Services:

- (a) alternative service delivery options that may be utilized for responses to nuisance burning complaints; and,

- (b) potential revenue streams (models used in other municipalities, user fees, insurance charge backs, etc.).

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

### 3. Thames Valley Corridor Plan

Motion made by Councillor N. Branscombe to Approve that the Thames Valley Corridor Plan Business Case BE REFERRED to the Investment and Economic Prosperity Committee for consideration in conjunction with other initiatives, in order to maximize the use of all funding sources available; it being noted that the Services Review Committee further suggested that 'complementary areas' of the current budget be re-examined to determine whether additional synergies and opportunities exist.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

### 4. Emerald Ash Borer Management Strategy

Motion made by Councillor N. Branscombe to Approve that, on the recommendation of the Executive Director – Planning, Environmental and Engineering Services, with the advice of the City Planner and the Manager of Urban Forestry, the following actions be taken with respect to the Emerald Ash Borer Management Strategy:

- (a) the following items be further considered and reviewed at a future meeting of the SRC, with a recommendation to be forwarded to the Municipal Council in conjunction with the 2012 Budget:
  - (i) recognizing the significant risk exposure associated with dead and dying trees that result from the Emerald Ash Borer (EAB), and the need to re-plant streetscapes where trees have been removed, and also recognizing Council's desire to meet budget targets in 2012, the following existing budgets BE CONSIDERED as sources of financing to fund the 2012 Emerald Ash Borer program:
    - A. Street Tree Planting Program - \$229k of the \$260k budget for 2012 – meaning that there will be significant delays for infill tree-planting that had previously been planned for 2012;
    - B. Woodland Management Program - \$150k – meaning that there will be no funds dedicated to the management of woodlands with respect to the cutting of invasive species, trail building or maintenance, etc.
    - C. EAB designated tree planting - \$443k – which includes surplus from previous years EAB re-planting and \$200k planned EAB planting in 2012;
  - (ii) the Coordination, Administration and Education components of the EAB program BE DELAYED for 1 year, eliminating \$100,000 of cost from the endorsed EAB strategy;
- (b) the Municipal Council BE ADVISED that the above-noted approach will have significant impacts on street tree planting, and woodland management and downtown tree planting in London in 2012, and a similar approach is not sustainable for 2013 and beyond;
- (c) the consideration of \$272k from Downtown street tree planting, meaning that planned planting programs in support of the 2013 World Figure Skating Championships will not be completed, BE REFERRED back to the Civic Administration in order to have additional clarification brought back to the Services Review Committee (SRC);
- (d) the Civic Administration BE DIRECTED to review alternative sources of revenue to supplement the above-noted projects in the year 2013;

it being noted that the SRC reviewed and received a Municipal Council resolution adopted at its meeting held on October 24, 2011, with respect to this matter.

Motion made by Councillor H.L. Usher and seconded by Councillor J.B. Swan to Amend clause 4 by adding "investigate opportunities for additional funding through Federal programs".

Motion Passed

YEAS: J. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion put to Approve clause 4, as amended.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Clause 4, as amended, reads as follows:

that, on the recommendation of the Executive Director – Planning, Environmental and Engineering Services, with the advice of the City Planner and the Manager of Urban Forestry, the following actions be taken with respect to the Emerald Ash Borer Management Strategy:

- (a) the following items be further considered and reviewed at a future meeting of the SRC, with a recommendation to be forwarded to the Municipal Council in conjunction with the 2012 Budget:
  - (i) recognizing the significant risk exposure associated with dead and dying trees that result from the Emerald Ash Borer (EAB), and the need to re-plant streetscapes where trees have been removed, and also recognizing Council's desire to meet budget targets in 2012, the following existing budgets BE CONSIDERED as sources of financing to fund the 2012 Emerald Ash Borer program:
    - A. Street Tree Planting Program - \$229k of the \$260k budget for 2012 – meaning that there will be significant delays for infill tree-planting that had previously been planned for 2012;
    - B. Woodland Management Program - \$150k – meaning that there will be no funds dedicated to the management of woodlands with respect to the cutting of invasive species, trail building or maintenance, etc.
    - C. EAB designated tree planting - \$443k – which includes surplus from previous years EAB re-planting and \$200k planned EAB planting in 2012;
  - (ii) the Coordination, Administration and Education components of the EAB program BE DELAYED for 1 year, eliminating \$100,000 of cost from the endorsed EAB strategy;
- (b) the Municipal Council BE ADVISED that the above-noted approach will have significant impacts on street tree planting, and woodland management and downtown tree planting in London in 2012, and a similar approach is not sustainable for 2013 and beyond;
- (c) the consideration of \$272k from Downtown street tree planting, meaning that planned planting programs in support of the 2013 World Figure Skating Championships will not be completed, BE REFERRED back to the Civic Administration in order to have additional clarification brought back to the Services Review Committee (SRC);
- (d) the Civic Administration BE DIRECTED to review alternative sources of revenue to supplement the above-noted projects in the year 2013 and investigate opportunities for additional funding through Federal programs;

it being noted that the SRC reviewed and received a Municipal Council resolution adopted at its meeting held on October 24, 2011, with respect to this matter.



5. Deferred Business Cases

Motion made by Councillor N. Branscombe to Note that the Services Review Committee (SRC) deferred consideration of the following Business Cases to a future meeting of the SRC:

- (a) Service Reviews;
- (b) Land Ambulance Issues;
- (c) Planning Division Work Program Options; it being noted that additional information will be available at a future meeting;
- (d) Corporate Records Management Program; it being noted that the SRC requested additional information related to the potential reallocation of funds to finance this project; and,
- (e) London Community Archive Program; it being noted that this project is a 2013 initiative.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

6. Consideration of Business Cases – Proposed Add/Cut List

Motion made by Councillor N. Branscombe to note that the Services Review Committee (SRC) deferred consideration and review of the following business cases to a future meeting of the SRC, with a recommendation to be forwarded to the Municipal Council in conjunction with the 2012 Budget:

- (a) Increasing Staffing Levels on Aerial Trucks;
- (b) Community Engagement & Relationship Building Opportunities; and,
- (c) Improving Outreach & Communications with Residents.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

7. Business Plan Summary Review

Motion made by Councillor N. Branscombe to Note that the Services Review Committee (SRC) held a general discussion with respect to the two business plans related to Payroll (10.1.12); it being noted that the SRC did not complete the discussion of these plans at its previous meeting.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

**Licensing Appeal Committee – Record of Proceeding – November 24, 2011  
– 1:00 PM**

Councillor D.G. Henderson Presents

The Chair directs that consideration of this matter be deferred until after the in camera session.

**IX ENQUIRIES**

None.

**X EMERGENT MOTIONS**

None.

**XI BY-LAWS**

**BY-LAWS TO BE READ A FIRST, SECOND AND THIRD TIME:**

Motion made by Councillor P. Hubert and seconded by Councillor J.B. Swan, to Approve 1st Reading of Bill No. 14.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

RECUSED: N. Branscombe (1)

Motion made by Councillor D. Brown and seconded by Councillor P. Van Meerbergen, to Approve 2nd Reading of Bill No. 14.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

RECUSED: N. Branscombe (1)

Motion made by Councillor H.L. Usher and seconded by Councillor D. Brown, to Approve 3rd Reading of Bill No. 14.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

RECUSED: N. Branscombe (1)

Motion made by Councillor P. Hubert and seconded by Councillor D. Brown, to Approve 1st Reading of Bill Nos. 1 to 13, inclusive and Bill Nos. 15 to 17, inclusive and Bill Nos. 20 to 23, inclusive.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion made by Councillor B. Polhill and seconded by Councillor J.B. Swan, to Approve 2nd Reading of Bill Nos. 1 to 13, inclusive and Bill Nos. 15 to 17, inclusive and Bill Nos. 20 to 23, inclusive.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

Motion made by Councillor B. Polhill and seconded by Councillor D. Brown, to Approve 3rd Reading of Bill Nos. 1 to 13, inclusive and Bill Nos. 15 to 17, inclusive and Bill Nos. 20 to 23, inclusive.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (14)

The following by-laws are passed and enacted as by-laws of The Corporation of the City of London:

Bill No. 1, By-law No. A.-	A by-law to confirm the proceedings of the Council Meeting held on the 6th day of December, 2011. (City Clerk)
Bill No. 2, By-law No.	A by-law to approve an increase in the maximum per diem rate for board and lodging paid to emergency shelters for emergency hostel services and to approve an increase in the maximum per diem rate for the personal needs allowance. (3/21/CNC)
Bill No. 3, By-law No.	A by-law to authorize and approve a Contribution Agreement with Unity Project for Relief of Homelessness in London under the London CARES program for Housing Stability; to delegate to the Executive Director certain authority under the Agreement; and to authorize the Mayor and City Clerk to execute the Agreement. (3/21/CNC)
Bill No. 4, By-law No. A.-6151()-amend	A by-law to amend By-law A.-6151-17, being a by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the Municipal Act, 2001. (2/30/FAC)
Bill No. 5, By-law No. A-42	A by-law to provide for Various Fees and Charges. (1/30/FAC)
Bill No. 6, By-law No. C.P.-1284(rs)-	A by-law to amend the Official Plan for the City of London, 1989 relating to lands located at 1155 Commissioners Road East and 733-739 Deveron Crescent. (20/29/BNEC)
Bill No. 7, By-law No. PS-111-12099	A by-law to amend By-law PS-111 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (4/29/BNEC)
Bill No. 8, By-law No. S.-	A by-law to permit Aaron Leo Allen to maintain and use an encroachment upon the road allowance for Wellington Street, City of London. (City Solicitor)
Bill No. 9, By-law No. S.-	A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Mill Street, east of St. George Street) (Chief Surveyor)
Bill No. 10, By-law No. S.-	A by-law to lay out, constitute, establish and assume lands in the city of London as public highway. (As widening to Epworth Avenue, west of Waterloo Street) (Chief Surveyor)
Bill No. 11, By-law No. S.-	A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Riverside Drive, west of Hartson Road) (Chief Surveyor)
Bill No. 12, By-law No. S.-	A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (As widening to Glanworth Drive, west of Highbury Avenue South) (Chief Surveyor)
Bill No. 13, By-law No. Z.-1-122062	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2170 Wharnccliffe Road South. (14/29/BNEC)

Bill No. 14, By-law No. Z.-1-122063	A by-law to amend By-law No. Z.-1 regarding on-street maneuvering related to industrial lands at 45 Artisans Crescent. (15/29/BNEC)
Bill No. 15, By-law No. Z.-1-122064	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2140 Kains Road. (16/29/BNEC)
Bill No. 16, By-law No. Z.-1-122065	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1155 Commissioners Road East and 733-739 Deveron Crescent. (20/29/BNEC)
Bill No. 17, By-law No. Z.-1-122066	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 800 Exeter Road. (22/29/BNEC)
Bill No. 20 By-law No. A.-6761-13	A by-law to authorize the issue of replacement debenture certificates. (3/1/FASC)
Bill No. 21 By-law No. A.-6762-14	A by-law to approve the Book Entry Only – Services Agreement and Rider 1 (Municipalities), both with CDS Clearing and Depository Services Inc. (“CDS”) and both in respect of the deposit in the CDS System of debentures as Book Entry Only Securities and to authorize the Mayor and the City Clerk to execute the agreement. (3/1/FASC)
Bill No. 22 By-law No. D.-764-15	A by-law to authorize the borrowing upon serial debentures in the amount of \$52,809,914.00 towards the cost of certain capital works of The Corporation of the City of London. (5/1/FASC)
Bill No. 23 By-law No. D.-765-16	A by-law to authorize the borrowing upon instalment debentures in the principal amount of \$63,400,000.00 towards the cost of certain capital works of The Corporation of the City of London. (4/1)FASC

## **XII**

### **COMMITTEE OF THE WHOLE, IN CAMERA**

#### **MOTION FOR IN CAMERA SESSION**

Motion made by Councillor P. Hubert and seconded by Councillor J.P. Bryant, that Council rise and go into Committee of the Whole, in camera for the purpose of considering the following:

- a) A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a lease amendment; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed lease amendment; commercial and financial information supplied in confidence pertaining to the proposed lease amendment, the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed lease amendment whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed lease amendment whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the

Corporation concerning the proposed lease amendment.

- b) A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a proposed disposition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed disposition of land; financial information supplied in confidence pertaining to the proposed disposition the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed disposition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed disposition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed disposition of land whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed disposition of land.
- c) A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land by the municipality; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of land by the municipality; financial information supplied in confidence pertaining to the proposed acquisition the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition.
- d) A matter pertaining to reports, advice and recommendations of officers and employees of the Corporation concerning labour relations and employee negotiations arising out of contract negotiations with one of the Corporation's unions.
- e) A matter pertaining to personal matters involving identifiable individuals who are municipal employees with respect to employment related matters.
- f) A matter pertaining to employee negotiations, advice or recommendations of officers and employees of the Corporation including communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation.
- g) A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and advice with respect to potential litigation with respect to the Southeast Reservoir and

Pumping Station.

- h) A matter pertaining to litigation or potential litigation, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and giving instructions and directions to the solicitors of the municipality in connection with the appeal of 1767127 Ontario Limited to the Ontario Municipal Board, including matters before administrative tribunals, affecting the municipality or local board relating to a refusal to approve a zoning by-law amendment and site plan.
- i) A matter pertaining to personal matters about an identifiable individual, with respect to the appeal of S. Bielawski to the Licensing Appeal Committee related to the removal of his name from the Cab Priority List.
- j) A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and consideration of potential litigation affecting the municipality with respect to the activities of Occupy London.

Motion Passed

The Council rises and goes in camera at 10:24 p.m., with all members present, except Councillors S. Orser and H.L. Usher.

Motion made by Councillor N. Branscombe and seconded by Councillor J.L. Baechler that pursuant to section 2.4 of the Council Procedure By-law, section 11.10 of the said by-law be suspended for the purpose of permitting the meeting to proceed beyond 11:00 p.m.

Motion Passed

At 11:11 p.m. all staff leave the meeting, except J.A. Fielding, P. McNally, J.P. Barber, G. Belch, L.M. Rowe, C. Saunders and B. Westlake-Power.

At 11:19 p.m. J. Braam and J. Fleming return to the meeting.

At 11:25 p.m. G.T. Hopcroft and D. O'Brien return to the meeting.

At 11:35 p.m. Councillor S.E. White leaves the meeting.

At 11:53 p.m. J.A. Fielding, P. McNally, J. Braam and J. Fleming leave the meeting.

At 11:55 p.m. Councillor D. Brown leaves the meeting.

### **1st Report of the Committee of the Whole**

Councillor J.P. Bryant presents the 1st Report of the Committee of the Whole.

PRESENT: Mayor J.F. Fontana, Councillors B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, J.P. Bryant, S.E. White and C. Saunders (City Clerk).

ALSO PRESENT: J.A. Fielding, R.L. Fair, M. Hayward, P. McNally, J.P. Barber, G. Belch, J. Braam, J.M. Fleming, G.T. Hopcroft, T.A. Johnson, V. McAlea Major, D. O'Brien, L.M. Rowe, B. Warner, B. Westlake-Power and P. White.

Motion made by Councillor J.P. Bryant that, as a 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:

1. That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with the concurrence of the Executive Director - Community Services, the lease of Market Tower (151 Dundas Street and 383/391 Richmond Street) between the City and Farhi Holdings Corporation / BSN London Corporation (the "Landlord") **BE RENEWED** for an additional term of five (5) years, with a base rent of \$12.50 per square foot and \$6.50 per square foot for the Lower Level office space;

2. That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager of Realty Services, the offer submitted by Sysco Canada, Inc. to purchase 65.36 acres, more or less, on the west side of Veteran's Memorial Parkway, north of Bradley Avenue, and being comprised of a portion of Block 2 on Plan 33M-592 and part of Part 1 on Plan 33R-4340, as outlined on the sketch ~~attached~~ hereto as Schedule C, at a purchase price of \$3,476,106.00 (reflecting a price of \$53,184.00 per acre), as adjusted for a grading rebate to \$726,106.00 (\$11,109.33 per acre) **BE REFUSED**, it being noted that Civic Administration continues to negotiate an acceptable Purchase Price; and,
3. That, on the recommendation of the Chief Human Resources Officer, the Mayor and the City Clerk **BE AUTHORIZED** to execute the Collective Agreement for the period January 1, 2011 to December 31, 2014, between The Corporation of the City of London and the Canadian Union of Public Employees (CUPE), Local No. 101, as contained in the report dated November 30, 2011 from the Chief Human Resources Officer.

Motion Passed.

Motion made by Councillor P. Hubert and seconded by Councillor B. Polhill that pursuant to Section 17.4 of the Council Procedure By-law, leave be given for the discussion and debate and the making of a substantive motion with respect to clauses 1 to 3, inclusive of the 1st Report of the Committee of the Whole.

Motion made by Councillor P. Hubert to Approve the following recommendations:

1. That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with the concurrence of the Executive Director - Community Services, the lease of Market Tower (151 Dundas Street and 383/391 Richmond Street) between the City and Farhi Holdings Corporation / BSN London Corporation (the "Landlord") **BE RENEWED** for an additional term of five (5) years, with a base rent of \$12.50 per square foot and \$6.50 per square foot for the Lower Level office space.
2. That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager of Realty Services, the offer submitted by Sysco Canada, Inc. to purchase 65.36 acres, more or less, on the west side of Veteran's Memorial Parkway, north of Bradley Avenue, and being comprised of a portion of Block 2 on Plan 33M-592 and part of Part 1 on Plan 33R-4340, as outlined on the sketch ~~attached~~ hereto as Schedule C, at a purchase price of \$3,476,106.00 (reflecting a price of \$53,184.00 per acre), as adjusted for a grading rebate to \$726,106.00 (\$11,109.33 per acre) **BE REFUSED**, it being noted that Civic Administration continues to negotiate an acceptable Purchase Price.
3. That, on the recommendation of the Chief Human Resources Officer, the Mayor and the City Clerk **BE AUTHORIZED** to execute the Collective Agreement for the period January 1, 2011 to December 31, 2014, between The Corporation of the City of London and the Canadian Union of Public Employees (CUPE), Local No. 101, as contained in the report dated November 30, 2011 from the Chief Human Resources Officer.

Motion Passed

### **30th Report of Finance and Administration Committee (continued)**

Motion made by Councillor J. P. Bryant to Approve clause 10, as amended.

Motion Passed

Clause 10, as amended reads as follows:

That based upon the referral to the Finance and Administration Committee from the Mayor's office of a letter dated November 28, 2011 from Senior Counsel of the Ombudsman Ontario to the Mayor inviting the Mayor to:

- "Please provide copies of the following documentation to assist with our investigation, by December 9, 2011:
  - The closed session agenda for the November 7, 2011 meeting.

- The closed session minutes from the November 7, 2011 meeting.
- Any documents (letters, reports, etc.) that were considered during the closed session.
- Any other documents related to the matter being investigated.”

and based upon the representation in that letter that “[i]f the City intends to withhold or redact information on the basis of solicitor-client privilege, we require that you provide us with a list of the information and/or documents being withheld, including the date, the nature of the document, and the name of its creator and addresses, as well as the reason for not disclosing the document in response to our request”;

and having regard to the reasons of the Supreme Court of Canada in Canada (*Privacy Commissioner*) v. *Blood Tribe Department of Health* which describe the reason for not disclosing solicitor-client privileged documents as follows: “It is well established that the general words of a statutory grant of authority to an office holder such as an ombudsperson ... do not confer a right to access solicitor-client privileged documents, even for the limited purpose of determining whether the privilege is properly claimed. That role is reserved to the courts. Express words are necessary to permit a regulator or other statutory official to “pierce” the privilege”.

That the following actions be taken in response to the request of the Ontario Ombudsman, dated November 28, 2011, on the basis that the Confidential Minutes of the Committee of the Whole meeting relating to the occupation of Victoria Park are subject to both solicitor-client and litigation privilege and on the basis that anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by or proceedings before the Ombudsman under the Ombudsman Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court: and on the basis that the Ombudsman will not, disclose any information received by him or her as Ombudsman except that the Ombudsman may disclose in any report made by him under this Act such matters as in the Ombudsman’s opinion ought to be disclosed in order to establish grounds for his or her conclusions and recommendations.

- (a) the City Clerk BE INSTRUCTED to withhold or redact the November 7, 2011 closed session minutes and any documents that were considered during the November 7, 2011 closed session, on the basis of solicitor-client privilege except that the City Clerk is directed not to redact any paragraphs in the confidential minutes indicating a vote on a direction or instruction to officers, employees, solicitors or agents of the municipality and the identity of the officers, employees, solicitors or agents of the municipality to whom any direction or instruction was given but the City Clerk shall treat as confidential and privileged any instructions to the city’s solicitors that were given and the City Clerk will not waive confidentiality or privilege in communicating the confidential minutes to the Ombudsman;
- (b) the City Clerk BE INSTRUCTED to disclose to the Ombudsman any description contained in the confidential minutes which identifies the documents considered at the closed meeting provided that by making such disclosure the City Clerk does not waive confidentiality or privilege with respect to any advice subject to solicitor-client privilege; and
- (c) the City Clerk BE DIRECTED to:
  - (i) provide the confidential minutes as redacted to the Ombudsman on the basis that the confidential minutes as redacted continue to be confidential and privileged;
  - (ii) to withhold in their entirety any confidential reports from the city’s solicitors on the basis of maintaining solicitor-client privilege and subject to the requirements for confidentiality that apply to the Ombudsman as set out in the Ombudsman Act and Regulations.

**Licensing Appeal Committee – Record of Proceeding (continued)**  
Councillor D.G. Henderson Presents

Motion made by Councillor D. Henderson to Approve that the appeal of Slawomir Bielawski from the Cab Priority List BE DENIED for the following reasons:

- (a) the appellant failed to meet the requirements of section 13.5 (a) of the Taxicab & Limousine Licensing By-law to maintain status on the Cab Priority List;



- (b) it has been made clear that Mr. Bielawski has been driving limousine, is currently driving limousine and wants to continue to drive limousine;
- (c) Mr. Bielawski stated under his own signature (Exhibit #4 document dated October 27, 2010) that he is a limousine driver; and,
- (d) ample notice of the requirements to maintain status on the Cab Priority List was provided by the City.

Motion Passed

Motion made by Councillor B. Polhill and seconded by Councillor J.B. Swan, to Approve 1st Reading of Bill Nos. 18 and 19.

Motion Passed

Motion made by Councillor W.J. Armstrong and seconded by Councillor J.L. Baechler, to Approve 2nd Reading of Bill Nos. 18 and 19.

Motion Passed

Motion made by Councillor B. Polhill and seconded by Councillor J.B. Swan, to Approve 3rd Reading of Bill Nos. 18 and 19.

Motion Passed

The following by-laws are passed and enacted as by-laws of The Corporation of the City of London:

Bill No. 18 By-law No. A.-6759-11	A by-law to authorize the Mayor and City Clerk to execute the collective Agreement between The Corporation of the City of London and Canadian Union of Public Employee (CUPE) Local No. 101. (3/1/CW)
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Bill No. 19 By-law No. A.-6760-12	A by-law to authorize the renewal of the lease of property at 151 Dundas Street and 383-391 Richmond Street, and to authorize the Mayor and City Clerk to execute the Lease Amending Agreement between The Corporation of the City of London and Farhi Holdings Corporation and BSN London Corporation. (1/1/CW)
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### **XIII ADJOURNMENT**

Motion made by Councillor J.B. Swan and seconded by Councillor W.J. Armstrong to Adjourn.

Motion Passed

The meeting adjourned at 12:14 p.m.

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Joe Fontana, Mayor

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Catharine Saunders, City Clerk