

6TH REPORT OF THE
PUBLIC SAFETY COMMITTEE

Meeting held on June 19, 2012, commencing at 4:00 PM, Second Floor, London City Hall.

PRESENT: Councillor D. Brown (Chair), Mayor J. Fontana, Councillors B. Armstrong, J.P. Bryant, P. Hubert and B. Polhill and J. Martin (Secretary).

ALSO PRESENT: Councillor S. Orser, I. Collins, O. Katolyk, J. Kobarda, P. Kokkoros, J. Page and J. Smout.

I. DISCLOSURES OF PECUNIARY INTEREST

1. That it **BE NOTED** that Councillor D. Brown disclosed a pecuniary interest in clause 4 of this report, relating to proposed amendments to the Taxi/Limousine By-law, by indicating that her employer has a taxi business.

II. CONSENT ITEMS

2. License Agreement for Use of 80 Dundas Street for Communication Equipment

Recommendation: That, on the recommendation of the Fire Chief, the attached by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting to be held on June 26, 2012 to:

- i) approve a License Agreement with Her Majesty the Queen in Right of Ontario as Represented by the Minister of Infrastructure to license space to maintain a two-way FM communications system at 80 Dundas Street at the rate of \$260 per annum for the period Nov 1, 2011 to October 31, 2021; and,
- ii) authorize the Mayor and the Clerk to sign the agreement.
(2012-L03-00)

3. Municipal By-law Enforcement Services - Monthly Statistics

Recommendation: That, on the recommendation of the Director of Building Controls and Chief Building Official, the monthly statistics report (January – May 2012) for Municipal Law Enforcement Services **BE RECEIVED**. (2012-P10-00)

III. SCHEDULED ITEMS

4. Housekeeping Amendments - Taxi/Limousine By-law

Recommendation: That the following actions be taken with respect to the proposed by-law amendments to By-law L-129-51, Taxi/Limousine By-law:

- a) the attached proposed by-law to amend By-law L-129-51, Taxi/Limousine By-law **BE INTRODUCED** at the Municipal Council meeting on June 26, 2012; it being noted that the by-law amendment addresses typographical errors and provides for an extension to the compliance date for camera installations; and,
- b) the additional concerns brought forward at the Public Participation Meeting with respect to this matter **BE REFERRED** to Civic Administration for consideration;

it being noted that the Public Safety Committee heard a presentation from the Manager of Licensing and Municipal Law Enforcement Services, 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;

- J. R. Donnelly, Vice President, Aboutown, 1 Bathurst Street – providing comments as outlined in the attached submission.
- J. Donnelly, Sr., Aboutown, 1 Bathurst Street – providing comments as outlined in the attached submission.
- D. Veer Saini – providing comments as outlined in the attached submission.
- A. Hammoud – providing comments as outlined in the attached submission.
- B. Howell, London Taxi Association – expressing opposition to the installation of cameras as no convictions have resulted from this action; noting that the requirement to submit information regarding fares is an invasion of privacy, and the limitation on the number of hours is unrealistic; noting he has met with O. Katolyk to discuss these items and has indicated that if the by-law could be reviewed, they would be willing to withdraw the court challenge and is looking for some guidance from the committee.
- A. Hassan, Yellow London Taxi – indicating he has been in this profession for 16 years and expressing concerns with the by-law review, its transparency, accountability, consultation expenses, and noting not enough information was gathered from the industry itself and that the by-law is a discriminatory one.
- R. Amini, President, London Taxi Association – indicating that the industry concerns and issues are not being heard and that penalties for 6 demerit points, in 3 years is unrealistic and that there are too many restrictions.
- D. Riley – expressing concern with the disclosure of income and the hours of work suggesting 14 hours on and 10 off is preferable; indicating that this industry is dangerous and hard to make a living; noting hope that council will listen to their concerns and use common sense when considering amendments and noting the by-law directly affects the drivers.
- S. Sava, Driver – indicating this is a tough by-law and the industry is has many challenges including public aggravation; noting large expenses make it hard to make a living and stating that the alternative for these drivers could be to stop driving and go on welfare.
- D. McCann – requesting that staff listen to the drivers and owners.
- M. Rahi – stating that expenses in the industry are large, close to \$3,500/month; and noting it requires a lot of hard work to make a living.
- K. Bahsa – indicating that there is abuse of the law, as vehicle for hire licence numbers don't match.
- S. Al Fuady – stating he sees enemies, not assistance from the City and asking for reconsideration of the by-law.
- H Mohammed, Driver – indicating he has been a driver for 10 years and that this by-law is the only business by-law; suggesting it is not practical or acceptable, and requesting a review; expressing concern with having to report all tickets and accidents and suggesting that 6 demerit points is too low, advising that most drivers are highly educated.
- M. Hassin – indicating the City should have a law professor and City legal review the by-law.
- Hassan - indicating he has been a driver for 8 years and expressing concern with demerit points resulting in the loss of employment; stating this is the worst by-law he has ever seen and targets immigrants and minorities that have come to Canada to be safe; stating the industry employs well-educated immigrants not able to find employment in their chosen occupation; and requesting that the by-law be reconsidered with thought for the families affected indicating no one gives these employees a chance and they are doing the dirtiest jobs.
- F. Bander - advising he is an Owner/Operator; stating that it would be more beneficial to the drivers to let the City take ownership of all the plates, cars, insurance, and employ the drivers at a minimum wage of \$5.00 to \$7.00; stating that he cannot afford the cost to replace vehicles to meet the standards, that the system in Canada is not working and noting the drivers are the sole provider for their families.

- F. Saler - indicating he is a driver and sharing a story about his young son who thinks City Hall hates his father.
- J. Nazargahi – indicating that he was an Engineering student at UWO who returned to Canada to reside to make a better life for his family; advising that the by-law is not logical and does not help the industry; stating that the industry assists with community safety by taking home people unfit to drive and reporting criminal activity.
- R. Ashakassate – advising that there was no consultation with the industry when the by-law was being written.
- M. Ali – requesting the by-law be rewritten with consultation from the driver/owners. (2012-G05-00)

5. **Amendment to Fees and Charges By-law Waiving Fireworks Display Permit Fees**

Recommendation: That, on the recommendation of the Fire Chief, the following actions be taken with respect to the Fees and Charges By-law as it relates to Firework Displays:

- a) the attached proposed by-law (Appendix A) **BE INTRODUCED** at the June 26, 2012 Municipal Council meeting, to amend the Fees and Charges By-law A-42 to provide for the waiving or reduction of fees for Fire Work Display inspection/permit where Council, by resolution, has agreed to the waiving or reduction; and,
- b) the permit fees for the Canada Day Firework Display held by the West Park Baptist Church and the Optimist Club of Summerside **BE WAIVED** for 2012. (2012-G05-00)

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

- J. Martin – expressing a concern with respect to the noise associated with firework demonstrations.

6. **3rd, 4th and 5th Reports of the Animal Welfare Advisory Committee**

Recommendation: That the following actions be taken with respect to the 3rd, 4th, and 5th Reports of the Animal Welfare Advisory Committee from its meetings held on April 5, May 3 and June 7, 2012, respectively;

- a) the following actions be taken with respect to the attached communication dated March 12, 2012 from the Ontario Wildlife Coalition relating to humane resolution to human-wildlife conflicts:
 - i) the Municipal Council **BE REQUESTED** to support and implement a progressive and humane response program related to human-wildlife conflicts in the municipality; it being noted that this matter was identified in the Beaver Wildlife Management Strategy, dated December 13, 2011 and relating to the Stanton Drain Remediation and Storm Water Management Facility Construction;
 - ii) Civic Administration **BE DIRECTED** to refrain from further action with respect to any current beaver intervention, pending the development of the program noted in a) above; it being noted that AWAC is reviewing the environmental impact study and will submit an additional report with recommendations to Municipal Council regarding the resident beaver noted in the above-noted report; and,
 - iii) a representative from Stormwater Management **BE INVITED** to a future meeting of the AWAC to discuss strategies to discourage circumstances which foster human-wildlife conflicts.
- b) clauses 1 through 6 of the 3rd Report, **BE RECEIVED**;

- c) further to the above-noted recommendation, the Civic Administration **BE REQUESTED** to take no action with respect to the removal of the beavers in the Stanton Drain Remediation Project; it being noted that the AWAC is preparing a report providing evidence of the key role the beaver plays in the ecosystem and alternative non-lethal solutions; it being further noted that the AWAC heard a verbal presentation from D. Harris, on behalf of the Wildlife Sub-committee;
- d) clauses 2 through 9 of the 4th Report, **BE RECEIVED**.
- e) the following actions be taken with respect to Bill 69, *Elephant Protection Act 2012*; it being noted, the Public Safety Committee received the attached presentation from V. VanLinden with respect to this matter:
 - i) the Mayor **BE REQUESTED** to write a letter of support to the Honourable L. Berardinetti, MPP;
 - ii) the Animal Welfare Advisory Committee **BE REQUESTED** to prepare a presentation for the Public Safety Committee (PSC), with respect to banning the use of exotic animals in circuses, including information on current municipalities who have enforced this ban;
 - iii) the London Police Services Board **BE REQUESTED** to provide information to the Public Safety Committee with respect to any Criminal Code enforcement that may be related to this matter; and,
- f) clauses 2 through 9 of the 5th Report, **BE RECEIVED**.

IV. ITEMS FOR DIRECTION

7. Requests for Delegation Status

Recommendation: That the following actions be taken with respect to requests for delegation status:

- a) that Civic Administration **BE REQUESTED** to review the Sign & Canopy By-law with respect to the issue of temporary real estate banners; it being noted that the Sign & Canopy By-law was recently amended by City Council to provide for greater opportunities for real estate advertisement; it being further noted that the Public Safety Committee received the attached presentation from S. Farhi, Farhi Holdings Corporation, with respect to this matter;
(*Secretary's Note: The presentation is available for viewing in the City Clerk's office.*)
- b) the request for delegation status of G. Hare, London Knights Hockey Club, with respect to the Sign and Canopy By-law, **BE ACCEPTED** and scheduled for the next meeting of the Public Safety Committee;
- c) that Municipal Council **BE REQUESTED** to approve the installation of flag pole banners in the Argyle Business Improvement Association and the Civic Administration **BE DIRECTED** to work with the Argyle BIA in the design development and installation of the flag pole banners; it being noted that the Public Safety Committee received the attached presentation from C. Olech and N. McSloy, Argyle Business Improvement Association with respect to this matter;
- d) the Civic Administration **BE REQUESTED** to review the Sign & Canopy By-law with respect to home-occupation signs, giving special consideration to the possibility of amending the regulations with a focus on differentiating between street classifications and home occupation locations and to work with M. Gilbert to investigate potential signage options with respect to this matter; it being noted the Public Safety Committee received a presentation from M. Gilbert M. Gilbert, Mortgage Intelligence, with respect to this matter; and,

- e) the request for delegation status of S. Taylor, with respect to the Pool Fence By-law, **BE ACCEPTED** and scheduled for the next meeting of the Public Safety Committee.

8. **Contraband Tobacco**

Recommendation: WHEREAS Contraband tobacco has negative public consequences and impacts such as unrestricted youth access to tobacco products, and an increase in criminal activity;

AND WHEREAS contraband tobacco products are easily accessible in our community;

AND WHEREAS small businesses are sometimes forced to close because of the sale of contraband tobacco;

AND WHEREAS small business in our community and government in general stand to benefit from the institution of tougher restrictions on contraband tobacco;

THEREFORE be it resolved that the Mayor **BE REQUESTED** to write a letter to the Ontario Minister of Finance in support of the Ontario Government's most recent Budget commitments to eradicate contraband tobacco through the implementation of additional regulatory, enforcement and other provisions in Bill 186 and amendments to the Tobacco Tax Act. Particularly, in support of measures such as:

- increased fines for those convicted of offenses related to contraband tobacco;
- more authority for law enforcement officials with respect to: forfeiture of items seized, and impounding of vehicles;
- drawing on the best practices of other jurisdictions and working collaboratively with the federal government and other jurisdictions to enhance contraband tobacco control through joint enforcement efforts;

AND that the provincial government be encouraged to continue to strengthen their strategies to address the manufacture and supply of contraband tobacco and maintain their commitment to introduce amendments this fall to implement these measures;

AND that surrounding municipalities be made aware of the actions taken by this Committee to address the concerns presented by contraband tobacco;

it being noted the Public Safety Committee reviewed and received a communication dated June 8th, 2012, from Dave Bryans, President and CEO of the Ontario Convenience Stores Association (OCSA) with respect to this matter.(2012-P00-00)

9. **Agreement for On-Line Training System**

Recommendation: That, on the recommendation of the Fire Chief, the attached proposed by-law (Appendix A) **BE INTRODUCED** at the June 26, 2012 Municipal Council meeting to:

- a) approve an Agreement with Desire2Learn Incorporated, 151 Charles Street West, Suite 400, Kitchener, Ontario N2G 1H6 attached as "Schedule A" to provide an on-line training system; and,
- b) authorize the Mayor and the Clerk to sign the agreement. (2012-L03-00)

10. **2nd and 3rd Report of the Community Safety and Crime Prevention Advisory Committee**

Recommendation: That the following actions be taken with respect to the 2nd and 3rd Reports of the Community Safety and Crime Prevention Advisory Committee from its meetings held on March 22, and April 26, 2012 respectively:

- a) the Community Safety and Crime Prevention Advisory Committee (CSCP) **BE PROVIDED** copies of all public reports related to the Fleming Drive incident of March 17 and 18, 2012;
- b) the Civic Administration **BE REQUESTED** to provide the Community Safety and Crime Prevention Advisory Committee (CSCP) with the rational and supporting evidence relating to the installation and use of the red light cameras;
- c) that clauses 3 through 11 of the 2nd Report, **BE RECEIVED**; and,
- d) that clauses 1 through 7 of the 3rd Report, **BE RECEIVED**.

11. **1st Report of the Town and Gown Committee**

Recommendation: That the following actions be taken with respect to the 1st Report of the Town and Gown Committee from its meeting held on April 17, 2012:

- a) the Town and Gown Association of Ontario proposal with respect to licence plate denial for all defaulted Provincial Offences Act fines **BE SUPPORTED**;
- b) the following actions be taken with respect to the Public Nuisance By-law and proposed amendments thereto:
 - i) the Public Nuisance By-law **BE AMENDED** in accordance with the report of the City Solicitor, dated April 2, 2012, provided to the Public Safety Committee; and,
 - ii) the following comments, received by the Town and Gown Committee at its meeting held on April 17, 2012, **BE FORWARDED** to the Public Safety Committee for consideration in conjunction with the recommendation in a), above:
 - Jim Barber, City Solicitor - advising that he was asked to prepare a report and by-law in 2008, indicating that this revised by-law would enable localized enforcement, and additional measures, the City could take.
 - Tom Gafferty, London Police Services – advising that only the highest ranking could enact the public nuisance call.
 - Glenn Matthews, University of Western Ontario - recognizing that high density residential areas can be problematic and asking what stopped the by-law from going forward in 2008.
 - Jack Goodwin, 277 Fleming Drive - indicating that the situation warranted a street closure to control access to the area, noting that O. Katolyk answered indicating that this was not an option but the amended by-law would address this.
 - Councillor Matt Brown – advising that we currently don't have the ability to be proactive and that the by-law would provide the ability to be proactive; noting that we are not just dealing with students from Fanshawe and identifying that a survey in 2008 ranked the nuisance by-law as the 5th priority for council.
 - Emily Marcoccia, Fanshawe College – advising that Fanshawe College Administration supports the by-law as a mitigation strategy, a proactive approach and a first step to dealing with the issue; indicating that the community partners have done a lot of work since 2008.
 - Veronica Barahona, Fanshawe Student Union – advising the student union supports both the City and College and noting that housing is not a campus issue.

- Robert Sexsmith, 120-1231 Sanford St – requesting clarification on how the by-law would be enforced at a downtown for profit event and/or neighbourhood party, as the downtown is becoming a neighbourhood with downtown campus locations with storefront housing; it being noted T. Gafferty and O. Katolyk responded to Mr. Sexsmith’s enquiry.
 - Councillor Judy Bryant – advising that the bylaw could address potential future issues as the downtown changes to become more of a downtown neighbourhood.
 - Patrick Searle, UWO Student’s Council – expressing concern as to where the by-law will fit.
 - John Young, Fanshawe Student Union – suggesting this bylaw targets students, noting potential hotspots need to be identified and advising over 1,000 students live in residence, with little issues.
- c) the following actions be taken with respect to the Greater Near-Campus Neighbourhoods Strategy;
- i) all community partners **BE REQUESTED** to review and provide a progress report, including additional proposed initiatives and implementation dates, to support the Greater Near-Campus Neighbourhoods Strategy; and,
 - ii) the Civic Administration **BE REQUESTED** to review the Fanshawe Neighbourhood as a priority for rezoning as identified in the above noted strategy;
- d) the following actions be taken with respect to Brescia University College;
- i) that Civic Administration **BE REQUESTED** to review the concept of a safe crossing strategy to allow a simplified process for the installation of safer pedestrian crossings; and,
 - ii) that Brescia College residences **BE UTILIZED** as a pilot program for the above-noted strategy for the crossings on Sarnia Road; it being noted that the Town and Gown Committee received a Notice dated March 6, 2012, with respect to the application of Brescia University College; and,
- e) that clauses 5 through 7, **BE RECEIVED**.

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. CONFIDENTIAL

- C-1 That the Public Safety Committee (PSC) moved in camera from 5:50 PM to 6:16 PM, after having passed a motion to do so, with respect to a matter that is subject to solicitor-client privilege, including communications necessary for that purpose, with respect to the application of London Taxicab Owners’ and Drivers’ Group Inc. to the Ontario Superior Court of Justice, bearing Court File No. 7123/12 in connection with By-law L.-129-51, the Taxi and Limousine Licensing By-law; and giving instructions and directions to the solicitors of the municipality in connection with the application filed in the Ontario Superior Court of Justice.

See Confidential Appendix to the 6th Report of the Public Safety Committee and the Taxi/Limousine By-law.

VII. ADJOURNMENT

The meeting adjourned at 9:30 PM.