



Council Minutes

The 4th Meeting of City Council
February 23, 2021, 4:00 PM

Present: Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, S. Hillier

Also Present: M. Ribera, C. Saunders and B. Westlake-Power

Remote Attendance: L. Livingstone, A. Anderson, A. Barbon, G. Barrett, B. Card, M. Daley, K. Dickins, G. Kotsifas, J.P. McGonigle, K. Scherr, M. Schulthess, C. Smith, B. Somers, S. Stafford, A. Thompson, B. Warner, R. Wilcox.

The meeting was called to order at 4:05 PM, with Mayor E. Holder in the Chair and all Members participating; it being noted that the following Members attended the meeting remotely: M. van Holst, M. Salih, J. Helmer, M. Cassidy, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga and S. Hillier.

1. Disclosures of Pecuniary Interest

Councillor S. Lehman discloses a pecuniary interest in Item 10 (2.8) of the 3rd Report of the Planning and Environment Committee, having to do with the London Community Recovery Network - Ideas for Action by Municipal Council as it relates to Idea 2.5 - increase in grant funding/building code for façade upgrades, by indicating that he is a commercial tenant in downtown.

Councillor S. Turner discloses pecuniary interests on the following matters:

Item 14 (2.11) of the 2nd Report of the Civic Works Committee, having to do with the 2020 Drinking Water Annual Report and Summary Report for the City of London Drinking Water System, by indicating that he is an employee of the Middlesex-London Health Unit.

Item 9 (2.1) of the 3rd Report of the Planning and Environment Committee, having to do with European Gypsy Month (EGM) Proposed Management Plan, by indicating that he is an employee of the Middlesex-London Health Unit.

Councillor J. Helmer disclosed a pecuniary interest in Item 2 (3.1) of the 5th Report of the Strategic Priorities and Policy Committee, having to do with the City of London Service Review: Recommended Closure of River Road Golf Course, by indicating that his father is a member of the Golf Courses Owners Association, whose members fees could be affected by the decision associated with this matter.

Mayor E. Holder discloses a pecuniary interest in Item 16 (5.1) of the 2nd Report of the Civic Works Committee, having to do with the Deferred Matters List as it relates to the property located at 745 Waterloo Street, by indicating that his spouse and daughter own and operate a business at this location.

2. Recognitions

None.

3. Review of Confidential Matters to be Considered in Public

Motion made by: S. Lehman
Seconded by: S. Lewis

That pursuant to section 6.5 of the Council Procedure By-law, the following changes in order BE APPROVED:

a) Stage 4 – Council, In Closed Session be considered after Stage 13- By-laws, with the exception of Bill No. 63, being a by-law to confirm the proceedings of the Council Meeting held on the 23rd day of February 2021, which will be considered, prior to Stage 14 – Adjournment; and

b) Stage 9 – Added Reports –Item 9.1 – 4th Report of Council, In Closed Session be considered after Stage 4 – Council, In Closed Session.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier

Motion Passed (15 to 0)

5. Confirmation and Signing of the Minutes of the Previous Meeting(s)

Motion made by: P. Van Meerbergen

Seconded by: S. Turner

That the Minutes of the 3rd Meeting held on February 2, 2021, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier

Motion Passed (15 to 0)

6. Communications and Petitions

Motion made by: P. Van Meerbergen

Seconded by: A. Hopkins

That the communications included on the Added Agenda related to the matters listed below, BE RECEIVED and BE REFERRED as noted on the public agenda:

6.1 London Community Recovery Network - Ideas for Action by Municipal Council (Planning and Environment Committee Stage for Consideration with Item 10 (2.8) of the 3rd Report of the Planning and Environment Committee)

6.2 Paid Seek Leave Enhancements (Corporate Services Committee Stage for Consideration with Item 10 (5.1) of the 3rd Report of the Corporate Services Committee)

6.3 New Sidewalks in 2021 Infrastructure Reconstruction Projects (Civic Works Committee Stage for Consideration with Item 12 (2.6) of the 2nd Report of the Civic Works Committee)

6.4 City of London Service Review Recommended Closure of River Road Golf Course (Strategic Priorities and Policy Committee Stage for Consideration with Item 2 (3.1) of the 5th Report of the Strategic Priorities and Policy Committee)

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozo, A. Kayabaga, and S. Hillier

Motion Passed (15 to 0)

7. Motions of Which Notice is Given

None.

8. Reports

8.1 3rd Report of the Planning and Environment Committee

Motion made by: P. Squire

That the 3rd Report of the Planning and Environment Committee, excluding Items 9 (2.1) and 10 (2.8), BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier

Motion Passed (15 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: P. Squire

That Councillor S. Lehman disclosed a pecuniary interest in clause 2.8 of this Report, having to do with the London Recovery Network - Ideas for Action by Municipal Council, as it relates to increase grant funding/building code for façade upgrades, by indicating that he is a tenant in the downtown area under construction.

Motion Passed

2. (2.2) Application - 146 and 184 Exeter Road - Middleton Subdivision Phase 3 - Special Provisions

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the subdivision of land over Part of Lots 34, Concession 2, (former Township of Westminster) situated on the north side of Exeter Road, east of Wonderland Road South, municipally known as 146 and 184 Exeter Road:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the Middleton Subdivision - Phase 3 (39T-15501) appended to the staff report dated February 8, 2021 as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated February 8, 2021 as Appendix "B"; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2021-D12)

Motion Passed

3. (2.3) Application - 335 Kennington Way, 3959 and 3964 Mia Avenue - Removal of Holding Provision (Plan 33M-765) (H-9272) (Relates to Bill No. 80)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, based on the application by 11031250 Ontario Inc., relating to lands located at 335 Kennington Way, 3959 and 3964 Mia Avenue, legally described as Part of Block 1, Plan 33M-765, Designated as Part 2 and 3 Plan 33R-20777 and Block 2, 33M-765, the proposed by-law appended to the staff report dated February 8, 2021 BE INTRODUCED at the Municipal Council meeting to be held on February 23, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R4 Special Provision/R5 Special Provision/R6 Special Provision (h*h-100*h-198* R4-6(10)/R5-4(23)/R6-5(51) Zone TO a Residential R4 Special Provision/R5 Special Provision/R6 Special Provision R4-6(10)/R5-4(23)/R6-5(51) Zone to remove the h, h-100 and h-198 holding provisions. (2021-D09)

Motion Passed

4. (2.4) Application - 2725 Asima Drive (33M-699, Block 53) (P-9220)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Rockwood Homes to exempt Block 53, Plan 33M-699 from Part-Lot Control:

- a) pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, the proposed by-law appended to the staff report dated February 8, 2021 BE INTRODUCED at a future Council meeting, to exempt Block 53, Plan 33M-699 from the Part-Lot Control provisions of subsection 50(5) of the said Act; it being noted that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings; and,
- b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 53, Plan 33M-699 as noted in clause a) above:
 - i) the applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - ii) the applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - iii) the applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

- iv) the applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - v) the applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - vi) the applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vii) the applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
 - viii) the applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
 - ix) the applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
 - x) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
 - xi) the applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
 - xii) the applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 4, 6, 8, 10, 12, 14 and 16 by parts 1, 3, 5, 7, 9, 11, 13 and 15; and,
 - xiii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the by-law affecting the Lots/Block in question.
- (2021-D25)

Motion Passed

5. (2.5) Application - 3542 Emilycarr Lane (H-9281) (Relates to Bill No. 81)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, based on the application by Goldfield Ltd., relating to the property located at 3542 Emilycarr Lane, the proposed by-law appended to the staff report dated February 8, 2021 BE INTRODUCED at the Municipal Council meeting to be held on February 23, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R5 (h*h-100*h-104*h-155*R5-7) Zone TO a Residential R5 (R5-7) Zone to remove the "h, h-100, h-104 and h-155" holding provisions. (2021-D08)

Motion Passed

6. (2.6) Application - 1160 Wharncliffe Road South (P-9238) (Relates to Bill No. 67)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, with respect to the application by Goldfield Ltd., the proposed by-law appended to the staff report dated February 8, 2021 BE INTRODUCED at the Municipal Council meeting to be held on February 23, 2021 to exempt Block 2, 3, 4, 5 and 7, Plan 33M-786 from the Part-Lot Control provisions of Subsection 50(5) of the Planning Act, for a period not exceeding three (3) years. (2021-D25)

Motion Passed

7. (2.7) 2020 Annual Development Report

Motion made by: P. Squire

That, on the recommendation of the Director, Planning and City Planner, the staff report dated February 8, 2021 entitled "2020 Annual Development Report" BE RECEIVED for information. (2021-A23)

Motion Passed

8. (2.9) Building Division Monthly Reports - November 2020 and December 2020

Motion made by: P. Squire

That the Building Division Monthly Report for November and December 2020 BE RECEIVED for information. (2021-A23)

Motion Passed

11. (3.1) Application - 3195 White Oak Road (Z-9204) (Relates to Bill No. 82)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services with respect to the application by 2748714 Ontario Inc., relating to the property located at 3195 White Oak Road, the proposed by-law appended to the staff report dated February 8, 2021 BE INTRODUCED at the Municipal Council meeting to be held on February 23, 2021 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 Urban Reserve Special Provision (h-94*UR4(11)) and an Urban Reserve (UR4) Zone TO a Residential R1 Special Provision (R1-3(21)) Zone;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with, and will serve to implement the policies of the Provincial Policy Statement, 2020 which encourage infill and intensification and the provision of a range of housing types, and efficient use of existing infrastructure;
- the proposed residential uses and scale of development are consistent with the policies of the London Plan, the 1989 Official Plan, the Southwest Area Secondary Plan and the North Longwoods Area Plan policies; and,
- the subject lands are of a suitable size and shape to accommodate the development proposed. (2021-D08)

Motion Passed

12. (3.2) Draft Plan of Vacant Land Condominium - 3087 White Oak Road 39CD-20511

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Whiterock Village Inc., relating to the property located at 3087 White Oak Road:

- a) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 3087 White Oak Road; and,
- b) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 3087 White Oak Road;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions regarding these matters. (2021-D07)

Motion Passed

13. (3.3) Application - 185 Horton Street East (Relates to Bill No. 83)

Motion made by: P. Squire

That, on the recommendation of the Director, Development Services, with respect to the application by 1524400 Ontario Inc., relating to the property located at 185 Horton Street East, the proposed revised, ~~attached~~, by-law BE INTRODUCED at the Municipal Council meeting to be held on February 23, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Arterial Commercial Special Provision (AC4(11)) Zone TO an Arterial Commercial Special Provision Bonus Zone (AC4(__)/B__) Zone;

the Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high quality mixed-use commercial/residential apartment building with a maximum density of 389 units per hectare and a maximum height of 51 metres (16-storeys) which substantially implements the Site Plan and Elevations appended to the staff report as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

- i) a high quality development which substantially implements the site plan and elevations as appended to the staff report as Schedule "1" to the amending by-law:

Building Design

- A) high quality architectural design (building/landscaping) including a common design theme for residential and commercial elements; and provision of structured parking facilities and screening for surface parking areas;

Underground Parking

- A) underground parking structure parking provided to reduce surface parking areas (a minimum of 27 subsurface spaces provided);

Outdoor Amenity and Landscaping

- A) common outdoor amenity area to be provided in the northeast quadrant of the site; and rooftop terraces above the 7th, 12th and 16th floors;
- B) landscape enhancements beyond City design standards, including theme lighting; and,
- C) landscape plans for common outdoor amenity areas to incorporate hard landscape elements and drought resistant landscaping to reduce water consumption;

Sustainability

- A) provides a pedestrian-oriented environment along Horton Street East, which facilitates passive surveillance of the streetscape and, ultimately, safer streets;
- B) fosters social interaction and facilitates active transportation and community connectivity with Downtown; and,
- C) the subject lands are close to public open space and parkland in the area, particularly Thames Park, Charles Hunt Park, and the Thames River Pathway system, which provides recreational opportunities for residents (passive and active);

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment to Zoning By-law Z.-1 is consistent with the 2020 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, Homelessness Prevention and Housing policies, and City Design policies. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the fringe of the downtown area, and the recommended amendment would permit development at a magnitude that is suitable for the site adding a connection between the downtown and abutting neighbourhood;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Main Street Commercial Corridor designation. The recommended amendment would permit development at an intensity that is at the upper range of the maximum density for residential intensification within the Main Street Commercial Corridor designation but still ensures the nature of development is suitable for the site and the immediate neighbourhood. The recommended amendment would help to reach the objective of supplying additional institutional housing choices and options for students attending educational institutions in the downtown;
- the recommended Zoning By-law amendment is consistent with the SoHo (South of Horton Street) Community Improvement Plan with the redevelopment of the Mixed Use Mainstreet District along Horton Street by facilitating development that complements the Mainstreet District on Horton Street E one block east of the subject site; and,
- the subject lands represent an appropriate location for institutional and residential intensification, along Horton Street and the recommended amendment would permit an apartment/dormitory development at an intensity that is appropriate for the site and the surrounding neighbourhood. (2021-D08)

Motion Passed

9. (2.1) 2021 European Gypsy Moth (EGM) Proposed Management Plan

Motion made by: P. Squire

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the staff report dated February 8, 2021 entitled "2021 European Gypsy Moth (EGM) Proposed Management Plan" BE RECEIVED for information. (2021-D05)

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, A. Kayabaga, and S. Hillier

Recuse: (1): S. Turner

Motion Passed (14 to 0)

At 4:30 PM, Councillor S. Hillier leaves the meeting.

10. (2.8) London Community Recovery Network - Ideas for Action by Municipal Council

Motion made by: P. Squire

That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, the following actions be taken with respect to the London Community Recovery Network:

a) the implementation plans for the following ideas for action submitted from the London Community Recovery Network and received by Municipal Council BE APPROVED:

- 2.5 Increase grant funding/building code for façade upgrades;
- 2.6 Appoint a downtown lead at City Hall;
- 2.7 Create a business concierge service;
- 2.8 Create a core area champion at senior level; and,
- 2.9 Create an integrated economic development blueprint;

b) the Civic Administration BE DIRECTED to execute the implementation plans for ideas for action in support of London's community recovery from COVID-19 approved in a) above;

c) that \$250,000 BE APPROVED to implement the ideas approved in a) above and as set out in the business cases included in Appendix A to the staff report, noting that Municipal Council previously authorized \$5 million to be contributed to the Economic Development Reserve Fund to support social and economic recovery measures;

d) the Civic Administration BE DIRECTED to waive the requirement of having all City property taxes paid in full for property owners eligible to receive grants in 2021 under the City's Upgrade to Building Code Loan, Façade Improvement Loan and Rehabilitation and Redevelopment Tax Grant Community Improvement Plan programs, provided that all other requirements have been met; it being noted that any grant funding will first be applied against outstanding property taxes owing; and,

e) the staff report dated February 8, 2021 entitled "London Community Recovery Network - Ideas for Action by Municipal Council" BE RECEIVED for information;

it being noted that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a communication dated February 1, 2021 from D. Szpakowski, CEO and General Manager, Hyde Park Business Improvement Association; and,
- the attached presentation. (2021-S08/S12)

Motion made by: S. Lewis

Seconded by: J. Morgan

That Item 10 (2.8) BE AMENDED by adding the following new part d), with the remaining parts of the Item being renumbered accordingly:

d) idea for action 3.5 “provide better market data to attract new business” BE REFERRED back to the Civic Administration to develop partnership agreements with Business Improvement Areas (BIAs) and other community partners to provide for enhanced opportunities through partnerships to access and gather existing and new data that could be made available to all involved partners, resulting in no new net cost to the municipality and to report back to a future meeting of the Planning and Environment Committee on this matter;

Yeas: (12): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, P. Squire, J. Morgan, S. Lehman, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Nays: (2): J. Helmer, and A. Hopkins

Absent: (1): S. Hillier

Motion Passed (12 to 2)

At 4:42 PM, Councillor S. Hillier enters the meeting.

Motion made by: A. Hopkins

Seconded by: S. Turner

That part a) BE AMENDED, by approving Item 1.3 - A Break in the Clouds.

Amendment:

Motion made by: J. Morgan

Seconded by: M. van Holst

That part a) of the proposed amendment BE AMENDED by adding Ideas for Action Item 1.3 - A Break in the Clouds and including eligibility to participate in the proposed programs to all Business Improvement Areas (BIAs).

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier

Motion Passed (15 to 0)

Motion made by: J. Helmer

Seconded by: M. van Holst

That the budget amount for Action Item 1.3 - A Break in the Clouds, BE AMENDED by increasing the amount to \$120,000.00.

Yeas: (6): Mayor E. Holder, M. Salih, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga

Nays: (9): M. van Holst, S. Lewis, M. Cassidy, P. Squire, J. Morgan, S. Lehman, P. Van Meerbergen, E. Pelozza, and S. Hillier

Motion Failed (6 to 9)

Motion made by: S. Turner
Seconded by: M. van Holst

That Item 10 (2.8,) as amended, by adding Action Item - 3.1 - A Break in the Clouds for all Business Improvement Areas (BIAs), BE APPROVED.

Yeas: (12): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, J. Morgan, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier

Nays: (3): S. Lewis, P. Squire, and S. Lehman

Motion Passed (12 to 3)

Motion made by: P. Squire

That part a), Action Item 2.5 - Increase grant funding/building code for façade upgrades BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier

Recuse: (1): S. Lehman

Motion Passed (14 to 0)

Motion made by: P. Squire
Seconded by: S. Lewis

That Item 10 (2.8), as amended, excluding, Action Item 2.5 - Increase grant funding/building code for façade upgrades, BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier

Motion Passed (15 to 0)

Item 10 (2.8), as amended, reads as follows:

That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, the following actions be taken with respect to the London Community Recovery Network:

a) the implementation plans for the following ideas for action submitted from the London Community Recovery Network and received by Municipal Council BE APPROVED:

- 2.5 Increase grant funding/building code for façade upgrades;
- 2.6 Appoint a downtown lead at City Hall;
- 2.7 Create a business concierge service;
- 2.8 Create a core area champion at senior level; and,
- 2.9 Create an integrated economic development blueprint;

- 3.1 A Break in the Clouds for all Business Improvement Areas (BIAs)

b) the Civic Administration BE DIRECTED to execute the implementation plans for ideas for action in support of London's community recovery from COVID-19 approved in a) above;

c) that \$350,000 BE APPROVED to implement the ideas approved in a) above and as set out in the business cases included in Appendix A to the staff report, noting that Municipal Council previously authorized \$5 million to be contributed to the Economic Development Reserve Fund to support social and economic recovery measures;

d) idea for action 3.5 "provide better market data to attract new business" BE REFERRED back to the Civic Administration to develop partnership agreements with Business Improvement Areas (BIAs) and other community partners to provide for enhanced opportunities through partnerships to access and gather existing and new data that could be made available to all involved partners, resulting in no new net cost to the municipality and to report back to a future meeting of the Planning and Environment Committee on this matter;

e) the Civic Administration BE DIRECTED to waive the requirement of having all City property taxes paid in full for property owners eligible to receive grants in 2021 under the City's Upgrade to Building Code Loan, Façade Improvement Loan and Rehabilitation and Redevelopment Tax Grant Community Improvement Plan programs, provided that all other requirements have been met; it being noted that any grant funding will first be applied against outstanding property taxes owing; and,

f) the staff report dated February 8, 2021 entitled "London Community Recovery Network - Ideas for Action by Municipal Council" BE RECEIVED for information;

it being noted that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a communication dated February 1, 2021 from D. Szpakowski, CEO and General Manager, Hyde Park Business Improvement Association; and,
- the attached presentation. (2021-S08/S12)

8.2 4th Report of the Community and Protective Services Committee

Motion made by: J. Helmer

That the 4th Report of the Community and Protective Services Committee, excluding Item 6 (2.2), BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier

Motion Passed (15 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: J. Helmer

None.

Motion Passed

2. (2.1) 1st Report of the Accessibility Advisory Committee

Motion made by: J. Helmer

That the following actions be taken with respect to the 1st Report of the Accessibility Advisory Committee from its meeting held on January 28, 2020:

a) the following actions be taken with respect to the Memo dated January 20, 2021, from the Director, Roads and Transportation, related to the 2021 Neighbourhood Street Reconstruction Projects - Complete Streets Sidewalk Assessments:

i) the Civic Administration BE ADVISED that the Accessibility Advisory Committee (ACCAC) supports the inclusion of sidewalks on both sides of the streets listed within the above-noted Memo except in circumstances that warrant sidewalks on only one side of the street; and,

ii) the Civic Administration BE ADVISED that the only instances that call for zero sidewalks on a street should be situations where the circumstances are insurmountable for the installation of sidewalks and, in those cases, the ACCAC should be consulted; it being noted that the above-noted Memo was received;

b) the following actions be taken with respect to the Accessibility Advisory Committee (ACCAC) Terms of Reference:

i) the above-noted Terms of Reference, as appended to the agenda, BE RECEIVED; and,

ii) the Civic Administration BE REQUESTED to consider adding additional provisions concerning ableism when drafting the updated ACCAC Terms of Reference document;

c) Jay Menard BE APPOINTED as the Accessibility Advisory Committee representative to the Community Diversity and Inclusion Strategy (CDIS) Leadership Table; and,

d) clauses 1.1, 1.2, 3.1, 3.2, 3.4, 5.1, 5.3, 5.4 and 5.5 BE RECEIVED.

Motion Passed

3. (2.3) Sign By-law Amendment (Relates to Bill No. 69)

Motion made by: J. Helmer

That, the on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the

following actions be taken with respect to revisions to the Sign By-law:

- a) the staff report dated February 9, 2021, with respect to amendments to allow for posters on City-controlled bike locker frames as part of the introduction of bike lockers in and around downtown BE RECEIVED; and,
- b) the revised draft Sign By-law, as appended to the above-noted staff report, BE INTRODUCED at the Municipal Council meeting to be held on February 23, 2021 to enact the above-noted changes. (2021-R06/T10)

Motion Passed

4. (2.4) Strategic Plan Variance Report

Motion made by: J. Helmer

That, on the recommendation of the Acting Managing Director, Housing, Social Services and Dearness Home, the staff report dated February 9, 2021, with respect to the Strategic Plan Progress Variance, BE RECEIVED. (2021-C08)

Motion Passed

5. (2.5) Proposed Amendment - Eldon House By-law (Relates to Bill No. 66)

Motion made by: J. Helmer

That, on the recommendation of the City Clerk, the proposed by-law, as appended to the staff report dated February 9, 2021, BE INTRODUCED at the Municipal Council meeting to be held on February 23, 2021, to amend By-law A.-6825-162, as amended, being "A By-law to establish a municipal service board for the purpose of operating and Managing Eldon House" to amend the Board composition to provide for the appointment of a past Chair of the Board as a Director. (2021-R01)

Motion Passed

7. (4.1) Business Case for Lighting Dog Parks

Motion made by: J. Helmer

That the communication from Councillor M. van Holst, as appended to the agenda, with respect to lighting one dog park per year, BE RECEIVED. (2021-R04)

Motion Passed

8. (5.1) Deferred Matters List

Motion made by: J. Helmer

That the Deferred Matters List for the Community and Protective Services Committee, as at February 1, 2021, BE RECEIVED.

Motion Passed

9. (5.2) Residential Rental Units Licensing By-law Review

Motion made by: J. Helmer

That the communication, dated February 8, 2021, from Councillors A. Kayabaga and M. Salih, with respect to a review of the Residential Rental Units Licensing By-law, BE REFERRED to the March 2, 2021 meeting of the Community and Protective Services Committee for consideration.

Motion Passed

6. (2.2) London Community Recovery Network - Ideas for Action by Municipal Council

Motion made by: J. Helmer

That, on the recommendation of the Managing Director, Neighbourhood, Children and Fire Services, the Acting Managing Director, Housing, Social Services and Dearness Home, and the Managing Director, Parks and Recreation, the following actions be taken with respect to the staff report dated February 9, 2021 related to the London Community Recovery Network and ideas for action by Municipal Council:

a) the following actions be taken with respect to the ideas for action submitted by the London Community Recovery Network and received by Municipal Council, as contained within the above-noted staff report:

i) the implementation plans for the following ideas for action BE APPROVED:

- 1.1 Christmas (Holiday) Market;
- 2.4 Create a regional holiday destination in downtown;
- 3.2 Self-employment exploration training for unemployed;
- 4.1 Increase focus on addressing food insecurity;
- 4.4 Public toilets and sanitation;
- 4.7 Support for National Child Care Framework;
- 5.2 Outdoor concerts;
- 5.3 Interactive distanced festivals and events;
- 5.4 City of Lights: Public Art Projection Program;
- 5.5 London Mural and Art Walk;
- 5.6 Mural façade grant; and,
- 5.8 Develop an app with augmented reality for scavenger hunts;

ii) the implementation plan for item #2.3 Downtown Recovery – free transit to the downtown, as it relates to transit initiatives to the downtown, BE REFERRED back to the Civic Administration to continue working with the London Transit Commission on this matter, with a report back to a future meeting of the Community and Protective Services Committee (CPSC) when additional details are available; and,

iii) implementation plan for item #2.3 Downtown Recovery – free transit to the downtown, as it relates to parking initiatives in the downtown BE REFERRED back to the Civic Administration with a report back to a future meeting of the CPSC when additional details are available;

b) the Civic Administration BE DIRECTED to execute the implementation plans for the above-noted approved ideas for action in support of London's community recovery from COVID-19;

c) the Federal Government BE REQUESTED, in partnership with the provinces, to develop and implement a National Child Care Framework to focus on accessibility, affordability, and equity for all families, recognizing that licensed quality child care and qualified Early Childhood Educators are essential to COVID-19 economic and social recovery;

d) \$1,980,000 BE APPROVED to implement the above-noted approved ideas as set out in the business cases included in Appendix A of the above-noted staff report; it being noted that Municipal Council previously authorized \$5 million to be contributed to the Economic Development Reserve Fund to support social and economic recovery measures; and,

e) the above-noted staff report BE RECEIVED. (2021-R08/S08)

Motion made by: J. Helmer

That Item 6 (2.2), excluding Ideas for Actions 2.4 - create a regional holiday designation in the downtown, 5.4 - City of Lights: Public Art Projection Program, 5.5 - London Mural and Art Walk and 5.6 - Mural façade and grant, of part a) i), BE APPROVED.

Yeas: (15): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, A. Kayabaga, and S. Hillier

Motion Passed (15 to 0)

At 5:56 PM, Mayor E. Holder places Deputy Mayor J. Morgan in the Chair and takes a seat at the Council Board.

At 5:58 PM, Mayor E. Holder resumes the Chair and Deputy Mayor J. Morgan takes his seat at the Council Board.

At 6:00 PM, Councillor S. Hillier leaves the meeting.

Motion made by: J. Helmer

That part a) i) Idea for Action 2.4 - Create a regional holiday destination in downtown, BE APPROVED.

Yeas: (6): Mayor E. Holder, M. Salih, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga

Nays: (8): M. van Holst, S. Lewis, M. Cassidy, P. Squire, J. Morgan, S. Lehman, P. Van Meerbergen, and E. Pelozza

Absent: (1): S. Hillier

Motion Failed (6 to 8)

At 6:04 PM, Councillor S. Hillier enters the meeting.

Motion made by: J. Helmer

That part a)i), Idea for Action 5.4 - City of Lights: Public Art Projection Program, BE APPROVED.

Yeas: (7): M. van Holst, M. Salih, J. Helmer, S. Lehman, A. Hopkins, S. Turner, and A. Kayabaga

Nays: (8): Mayor E. Holder, S. Lewis, M. Cassidy, P. Squire, J. Morgan, P. Van Meerbergen, E. Pelozza, and S. Hillier

Motion Failed (7 to 8)

At 6:08 PM, Mayor E. Holder places Deputy Mayor J. Morgan in the Chair and takes a seat at the Council Board.

At 6:10 PM, Mayor E. Holder resumes the Chair and Deputy Mayor J. Morgan takes his seat at the Council Board.

Motion made by: S. Lewis

Seconded by: E. Pelozza

That pursuant to section 13.2 of the Council Procedure By-law, part a) i) Idea for Action 5.4 - City of Lights: Public Art Projection Project, BE RECONSIDERED as a Member indicated that they inadvertently voted incorrectly.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, and A. Kayabaga

Nays: (2): E. Pelozza, and S. Hillier

Motion Passed (13 to 2)

Motion made by: J. Helmer

That part a) i) Idea for Action 5.4 - City of Lights: Public Art Projection Program BE APPROVED.

Yeas: (6): M. van Holst, M. Salih, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga

Nays: (9): Mayor E. Holder, S. Lewis, M. Cassidy, P. Squire, J. Morgan, S. Lehman, P. Van Meerbergen, E. Pelozza, and S. Hillier

Motion Failed (6 to 9)

At 6:39 PM, Councillor A. Kayabaga leaves the meeting.

Motion made by: J. Helmer

That part a) i) Idea for Action 5.5 - London Mural and Art Walk, BE APPROVED.

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, A. Hopkins, S. Turner, and E. Pelozza

Nays: (3): S. Lehman, P. Van Meerbergen, and S. Hillier

Absent: (1): A. Kayabaga

Motion Passed (11 to 3)

At 6:43 PM, Councillor S. Hillier leaves the meeting.

Motion made by: J. Helmer

That part a) i) Idea for Action 5.6 - Mural façade grant, BE APPROVED.

Yeas: (7): M. van Holst, M. Salih, J. Helmer, M. Cassidy, J. Morgan, A. Hopkins, and S. Turner

Nays: (6): Mayor E. Holder, S. Lewis, P. Squire, S. Lehman, P. Van Meerbergen, and E. Pelozo

Motion Passed (7 to 6)

Motion made by: E. Pelozo
Seconded by: S. Lewis

That pursuant to section 13.2 of the Council Procedure By-law, part d), BE RECONSIDERED, as the budget amount contained in part d) does not reflect the deletion of certain Ideas for Action set out in part a) i).

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, and E. Pelozo

Absent: (2): A. Kayabaga, and S. Hillier

Motion Passed (13 to 0)

Motion made by: J. Helmer
Seconded by: E. Pelozo

That part d) BE AMENDED to read as follows:

d) \$1,300,000 BE APPROVED to implement the above-noted approved ideas as set out in the business cases included in Appendix A of the above-noted staff report; it being noted that Municipal Council previously authorized \$5 million to be contributed to the Economic Development Reserve Fund to support social and economic recovery measures; and,

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, A. Hopkins, S. Turner, and E. Pelozo

Nays: (2): S. Lehman, and P. Van Meerbergen

Absent: (2): A. Kayabaga, and S. Hillier

Motion Passed (11 to 2)

Motion made by: J. Helmer
Seconded by: S. Lewis

That Item 6 (2.2) BE APPROVED, as amended.

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, A. Hopkins, S. Turner, and E. Pelozo

Nays: (2): S. Lehman, and P. Van Meerbergen

Absent: (2): A. Kayabaga, and S. Hillier

Motion Passed (11 to 2)

Motion made by: E. Pelozo

Seconded by: M. Cassidy

That Council RECESS at 6:52 PM.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, and E. Pelozo

Absent: (2): A. Kayabaga, and S. Hillier

Motion Passed (13 to 0)

Council resumes at 7:18 PM, with Mayor E. Holder in the Chair and all Members participating except Councillors S. Turner and S. Hillier.

Motion made by: S. Lewis

Seconded by: S. Lehman

That pursuant to section 13.2 of the Council Procedure By-law, part a) i) Idea for Action - 5.6 Mural Façade Grant, BE RECONSIDERED.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozo, and A. Kayabaga

Absent: (2): S. Turner, and S. Hillier

Motion Passed (13 to 0)

Motion made by: J. Helmer

Seconded by: M. van Holst

That part a) i) - Idea for Action - 5.6 - Mural façade grant, BE APPROVED.

Yeas: (6): M. van Holst, M. Salih, J. Helmer, M. Cassidy, A. Hopkins, and A. Kayabaga

Nays: (7): Mayor E. Holder, S. Lewis, P. Squire, J. Morgan, S. Lehman, P. Van Meerbergen, and E. Pelozo

Absent: (2): S. Turner, and S. Hillier

Motion Failed (6 to 7)

Item 6 (2.2) as amended, reads as follows:

That, on the recommendation of the Managing Director, Neighbourhood, Children and Fire Services, the Acting Managing Director, Housing, Social Services and Dearness Home, and the Managing Director, Parks and Recreation, the following actions be taken with respect to the staff report dated February 9, 2021 related to the London Community Recovery Network and ideas for action by Municipal Council:

a) the following actions be taken with respect to the ideas for action submitted by the London Community Recovery Network and received by Municipal Council, as contained within the above-noted staff report:

i) the implementation plans for the following ideas for action BE APPROVED:

- 1.1 Christmas (Holiday) Market;
- 3.2 Self-employment exploration training for unemployed;
- 4.1 Increase focus on addressing food insecurity;
- 4.4 Public toilets and sanitation;
- 4.7 Support for National Child Care Framework;
- 5.2 Outdoor concerts;
- 5.3 Interactive distanced festivals and events;
- 5.5 London Mural and Art Walk; and,
- 5.8 Develop an app with augmented reality for scavenger hunts;

ii) the implementation plan for item #2.3 Downtown Recovery – free transit to the downtown, as it relates to transit initiatives to the downtown, BE REFERRED back to the Civic Administration to continue working with the London Transit Commission on this matter, with a report back to a future meeting of the Community and Protective Services Committee (CPSC) when additional details are available; and,

iii) implementation plan for item #2.3 Downtown Recovery – free transit to the downtown, as it relates to parking initiatives in the downtown BE REFERRED back to the Civic Administration with a report back to a future meeting of the CPSC when additional details are available;

b) the Civic Administration BE DIRECTED to execute the implementation plans for the above-noted approved ideas for action in support of London’s community recovery from COVID-19;

c) the Federal Government BE REQUESTED, in partnership with the provinces, to develop and implement a National Child Care Framework to focus on accessibility, affordability, and equity for all families, recognizing that licensed quality child care and qualified Early Childhood Educators are essential to COVID-19 economic and social recovery;

d) \$1,200,000 BE APPROVED to implement the above-noted approved ideas as set out in the business cases included in Appendix A of the above-noted staff report; it being noted that Municipal Council previously authorized \$5 million to be contributed to the Economic Development Reserve Fund to support social and economic recovery measures; and,

e) the above-noted staff report BE RECEIVED. (2021-R08/S08)

8.3 3rd Report of the Corporate Services Committee

Motion made by: M. Cassidy

That the 3rd Report of the Corporate Services Committee BE APPROVED, excluding Item 10 (5.1).

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelosa, and A. Kayabaga

Absent: (2): S. Turner, and S. Hillier

Motion Passed (13 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: M. Cassidy

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (2.1) Recommendation to Award RFP 20-69 – Network Cabling and Conduit Supply, Delivery, Installation, and Repair Services Vendor of Record

Motion made by: M. Cassidy

That, on the recommendation of the Director, Information Technology Services, the following actions be taken with respect to the network cabling and conduit supply, delivery, installation and repair services appointment of a Vendor of Record, as per City of London Procurement Policy Section 12.2 (b), requiring Committee and City Council approval for Request for Proposal awards greater than \$100,000:

- a) the proposal submitted by Netcheck Corporation, 177 Exeter Road, Unit D London, ON N67 1A4 for cabling and conduit supply, delivery, installation and repair services in the estimated annual amount of \$250,000 (exclusive applicable taxes), for a three (3) year term, and an option to renew the contract for two (2) additional one (1) year terms each at the sole discretion of the City, BE ACCEPTED in accordance with section 12.0 of the Procurement of Goods and Services Policy;
- b) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this purchase, and;
- c) the approval hereby given BE CONDITIONAL upon the Corporation entering into a formal contract, agreement or having a purchase order relating to the subject matter of this approval.

Motion Passed

3. (2.2) Provincial Dedicated Gas Tax Funds for Public Transportation Program 2020/2021 (Relates to Bill No. 64)

Motion made by: M. Cassidy

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the proposed by-law appended to the staff report dated February 8, 2021 as Appendix "A" BE INTRODUCED at the Council meeting on February 23, 2021 to approve the current and future Letters of Agreement between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario and the City of London for the transfer of Dedicated Gas Tax Funds for Public Transportation Program.

Motion Passed

4. (2.3) Municipal Transit Enhanced Cleaning Funding Program – Transfer Payment Agreement and Authorizing By-law (Relates to Bill No. 65)

Motion made by: M. Cassidy

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the proposed by-law as appended to the staff report dated February 8, 2021 as Appendix "A" BE INTRODUCED at the Council meeting on February 23, 2021 to approve and authorize the execution of the Transfer Payment Agreement between Her Majesty the Queen in

right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario and the City of London for the reimbursement of funds under the Municipal Transit Enhanced Cleaning funding program.

Motion Passed

5. (2.4) Strategic Plan Variance Report

Motion made by: M. Cassidy

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the staff report dated February 8, 2021 on the Strategic Plan Progress Variance BE RECEIVED for information.

Motion Passed

6. (2.6) Portion of City-Owned Huxley Street, Declare Surplus

Motion made by: M. Cassidy

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to a portion of City-owned land, being part of the Huxley Street road allowance closed and designated as Part 2, Plan 33R-20888, the following actions be taken:

- a) the subject property BE DECLARED SURPLUS; and,
- b) the subject property ("Surplus Lands") BE TRANSFERRED to the abutting property owner, in accordance with the City's Sale and Other Disposition of Land Policy.

Motion Passed

7. (2.7) 79 Glendon Drive, Middlesex Centre - Surplus Declaration

Motion made by: M. Cassidy

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to a portion of City-owned land being 79 Glendon Drive located in the Municipality of Middlesex Centre which is legally described as Part Lot 7 BF Concession and Part Road Allowance Between BF Concession and Concession 1 closed by by-law 38-84 registered as 680445 being Parts 24 to 27 on Plan 33R-5930 together with 212600, 212601 and 212602 in the geographic Township of Lobo being all of PIN 085020014, the following actions be taken:

- a) the subject property BE DECLARED SURPLUS; and,
- b) the subject property ("Surplus Lands") BE TRANSFERRED to the abutting property owner, in accordance with the City's Sale and Other Disposition of Land Policy.

Motion Passed

8. (2.5) London Community Recovery Network – Ideas for Action by Municipal Council

Motion made by: M. Cassidy

That, on the recommendation of the City Manager and the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken with respect to the London Community Recovery Network:

a) the implementation plans for the following ideas for action submitted from the London Community Recovery Network and received by Municipal Council BE APPROVED:

- 1.7 - Buying Local for the Holidays
- 1.8 - Instagram takeovers in support of local businesses
- 3.3 - Group buying to lower the costs of PPE
- 3.4 - Creating a government funding data bank

b) the Civic Administration BE DIRECTED to execute the implementation plans for ideas for action in support of London's community recovery from COVID-19; and,

c) the staff report dated February 8, 2021, BE RECEIVED.

Motion Passed

9. (4.1) Application - Issuance of Proclamation - Personal Support Worker Day

Motion made by: M. Cassidy

That based on the application dated January 14, 2021, from the Canadian PSW Network, May 19, 2021 BE PROCLAIMED Personal Support Worker (PSW) Day.

Motion Passed

10. (5.1) Paid Sick Leave Enhancement

Motion made by: M. Cassidy

That the Federal and Provincial Governments BE ADVISED that the Municipal Council of The Corporation of the City of London requests the two levels of government to work together, as soon as possible, to enhance paid sick leave for all, in order to ensure that individuals are not forced to attend their workplace when they are ill and therefore assisting in limiting the spread of COVID-19.

Yeas: (11): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, J. Morgan, A. Hopkins, P. Van Meerbergen, E. Pelosa, and A. Kayabaga

Nays: (2): P. Squire, and S. Lehman

Absent: (2): S. Turner, and S. Hillier

Motion Passed (11 to 2)

8.4 2nd Report of the Civic Works Committee

Motion made by: E. Pelosa

That the 2nd Report of the Civic Works Committee, excluding Items 9 (2.12), 11 (2.5), 12 (2.6) and 16 (5.1), BE APPROVED.

Yeas: (13): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelosa, and A. Kayabaga

Absent: (2): S. Turner, and S. Hillier

Motion Passed (13 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: E. Pelosa

Councillor S. Turner discloses a pecuniary interest in Item 2.11 of the 2nd Report of the Civic Works Committee, having to do with the 2020 Drinking Water Annual Report and Summary Report for the City of London Drinking Water System, by indicating that he is an employee of the Middlesex London Health Unit.

Motion Passed

2. (2.1) 1st Report of the Transportation Advisory Committee

Motion made by: E. Pelosa

That the following actions be taken with respect to the 1st Report of the Transportation Advisory Committee, from its meeting held on January 26, 2021:

- a) the following actions be taken with respect to the Transportation Advisory Committee (TAC) Work Plan:
 - i) the final 2020 TAC Work Plan BE RECEIVED; and,
 - ii) the revised draft 2021 TAC Work Plan, as appended to the Report, BE APPROVED; and,
- b) clauses 1.1, 1.2, 3.1 to 3.3 and 5.1 to 5.4 BE RECEIVED.

Motion Passed

3. (2.2) Mud Creek Phase 1B Channel Reconstruction: Consultant Appointment for Tendering and Construction Administration

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director Environmental and Engineering Services and City Engineer, the following actions be taken with respect to staff report dated February 9, 2021, related to the Mud Creek Phase 1B Channel Reconstruction and Consultant Appointment for Tendering and Construction Administration:

- a) the engineering fees for CH2M Hill Canada Limited Consulting BE INCREASED to prepare a separate tender for the Phase 1B works and to authorize the resident inspection and contract administration for the said project in accordance with the estimates, on file, to an upset amount of \$352,370 (excluding HST)

from \$2,050,998 to a total of \$2,403,368, in accordance with Section 15.2 (g) of the Procurement of Goods and Services Policy;

b) the financing for this project BE APPROVED as set out in the Sources of Financing Report, as appended to the above-noted staff report;

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

d) the approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order for the work to be done relating to this 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. (2021-T06)

Motion Passed

4. (2.3) Carling Creek Stormwater Servicing Master Plan Environmental Assessment Consultant Appointment

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the staff report dated February 9, 2021 related to the Carling Creek Stormwater Servicing Master Plan Environmental Assessment Consultant Appointment:

a) Ecosystem Recovery Inc. BE APPOINTED Consulting Engineers to complete the Carling Creek Stormwater Servicing EA in accordance with the estimate, on file, at an upset amount of \$169,334 including 10% contingency, (excluding HST), in accordance with Section 15.2(d) of the City of London's Procurement of Goods and Services Policy;

b) the financing for the project BE APPROVED in accordance with the Sources of Financing Report, as appended to the above-noted staff report;

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

d) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract; 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. (2021-E09)

Motion Passed

5. (2.4) Metamora Stormwater Outfall Replacement Consultant Appointment

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the staff report dated February 9, 2021, related to the Metamora Stormwater Outfall Replacement Consultant Appointment:

- a) Ecosystem Recovery Inc. BE APPOINTED Consulting Engineers to complete the detailed design and construction administration for the Metamora stormwater outfall replacement works in accordance with the estimate, on file, at an upset amount of \$163,440.00 including 20% contingency, (excluding HST), in accordance with Section 15.2(d) of the City of London's Procurement of Goods and Services Policy;
- b) the financing for the project BE APPROVED in accordance with the Sources of Financing Report as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- d) the approvals given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract; 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. (2021-D20)

Motion Passed

6. (2.8) Appointment of Consulting Engineer - Cycling Projects Design Assignment 1

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the staff report dated February 9, 2021, related to the Appointment of a Consulting Engineer for Cycling Projects Design Assignment 1:

- a) IBI Group Professional Services (Canada) Inc. BE APPOINTED Consulting Engineers to complete the Detailed Design, and Tendering Services in the amount of \$241,493.29, (excluding HST), in accordance with Section 15.2 (e) of the Procurement of Goods and Services Policy;
- b) the financing for this appointment BE APPROVED as set out in the Sources of Financing Report, as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this appointment;
- d) the approvals given, herein, 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, including rail agreements, if required, to give effect to these recommendations. (2021-T10)

Motion Passed

7. (2.9) Appointment of Consulting Engineer - Cycling Projects Design Assignment 2

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the staff report dated February 9, 2021, related to the Appointment of a Consulting Engineer for Cycling Projects Design Assignment 2:

- a) IBI Group Professional Services (Canada) Inc. BE APPOINTED Consulting Engineers to complete the Detailed Design, and Tendering Services in the amount of \$257,179.67 (excluding HST), in accordance with Section 15.2 (e) of the Procurement of Goods and Services Policy;
- b) the financing for this appointment BE APPROVED as set out in the Sources of Financing Report, as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this appointment;
- d) the approvals given, herein, 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, including rail agreements, if required, to give effect to these recommendations. (2021-T10)

Motion Passed

8. (2.10) RFP 20-61 Supply and Delivery of Combination Sewer Cleaning Truck

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the staff report dated February 9, 2021 related to RFP 20-61 Supply and Delivery of Combination Sewer Cleaning Truck:

- a) the submission from Joe Johnson Equipment, 2521 Bowman Street, Innisfil, ON, L9S 3V6, for the supply and delivery of one (1) Combination Sewer Cleaning Truck at a total purchase price of \$589,883, (excluding HST), BE ACCEPTED in accordance with Section 12.2 b) of the Goods and Services Policy which states that "Awards under the RFP process require the following approval: Committee and City Council must approve an RFP award for purchases greater than \$100,000";

b) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with these purchases;

c) approval given, herein, 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; and,

d) the funding for this purchase BE APPROVED as set out in the Source of Financing Report, as appended to the above-noted staff report. (2021-V01)

Motion Passed

10. (2.13) Strategic Plan Variance Report

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director of Environmental and Engineering Services and City Engineer, the staff report dated February 9, 2021 related to the Strategic Plan Progress Variance BE RECEIVED. (2021-C08)

Motion Passed

13. (2.7) Stopping and Parking Restrictions in Bicycle Lanes (Relates to Bill No. 68)

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the proposed by-law, as appended to the staff report dated February 9, 2021, BE INTRODUCED at the Municipal Council meeting to be held on February 23, 2021, for the purpose of amending By-law PS-113, being "a by-law to regulate traffic and the parking of motor vehicles in the City of London" to improve motor vehicle restrictions in reserved bicycle lanes. (2021-T08)

Motion Passed

14. (2.11) 2020 Drinking Water Annual Report and Summary Report for the City of London Drinking Water System

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the staff report dated February 9, 2021 with respect to the 2020 Drinking Water Annual Report and Summary Report for the City of London Drinking Water System BE RECEIVED. (2021-E13)

Motion Passed

15. (4.1) Fleet Electrification Analysis Report

Motion made by: E. Pelosa

That the communication, dated January 28, 2021, from K. Paleczny, London Transit Commission, with respect to the Fleet Electrification Analysis Report, BE RECEIVED. (2021-T03)

Motion Passed

At 8:12 PM, Councillor S. Turner enters the meeting.

9. (2.12) London Community Recovery Network - Ideas for Action by Municipal Council

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the staff report dated February 9, 2021 related to the London Community Recovery Network Ideas for Action by Municipal Council:

- a) the implementation plan Focus on actions that get people moving around the core (Idea #2.1), submitted from the London Community Recovery Network and received by Municipal Council BE APPROVED;
- b) the Civic Administration BE DIRECTED to execute the implementation plan for this idea for action in support of London's community recovery from COVID-19;
- c) \$330,000 BE APPROVED, as set out in the business case included in Appendix A of the above-noted Report; it being noted that Municipal Council previously authorized \$5 million to be contributed to the Economic Development Reserve Fund to support social and economic recovery measures; and,
- d) the above-noted staff report BE RECEIVED. (2021-R08/S08)

Motion made by: S. Lewis

Seconded by: S. Lehman

That Item 9 (2.12) Idea for Action 2.1 - getting people moving around the core, BE REFERRED back to the Civic Administration for further consideration and redevelopment, with a report back to a future meeting of the Civic Works Committee with the revised Idea for Action 2.1, after the "Downtown Loop" construction has been completed; it being noted that this Idea was not included in the CORE Area Action Plan.

Yeas: (4): S. Lewis, J. Morgan, S. Lehman, and P. Van Meerbergen

Nays: (10): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, P. Squire, A. Hopkins, S. Turner, E. Pelosa, and A. Kayabaga

Absent: (1): S. Hillier

Motion Failed (4 to 10)

At 8:24 PM, Mayor E. Holder places Deputy Mayor J. Morgan in the Chair and takes a seat at the Council Board.

At 8:27 PM, Mayor E. Holder resumes the Chair and Deputy Mayor J. Morgan takes his seat at the Council Board.

Motion made by: E. Pelosa

That, Item 9 (2.12) BE APPROVED.

Yeas: (9): Mayor E. Holder, M. van Holst, M. Salih, J. Helmer, M. Cassidy, A. Hopkins, S. Turner, E. Pelosa, and A. Kayabaga

Nays: (5): S. Lewis, P. Squire, J. Morgan, S. Lehman, and P. Van Meerbergen

Absent: (1): S. Hillier

Motion Passed (9 to 5)

11. (2.5) Contract Award: Tender No. 21-01 - Downtown Loop and Municipal Infrastructure Improvements Phase 1

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the staff report dated February 9, 2021 related to Contract Award for Tender No. 21-01 for the Downtown Loop and Municipal Infrastructure Improvements Phase 1:

- a) the bid submitted by L82 Construction Ltd. at its tendered price of \$8,177,280.64 (excluding HST) for the Downtown Loop and Municipal Infrastructure Improvements Phase 1 Project BE ACCEPTED; it being noted that the bid submitted by L82 Construction Ltd. was the lowest of five bids received and meets the City's specifications and requirements in all areas;
- b) AECOM Canada Ltd., BE AUTHORIZED to carry out the resident inspection and contract administration for the said project in accordance with the estimate, on file, at an upset amount of \$849,690 (excluding HST) in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;
- c) the financing for this project BE APPROVED as set out in the Sources of Financing Report as appended to the above-noted staff report;
- d) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this project;
- e) the approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract, or issuing a purchase order for the material to be supplied and the work to be done, relating to this project (Tender 21-01); 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. (2021-T10)

Yeas: (12): Mayor E. Holder, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, S. Turner, E. Pelosa, and A. Kayabaga

Nays: (2): M. van Holst, and P. Van Meerbergen

Absent: (1): S. Hillier

Motion Passed (12 to 2)

12. (2.6) New Sidewalks in 2021 Infrastructure Reconstruction Projects

Motion made by: E. Pelosa

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the staff report dated February 9, 2021 related to New Sidewalks in 2021 Infrastructure Reconstruction Projects:

- a) the above-noted staff report BE RECEIVED;
- b) the requests for delegation by the following individuals, with respect to this matter, BE APPROVED for a future meeting of the Civic Works Committee:

- R. Standish;
- D. O’Gorman;
- L. Dang;
- T. Hutchinson and P. Cobrin; and
- G. Pavlov and M. Goltsman

- c) the communications from the following individuals, with respect to this matter BE RECEIVED:

- A. Quan-Haase;
- L. Burns;
- E. Eastaugh;
- E. Grosvenor;
- D. and M. Sheedy;
- B. and D. McGee;
- R. Standish;
- L. Brooke;
- K. Hesketh;
- M. Cole;
- D. Sandic;
- A. and V. Belecky;
- D. O’Gorman;
- L. Dang;
- C. Gibson;
- M. and M. Ryan;
- B. Glushko;
- P. and D. Hayman;
- J. Wilk;
- T. Hutchinson and P. Cobrin;
- G. Pavlov and M. Goltsman;
- M. Box;
- R. and L. Cao;
- K. and J. Savoy; and,
- B. Woodley (2021-T04)

Motion made by: E. Pelosa

Seconded by: P. Squire

That Item 12 (2.6) BE AMENDED to read as follows:

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the staff report dated February 9, 2021 related to New Sidewalks in 2021 Infrastructure Reconstruction Projects:

- a) the above-noted staff report BE RECEIVED;
- b) the requests for delegation by the following individuals, with respect to this matter, BE APPROVED for a Special Meeting of the Civic Works Committee to be held on March 15, 2021:

- R. Standish
- D. O’Gorman
- L. Dang
- T. Hutchinson and P. Corbin
- G. Pavlov and M. Goltsman
- J. Menard, ACCAC
- S. Lewkowitz, Urban League of London
- J. Preston
- L. Kari
- D. Cuthbert
- J. Potter
- H. Post
- P. Hart
- S. Skelton
- P. Traylen
- A.M. Grantham
- J. and K. New
- D. and B. Gibbs
- R. Rudell
- F. and J. Lucente
- P. Hubert
- R. Tribe
- W. Handler

- c) the communications from the following individuals, with respect to this matter BE RECEIVED:

- A. Quan-Haase;
- L. Burns;
- E. Eastaugh;
- E. Grosvenor;
- D. and M. Sheedy;
- B. and D. McGee;
- R. Standish;
- L. Brooke;
- K. Hesketh;
- M. Cole;
- D. Sandic;
- A. and V. Belecky;
- D. O’Gorman;
- L. Dang;
- C. Gibson;
- M. and M. Ryan;
- B. Glushko;
- P. and D. Hayman;
- J. Wilk;
- T. Hutchinson and P. Cobrin;
- G. Pavlov and M. Goltsman;

- M. Box;
- R. and L. Cao;
- K. and J. Savoy; and,
- B. Woodley
- G. and R. Stoddart
- L. Kari
- K. Noel
- T. MacLeod
- H. Pilkington
- L. and F. Welsby
- M. Paik
- G. and R. Harris
- M. Ransom
- B. Roberts
- R. Dickinson
- D. and G. Forbes
- S. Chown and J. Brown
- S. and M. Hillman
- S. McGregor
- R. and G. Turpin
- J. Easton
- T. Daniele
- D. Abelson
- C. Grass
- R. Haydon
- D. Myles
- E. and J. Grover
- S. and C. Cozens
- R. and H. Lovenjak
- S. Cravwn
- W. Henke (2021-T04)

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

Motion made by: E. Pelozza

Seconded by: P. Squire

That Item 12 (2.6), as amended, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

16. (5.1) Deferred Matters List

Motion made by: E. Pelozza

That the Civic Works Committee Deferred Matters List, as at February 1, 2021, BE RECEIVED.

Yeas: (13): M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Recuse: (1): Mayor E. Holder

Absent: (1): S. Hillier

Motion Passed (13 to 0)

8.5 5th Report of the Strategic Priorities and Policy Committee

Motion made by: J. Morgan

That Items 1 and 3 (4.1) of the 5th Report of the Strategic Priorities and Policy Committee meeting BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

1. Disclosures of Pecuniary Interest

Motion made by: J. Morgan

Councillor J. Helmer discloses a pecuniary interest in Item 3.1 - City of London Service Review: Recommended Closure of River Road Golf Course, by indicating that his father is employed by the National Golf Course Owners Association, whose member fees could be affected by the decision associated with this matter.

Motion Passed

3. (4.1) Consideration of Appointment to the RBC Place London Board

Motion made by: J. Morgan

That Garrett Vanderwyst (sustainability business), Class 2, BE REAPPOINTED to the RBC Place London Board of Directors for a two-year term ending November 15, 2022.

Motion Passed

2. (3.1) City of London Service Review: Recommended Closure of River Road Golf Course

Motion made by: J. Morgan

That, on the recommendation of the Managing Director, Parks and Recreation and the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken:

- a) the Civic Administration BE DIRECTED to cease golf operations at the municipally operated River Road Golf Course, effective immediately, to mitigate budget pressures on the

municipal golf system;

b) the Civic Administration BE DIRECTED to initiate the disposition of property process in compliance with the Municipal Council's Sale and Other Disposition of Land Policy; and,

c) notwithstanding the Municipal Council's Sale of Major Assets Policy, the proceeds from any partial or full disposition of River Road Golf Course lands BE ALLOCATED to the municipal golf reserve fund;

it being pointed out that the Strategic Priorities and Policy Committee reviewed and received the following communications with respect to this matter:

a communication from J. Albin;
a communication from B. Byck;
a communication from B. Caldwell;
a communication from B. Campbell;
a communication from W. Campbell;
a communication from B. Davis;
a communication from R. Ferris;
a communication from C. Fieder;
a communication from K. Graham;
a communication from M. Graham;
a communication from T. Johnston;
a communication from T. Johnston;
a communication from D. W. Kostiuk;
a communication from T. MacDonald;
a communication from N. Macmillan;
a communication from M. O'Keefe;
a communication from D. Page;
a communication from R. Reimer;
a communication from D. Rowdon;
a communication from E. Sivilotti;
a communication from L. Smith;
a communication from J. Smythe;
a communication from J. B. Thompson;
a communication from J. Wagner;
a communication from R. Wharry;
a communication from F. York;
a communication from J. York;
a communication from D. W. Shin;
a communication from R. Carruthers;
a communication from R. Kasprzak;
a communication from D. De Vries;
a communication from H. and L. Marienfeldt;
a communication from P. Jackson;
a communication from M. Klug;
a communication from D. Quantrill;
a communication from J. Bracken;
a communication from R. J. Austin;
a communication from S. Buccella;
a communication from R. McLarty;
a communication from G. Buckley;
a communication from J. Attard;
a communication from A. Johnson;
a communication from F. Lamontagne;
a communication from D. McMullin;
a communication from J. Campos;
a communication from C. Beck;
a communication from B. Knowles;
a communication from F. Donovan;

a communication from O. Rizzolo;
a communication from V. Clark;
a communication from J. Russell;
a communication from A. Lobsinger; and
a communication from P. Herbert;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions regarding these matters:

- C. Loughry, Golf Ontario – speaking in favour of keeping River Road Golf Course operational; and offering operational alternatives for the Committee’s consideration; noting Golf Ontario’s recent work with the City of Toronto;
- A. McGuigan – speaking in favour of keeping River Road Golf Course operational as a public course; noting that demand for golf and outdoor recreation expand with the growth of the city and likely this is why the course was purchased by the City.

Motion made by: M. van Holst

Seconded by: P. Van Meerbergen

That the matter of a decision related to the future of River Road Golf Course BE REFERRED to the next meeting of the Strategic Priorities of Policy Committee to provide for the consideration of additional models of operation and proposals.

Yeas: (3): M. van Holst, S. Lehman, and P. Van Meerbergen

Nays: (10): Mayor E. Holder, S. Lewis, M. Salih, M. Cassidy, P. Squire, J. Morgan, A. Hopkins, S. Turner, E. Pelozza, and A. Kayabaga

Recuse: (1): J. Helmer

Absent: (1): S. Hillier

Motion Failed (3 to 10)

Motion made by: J. Morgan

That part a) of Item 2 (3.1), BE APPROVED:

That, on the recommendation of the Managing Director, Parks and Recreation and the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken:

- a) the Civic Administration BE DIRECTED to cease golf operations at the municipally operated River Road Golf Course, effective immediately, to mitigate budget pressures on the municipal golf system;

Yeas: (9): Mayor E. Holder, S. Lewis, M. Salih, M. Cassidy, P. Squire, J. Morgan, S. Turner, E. Pelozza, and A. Kayabaga

Nays: (4): M. van Holst, S. Lehman, A. Hopkins, and P. Van Meerbergen

Recuse: (1): J. Helmer

Absent: (1): S. Hillier

Motion Passed (9 to 4)

Motion made by: A. Hopkins
Seconded by: P. Van Meerbergen

That part b) of Item 2 (3.1) BE AMENDED to read as follows:

b) prior to the initiation of the disposition of property process in compliance with the Municipal Council's Sale and Other Disposition of Land Policy, the Civic Administration BE DIRECTED to make the necessary arrangements to hold a Public Participation Meeting before a future meeting of the Strategic Priorities and Policy Committee, to receive input with respect to potential options for use of the land related to the River Road Golf Course, in order to ensure that all options are evaluated through the disposition of property process;

Yeas: (3): M. van Holst, A. Hopkins, and P. Van Meerbergen

Nays: (10): Mayor E. Holder, S. Lewis, M. Salih, M. Cassidy, P. Squire, J. Morgan, S. Lehman, S. Turner, E. Pelozza, and A. Kayabaga

Recuse: (1): J. Helmer

Absent: (1): S. Hillier

Motion Failed (3 to 10)

Motion made by: J. Morgan

That part b) of Item 2 (3.1), BE APPROVED:

b) the Civic Administration BE DIRECTED to initiate the disposition of property process in compliance with the Municipal Council's Sale and Other Disposition of Land Policy; and,

Yeas: (9): Mayor E. Holder, S. Lewis, M. Salih, M. Cassidy, P. Squire, J. Morgan, S. Turner, E. Pelozza, and A. Kayabaga

Nays: (4): M. van Holst, S. Lehman, A. Hopkins, and P. Van Meerbergen

Recuse: (1): J. Helmer

Absent: (1): S. Hillier

Motion Passed (9 to 4)

Motion made by: J. Morgan

That part c) of Item 2 (3.1), BE APPROVED:

c) notwithstanding the Municipal Council's Sale of Major Assets Policy, the proceeds from any partial or full disposition of River Road Golf Course lands BE ALLOCATED to the municipal golf reserve fund;

it being pointed out that the Strategic Priorities and Policy Committee reviewed and received the following communications with respect to this matter:

a communication from J. Albin;
a communication from B. Byck;
a communication from B. Caldwell;
a communication from B. Campbell;
a communication from W. Campbell;

a communication from B. Davis;
a communication from R. Ferris;
a communication from C. Fieder;
a communication from K. Graham;
a communication from M. Graham;
a communication from T. Johnston;
a communication from T. Johnston;
a communication from D. W. Kostiuk;
a communication from T. MacDonald;
a communication from N. Macmillan;
a communication from M. O'Keefe;
a communication from D. Page;
a communication from R. Reimer;
a communication from D. Rowdon;
a communication from E. Sivilotti;
a communication from L. Smith;
a communication from J. Smythe;
a communication from J. B. Thompson;
a communication from J. Wagner;
a communication from R. Wharry;
a communication from F. York;
a communication from J. York;
a communication from D. W. Shin;
a communication from R. Carruthers;
a communication from R. Kasprzak;
a communication from D. De Vries;
a communication from H. and L. Marienfeldt;
a communication from P. Jackson;
a communication from M. Klug;
a communication from D. Quantrill;
a communication from J. Bracken;
a communication from R. J. Austin;
a communication from S. Buccella;
a communication from R. McLarty;
a communication from G. Buckley;
a communication from J. Attard;
a communication from A. Johnson;
a communication from F. Lamontagne;
a communication from D. McMullin;
a communication from J. Campos;
a communication from C. Beck;
a communication from B. Knowles;
a communication from F. Donovan;
a communication from O. Rizzolo;
a communication from V. Clark;
a communication from J. Russell;
a communication from A. Lobsinger; and
a communication from P. Herbert;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions regarding these matters:

C. Loughry, Golf Ontario – speaking in favour of keeping River Road Golf Course operational; and offering operational alternatives for the Committee's consideration; noting Golf Ontario's recent work with the City of Toronto;

A. McGuigan – speaking in favour of keeping River Road Golf Course operational as a public course; noting that demand for golf and outdoor recreation expand with the growth of the city and likely this is why the course was purchased by the City.

Yeas: (12): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, E. Pelozza, and A. Kayabaga

Nays: (1): S. Turner

Recuse: (1): J. Helmer

Absent: (1): S. Hillier

Motion Passed (12 to 1)

8.6 1st Report of the Audit Committee

Motion made by: J. Morgan

That the 1st Report of the Audit Committee, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

1. (1.1) Disclosures of Pecuniary Interest

Motion made by: J. Morgan

That it BE NOTED that no pecuniary interests were disclosed.

Motion Passed

2. (1.2) Election of Vice Chair for the term ending November 30, 2021

Motion made by: J. Morgan

That Councillor Helmer BE ELECTED Vice Chair of the Audit Committee for the term ending November 30, 2021.

Motion Passed

3. (4.1) Audit Planning Report for the Year Ended December 31, 2020

Motion made by: J. Morgan

That the KPMG LLP Audit Planning Report, for the year ending December 31, 2020, BE APPROVED.

Motion Passed

4. (4.2) London Downtown Closed Circuit Television Program – Report on Specified Auditing Procedures for the Year Ending December 31, 2020

Motion made by: J. Morgan

That the KPMG Report on Specified Auditing Procedures for the London Downtown Closed Circuit Television Program, for the year ending December 31, 2020, BE RECEIVED.

Motion Passed

5. (4.3) Internal Audit Summary Update

Motion made by: J. Morgan

That the communication dated January 29, 2021, from Deloitte, with respect to the internal audit summary update, BE RECEIVED.

Motion Passed

6. (4.4) Revised 2020-2022 Audit Plan by Audit Universe Area

Motion made by: J. Morgan

That the revised 2020-2022- Audit Plan by Audit Universe Area from Deloitte BE RECEIVED.

Motion Passed

7. (4.5) Internal Audit Dashboard as at January 29, 2021

Motion made by: J. Morgan

That the communication from Deloitte, regarding the internal audit dashboard as of January 29, 2021, BE RECEIVED.

Motion Passed

8. (4.6) Audit Committee Observation Summary as at January 29, 2021

Motion made by: J. Morgan

That the Observation Summary from Deloitte, as of January 29, 2021, BE RECEIVED.

Motion Passed

9. (4.7) Assumptions and Securities Review

Motion made by: J. Morgan

That the Internal Audit Report from Deloitte with respect to Assumptions and Securities Review performed October 2020 to December 2020, issued January 28, 2021, BE RECEIVED.

Motion Passed

10. (4.8) Class Replacement Project Post - Implementation Reconciliation Process Review

Motion made by: J. Morgan

That the Internal Audit Report from Deloitte with respect to Class Replacement Project Post - Implementation Reconciliation Process Review performed October 2020 to December 2020, issued January 27, 2021, BE RECEIVED.

Motion Passed

10. Deferred Matters

None.

11. Enquiries

11.1 Statement of Claim - CLC Tree Services Ltd. - Councillors P. Squire and S. Lewis

Councillor P. Squire indicated that given the issuance of the Statement of Claim from CLC Tree Services Ltd., he asked for an update with respect to the status of the Claim and asked that the following additional Closed Session reason be approved to receive an update from the Civic Administration regarding this matter:

“A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose and pertaining to personal matters about identifiable individuals, labour relations or employee negotiations, including communications necessary for that purpose with respect to the Statement of Claim from CLC Tree Services Ltd.”

Motion made by: P. Squire
Seconded by: S. Lewis

That pursuant to section 11.4 of the Council Procedure By-law leave BE GIVEN to add the following Closed Session reason be added to the Council Agenda:

“A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose and pertaining to personal matters about identifiable individuals, labour relations or employee negotiations, including communications necessary for that purpose with respect to the Statement of Claim from CLC Tree Services Ltd.”

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

12. Emergent Motions

None.

13. By-laws

Motion made by: P. Van Meerbergen
Seconded by: S. Lewis

That Introduction and First Reading of Bill No's 64 to 83, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

Motion made by: S. Lehman
Seconded by: J. Helmer

That Second Reading of Bill No's 64 to 83, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

Motion made by: S. Turner
Seconded by: A. Hopkins

That Third Reading and Enactment of Bill No's 64 to 83, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

4. Council, In Closed Session

Motion made by: M. Cassidy
Seconded by: M. van Holst

That Council rise and go into Council, In Closed Session, for the purpose of considering the following:

4.1 Solicitor-Client Privilege/Litigation or Potential Litigation

A matter being considered pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Local Planning Appeal Tribunal ("LPAT"), and for the purpose of providing instructions and directions to officers and employees of the Corporation. (6.1/3/PEC)

4.2 Land Acquisition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any

negotiations carried on or to be carried on by or on behalf of the municipality.
(6.1/3/CSC)

4.3 Land Disposition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending disposition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.
(6.2/3/CSC)

4.4 Land Disposition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending disposition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.
(6.3/3/CSC)

4.5 Personal Matters/Identifiable Individuals

A matter pertaining to personal matters about identifiable individuals, labour relations or employee negotiations, including communications necessary for that purpose and, advice and recommendations of officers and employees of the Corporation, including communications necessary for that purpose and for the purpose of providing instructions and direction to officers and employees of the Corporation. (6.1/5/SPPC)

4.6 (ADDED) Solicitor-Client Privilege/Personal Matters/Identifiable Individuals /Labour Relations or Employee Negotiations

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose and pertaining to personal matters about identifiable individuals, labour relations or employee negotiations, including communications necessary for that purpose with respect to the Statement of Claim from CLC Tree Services Ltd.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Peloza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

The Council convenes, In Closed Session, at 9:47 PM, with Mayor E. Holder in the Chair and all Members participating, except Councillor S. Hillier.

At 10:20 PM, Council resumes in public session, with Mayor E. Holder in the Chair and all Members participating, except Councillor S. Hillier.

9. Added Reports

9.1 4th Report of Council in Closed Session

Motion made by: P. Squire

Seconded by: S. Lehman

1. Partial Property Acquisition – 3050 Dingman Drive – Dingman Drive Road Improvements

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, with the concurrence of the Director, Roads and Transportation and the Division Manager, Transportation Planning and Design, on the advice of the Manager of Realty Services, with respect to the partial acquisition of property located at 3050 Dingman Drive, further described as Part Lot 16, Concession 3, as in WU58299, 175026, subject to 157301 subject to an easement in gross over Part 1, Plan 33R-18786 as in ER922719, City of London, County of Middlesex, designated as Parts 10, 11, 12 and 13 on Draft Reference Plan to be deposited as being part of PIN 08204-0198, being 0.30 acres as shown on the location map attached as Appendix "B", for the purpose of future road improvements to accommodate the Dingman Drive road improvements project, the following actions be taken:

- a) the offer submitted by Pamela Betterley (the "Vendor"), to sell the subject property to the City, for the sum of \$143,000.00, BE ACCEPTED, subject to the following conditions:
 - i) the City agreeing to pay the Vendor's reasonable legal fees, including disbursements and applicable taxes, as incurred to complete this transaction;
 - ii) the City, at its expense, agreeing to prepare and deposit on title, on or before closing, a reference plan describing the subject property;
 - iii) the City, agreeing to reimburse the Vendor for any reasonable costs associated with rehabilitating the septic tile bed in the event the said tile bed encroaches on property being acquired;
 - iv) the City acknowledging the Vendor is entitled to all rights and privileges, including total income with respect to a land lease with Bell Mobility Inc.; and
- b) the financing for this acquisition BE APPROVED as set out in the Source of Financing Report attached hereto as Appendix "A".

2. Offer to Purchase Surplus Land – Bluestone Properties Inc., Part of Huxley Street

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to the City owned surplus land being Part of HUXLEY ST (FORMERLY JOHN ST), PL 193, designated as Part 2 on 33R-20888, being Part of PIN 08397-0040 (LT) and further shown highlighted in red in Appendix "A" ("the Property") in the City of London, County of Middlesex, the offer submitted by Bluestone Properties Inc. (the "Purchaser"), to purchase the subject Property from the City, at a purchase price of \$220,000.00, which agreement is attached hereto as Appendix "B" BE ACCEPTED, subject to the following conditions:

- a) the Purchaser shall be allowed until 4:30 PM on March 31st, 2021 (Requisition Date) to examine title to the property and at its own expense and to satisfy itself that there are no outstanding work orders or deficiency notices affecting the Property, that its present use may be lawfully continued and that the principal building may be insured against risk of fire;
- b) this Agreement shall be completed by not later than 4:30 PM on April 15th, 2021. Upon completion, vacant possession of the Property shall be given to the Purchaser unless otherwise provided for in this Agreement;
- c) the Purchaser shall have until 4:00 PM on March 31st, 2021 to satisfy itself in its sole and absolute discretion as to the soil, geotechnical, archaeological and environmental condition of the Property;
- d) the Purchaser acknowledges that the Property is being purchased on an "as is" basis;

- e) the Purchaser and the Vendor agree to pay their own legal costs, including fees, disbursements and applicable taxes, as required, to complete this transaction;
- f) following the closing of this transaction, the Purchaser will grant to the Vendor, for nominal consideration being Two Dollars (\$2.00), servicing easements as may be required over the entire Property, on the City's standard municipal services easement form. The Purchaser acknowledges and agrees that the Vendor will be retaining a municipal services easement for municipal infrastructure and will be conveying any utility easements that may be required. This condition shall survive and not merge on the completion of this transaction;
- g) the Purchaser acknowledges and agrees that third party utility easements will be registered by the Vendor on title to the Property prior to the closing of this transaction;
- h) this Agreement is conditional upon the proof to the Vendor that the Purchaser is the registered owner of the abutting lands being 101 Baseline Road West and 107 Baseline Road West (the "Abutting Lands") by on or before 4:00 PM on March 31st, 2021 (the "Abutting Ownership"); it being noted that as part of the original Municipal Council resolution issued on April 17th, 2000, the sale of the Vendor's Property is only permitted to the rightful owner of the Abutting Lands and as such, the Vendor requires proof of Abutting Ownership;
- i) both parties mutually agree that the Property will contain in perpetuity, a 10 foot (3.03 metres) dedicated pedestrian public accessible walkway (the "Public Walkway") connecting Huxley Street to Baseline Road to be provided by easement in the form attached in Schedule "D" and as may be further described in any future development agreement and/or site plan approval brought forward by the Purchaser for the abutting Purchaser Land(s). All costs to relocate, reconstruct, or replace the Public Walkway (the "Pathway Relocation") as part of a future development agreement and/or site plan approval shall be the sole responsibility of the Purchaser. As part of the Pathway Relocation the overall construction which shall include but not be limited to the size, material, standards, grading, placement, and final location shall be approved prior and in writing by the Vendor in its sole discretion; the Purchaser further acknowledges and agrees that for any portion of the Pathway Relocation onto the Purchaser's abutting lands, the same rights as described in Schedule "D" shall be granted to the Vendor at nominal consideration. Once the Pathway Relocation is completed, all future maintenance, operation, improvements, and repairs of the Public Walkway on the Property portion of lands will remain the responsibility of the Purchaser and, this condition shall survive and not merge on the completion of this transaction; and,
- j) this Agreement is conditional upon Municipal Council passing a by-law permanently closing the portion of Huxley Road Located on the property (the "Road Closing") in accordance with the Municipal Act, 2001, as amended, on or before 4:00 PM on March 31st, 2021; if within that time, the Vendor has not given notice in writing to the Purchaser that this condition has been satisfied or waived then this Agreement shall be null and void and not further force or effect whatsoever and each party shall be released from all of its liabilities and obligation under this Agreement and the deposit shall be returned to the Purchaser forthwith, without interest or deduction except as otherwise provide for herein; it being noted that this condition is included for the benefit of the Vendor and may be waived at the Vendor's sole option by notice in writing to the Purchaser as aforesaid within the time period stated herein.

3. Old Victoria Hospital Lands Phase II Disposition RFT 21 – 09

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, with concurrence of the Director, Planning and City Planner, and on the advice of the Manager, Realty Services, with respect to the subject property known as Old Victoria Hospital Lands Phase II, being approximately 6.25 acres and further described as:

PARCEL 1 - Part of Lot 27 and all of Lots 26, 34 and 35, Registered Plan 172(E), designated as Part 1 on Plan 33R-17941, BEING ALL OF PIN 08315-0080 in the City of London and County of Middlesex;

PARCEL 2 - Lots 6, 7 and 8 South of Hill Street East and Lots 6, 7 and 8 North of South Street East on Crown Plan 30, Lots 21, 22, 23, 24, 25, 37, 40 and Part of Lots 36, 38 and 39 on Registered Plan 172(E), designated as Parts 1 and 2 on Plan 33R-17942 Save and Except Parts 1, 2, 3 and 4 on Plan 33R-20703, BEING ALL OF PIN 08329-0197 and PART OF PIN 08329-0198, in the City of London and County of Middlesex, (collectively the "Property");

the offer submitted by Vision SoHo Alliance consisting of: Indwell Community Homes, ZerIn Development Corporation, Homes Unlimited (London) Inc., Chelsea Green Home Society, Italian Seniors' Project to purchase the subject properties from the City, for the sum of \$2,000,000.00 BE ACCEPTED, subject to the additional conditions outlined in Schedule "D" of the Agreement of Purchase and Sale.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

Motion made by: A. Hopkins

Seconded by: M. Cassidy

That Introduction and First Reading of Bill No. 63 and Added Bill No.'s 84 to 88, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

Motion made by: S. Lewis

Seconded by: E. Pelozza

That Second Reading of Bill No. 63 and Added Bill No.'s 84 to 88, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

Motion made by: S. Lehman
Seconded by: A. Hopkins

That Third Reading and Enactment of Bill No. 63 and Added Bill No.'s 84 to 88, inclusive, BE APPROVED.

Yeas: (14): Mayor E. Holder, M. van Holst, S. Lewis, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, S. Lehman, A. Hopkins, P. Van Meerbergen, S. Turner, E. Pelozza, and A. Kayabaga

Absent: (1): S. Hillier

Motion Passed (14 to 0)

The following are By-laws of The Corporation of the City of London:

Bill	By-law
Bill No. 63	By-law No. A.-8065-50 – A by-law to confirm the proceedings of the Council Meeting held on the 23rd day of February, 2021. (City Clerk)
Bill No. 64	By-law No. A.-8066-51 – A by-law to approve and authorize the execution of the current and future Letters of Agreement between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario and the City of London for the transfer of Dedicated Gas Tax Funds for Public Transportation Program. (2.2/3/CSC)
Bill No. 65	By-law No. A.-8067-52 – A by-law to approve and authorize the execution of the Transfer Payment Agreement between Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario and the City of London for the reimbursement of funds under the Municipal Transit Enhanced Cleaning funding program. (2.3/3/CSC)
Bill No. 66	By-law No. A.-6825(b)-53 – A by-law to amend By-law A.-6825-162, as amended, entitled “A by-law to establish a municipal service board for the purpose of operating and managing Eldon House” to amend the Board composition to provide for the appointment of a past Chair of the Board as a Director. (2.5/4/CPSC)
Bill No. 67	By-law No. C.P.-1556-54 – A by-law to exempt from Part-Lot Control, lands located at 1160 Wharncliffe Road South, legally described as Block 2, 3, 4, 5 and 7 in Registered Plan 33M-786. (2.6/3/PEC)
Bill No. 68	By-law No. PS-113-21059 – A by-law to amend By-law PS-113 entitled, “A by-law to regulate traffic and the parking of motor vehicles in the City of London.” (2.7/2/CWC)
Bill No. 69	By-law No. S.-5868(a)-55 – A by-law to amend By-law S.-5868-183 entitled “A by-law prohibiting and regulating signs, and regulating the placing of signs upon highways and buildings”. (2.3/4/CPSC)
Bill No. 70	By-law No. S.-6104-56 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as widening to Richmond Street between College Avenue and Grosvenor Street; and as widening to St. George Street between College Avenue and Grosvenor Street) (Chief Surveyor – pursuant to SPA20-035 and in accordance with Zoning By-law Z.-1)

Bill No. 71	By-law No. S.-6105-57 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as widening to Hyde Park Road, south of Gainsborough Road) (Chief Surveyor – registered as Instrument No. ER1338093 pursuant to SPA19-089 and in accordance with Zoning By-law Z.-1)
Bill No. 72	By-law No. S.-6106-58 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as widening to Upperpoint Boulevard, east of Westdel Bourne) (Chief Surveyor – for the purpose of unobstructed legal access to a public highway pursuant to SP18-029 and in accordance with Zoning By-law Z.-1)
Bill No. 73	By-law No. S.-6107-59 – A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as widening to Grey Street, west of Maitland Street) (Chief Surveyor - registered as Instrument No. ER1332698, pursuant to Site Plan SPA20-034 and in accordance with Zoning By-law Z.-1)
Bill No. 74	By-law No. S.-6108-60 – A by-law to permit Megan Elizabeth Strachan to maintain and use a boulevard parking area upon the road allowance for 789 Lorne Avenue, City of London. (City Clerk)
Bill No. 75	By-law No. W.-5607(b)-61 – A by-law to amend by-law No. W.-5607-237, as amended, entitled, “A by-law to authorize the Southdale Road Upgrades, Phase 2 Wickerson to Bramblewood (Project No. TS1407-2).” (6.3/2/CSC)
Bill No. 76	By-law No. W.-5618(c)-62 – A by-law to amend by-law No. W.-5618-64, as amended, entitled “A by-law to authorize the Southdale Road Widening-Farnham Road to Pine Valley (Project No. TS1629-1)” (6.1/2/CSC)
Bill No. 77	By-law No. W.-5669-63 – A by-law to authorize the Dingman Drive Road Improvements – HWY 401 to Wellington Road (Project No. TS1746). (6.2/2/CSC)
Bill No. 78	By-law No. W.-5670-64 – A by-law to authorize the 2020 Bus Purchase Replacement. (Project No. MU104420). (2021-2023 Multi-Year Budget)
Bill No. 79	By-law No. W.-5671-65 – A by-law to authorize the Oxford Street West and Gideon Drive Intersection Improvements (Roundabout) (Project No. TS1332). (2.5/1/CWC)

Bill No. 80	By-law No. Z.-1-212905 – A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 335 Kennington Way, 3959 and 3964 Avenue; legally described as Part of Block 1, Plan 33M765, Designated as Part 2 and 3 Plan 33R-20777 and Block 2, 33M 765. (2.3/3/PEC)
Bill No. 81	By-law No. Z.-1-212906 – A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 3542 Emily Carr Lane. (2.5/3/PEC)
Bill No. 82	By-law No. Z.-1-212907 – A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3195 White Oak Road. (3.1/3/PEC)
Bill No. 83	By-law No. Z.-1-212908 – A by-law to amend By-law No. Z.-1 to rezone an area of land located at 185 Horton Street East. (3.3/3/PEC)
Bill No. 84	(ADDED) By-law No. A.-8068-66 – A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Pamela Betterley, for the partial acquisition of a portion of the property located at 3050 Dingman Drive, in the City of London, for the Dingman Drive Road Improvements Project, and to authorize the Mayor and the City Clerk to execute the Agreement. (6.1/3/CSC)
Bill No. 85	(ADDED) By-law No. A.-8069-67 – A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Bluestone Properties Inc., for the sale of City owned lands, described as Part of HUXLEY ST (FORMERLY JOHN ST), PL 193, designated as Part 2 on 33R-20888, being Part of PIN 08397-0040 (LT), in the City of London and County of Middlesex and to authorize the Mayor and City Clerk to execute this Agreement. (6.2/3/CSC)
Bill No. 86	(ADDED) By-law No. A.-8070-68 – A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Vision SoHo Alliance consisting of: Indwell Community Homes, Zerim Development Corporation, Homes Unlimited (London) Inc., Chelsea Green Home Society, Italian Seniors' Project, for the disposition of property located at Old Victoria Hospital Lands Phase II, in the City of London, and to authorize the Mayor and the City Clerk to execute the Agreement. (6.3/3/CSC)
Bill No. 87	(ADDED) By-law No. A-44-21003 – A by-law to amend By-law No. A-44, as amended, being "A by-law respecting the Civic Administration" to reflect organizational changes.

Bill No. 88	(ADDED) By-law No. CPOL.-154(b)-69 – A by-law to amend By-law No. CPOL.-154-406, as amended, being “Appointments Requiring Council Approval and/or Consultation” to delete and replace Schedule “A” of the By-law to reflect organizational changes
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14. Adjournment

Motion made by: P. Van Meerbergen
 Seconded by: P. Squire

That the meeting BE ADJOURNED.

Motion Passed

The meeting adjourns at 10:34 PM.

Ed Holder, Mayor

Catharine Saunders, City Clerk

Appendix B – Location Map

3050 Dingman Drive (Parent Parcel)



Appendix A – Source of Financing Report

Appendix "A" Confidential

#21013

February 8, 2021
(Property Acquisition)

Chair and Members
Corporate Services Committee

RE: Partial Property Acquisition
3050 Dingman Drive - Dingman Drive Road Improvements
(Subledger LD200055)
Capital Project TS1746 - Dingman Drive - Hwy 401 Bridge to Wellington Road
Pamela Betterley - \$143,000.00 (excluding HST)

Finance and Corporate Services Report on the Sources of Financing:

Finance and Corporate Services confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Budget, and that, subject to the approval of Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, with concurrence of the Director, Roads and Transportation, and the Division Manager, Transportation Planning and Design, on the advice of the Manager of Realty Services, the detailed source of financing for this purchase is:

Estimated Expenditures	Approved Budget	Committed To Date	This Submission	Balance for Future Work
Engineering	1,155,113	112,284	0	1,042,829
Land Acquisition	336,837	187,621	149,216	0
Construction	8,641,300	0	0	8,641,300
Utilities	783,000	0	0	783,000
City Related Expenses	50,000	0	0	50,000
Total Expenditures	\$10,966,250	\$299,905	\$149,216	\$10,517,129

Sources of Financing

Capital Levy	9,215	9,215	0	0
Debenture Quota	879,051	15,077	12,086	851,887
Drawdown from City Services - Roads Reserve Fund (Development Charges) (Note 1)	2,136,629	275,613	137,130	1,723,887
Debenture Quota - Serviced through City Services - Roads Reserve Fund (Development Charges) (Note 1)	7,941,355	0	0	7,941,355
Total Financing	\$10,966,250	\$299,905	\$149,216	\$10,517,129

Financial Note:

Purchase Cost	\$143,000
Add: Legal Fees etc.	2,500
Add: Land Transfer Tax	1,155
Add: HST @13%	18,915
Less: HST Rebate	-16,354
Total Purchase Cost	\$149,216

Note 1: Development charges have been utilized in accordance with the underlying legislation and the approved 2019 Development Charges Background Study and the 2021 Development Charges Background Study Update.



Jason Davies
Manager of Financial Planning & Policy

km

Appendix B – Agreement of Purchase and Sale

AGREEMENT OF PURCHASE AND SALE

PURCHASER: BLUESTONE PROPERTIES INC.

VENDOR: THE CORPORATION OF THE CITY OF LONDON

REAL PROPERTY:

Address Part of Huxley Road (Formerly John Street) LONDON, ONTARIO

Location SOUTH SIDE OF BASELINE ROAD WEST

Measurements approximately 19,440 square feet (subject to Final Survey).

Legal Description: Part of HUXLEY ST (FORMERLY JOHN ST), PL 193, designated as Part 2 on 33R-20888, being Part of PIN 08397-0040 (LT) and further shown highlighted in red in Schedule "A" ("the Property") of this agreement in the City of London, County of Middlesex.

1. **OFFER TO PURCHASE:** The Purchaser agrees to purchase the Property from the Vendor in accordance with the terms and conditions as set out in this Agreement.
2. **SALE PRICE:** The purchase price shall be TWO HUNDRED AND TWENTY THOUSAND DOLLARS CDN (\$220,000) payable as follows:
 - a) Deposit amount of Ten Thousand Dollars CDN (\$10,000.00) payable to the Vendor in Trust;
 - b) the balance of the sale price, subject to adjustments, in cash or by cheque on completion of this Agreement.
3. **ADJUSTMENTS:** Any unearned fire insurance premiums, rents, mortgage interest, realty taxes including local improvements rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Purchaser.
4. **SCHEDULE(S):** The following Schedule(s) form(s) part of this Agreement:
 - Schedule "A" Description of the Property
 - Schedule "B" Additional Terms and Conditions
 - Schedule "C" Municipal Services Easement
 - Schedule "D" Public Pathway Easement
5. **IRREVOCABILITY:** This Offer shall be irrevocable by the Vendor until considered by the Council of the Corporation of the City of London at a meeting to be held no later than February 26th, 2021, after which date, if not accepted, this Offer shall be null and void and the deposit shall be returned to the Purchaser in full without interest or deduction.
6. **TITLE SEARCH:** The Purchaser shall be allowed until 4:30 p.m. on March 31st 2021 (Requisition Date) to examine the title to the Property and at its own expense and to satisfy itself that there are no outstanding work orders or deficiency notices affecting the Property, that its present use may be lawfully continued and that the principal building may be insured against risk of fire.
7. **COMPLETION DATE:** This Agreement shall be completed by no later than 4:30 p.m. on April 15th 2021. Upon completion, vacant possession of the Property shall be given to the Purchaser unless otherwise provided for in this Agreement.
8. **NOTICES:** Any notice relating to or provided for in this Agreement shall be in writing.
9. **HST:** If this transaction is subject to Harmonized Sales Tax (HST) then such HST shall be in addition to and not included in the sale price, and HST shall be collected and remitted in accordance with applicable legislation. If this transaction is not subject to HST, the Vendor agrees to provide, on or before completion, to the Purchaser's solicitor, a certificate in a form satisfactory to the Purchaser's solicitor certifying that the transaction is not subject to HST.
10. **FUTURE USE:** Vendor and the Purchaser agree that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement.
11. **TITLE:** Provided that the title to the Property is good and free from all encumbrances. If within the specified times referred to in paragraph 6 any valid objection to title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to the Vendor and which Vendor is unable or unwilling to remove, remedy or satisfy and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or

negotiations in respect of such objections, shall be at an end and any deposit paid shall be returned without interest or deduction and Vendor shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, the Purchaser shall be conclusively deemed to have accepted Vendor's title to the Property .

12. **DOCUMENTS AND DISCHARGE:** The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title to the Property except such as are in the possession or control of Vendor. If requested by the Purchaser, Vendor will deliver any sketch or survey of the Property within Vendor's control to the Purchaser as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by the Purchaser on completion, is not available in registerable form on completion, the Purchaser agrees to accept Vendor's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registerable form and to register same on title within a reasonable period of time after completion, provided that on or before completion Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by Vendor directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on completion.
13. **DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registerable form at the expense of the Vendor.
14. **RESIDENCY:** The Purchaser shall be credited towards the Purchase Price with the amount, if any, necessary for the Purchaser to pay to the Minister of National Revenue to satisfy the Purchaser's liability in respect of tax payable by Vendor under the non-resident provisions of the Income Tax Act by reason of this sale. The Purchaser shall not claim such credit if Vendor delivers on completion the prescribed certificate or a statutory declaration that Vendor is not a non-resident of Canada.
15. **TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Vendor and the Purchaser or their respective lawyers who are hereby specifically authorized in that regard.
16. **TENDER:** Any tender of documents or money hereunder may be made upon Vendor or the Purchaser or their respective solicitors on the day set for completion. Money may be tendered by bank draft or cheque by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.
17. **FAMILY LAW ACT:** Vendor warrants that spousal consent is not necessary to this transaction under the provisions of the *Family Law Act*, R.S.O. 1990 unless Vendor's spouse has executed the consent provided.
18. **PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if the subdivision control provisions of the Planning Act are complied with.
19. **CLOSING ARRANGEMENTS:** Where each of the Vendor and Purchaser retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. , Chapter L4, and any amendments thereto, the Vendor and Purchaser acknowledge and agree that the delivery of documents and the release thereof to the Vendor and Purchaser may, at the lawyer's discretion: (a) not occur contemporaneously with the registration of the Transfer/Deed (and other registerable documentation) and (b) be subject to conditions whereby the lawyer receiving documents and/or money will be required to hold them in trust and not release them except in accordance with the terms of a written agreement between the lawyers..
20. **AGREEMENT IN WRITING:** This Agreement, including any Schedule attached, shall constitute the entire Agreement between the Purchaser and Vendor. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. This Agreement shall be read with all changes of gender or number required by the context..
21. **SUCCESSORS AND ASSIGNS:** The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.

The Corporation of the City of London hereby accepts the above Agreement of Purchase and Sale and agrees to carry out the same on the terms and conditions herein contained.

IN WITNESS WHEREOF The Corporation of the City of London hereto has hereunto caused to be affixed its Corporate Seal attested by the hands of its proper signing officers pursuant to the authority contained in By-law No. _____ of the Council of The Corporation of the City of London

THE CORPORATION OF THE CITY OF LONDON

Ed Holder, Mayor

Catharine Saunders, City Clerk

GIVEN UNDER MY/OUR HAND AND SEAL, (OR, IN WITNESS WHEREOF THE VENDOR HERETO HAS HEREUNTO CAUSED TO BE AFFIXED ITS CORPORATE SEAL ATTESTED BY THE HANDS OF ITS PROPER SIGNING OFFICERS, as the case may be) this _____ day of December, 2020.

SIGNED, SEALED AND DELIVERED
In the Presence of

BLUESTONE PROPERTIES INC.

Per: _____


Name: Colin Bierbaum

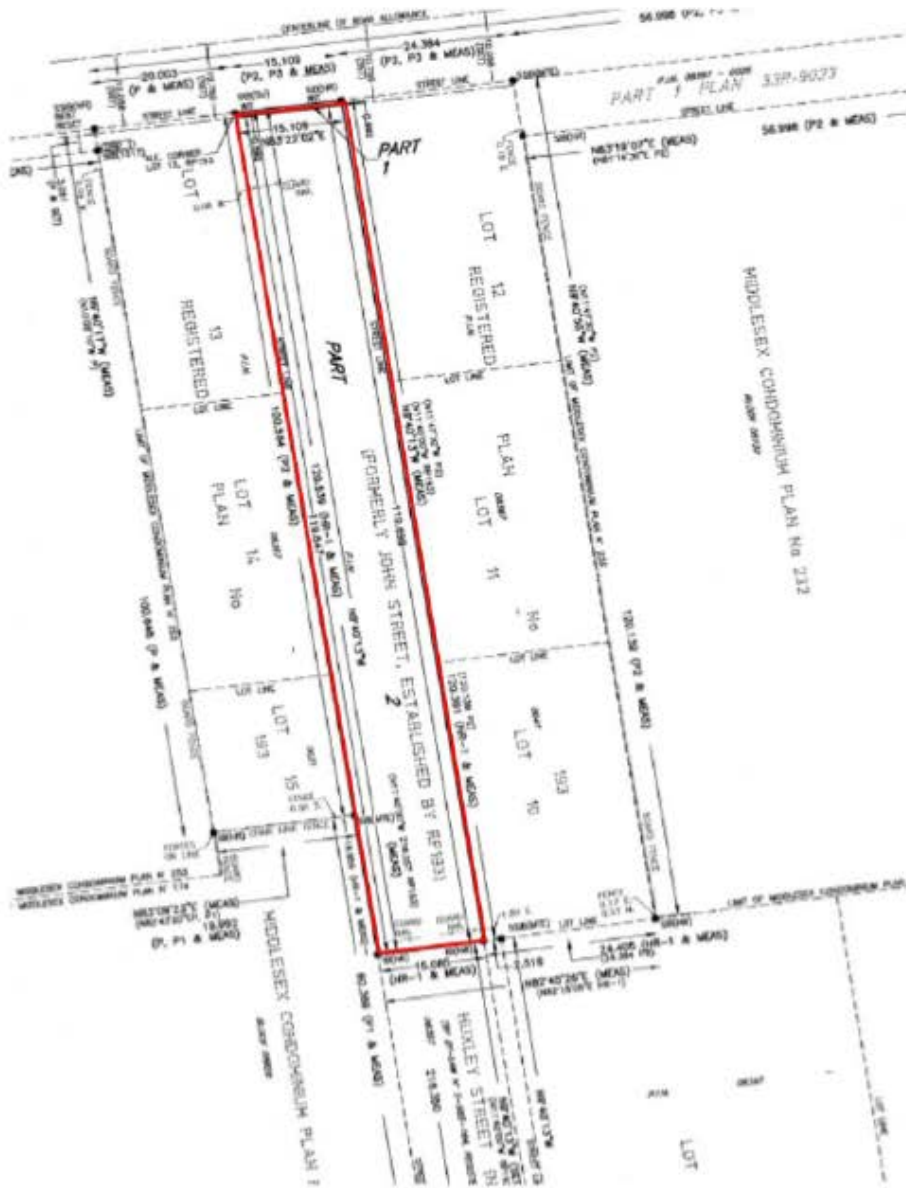
Title: President

I/We Have the Authority to Bind the Corporation

VENDOR'S LAWYER: Sachit Tatavarti, Solicitor, 519-661-2489 (CITY) Ext. 5018 Fax: 519-661-0082

PURCHASER'S LAWYER: Chris Hamber, Solicitor, Harrison Pensa LLP, 450 Talbot St., London, Ontario N6A 5J6 tel. 519-661-6742 cell 519-670-6742 fax 519-667-3362 chamber@harrisonpensa.com

**SCHEDULE "A"
THE PROPERTY**



SCHEDULE "B"
ADDITIONAL CONDITIONS

1. **SOIL, GEOTECHNICAL, ARCHEOLOGICAL, AND ENVIRONMENTAL TESTS:** The Purchaser shall have until **4:00PM on March 31st 2021** to satisfy itself in its sole and absolute discretion as to the soil, geotechnical, archeological and environmental condition of the Property. The Purchaser may enter on the Property and have soil, geotechnical, archeological and environmental tests conducted using qualified agents or servants. The Purchaser agrees that all such tests shall be conducted using reasonable care and that the Property shall be restored to a condition as close as reasonably possible to its condition prior to entry. The Purchaser agrees to indemnify and save harmless the Vendor from and against all claims, demands, costs, including reasonable legal costs, damages, expenses and liabilities whatsoever arising out of its entry on the Property and the conducting of such test.

If the results of the soil, geotechnical, archeological, and environmental tests are not satisfactory to the Purchaser in its sole and absolute discretion, it shall within the time limited deliver written notice to that effect to the Vendor and the Agreement shall be terminated and the deposit immediately returned to the Purchaser without interest or deduction; failing delivery of written notice, the condition shall be deemed to have been waived. This condition is inserted for the benefit of the Purchaser and may be waived by it at any time during the time limited period.

2. **AS IS, WHERE IS:** The Purchaser acknowledges that pursuant to the terms hereof it will have an opportunity to complete such inspections of the condition of the Property as it deems appropriate to be satisfied with regard to same. No representation, warranty or condition is expressed or can be implied as to title, zoning or building by-law compliance, encumbrance, description, fitness for purpose, the existence or non-existence of contaminants, hazardous materials, environmental compliance, condition, or in respect of any other matter or thing whatsoever concerning the Property, save and except as expressly provided for in the Agreement.

The Purchaser acknowledges that the Property is being purchased on an "as is" basis. The Purchaser acknowledges that the Vendor has not made, did not make and shall not be required to provide any representations or warranties of any kind with respect to whether the Property and processes and undertakings performed thereon have been and are in compliance with all applicable environmental laws, regulations and orders and whether the Property is suitable for any specific use including and without limitation to any construction or development. The Purchaser acknowledges and agrees that the Vendor shall not be liable for any damages of loss whatsoever arising out of or pursuant to any claims in respect to the foregoing.

3. **LEGAL COSTS:** The Purchasers and Vendor agree to pay their own legal costs, including fees, disbursements and applicable taxes, as required, to complete this transaction.
4. **MUNICIPAL SERVICES EASEMENT:** Following the closing of this transaction, the Purchaser will grant to the Vendor, for nominal consideration being Two Dollars (\$2.00), servicing easements as may be required over the entire Property, on the City's standard municipal services easement form attached as Schedule "C". The Purchaser acknowledges and agrees that the Vendor will be retaining a municipal services easement for municipal infrastructure and will be conveying any utility easements that may be required. This condition shall survive and not merge on the completion of this transaction.
5. **THIRD PARTY UTILITY EASEMENTS:** The Purchaser acknowledges and agrees that third party utility easements will be registered by the Vendor on title to the Property prior to the closing of this transaction. The third party utilities may include but not be limited to London Hydro, Enbridge, Bell, Rogers, and Start.ca. The Vendor shall not be liable for any third party utility easements registered on title and, in the event of a delay in the registration of the third party easements, the Purchaser shall agree to consent to a reasonable extension of the closing of this transaction, without condition or compensation, to facilitate the registration of the outstanding utility easements.
6. **PROOF OF ABUTTING LANDS OWNERSHIP:** This Agreement is conditional upon the Purchaser providing proof to the Vendor that the Purchaser is the registered owner of the abutting lands being 101 Base Line Road West and 107 Base Line Road West (the "Abutting Lands") by on or before 4:00pm on March 31st 2021 (the "Abutting Ownership"). As part of the original Municipal Council resolution issued on April 17th 2000, the sale of the Vendor's Property is only permitted to the rightful owner of the Abutting Lands and as such, the Vendor requires proof of Abutting Ownership.

In the event the Purchaser fails to provide written proof to the Vendor of ownership to the Abutting Lands in accordance with this section, this Agreement shall be declared void and of no force or effect and the deposit shall be immediately returned to the Purchaser without interest or deduction.

This condition is inserted for the benefit of the Vendor and may be waived by it at any time during the time period specified above. Notwithstanding any waiver of this condition by the Vendor, the Vendor reserves the option to immediately terminate this Agreement in the event that the Purchaser subsequently conveys, transfers or otherwise disposes of any portion of the Abutting Lands prior to closing.

7. **EXISTING WALKWAY TO BE RETAINED BY CITY:** Both parties mutually agree that the Property will contain, in perpetuity, a 10 foot (3.05 metres) dedicated pedestrian public accessible walkway (the "Public Walkway") connecting Huxley Street to Baseline Road to be provided by easement in the form attached in Schedule "D" and as may be further described in any future development agreement and/or site plan approval brought forward by the Purchaser for the abutting Purchaser land(s). All costs to relocate, reconstruct, or replace the Public Walkway (the "Pathway Relocation") as part of a future development agreement and/or site plan approval shall be the sole responsibility of the Purchaser. As part of the Pathway Relocation the overall construction which shall include but not be limited to the size, material, standards, grading, placement, and final location shall be approved prior and in writing by the Vendor in its sole discretion. The Purchaser further acknowledges and agrees that for any portion of the Pathway Relocation onto the Purchaser's abutting lands, the same rights as described in Schedule "D" shall be granted to the Vendor at nominal consideration. Once the Pathway Relocation is completed, all future maintenance, operation, improvements, and repairs of the Public Walkway on the Property portion of lands will remain the responsibility of the Purchaser. This condition shall survive and not merge on the completion of this

transaction.

8. **VENDOR PRE-CLOSING CONDITION – CLOSING OF ROAD:** This Agreement is conditional upon Municipal Council passing a by-law permanently closing the portion of Huxley Road located on the Property (the "Road Closing") in accordance with the *Municipal Act, 2001*, as amended, on or before 4:00pm on March 31st 2021. If, within that time, the Vendor has not given notice in writing to the Purchaser that this condition has been satisfied or waived, then this Agreement shall be null and void and of no further force or effect whatsoever and each party shall be released from all of its liabilities and obligations under this Agreement and the deposit shall be returned to the Purchaser forthwith, without interest or deduction except as otherwise provided for herein. This condition is included for the benefit of the Vendor and may be waived at the Vendor's sole option by notice in writing to the Purchaser as aforesaid within the time period stated herein.

SCHEDULE "C"

THIS EASEMENT made this ___ day of _____, 2020.

B E T W E E N:

BLUESTONE PROPERTIES INC.

(Hereinafter called the "Transferor")

OF THE FIRST PART

- and -

THE CORPORATION OF THE CITY OF LONDON

(Hereinafter called the "Transferee")

OF THE SECOND PART

WHEREAS the Transferor is seized of the lands and premises herein described, and has agreed to transfer to the Transferee a multi-purpose easement for municipal services in, over and upon the said Lands;

AND WHEREAS Section 91(2) of the *Municipal Act*, S.O. 2001, c. 25, as amended provides that an easement of a public utility provided by a municipality does not have to be appurtenant or annexed to or for the benefit of any specific parcel of land to be valid;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of ONE DOLLAR (\$1.00), of lawful money of Canada now paid by the Transferee to the Transferor (the receipt and sufficiency of which is hereby acknowledged), the Transferor DOTH GRANT unto the Transferee, its successors and assigns, forever, the full, free and uninterrupted right, liberty, privilege and easement in gross to install, construct, reconstruct, repair, clean, maintain, inspect and use as part of the Municipal Services system of the City of London and as appurtenant thereto, and for all times hereafter, sewers, watermains, electrical cables, communications cables, conduits, and other municipal services of such kind, size, type and number as the Transferee may from time to time determine necessary (the "Municipal Services"), in, through, over, on and under that part of the lands of the Transferor more particularly described as [___ DESCRIPTION ___] (the "Lands").

TOGETHER WITH the full right, liberty, privilege and easement unto the Transferee, its successors and assigns, and its and their servants, agents, work people, contractors and others designated by it and them, from time to time and at all times forever hereafter, to enter upon the said Lands, with or without tools, machinery, equipment and vehicles, for the purposes aforesaid and to enter as aforesaid upon the adjoining lands of the Transferor in order to obtain access to and from the said Lands.

AND TOGETHER WITH the full right, liberty, privilege and easement unto the Transferee, its successors and assigns, and its and their servants, agents, work people, contractors and others designated by it and them, from time to time and at all times forever hereafter, to enter upon the said Lands, with or without tools, machinery, equipment and vehicles, for the purpose of obtaining access to abutting lands owned by the Transferee or to abutting lands in which Municipal Services are installed.

IT SHALL BE LAWFUL for the Transferee and its successors and assigns to exercise and enjoy the rights, liberties and privileges hereby granted without being liable for any interference, loss of use or loss of profit which shall or may be thereby caused to the said lands or to the owners and occupiers thereof from time to time, and the Transferee shall have the right to cut down or remove any brush, trees, shrubs, fences, pavements, ramps, curbs and other objects or structures as may be necessary or convenient in the exercise of the rights and privileges hereby granted and likewise to excavate and remove the soil and surfacings for the purposes aforesaid.

THE TRANSFEREE COVENANTS with the Transferor that it will restore the said Lands to the approximate condition which existed immediately prior to each and every entry upon the said Lands, excluding the replacement of brush and trees and structures. Restoration of hard surfaces will be at the sole discretion of the Transferee unless the surface predated the acquisition of this easement or was subsequently constructed as part of a development approved by the Transferee.

THE TRANSFEROR COVENANTS that no buildings or other structures shall be erected on or over the Lands described herein without the written consent of the Engineer of the Transferee or his designate.

THE TRANSFEROR FURTHER COVENANTS that it has the right to convey the rights, liberties, privileges and easements hereby granted and will execute such further assurances as may be requisite to give full effect to this indenture.

IT IS HEREBY AGREED that the covenants and agreements on the part of the Transferor shall run with the Lands of the Transferor, and these shall enure to the benefit of and be binding upon the respective successors, heirs, executors, administrators and assigns of the parties hereto.

WHERE THE context requires, the masculine shall be construed as feminine or neuter and the singular shall be construed as plural.

SCHEDULE "D"

TRANSFER OF EASEMENT, LANEWAY FOR PUBLIC ACCESS

Between

(Hereinafter called the "Transferor")

- and -

THE CORPORATION OF THE CITY OF LONDON
(Hereinafter called the "Transferee")

WHEREAS the Transferor is seized of the lands and premises herein described, and has agreed to transfer to the Transferee an easement for a permanent public pathway over the said lands;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of TWO DOLLARS (\$2.00), of lawful money of Canada now paid by the Transferee to the Transferor (the receipt whereof is hereby by it acknowledged), the Transferor DOTH TRANSFER unto the Transferee, its successors and assigns, forever, the full, free and uninterrupted right, liberty, privilege and easement in gross to construct, reconstruct, repair, clean, maintain, inspect and use as part of the highway system of the City of London and as appurtenant thereto, and to the highways in the ownership of the Transferee, and for all times hereafter, a permanent public pathway of such construction and size as the Transferee may from time to time determine necessary, in, through, over and under the lands situate in the City of London, County of Middlesex, described in the Transfer of Easement to which this Schedule is attached (hereinafter referred to as the "easement lands") for the purposes of a Laneway for public access and passage.

TOGETHER WITH the full right, liberty, privilege and easement unto the Transferee, its successors and assigns, and its and their servants, agents, work people, contractors and others designated by it and them, including members of the public, from time to time and at all times forever hereafter, to enter upon the said easement lands, with or without tools, machinery, equipment and vehicles, for the purposes aforesaid.

IT SHALL BE LAWFUL for the Transferee and its successors and assigns to exercise and enjoy the rights, liberties and privileges hereby transferred without being liable for any interference, loss of use or loss of profit which shall or may be thereby caused to the easement lands or to the owners and occupiers thereof from time to time, and the Transferee shall have the right to cut down or remove any brush, trees, shrubs, fences, pavements, ramps, curbs and other objects as may be necessary or convenient in the exercise of the rights and privileges hereby transferred and likewise to excavate and remove the soil and surfacings for the purposes aforesaid.

THE TRANSFEROR COVENANTS that no buildings or other structure shall be erected on or over the easement lands described herein without the written consent of the Engineer of the City of London.

THE TRANSFEROR FURTHER COVENANTS that it has the right to transfer the rights, liberties, privileges and easements hereby transferred and will execute such further assurances as may be requisite to give full effect to this transfer.

IT IS HEREBY AGREED that the covenants and agreements on the part of the Transferor shall run with the lands of the Transferor, and these presents shall enure to the benefit of and be binding upon the respective successors, executors, administrators and assigns of the parties hereto.

WHERE THE context requires, the masculine shall be construed as feminine or neuter and the singular shall be construed as plural.