



London
CANADA

COUNCIL MINUTES

August 28, 2012

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

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

ABSENT: D. Brown.

ALSO PRESENT: A. Zuidema, J. Barber, J. Braam, B. Coxhead, J.M. Fleming, E. Gamble, G. Hopcroft, G. Kotsifas, V. McAlea Major, L. Palarchio, J. Ramsay, M. Ribera, L.M. Rowe, B. Warner and B. Westlake-Power.

At the beginning of the Meeting all Members are present, except Councillor D. Brown.

I RECOGNITIONS

1. His Worship the Mayor presents the 2012 Queen Elizabeth Scholarships to Matthew Ng from A.B. Lucas Secondary School (average 98.17%) and acknowledges recipient Ah Jeong Yeom from H.B. Beal Secondary School (average 98.83%), who was unable to attend the Council Meeting.
2. His Worship the Mayor recognizes the Rowbust Dragon Boat Racing Team for winning the Canadian National Dragon Boat Championship in Montreal.

II DISCLOSURES OF PECUNIARY INTEREST

Councillor J.B. Swan discloses a pecuniary interest in clause 2 of the 14th Report of the Investment and Economic Prosperity Committee and the associated Bill No. 337, having to do with an Agreement between the City of London and Donald Jones Management Services Inc., by indicating that his employer rents space at Centennial Hall.

Councillor N. Branscombe discloses a pecuniary interest in clause 4 of the 23rd Report of the Finance and Administrative Services Committee having to do with the South London Community Pool Filter Replacement Project Tender, by indicating that she has a financial relationship with the proponent, for her property.

Councillor M. Brown discloses a pecuniary interest in clause 4 of the 11th Report of the Community Services Committee and the associated Bill No. 339, having to do with an Agreement between the Thames Valley District School Board (TVDSB) and the City of London Joint for Use of Facilities, by indicating that the TVDSB is his employer.

Councillor D.G. Henderson discloses a pecuniary interest in clause 19 of the 21st Report of the Planning and Environment Committee having to do with OrgaWorld Canada Limited, on Wellington Road South, by indicating that he has been contracted by ATL International and Phytoceuticals International to look at solving the problem of odours at the facility.

III CONFIRMATION AND SIGNING OF THE MINUTES OF THE FOURTEENTH MEETING HELD ON JULY 24 AND 25, 2012

Motion made by Councillor P. Van Meerbergen and seconded by Councillor B. Polhill to Approve the Minutes of the Fourteenth Meeting held on July 24 and 25, 2012.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, 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

Motion made by Councillor S.E. White and seconded by Councillor H.L. Usher to Approve that pursuant to section 7.4 of the Council Procedure By-law, the order of business be changed to permit consideration of clause 19 of the 21st Report of the Planning and Environment Committee, at the beginning of the consideration of the 21st Report of the Planning and Environment Committee and consideration of clause 5 of the 11th Report of the Community Services Committee, at 6:30 PM.

Motion Passed

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

RECUSED: D.G. Henderson (1)

Motion made by Councillor P. Hubert and seconded by Councillor N. Branscombe to Approve that Council rise and convene as the Approval Authority at 5:21 PM pursuant to the provisions of the *Expropriations Act*, R.S.O. 1990, c. E. 26, as amended, for the purpose of considering Communication Nos. 1 and 2, from the Managing Director – Corporate Assets, dealing with the proposed expropriation of lands on the south side of Dingman Drive, east of Wonderland Road South.

Motion Passed

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

1. Managing Director - Corporate Assets - Expropriation of Lands - South Side of Dingman Drive - East of Wonderland Road South

Motion made by Councillor P. Van Meerbergen and seconded by Councillor N. Branscombe to Approve that, on the recommendation of the Managing Director – Corporate Assets, on the advice of the Manager Realty Services, with respect to the expropriation of lands for the Dingman Creek Erosion Control Wetland Facility, on the south side of Dingman Drive and east of Wonderland Road South, the following actions be taken:

- a) the Council of The Corporation of the City of London, as approving authority pursuant to the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended, HEREBY APPROVES the proposed expropriation of land on Dingman Drive, as described in Appendix “A” ~~attached~~ hereto, in the City of London, County of Middlesex, it being pointed out that the reasons for making this decision are as follows:
 - i) the subject lands are required by The Corporation of the City of London for the Dingman Creek Erosion Control Wetland Facility;
 - ii) the design of the road improvements will address existing and future needs of stormwater management and erosion control on Dingman Creek; and
 - iii) the design is in accordance with the Municipal Class Environmental Assessment Study for the Storm Water Management Erosion Control Wetland Facility in Dingman Creek accepted by Council on July 27, 2009;
- b) a certificate of approval BE ISSUED in the prescribed form;

it being noted that there was a request for a Hearing of Necessity received and was heard on June 22, 2012 from the property owners for property that is required for the project and that the following notification was received on July 12, 2012, from the Inquiry Officer from the Hearing as follows: “I am not satisfied on the evidence that there is an alternative place for works to be commenced, and in the circumstances, as previously mentioned, the taking herein is fair, sound and reasonably necessary as illustrated.”

Motion Passed

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

Motion made by Councillor B. Polhill and seconded by Councillor J.P. Bryant to Approve that the Approval Authority adjourn and reconvene as the Municipal Council.

Motion Passed

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

The Approval Authority adjourns and the Municipal Council reconvenes at 5:23 PM.

Motion made by Councillor B. Polhill and seconded by Councillor S. Orser to Approve that, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with respect to the expropriation of lands for the Dingman Creek Erosion Control Wetland Facility, on the south side of Dingman Drive and east of Wonderland Road South, the following actions be taken:

- a) the Council of The Corporation of the City of London, as approving authority pursuant to the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended, HEREBY APPROVES the proposed expropriation of land on Dingman Drive, as described in Appendix "A" ~~attached~~ hereto, in the City of London, County of Middlesex, it being pointed out that the reasons for making this decision are as follows:
 - i) the subject lands are required by The Corporation of the City of London for the Dingman Creek Erosion Control Wetland Facility;
 - ii) the design of the project will address the future needs of stormwater management and erosion control on Dingman Creek;
 - iii) the design is in accordance with the Municipal Class Environmental Assessment Study Recommendations for the Storm Water Management Erosion Control Wetland Facility in Dingman Creek accepted by Council on July 27, 2009;
- b) that a certificate of approval BE ISSUED in the prescribed form;
- c) it being noted that there was a request for a Hearing of Necessity received and was heard on June 22, 2012 from the property owners for property that is required for the project; and
- d) on July 11, 2012 the following notification being received from the Inquiry Officer from the Hearing as follows: " I am not satisfied on the evidence that there is an alternative place for works to be commenced, and in the circumstances, as previously mentioned, the taking herein is fair, sound and reasonably necessary as illustrated."

2. Managing Director - Corporate Assets - Expropriation of Lands - South Side of Dingman Drive - East of Wonderland Road South

That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, with respect to the approval by the Council of The Corporation of the City of London, as approving authority of the proposed expropriation of lands as required for the Dingman Creek Control Wetland Facility, on the south side of Dingman Creek and east of Wonderland Road South, the following actions be taken:

- a) the proposed expropriation by-law ~~attached~~ as Appendix 'B' BE INTRODUCED at the Municipal Council meeting on August 28, 2012, by The Corporation of the City of London as Expropriating Authority, with respect to the lands described in Appendix 'A' ~~attached~~ hereto;
- b) the Civic Administration BE AUTHORIZED AND DIRECTED to prepare a plan or plans showing the lands to be expropriated for registration in the appropriate registry, or land titles office, pursuant to the *Expropriations Act*; and
- c) the Civic Administration BE AUTHORIZED AND DIRECTED to execute and serve the

notice of expropriation required by the *Expropriations Act* and such notices of possession that may be required to obtain possession of the expropriated lands.

Motion Passed

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

3. A. Soufan, President, York Developments - Property Located at 915 Southdale Road West

Motion made by Councillor P. Van Meerbergen and seconded by Councillor B. Polhill to Approve the referral of Communication No. 3 to the Planning and Environment Committee stage for consideration with Clause 10 of the 21st Report of the Planning and Environment Committee.

Motion Passed

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

VI MOTIONS OF WHICH NOTICE IS GIVEN

None.

VII ADDED REPORTS

1. 23rd Report of the Finance and Administrative Services Committee
2. 12th Report of the Strategic Priorities and Policy Committee

VIII REPORTS

13th Report of the Civic Works Committee
Councillor H.L. Usher presents.

Motion made by Councillor H.L. Usher to Approve clauses 1 – 9, inclusive.

1. Disclosure of Pecuniary Interests

That it BE NOTED that no pecuniary interests were disclosed.

2. Amendments to the Traffic and Parking By-law to Address Safety Issues During the Western Fair

That, on the recommendation of the Managing Director, Engineering and City Engineer, the ~~attached~~ proposed by-laws (Appendix "A" and "B") BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012, for the purpose of amending the Traffic and Parking By-law (P.S. 111) to address safety concerns during the Western Fair. (2012-G05-00)

3. Supply and Delivery of Highway Salt (Tender 12-76)

That, on the recommendation of the Managing Director, Engineering and City Engineer, the following actions be taken with respect to the supply and delivery of highway salt (Tender 12-76):

- a) the bid submitted by The Canadian Salt Company Limited, 1195 Courtney Park Drive East, Mississauga, ON, L5T 1R1, at their tendered price of \$62.87 per tonne, including delivery and excluding H.S.T., for a two (2) year period with options for three (3) additional one (1) year extensions, BE ACCEPTED; it being noted that The Canadian Salt Company Ltd. was the overall lowest bid and meets the terms, conditions, requirements and specifications in all areas;
- b) the Civic Administration BE AUTHORIZED to undertake all of the administrative acts that are necessary in connection with this contract; and,

- c) the approval hereby BE CONDITIONAL upon the Corporation entering into a formal contract or issuing purchase orders or a contract record relating to this approval. (2012-W00-00)

4. London Road Safety Strategy - Appointment of Consulting Engineer
(Project Number TS4040)

That, on the recommendation of the Managing Director, Engineering and City Engineer, the following actions be taken with respect to the appointment of a consultant for the London Road Safety Strategy (LRSS) study:

- a) CIMA BE APPOINTED the Consulting Engineers for the said project in the amount of \$197,931.00, excluding H.S.T., in accordance with Section 15 of the Procurement of Goods and Services Policy;
- b) b) the financing for this project BE APPROVED as set out in the Sources of Financing Report included as Appendix 'A' to the associated staff report, dated August 21, 2012;
- c) the consulting fees for the project BE IN ACCORDANCE with the estimate, on file, which is based upon the Fee Guideline for Professional Engineering Services, recommended by the Ontario Society of Professional Engineers;
- d) the approval hereby BE CONDITIONAL upon the Corporation entering into a formal contract with the consultant for the work; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2012-A09-3-00)

5. Highway 401/Westminster Drive Structure Replacement - Ministry of
Transportation Class Environmental Assessment

That, on the recommendation of the Managing Director, Engineering and City Engineer, the Preferred Plan for the Preliminary Design and Class Environmental Assessment Study conducted by the Ontario Ministry of Transportation, for improvements at the Highway 401 Westminster Drive Bridge BE ENDORSED; it being noted that this endorsement is for the technical aspects of the Plan, including the following:

- a) the replacement of the bridge on existing alignment;
- b) a grade raise of approximately one metre on Westminster Drive and the south intersection with White Oak Road; and,
- c) a bridge closure for a period up to three-months during construction. (2012-S11-00)

6. Hyde Park Road Widening Phase 1, North of Oxford Street to North of
CN Railway Appointment of Consulting Engineer (TS1477-1)

That, on the recommendation of the Managing Director, Engineering and City Engineer, the following actions be taken with respect to the appointment of a consultant for the Hyde Park Road Widening Phase 1 Project (TS1477-1):

- a) Delcan Corporation BE APPOINTED the Consulting Engineers for the detailed design and tendering of the said project in the amount of \$965,680.00, excluding H.S.T.; it being noted that this firm has provided a proposal for consultant engineering services, based upon the Fee Guideline for Professional Engineering Services recommended by the Ontario Society of Professional Engineers, and in accordance with Section 15.2 (e) of the City of London's Procurement of Goods and Services Policy; it being further noted that approval to proceed with subsequent phases of engineering services for this project will be subject to satisfying all financial, reporting and other conditions contained within this Policy;
- b) the financing for this project BE APPROVED as set out in the Sources of Financing Report included as Appendix 'A' to the associated staff report, dated August 21, 2012;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;

- d) the approvals hereby BE CONDITIONAL upon the Corporation entering into a formal contract with each Consultant for their respective project; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2012-A03-00)

7. Foundation Drain Disconnection to Mitigate Basement Flooding

That, on the recommendation of the Managing Director, Engineering and City Engineer, the information report dated August 21, 2012, with respect to foundation drain disconnections to mitigate basement flooding, BE RECEIVED. (2012-W10-00)

8. Single Source Purchasing of New Dome Bricks for the Greenway Sludge Incinerator

That, on the recommendation of the Managing Director, Engineering and City Engineer, the following actions be taken with respect to the purchase of new dome bricks to rebuild the Greenway Incinerator dome (ES5283):

- a) the bid submitted by NCL Novenco Consultants Limited, 2773 White Street, Val Caron, ON, P3N 1B2, in the amount of \$265,683.58, excluding H.S.T., to supply replacement refractory dome bricks for the Greenway incinerator BE ACCEPTED;
- b) the financing for this project BE APPROVED as set out in the Sources of Financing Report included as Appendix 'A' to the associated staff report, dated August 21, 2012;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this purchase; and,
- d) the approval hereby BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to the subject matter of this approval. (2012-W06-00)

9. Proposed New Procedures and Fee Structure for Developer-Led Water Servicing Under the Municipal Drinking Water Works Permit

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, in consultation with the Managing Director, Engineering and City Engineer, the following actions be taken with respect to the new procedure for applications for permission to alter drinking water infrastructure, under the City's Drinking Water Works Permit:

- a) the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012, to amend Section 2.1 of By-law W-3, the Water By-law (Appendix, "C");
- b) the revised ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012, to amend Schedule 1 of By-law A-42, the Various Fees and Charges By-law to provide a fee structure for all private water servicing applications (Appendix "D"); and,
- c) the Civic Administration BE AUTHORIZED to implement the process and by-law; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2012-W13-00)

21st Report of the Planning and Environment Committee
Councillor B. Polhill presents.

At 5:32 PM Councillor D.G. Henderson leaves the meeting.

19. Orgaworld Canada Ltd. - Wellington Road South

Motion made by Councillor B. Polhill to Approve that the following actions be taken with respect to Orgaworld Canada Ltd., located at 4675 Wellington Road South:

- a) the Civic Administration BE ASKED to report on the following at a public participation meeting to be held at a future meeting of the Planning and Environment Committee:

- i) provide comments related to the concerns identified in the attached communication, dated August 18, 2012, from the Shaver-Brockley Coalition;
 - ii) provide information as to actions that the City is able to undertake to resolve this matter;
 - iii) planning advice on the actions that the City is able to undertake to resolve this matter under the Planning Act;
 - iv) the enforcement abilities that the City is able to undertake to resolve this matter; and,
- b) Orgaworld BE ASKED to provide an update of their activities to resolve the residents' concerns;
it being noted that the Planning and Environment Committee reviewed and received a communication, dated August 8, 2012, from Councillors H.L. Usher and S. White, with respect to this matter. (2012-P07-00)

Motion Passed

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

At 5:40 PM Councillor D.G. Henderson returns to the meeting.

Motion made by Councillor B. Polhill to Approve clauses 1 to 9, inclusive.

1. Disclosures of Pecuniary Interest

That it BE NOTED that Councillor D. Henderson disclosed a pecuniary interest with respect to clause 19 of this Report, having to do with the communication dated August 8, 2012, from Councillor H.L. Usher and S. White, relating to OrgaWorld Canada Limited on Wellington Road South, by indicating that he has had proposed business dealings with ATL International and Phytoceuticals International.

2. 1st Report of the Advisory Committee on the Environment

That the 1st Report of the Advisory Committee on the Environment from its meeting held on August 1, 2012, BE RECEIVED.

3. Properties Located at 186-188 Huron Street and 2 Audrey Avenue

That, on the recommendation of the Manager, Development Planning, the report dated August 20, 2012, with respect to the site plan approval application of KAP HOLDINGS INC, relating to the property located at 186-188 Huron Street and 2 Audrey Avenue, BE RECEIVED. (2012-D11-04)

4. Property Located at 1812 Wonderland Road North

That, on the recommendation of the Chief Building Official and Director, Development and Compliance Division, based on the application of Drewlo Holdings Inc., relating to the property located at 1812 Wonderland Road North, the attached proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R1 (h.R1-7) Zone and a Holding Residential R1 Special Provision (h. R1-7(13)) TO a Residential R1 (R1-7) Zone and a Residential R1 Special Provision (R1-7(13)) Zone, to remove the h. holding provision. (2012-D11-02)

5. Elgin County Official Plan Adoption

That, on the recommendation of the Managing Director, Planning & City Planner, the report dated August 20, 2012, relating to the adoption of an Official Plan by Elgin County BE RECEIVED. (2012-D11-09/02)

6. King Street and Talbot Street - Silva Cell Tree Planting Project

That, on the recommendation of the Managing Director, Planning and City Planner, the

following actions be taken with respect to the Silva cell tree planting project to be implemented at the intersection of King Street and Talbot Street (Tender 12-90):

- a) the tender submitted by Ro-Buck Contracting, 2326 Fanshawe Park Road East, London, Ontario N5X 4A2, in the amount of \$154,239.80, including a 10% contingency, (HST extra), BE ACCEPTED; it being noted that Ro-Buck Contracting submitted the lowest of the three bids received and meets the City's terms and conditions;
- b) the financing for this project BE APPROVED as set out in the Sources of Financing Report included as Appendix "A" to the associated staff report, dated August 20, 2012;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this purchase; and,
- d) 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. (2012-E05-00)

7. Properties Located at 1631, 1635 and 1639 Richmond Street
Development and Residential Intensification on Richmond Street

That, on the recommendation of the Managing Director, Engineering and City Engineer, the storm outlet reconstruction and upgrade works and accompanying stormwater management measures to accommodate residential intensification on the properties located at 1631, 1635 and 1639 Richmond Street and the Richmond Street corridor, from Hillside Drive to the North Branch of the Thames River, BE DEFERRED until such time as site plan approval has been obtained for the above-noted properties and a development agreement has been entered into with the City of London. (2012-W10-02)

8. Building Division Monthly Report for June 2012

That the Building Division Monthly Report for June 2012 BE RECEIVED. (2012-D05-00)

9. 1st Report of the London Advisory Committee on Heritage

That the following actions be taken with respect to the 1st Report of the London Advisory Committee on Heritage (LACH) from its meeting held on August 8, 2012:

- a) the Heritage Planner BE ASKED to forward the Statement of Significance for the Glanworth Library to the owner for signature; it being noted that the London Advisory Committee on Heritage reviewed and received the Minutes from the Stewardship Sub-Committee meetings held on May 27 and July 25, 2012;
- b) the London Advisory Committee on Heritage Terms of Reference BE AMENDED to delete the Urban Design Community Voting Member and replace it with a London Area Planning Consultant Voting Representative to reflect current practice;
- c) on the recommendation of the Director, Land Use Planning & City Planner, with the advice of the Heritage Planner, the Heritage Alteration Permit Application of J. Koval, requesting permission for minor alterations to the designated heritage property located at 859 Waterloo Street, BE APPROVED; it being noted that the Heritage Planner has reviewed the proposed storm window and gable moulding changes and has advised that the impact of such alteration on the heritage features of the property identified in the Reasons for Designation is negligible; it being further noted that the London Advisory Committee on Heritage heard a verbal presentation from Mr. Koval, with respect to this matter; and,
- d) clauses 4 through 14, inclusive, of the 1st Report of the London Advisory Committee on Heritage, BE RECEIVED;

it being noted that the Planning and Environment Committee heard a verbal presentation from G. Goodlet, Chair, LACH, with respect to this matter.

Motion Passed

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

10. Property Located at 915 Southdale Road West

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application by Westfield Village Estates, relating to the property located at 915 Southdale Road West:

- a) the Approval Authority **BE ADVISED** that, at the public participation meeting of the Planning and Environment Committee held with respect to this matter, issues were raised with respect to the three holding provisions on the property;
- b) the Approval Authority **BE ADVISED** that the Municipal Council supports the approval of the ~~attached~~ Site Plan for the commercial development; and,
- c) the "Estimated Claims and Revenues Report", provided as Appendix 'A' to the associated staff report, dated August 20, 2012 **BE APPROVED**; and,

it being noted that the Civic Administration was asked to undertake a policy review of how holding provisions are applied;

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

- Ali Soufan, York Developments, applicant – expressing appreciation to the Civic Administration for their diligence in dealing with this application; advising that there are three holding provisions on this property; and requesting that the holding provisions be dealt with during the site plan approval stage to allow them to start construction this year. (2012-D11-08)

Motion Passed

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

Councillor B. Polhill moves clauses 11 to 18, inclusive.

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

11. Properties Located at 311 & 319 Wharncliffe Road North

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application by London Property Corp, relating to the properties located at 311 – 319 Wharncliffe Road North:

- a) the Approval Authority **BE ADVISED** that there were no issues raised at the public participation meeting of the Planning and Environment Committee with respect to the application for Site Plan approval to permit a four storey apartment building;
- b) the Approval Authority **BE ADVISED** that the Municipal Council supports the approval of the ~~attached~~ site plan and elevations; and,
- c) the "Claims and Revenues Report", provided as Schedule "B" to the associated staff report, dated August 20, 2012 **BE APPROVED**;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2012-D11-05)

12. Zoning By-law Amendments to Implement Commercial Policy Changes Arising from 2006 Official Plan Review

That, on the recommendation of the Director, Land Use Planning and City Planner, the ~~attached~~ proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2012, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to delete Sections 21.1 (Regional Shopping Area), 22.1 (Community Shopping Area), 23.1 (Neighbourhood Shopping Area), 24.1 (Associated Shopping Area Commercial), 25.1

(Business District Commercial), 26.1 (Arterial Commercial), 27.1 (Highway Service Commercial) and 28.1 (Restricted Service Commercial) and to replace these sections to identify the Official Plan designations that are implemented by the Zones and the purpose and intent of the zones;

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

- Ali Soufan, York Developments – requesting that the land that York Developments owns in the Southwest Area Plan area be used as a test area for this project.
- Jim Kennedy, London Development Institute – expressing appreciation to the Civic Administration for bringing the zoning in line with the Official Plan; advising that this will bring the existing Zoning By-law into conformity with OPA 438; advising that this recommendation does not implement the Urban Design Guidelines; and indicating that the Civic Administration is not close to implementing OPA 438. (2012-G05-00)

13. Access Management Guidelines and Transportation Impact Assessment Guidelines - Official Plan Amendment

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of the City of London to adopt City of London Access Management Guidelines and Transportation Impact Assessment Guidelines as Guideline Documents, pursuant to Section 19.2.2 of the Official Plan:

- a) the “Access Management Guidelines” and the “Transportation Impact Assessment Guidelines”, provided as Appendices ‘1’ and ‘2’, respectively, to the associated staff report, dated August 20, 2012, **BE ADOPTED** as Guideline Documents pursuant to Section 19.2.2 of the Official Plan; and,
- b) the ~~attached~~ proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2012 to amend the Official Plan to add the above-noted Guidelines to the list of Council approved Guideline Documents in Section 19.2.2 ii) of the Official Plan;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2012-D11-09/02)

14. Residential Intensification Policies

That, notwithstanding the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of the City of London relating to Section 3.2.3.1. “Residential Intensification Definition” and Section 3.2.3.5. “Public Site Plan Review and Urban Design policies” of the Official Plan, **BE REFERRED** back to the Civic Administration for further clarification; and,

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 Official Plan amendments, as the proposed amendments are minor;

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

- M. Doornbosch, Zelinka Priamo Ltd., representing several clients – indicating that, in the Civic Administration’s recommendation, there are beneficial changes proposed to the Official Plan; questioning the requirement for the site plan approval process; advising that some of the paragraphs in the report seem to contradict each other; and advising that, in the past applicants didn’t need site plan approval, they just applied for a building permit.
- R. Zelinka, Zelinka Priamo Ltd., on behalf of the London Area Planning Consultants (LAPC) – expressing appreciation to the Planning Department for their meaningful discussions; advising that the LAPC has concerns with the staff report; indicating that the Official Plan policies are a deterrent to intensification; advising that the policy changes provide more discretion and allow for a shorter process; noting that the LAPC will need to see how this is implemented; indicating that LAPC has asked that where development conforms to zoning, they not go through a public site plan process; noting that the Civic Administration’s response to this request is in-line; advising that existing

policies force new development into a specific area; indicating that, through Re-Think London as coordinated by the Planning Department, change in character is encouraged; noting that compatibility is not to be seen as sameness; indicating that in the Civic Administration's report, the Residential Intensification Policies are open to further review; indicating that this review is intended to deal with a narrow scope; noting that further review is necessary and indicating that he would be pleased to participate in the review process.

- J. Kennedy, London Development Institute and London Home Builders Association (LHBA) – advising that this review relates more to the LHBA than to developers; requesting clarification on a number of items as the wording is still not clear; noting that on page 171, there may be possible site plan control by-law changes and there may be some staff discretion; advising that the devil is in the details and that there may be further wording revisions necessary.
- A. Kaplansky, KAP HOLDINGS INC. – indicating that he has been a developer in London for 27 years; advising that he has learned from the Planning Department, that when they ask for clarification it makes things worse; reading “Purpose of this Amendment” on page 182 of the Planning and Environment Committee Agenda; advising that the Civic Administration is making infill worse; advising that if he wants to sever a lot, he needs to get Committee of Adjustment approval; indicating that contemporary architects cannot work in London; enquiring as to whether you are allowing intensification when you put in more restrictions; realizing that it is important to allow infill in London; advising that the Planning Department is using the Provincial Policy Statement to eliminate and control infill; and noting the previous decision PEC made with respect to his properties located at 186-188 Huron Street and 2 Audrey Avenue, relating to infill. (2012-D11-02)

15. Property Located at 230 Adelaide Street North

That, on the recommendation of the Director, Land Use Planning and City Planner, based on the application of relating to the property located at 230 Adelaide Street North, the ~~attached~~ proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2012 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of a portion of the subject property **FROM** a Light Industrial (LI2) Zone, which permits uses such as business service establishments, laboratories, manufacturing and assembly industries, offices, support, paper and allied products industries excluding pulp and paper and asphalt roofing industries, pharmaceutical and medical product industries, research and development establishments, warehouse establishments, wholesale establishments, repair and rental establishments, service and repair establishments, service trades **TO** a Light Industrial Special Provision (LI3()) Zone, which will exclusively permit an accessory parking lot for the Commercial Recreational Establishment use for the property located at 295 Rectory Street;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2012-D11-05)

16. Building By-law Amendment

That on the recommendation of the Director, Development and Compliance and Chief Building Official, the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012 to provide for construction, demolition, change of use, occupancy permits transfer of permits and inspections, and to repeal By-law B-5 and all of its amendments; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2012-G05-00)

17. Forest City Industrial Stormwater Management Facility and Westminster Wetland Complex

That, on the recommendation of the Managing Director, Engineering and City Engineer, the additional water resources and ecological monitoring and investigation for the Forest City Industrial Stormwater Management Facility and Westminster Wetland Complex BE DEFERRED and incorporated as part of the analysis of the Dingman Creek Subwatershed Study Update to the Water Resources Component; it being noted that the Planning and Environment Committee received the ~~attached~~ presentation and received a communication, dated July 26, 2012, from James R. Keron, with respect to this matter. (2012-W10-00)

The motion to Approve clauses 11 to 17, inclusive, is put.

Motion Passed

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

NAYS: J.P. Bryant (1)

The motion to Approve clause 18 is put.

18. Properties Located at 1697 Hamilton Road, 1742 Hamilton Road and 1990 Commissioners Road East

Motion made by Councillor B. Polhill to Approve that, notwithstanding the recommendation of the Director, Development & Compliance Division and Chief Building Official, the outstanding matters of the Thames Village Joint Venture Corporation relating to the Old Victoria Stormwater Management Facility No. 1, **BE REFERRED** back to the Civic Administration, for further consideration of the following:

- a) additional consultation with Don DeJong and Paul Hinde, Thames Village Joint Venture, to try to resolve the concerns outlined in their ~~attached~~ presentation;
- b) project financing to accommodate the Thames Valley Joint Venture proposal;
- c) project completion in a timely manner; and,
- d) a review of the requirements for this project in relation to other projects in the City;

it being noted that the Planning and Environment Committee heard verbal presentations and received a communication, dated August 14, 2012 from D. de Jong, and P. Hinde, Thames Village Joint Venture, with respect to this matter. (2012-W10-02)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, D.G. Henderson, P. Van Meerbergen, H.L. Usher, S.E. White (9)

NAYS: J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, J.P. Bryant (5)

At 6:12 PM Councillors W.J. Armstrong and P. Hubert leave the meeting.

20. Property Located at 1255 Brydges Street

Motion made by Councillor B. Polhill to Approve that the delegation request from Mark Simmons, Rags-2-Riches, with respect to the property located at 1255 Brydges Street BE REFERRED to the Civic Administration to follow-up with Mr. M. Simmons. (2012-D11-07)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, J.B. Swan, S. Orser, J.L. Baechler, N. Branscombe, M. Brown, D.G. Henderson, P. Van Meerbergen, H.L. Usher, J.P. Bryant, S.E. White (12)

At 6:14 PM Councillor W.J. Armstrong enters the meeting.

11th Report of the Community Services Committee
Councillor M. Brown presents.

Motion made by Councillor M. Brown to Approve clauses 1 to 3, inclusive.

1. Disclosure of Pecuniary Interests

That it BE NOTED that Councillor Brown disclosed a pecuniary interest with respect to clause 4 of this Report having to do with the Thames Valley District School Board (TVDSB) and the City of London Joint Use of Facilities Agreement, by indicating that the TVDSB is his employer.

2. Dearness Home Community Newsletter August - 2012

That the August 2012 edition of the "Dearness Newsletter" BE RECEIVED. (2012-C11-00)

3. Homelessness Partnering Strategy - Homelessness Individuals and Families Information System (HIFIS) Human Resources and Skills Development Canada (HRSDC) Contract

That, on the recommendation of the Managing Director, Neighbourhood, Children and Fire Services, the ~~attached~~ proposed by-Law BE INTRODUCED at the Municipal Council meeting to be held on August 21, 2012 to: a) approve the Contribution Agreement to be entered into between The Corporation of the City of London and Her Majesty the Queen in Right of Canada, as represented by the Minister of Human Resources and Skills Development Canada for funding under the Homelessness Partnering Strategy (HPS); b) authorize the Mayor and the City Clerk to execute the above-noted Agreement; and, c) delegate signing authority for the HPS project regarding budgets, cash flows and other financial reporting pursuant to the Agreement, provided that the monetary amounts do not exceed the maximum amount of Canada's contribution specified in the Agreement to the Managing Director, Neighbourhood, Children and Fire Services. (2012-C10-00)

Motion Passed

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

4. Thames Valley District School Board and City of London Joint Use of Facilities Agreement

Motion made by Councillor W.J. Armstrong to Approve that, on the recommendation of the Managing Director, Parks and Recreation and the Managing Director, Neighbourhood, Children and Fire Services, the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012 to:

- a) approve the Joint Use of Facilities Agreement between the Thames Valley District School Board and The Corporation of the City of London, for access to the City's and the Board's facilities for recreation programs; and,
- b) authorize the Mayor and the City Clerk to execute the above-noted Agreement. (2012-L03-00)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, N. Branscombe, D.G. Henderson, P. Van Meerbergen, H.L. Usher, J.P. Bryant, S.E. White (12)

RECUSED: M. Brown (1)

At 6:17 PM, Councillor P. Hubert returns to the meeting.

Motion made by Councillor M. Brown to Approve clauses 6 to 8, inclusive.

6. Residential Tax By-law for New Affordable Housing Program - Project at 637 Dundas Street

That, on the recommendation of the Director, Municipal Housing, with the concurrence of the City Treasurer, Chief Financial Officer, the following actions be taken with respect to a residential tax by-law for the property located at 637 Dundas Street, in the City of London:

- a) the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012, to exempt from taxation for municipal and school purposes, a portion of the multi-residential assessed value of the property at the above-noted location; and,
- b) the City Clerk BE DIRECTED to give written notice of the by-law to the Municipal Property Assessment Corporation and the secretary of all area school boards. (2012-G05-00)

7. Residential Tax By-law for New Affordable Housing Program - Project at 590 Grovenor Street

That, on the recommendation of the Director, Municipal Housing, with the concurrence of the

City Treasurer, Chief Financial Officer, the following actions be taken with respect to a residential tax by-law for the property located at 590 Grosvenor Street, in the City of London:

- a) the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012, to exempt from taxation for municipal and school purposes, a portion of the multi-residential assessed value of the property at the above-noted location; and,
- b) the City Clerk BE DIRECTED to give written notice of the by-law to the Municipal Property Assessment Corporation and the secretary of all area school boards. (2012-G05-00)

8. Residential Tax By-law for New Affordable Housing Program - Project at 1109 Hamilton Road

That, on the recommendation of the Director, Municipal Housing, with the concurrence of the City Treasurer, Chief Financial Officer, the following actions be taken with respect to a residential tax by-law for the property located at 1109 Hamilton Road, in the City of London:

- a) the ~~attached~~ proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012, to exempt from taxation for municipal and school purposes, a portion of the multi-residential assessed value of the property at the above-noted location; and,
- b) the City Clerk BE DIRECTED to give written notice of the by-law to the Municipal Property Assessment Corporation and the secretary of all area school boards. (2012-G05-00)

Motion Passed

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

9. Smoking Restrictions in Municipal Outdoor Spaces

Motion made by Councillor M. Brown to Approve that the following options with respect to smoking restrictions in municipal outdoor spaces, BE FORWARDED to a public participation meeting to be held on October 1, 2012 before the Community Services Committee:

- a) Municipal Parks – Prohibit smoking in all parks; and,
- b) Entranceways to Municipal Buildings – Prohibit smoking within 9 meters (30 feet) of an entrance to a municipally-owned building. (2012-C06-00)

Pursuant to section 17.2 of the Council Procedure By-law, Councillor D.G. Henderson calls for a separate vote on part a).

The motion to adopt part a) is put.

Motion Passed

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

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

The motion to Approve the balance of clause 9 is put.

Motion Passed

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

10. Transplanting Five Trees that are Planted Around the Inside area of Cenotaph

Motion made by Councillor M. Brown to Approve that the communication from J.B. Howie, London Remembrance Day Planning Committee, with respect to a request to transplant trees from the Cenotaph area, BE REFERRED to the Civic Administration to review, and to report back to the Community Services Committee as to the feasibility of the request. (2012-M09-00)

Motion Passed

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

5. Future Spray Pads Site Selection

Motion made by Councillor M. Brown to Approve that, on the recommendation of the Managing Director of Parks and Recreation, the following actions be taken with respect to the site selection for future spray pads:

- a) the site selection criteria and rating scale, as outlined in the staff report dated August 21, 2012, BE ENDORSED for planning future spray pad locations in the City of London; and,
- b) based on the above-noted site selection criteria and park ratings, the following spray pads locations BE IDENTIFIED as priority projects in the ten-year capital plan for construction:
 - i) 2014 Meadowgate Park;
 - ii) 2017 Constitution Park;
 - iii) 2019 Fox Field;

it being noted the Community Services Committee received a communication, dated August 17, 2012, from Councillor S. Orser with respect to this matter. (2012-A09-02)

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, H.L. Usher, J.P. Bryant, S.E. White (13)

NAYS: S. Orser (1)

14th Report of the Investment and Economic Prosperity Committee
Councillor J.B. Swan presents.

Motion made by Councillor J.B. Swan to Approve clauses 1 to 9, excluding clause 2.

1. Disclosures of Pecuniary Interest

- a) That it BE NOTED that Councillor J.B. Swan disclosed a pecuniary interests in clause 2 of this Report pertaining to Centennial Hall, by indicating that Orchestra London has a leasing arrangement with Centennial Hall and that he is employed by Orchestra London; and,
- b) That it BE NOTED that Councillor D. Brown disclosed pecuniary interests relating to clauses 7b), 7d) and 8 of this Report pertaining to matters related to the London Transit Commission, by indicating that her employer has a contract with the London Transit Commission.

3. The Stiller Centre - Annual Report

That on the recommendation of the City Treasurer, Chief Financial Officer, the report dated July 31, 2012 regarding The Stiller Centre, annual report BE RECEIVED for information.

4. Update on Engagement Efforts for London's Prosperity Plan

That, on the recommendation of the Managing Director, Corporate Communications, the report

dated July 31, 2012 regarding an update on engagement efforts for London's Prosperity Plan BE RECEIVED.

5. Museum London By-Law

That, on the recommendation of the Director of Corporate Investments and Partnerships, the following actions be taken with respect to the governing legislation for Museum London:

- a) the Museum London report as detailed in Appendix "A" of the associated staff report dated August 14, 2012, that outlines additional recommended amendments to the proposed Museum London by-law to revise the London Regional Art and Historical Museums Act 1989, S.O.1989 c. Pr24 from those that were recommended to Council on August 29 and 30, 2011; a certified copy of a Museum London Board Resolution for the approval of the proposed Museum London by-law and report; and an outline of the process followed to respond to the Council Resolution of August 29 and 30, 2011 BE RECEIVED; and,
- b) the draft Museum London by-law to revise the London Regional Art and Historical Museums Act 1989, S.O.1989 c. Pr24, ~~attached~~ as Appendix "B". BE RECEIVED and BE REFERRED to a Public Participation Meeting of the Investment and Economic Prosperity Committee on September 11, 2012.

6. 7th Report of the London Diversity & Race Relations Advisory Committee

That the 7th Report of the London Diversity & Race Relations Advisory Committee from its meeting held on July 19, 2012, BE RECEIVED.

7. Investment and Economic Prosperity Proposals

- a) That the proposal entitled "CSTAR" submitted by Dan Ross, London Health Sciences Foundation, BE REFERRED to the Civic Administration for evaluation in accordance with the established criteria; it being noted that the Investment and Economic Prosperity heard a verbal delegation from Dan Ross, London Health Sciences Foundation, and received the ~~attached~~ presentation with respect to this matter;
- b) That the proposal entitled "The Greening and Revitalization of the City" submitted by Patti Dalton, London and District Labour Council BE REFERRED to the Civic Administration for evaluation in accordance with the established criteria;
- c) That the proposal entitled "Destination Arts" submitted by Clark Bryan BE SUPPORTED AND BE REFERRED to the Civic Administration to convene a meeting with the appropriate parties to prepare a marketing and implementation plan and provide an update with respect to this matter to the Investment and Economic Prosperity Committee (IEPC); it being noted that the Investment and Economic Prosperity Committee heard a verbal delegation from Clark Bryan and received the ~~attached~~ presentation with respect to this matter; and,
- d) That the proposal entitled "Getting People to Job Opportunities" submitted by Shawn Lewis, BE REFERRED to the London Transit Commission for consideration; it being noted that the Investment and Economic Prosperity Committee heard a verbal delegation from Rob Spencer and received the ~~attached~~ presentation with respect to this matter.

8. Keep London Growing Coalition - Maximizing Our Potential: Developing a Vision for Growth and Opportunity for London and Region

That the correspondence dated June 13, 2012 from Jim MacKinnon, Keep London Growing Coalition, BE RECEIVED AND BE REFERRED to the Civic Administration for consideration.

9. 2nd Report of the Creative City Committee

That the 2nd Report of the Creative City Committee, from its meeting held on June 20, 2012, BE RECEIVED.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, N.

Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, H.L. Usher, J.P. Bryant, S.E. White (14)

At 6:42 PM, Councillor J.B. Swan leaves the meeting.

2. Agreement Between The City of London and Donald Jones Management Services Inc. - Management of Centennial Hall

Motion made by Councillor M. Brown to Approve that, on the recommendation of the City Treasurer, Chief Financial Officer, the ~~attached~~ proposed by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting to be held on August 28, 2012 to:

- a) approve a three-year extension agreement to December 31, 2015 between The Corporation of the City of London (City) and Donald Jones Management Services Inc., ~~attached~~ as Schedule "A" to the by-law; and
- b) authorize the Mayor and the City Clerk to execute the agreement approved in a), above.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, S. Orser, 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)

At 6:49 PM, Councillor J.B. Swan returns to the meeting.

23rd Report of the Finance and Administrative Services Committee
Councillor P. Hubert presents.

Motion made by Councillor P. Hubert to Approve clauses 1 to 3, inclusive.

1. Disclosures of Pecuniary Interest

That it BE NOTED that that Councillor N. Branscombe disclosed a pecuniary interest in clause 4 of this Report having to do with the South London Community Pool Filter Replacement Project by indicating that she has a yearly contract with Hollandia Gardens Limited.

2. Ontario Municipal Employees Retirement System (OMERS) Governance Review

That, on the recommendation of the Director of Intergovernmental and Community Liaison, the following actions be taken with respect to the OMERS (Ontario Municipal Employees Retirement System) Governance Review:

- a) the ~~attached~~ Municipal Employer Pension Centre of Ontario's (MEPCO) submission BE ENDORSED; and
- b) copies of this resolution be submitted to the OMERS Governance Review, MEPCO, Association of Municipalities of Ontario, and local Members of the Legislative Assembly of Ontario;

it being noted that the Finance and Administrative Services Committee heard verbal delegations from the Director of Intergovernmental and Community Liaison and the Chief Human Resources Officer with respect to this matter.

3. Agreement with the Province of Ontario to Enhance the London and Middlesex Immigration Portal by Creating a Section on International Learning

That, on the recommendation of the Director of Intergovernmental and Community Liaison, the ~~attached~~ proposed by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting of August 28, 2012 to:

- a) approve an agreement (~~attached~~ as Schedule 1 to the by-law) with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Citizenship and Immigration, to obtain Provincial funding of \$26,000 to enhance the London and Middlesex Immigration Portal by creating a section on international learning; and

- b) authorize the Mayor and the City Clerk to execute the Agreement approved in a), above.

Motion Passed

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

- 4. South London Community Pool Filter Replacement Project – Project No. P128-RC2201-11, Tender No. 12-84

Motion made by Councillor P. Hubert to Approve that, on the recommendation of the Managing Director – Corporate Assets, the following actions be taken:

- a) the bid submitted by Hollandia Gardens Limited, 1891 Wharncliffe Road South, London, Ontario, N6L 1K2 at its tendered price of \$264,100.00 (HST excluded) for the South London Community Pool Filter Replacement Project **BE ACCEPTED**; it being pointed out that the bid submitted by Hollandia Gardens Limited was the lowest bid received and meets the City's specifications and requirements in all areas;
- b) the Sources of Financing **BE APPROVED** as detailed in Appendix "A" of the associated staff report dated August 27, 2012;
- c) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts which are necessary in connection with this project; and
- d) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract with the contractor for the work.

Motion Passed

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

RECUSED: N. Branscombe (1)

12th Report of the Strategic Priorities and Policy Committee
Councillor J.L. Baechler presents.

Motion made by Councillor J.L. Baechler to Approve clauses 1, 2, 3, 4, 6 and 7.

- 1. Disclosures of Pecuniary Interest

Motion made by Councillor J.L. Baechler that it BE NOTED that no pecuniary interests are disclosed.

- 2. Master Servicing and 2014 Development Charge Studies Consultant Appointment

That, on the recommendation of the City Treasurer & Chief Financial Officer and the Acting Executive Director Planning, Environmental and Engineering Services & City Engineer, the following actions be taken with respect to the award of master servicing and 2014 development charge studies:

- a) AECOM BE APPOINTED Consulting Engineers for the Water and Wastewater Servicing Master Plan Update and 2014 Development Charge Study for the amount of \$328,043.50 (including \$103,458.50 for provisional items and contingency) excluding HST, in accordance with Section 15, Clause 15.2 (d) of the Procurement of Goods and Services Policy;
- b) Delcan Corporation BE APPOINTED Consulting Engineers for the Stormwater Servicing Master Plan Update and 2014 Development Charge Study for the amount of \$364,247.00 (including \$99,877.00 for provisional items and contingency) excluding HST, in accordance with Section 15, Clause 15.2 (d) of the Procurement of Goods and Services Policy;

- c) AECOM BE APPOINTED Consulting Engineers for the 2014 Transportation Development Charge Study for the amount of \$223,074.90 (including \$63,915.90 for provisional items and contingency) excluding HST, it being noted that this engagement is a single source purchase consistent with sections 14.4(d) and (e) of the Procurement of Goods and Services Policy;
- d) the financing for the project BE APPROVED in accordance with the "Sources of Financing Report" as appended to the staff report dated August 27, 2012;
- e) the approvals given herein BE CONDITIONAL upon the Corporation entering into a formal contract with the consultant for the work; and,
- f) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations;

it being noted that the consulting fees for the projects identified in (a, b, and c), above, are based upon the Fee Guideline for Professional Engineering Services, 2012, recommended by the Ontario Society of Professional Engineers.

3. 4th Report of the Services Review Committee

That the 4th Report of the Services Review Committee from its meeting held on June 25, 2012, BE RECEIVED.

4. Role of the Ombudsman

That the City Clerk BE DIRECTED to:

- a) release the communication dated August 20, 2012, from Y. Heggie, Early Resolution Officer, Ontario Ombudsman, regarding a closed meeting complaint with respect to a proposed development at 940 Springbank Drive and to post the communication to the City's website for access by the public; and,
- b) immediately release future final decisions from the Ontario Ombudsman, if any, to the Members of Council and post those final decisions to the City of London's website for access by the public;

it being noted that the Strategic Priorities and Policy Committee (SPPC) heard a verbal presentation from André Marin, Ontario Ombudsman, with respect to the role of the Ontario Ombudsman; it being further noted that the SPPC also received a Municipal Council resolution dated May 2, 2012 from the City Clerk, a communication dated March 26, 2012 from Councillor J.B. Swan and a communication dated April 17, 2012 from Councillor S. Orser with respect to the role of the Ontario Ombudsman as the City of London's closed meeting investigator.

6. Resignation of Tamara Nugent from the London Public Library Board Trustee as a representative of the London and District Catholic School Board

Motion made by Councillor J.L. Baechler to Approve that the communication dated July 16, 2012, from Tamara Nugent, Superintendent of Education, London Catholic School Board, resigning her appointment to the London Public Library Board, BE ACCEPTED; it being noted that the Strategic Priorities and Policy Committee received a communication dated August 10, 2012 from Susanna Hubbard Krimmer, CEO & Chief Librarian, London Public Library advising that the London District Catholic School Board will be appointing a replacement at its meeting being held on August 27, 2012.

7. Consideration of Appointments to the Eldon House Board of Directors

That the following individuals BE APPOINTED to the Eldon House Board of Directors for the term ending November 30, 2014; it being noted that there were no applications for the category "Background and Experience with Law":

"Distinct Interest and/or Knowledge of History and Heritage"

- Roxanne Lutz
- Nancy Poole
- Maureen Spencer Golovchenko

“Background and Experience with Finance”

- Joseph G. O’Neil

Motion Passed

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

5. London Hydro Inc. Board of Directors Compensation

Motion made by Councillor J.L. Baechler to Approve that the following actions be taken with respect to compensation for the Board of Directors for London Hydro Inc.:

- a) the communication dated August 17, 2012 from V. Sharma, Chief Executive Officer, and the consultant’s report entitled “London Hydro Board of Directors’ Compensation Review 2012” appended thereto BE NOTED AND FILED and NO FURTHER ACTION BE TAKEN with respect to this matter at this time;
- b) the Strategic Priorities and Policy Committee BE DIRECTED to undertake a review of the existing Shareholder’s Agreement for London Hydro Inc. and the provisions contained therein, and recommend what changes, if any, might be in order to reflect the current position of the Shareholder and ensure that relevant information, in addition to any required by statute, is provided to the Shareholder at the Annual General Meeting in order to ensure proper oversight, including information on the company’s performance, performance measures, risks, opportunities, and any other information that is typical of a profit-making business;

it being noted that Strategic Priorities and Policy Committee heard a verbal presentation from V. Sharma, Chief Executive Officer and P. Johnson, Board Chair, London Hydro Inc., and received the ~~attached~~ presentation with respect to this matter.

A recorded vote was held on part a), with the Members voting as follows:

YEAS: Councillors S. Orser, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen and J.P. Bryant. (8)

NAYS: Mayor J.F. Fontana and Councillors B. Polhill, J.B. Swan, H.L. Usher and S.E. White. (5)

Motion made by Councillor H.L. Usher and seconded by Councillor S. Orser to Approve that the matter of compensation for the Board of Directors for London Hydro Inc. BE REFERRED back to the Board for further review

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, M. Brown, P. Hubert, D.G. Henderson, H.L. Usher, S.E. White (10)

NAYS: J.L. Baechler, N. Branscombe, P. Van Meerbergen, J.P. Bryant (4)

IX DEFERRED MATTERS

None.

X ENQUIRIES

None.

XI EMERGENT MOTIONS

1. Councillor S. Orser and Councillor D.G. Henderson - Emergent Motion - Procedures after a Failed Tax Sale - McCormick Property - 1156 Dundas Street

Motion made by Councillor S. Orser and seconded by Councillor P. Hubert to Approve 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 the procedures after a failed tax sale for the property located at 1156 Dundas Street.

Motion Passed

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

NAYS: H.L. Usher (1)

Motion made by Councillor S. Orser and seconded by Councillor D.G. Henderson to Approve that the Civic Administration BE DIRECTED to expedite the Council approved procedures to be followed after a failed tax sale as it relates to the McCormick property known as 1156 Dundas Street and to communicate the urgency of this project to the consultants undertaking any work on behalf of the City of London with respect to this property.

Motion made by Councillor J.L. Baechler and seconded by Councillor N. Branscombe to Refer the proposed emergent motion back until the initial report currently being undertaken is considered.

Motion Failed

YEAS: W.J. Armstrong, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, H.L. Usher, J.P. Bryant (7)

NAYS: J.F. Fontana, B. Polhill, J.B. Swan, S. Orser, D.G. Henderson, P. Van Meerbergen, S.E. White (7)

The emergent motion is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, J.B. Swan, S. Orser, P. Hubert, D.G. Henderson, P. Van Meerbergen, S.E. White (8)

NAYS: W.J. Armstrong, J.L. Baechler, N. Branscombe, M. Brown, H.L. Usher, J.P. Bryant (6)

XII BY-LAWS

Motion made by Councillor B. Polhill and seconded by Councillor P. Van Meerbergen to Approve 1st Reading of Bill No. 337.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, S. Orser, 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: J.B. Swan (1)

Motion made by Councillor B. Polhill and seconded by Councillor S.E. White to Approve 2nd Reading of Bill No. 337.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, S. Orser, 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: J.B. Swan (1)

Motion made by Councillor B. Polhill and seconded by Councillor H.L. Usher to Approve 3rd Reading of Bill No. 337.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, S. Orser, 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: J.B. Swan (1)

Motion made by Councillor B. Polhill and seconded by Councillor P. Van Meerbergen to Approve 1st Reading of Bill No. 339.

Motion Passed

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

RECUSED: M. Brown (1)

Motion made by Councillor B. Polhill and seconded by Councillor P. Van Meerbergen to Approve 2nd Reading of Bill No. 339.

Motion Passed

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

RECUSED: M. Brown (1)

Motion made by Councillor P. Van Meerbergen and seconded by Councillor H.L. Usher to Approve 3rd Reading of Bill No. 339.

Motion Passed

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

RECUSED: M. Brown (1)

Motion made by Councillor B. Polhill and seconded by Councillor P. Hubert to Approve 1st Reading of all by-laws, including added by-laws, excluding Bill Nos. 337 and 339.

Motion Passed

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

Motion made by Councillor B. Polhill and seconded by Councillor H.L. Usher to Approve 2nd Reading of all by-laws, including added by-laws, excluding Bill Nos. 337 and 339.

Motion Passed

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

Motion made by Councillor B. Polhill and seconded by Councillor H.L. Usher to Approve 3rd Reading of all by-laws, including added by-laws, excluding Bill Nos. 337 and 339.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, N. Branscombe, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, 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. 336, By-law No. A.-	A by-law to confirm the proceedings of the Council Meeting held on the 28th day of August, 2012. (City Clerk)
Bill No. 337, By-law No. A.-	A by-law to authorize the execution of an Agreement between The Corporation of the City of London and Donald Jones Management Services Inc. for the operation and management of Centennial Hall. (2/14/IEPC)
Bill No. 338, By-law No. A.-	A by-law to approve the Contribution Agreement with Her Majesty the Queen in Right of Canada, as represented by the Minister of Human Resources and Skills Development for funding under the Homelessness Partnering Strategy.(3/11/CSC)
Bill No. 339, By-law No. A.-	A by-law to authorize and approve a Joint Use of Facilities Agreement between The Thames Valley District School Board and The Corporation of the City of London; and to authorize the Mayor and City Clerk to execute the Agreement. (4/11/CSC)
Bill No. 340, By-law No. A.-	A by-law to exempt from taxation for municipal and school purposes a portion of the multi-residential addressed value of the property at 637 Dundas Street, in the City of London. (6/11/CSC)
Bill No. 341, By-law No. A.-	A by-law to exempt from taxation for municipal and school purposes a portion of the multi-residential addressed value of the property at 590 Grosvenor Street, in the City of London (7/11/CSC)
Bill No. 342, By-law No. A.-	A by-law to exempt from taxation for municipal and school purposes a portion of the multi-residential addressed value of the property at 1109 Hamilton Road, in the City of London. (8/12/CSC)
Bill No. 343, By-law No. A-42-amend	A by-law to amend By-law A-42, being a by-law to establish various fees and charges. (9/13/CWC)
Bill No. 344, By-law No. B-	A by-law to provide for Construction, Demolition, Change of Use, Occupancy Permits, Transfer of Permits and Inspections. (16/21/PEC)
Bill No. 345, By-law No. PS-111-amend	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." (2/13/CWC)
Bill No. 346, By-law No. PS-111-amend	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." (2/13/CWC)
Bill No. 347, By-law No. S.-	A by-law to assume certain works and services in the City of London. (Uplands Crossing – Phase 1A; Plan No. 33M-444) (City Engineer)
Bill No. 348, By-law No. S.-	A by-law to assume certain works and services in the City of London. (Uplands Crossing – Phase 1B; Plan No. 33M-499) (City Engineer)
Bill No. 349, 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 Wharncliffe Road North, north of Mount Pleasant Avenue) (Chief Surveyor)

Bill No. 350, 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 Second Street, south of Dixie Street) (Chief Surveyor)
Bill No. 351, By-law No. S.-	A by-law to rename the portion of Innovation Gate between Bradley Avenue and Discovery Drive, in the City of London to Oetker Gate. (13/3/PEC)
Bill No. 352, By-law No. W.-	A by-law to authorize the SWM Facility – Old Victoria 2 Project. (Project No. ES3020-OV2) (13/12/CWC)
Bill No. 353, By-law No. W.-	A by-law to authorize the Meadowlily Footbridge Project. (Project No. TS1213) (4/12/CWC)
Bill No. 354, By-law No. W.-	A by-law to authorize the Gore Road Bridge Project. (Project No. TS1214) (4/12/CWC)
Bill No. 355, By-law No. W-3-amend	A by-law to amend By-law W-3 entitled, “A by-law to provide for the Regulation of Water Supply in the City of London. (9/13/CWC)
Bill No. 356, By-law No. C.P.-1284(sq)-amend	A by-law to amend the Official Plan for the City of London, 1989 relating to a City-wide policy. (13/21/PEC)
Bill No. 357, By-law No. Z.-1-122131	A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning for a portion of land located at 1812 Wonderland Road North. (4/21/PEC)
Bill No. 358, By-law No. Z.-1-122132	A by-law to amend By-law No. Z.-1 to make changes to the introductory paragraphs of some commercial zones. (12/21/PEC)
Bill No. 359, By-law No. Z.-1-122133	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 230 Adelaide Street North. (15/21/PEC)
Bill No. 360, By-law No. A.-	A by-law respecting the Civic Administration. (City Clerk)
Bill No. 361, By-law No. A.-	A by-law to approve the Ontario Funding Agreement for the enhancement of the London and Middlesex Immigration Portal with Her Majesty the Queen in Right of Ontario as represented by the Minister of Citizenship and Immigration; and to authorize the Mayor and the City Clerk to execute the Agreement. (//)
Bill No. 362, By-law No. L.S.P.-	A By-law to expropriate lands in the City of London, in the County of Middlesex, for the Dingman Creek Erosion Control Wetland Facility Project, on the south side of Dingman Drive and east of Wonderland Road South. (Managing Director Corporate Assets)
Bill No. 363 By-law No. L.S.P.-3425-263	A by-law to designate 1576 Richmond Street to be historical and contextual value or interest. (12/8/PEC)
Bill No. 364 By-law No. L.S.P.-3426-264	A by-law to designate 498 Dufferin Avenue to be historical and contextual value or interest. (12/8/PEC)

XIII COMMITTEE OF THE WHOLE, IN CAMERA

None.

XIV ADJOURNMENT

Motion made by Councillor S. Orser and seconded by Councillor H.L. Usher, to Adjourn.

Motion Passed

The meeting adjourned at 7:42 PM.

Joe Fontana, Mayor

Catharine Saunders, City Clerk