



**London**  
C A N A D A

## COUNCIL MINUTES 8TH MEETING

April 16, 2013

The Council meets in Regular Session in the Council Chambers this day at 4:02 p.m.

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

**ABSENT:** Councillors N. Branscombe and J.P. Bryant.

**ALSO PRESENT:** A. Zuidema, J.P. Barber, J. Braam, J. Fleming, E. Gamble, M. Hayward, G.T. Hopcroft, G. Kotsifas, L. Livingstone, A. Macpherson, V. McAlea Major, L.M. Rowe, R. Sharpe, E. Soldo, S. Stafford, B. Warner, R. Welker and B. Westlake-Power.

At the beginning of the Meeting all Members are present except Councillors N. Branscombe, P. Van Meerbergen and J.P. Bryant.

### **I DISCLOSURES OF PECUNIARY INTEREST**

Councillor W.J. Armstrong discloses a pecuniary interest in 6 of the 7th Report of the Community and Protective Services Committee, having to do with amendments to the Fees and Charges By-law, specifically as it relates to Residential Rental Units Licensing, by indicating that he owns rental properties.

Councillor M. Brown discloses a pecuniary interest in clause 3 of the 8th Report of the Strategic Priorities and Policy Committee, having to do with an Accommodation Review Committee for the Thames Valley District School Board (TVDSB), by indicating that he is employed by the TVDSB. Councillor M. Brown further discloses a pecuniary interest in clause 12 of the 8th Report of the Planning and Environment Committee, having to do with the property located at 77 Tecumseh Avenue West, and the associated Bill No. 189, by indicating that TVDSB is his employer.

Councillor J.B. Swan discloses a pecuniary interest in clause 9 of the 4th Report of the Investment and Economic Prosperity Committee, having to do with potential Farhi Holdings Corporation developments in London by indicating that his employer, Orchestra London, leases space from Farhi Holdings Corporation. Councillor J.B. Swan further discloses a pecuniary interest in clause 3 of the 4th Report of the Investment and Economic Prosperity Committee, having to do with the 2013 Operating Budget for services within Culture Services, as it relates to Orchestra London, by indicating that Orchestra London is his employer.

Councillor D. Brown discloses a pecuniary interest in clause 11 of the 8th Report of the Planning and Environment Committee, having to do with the 4th Report of the London Heritage Advisory Committee, by indicating that her employer owns three of the properties referenced in the Report. Councillor D. Brown further discloses a perceived conflict with clause 3 of the 10th Report of the Corporate Services Committee, having to do with the 2013 Remuneration for Elected Officials and Appointed Citizen Members.

Councillor P. Hubert discloses a pecuniary interest in clause 9 b) of the 4th Report of the Investment and Economic Prosperity Committee, having to do with the potential Farhi Holdings Corporation developments, specifically as it relates to the Market Tower and Annex Sale, by indicating that he is the Executive Director of a social services agency that has a purchase of service agreement with Ontario Works.

Councillor P. Van Meerbergen discloses a pecuniary interest in clause 7 of the 7th Report of the Community and Protective Services Committee, having to do with the child care funding formula update, by indicating that his spouse owns and operates a home daycare business.

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

None.

## **III ADDED REPORTS**

1. 8th Report of the Strategic Priorities and Policy Committee

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

Motion made by Councillor B. Polhill and seconded by Councillor H.L. Usher to Approve that Council rise and go into Committee of the Whole, in camera, for the purpose of considering the following:

- a) A matter to be considered for the purpose of instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition. (CSC)
- b) A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose with respect to the decommissioning of City owned lands known as the South Street Campus currently leased and occupied by London Health Sciences Centre; a proposed or pending acquisition or disposition of land by the municipality; and for the purpose of a vote for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under a contract with the municipality. (CSC)
- c) A matter pertaining to labour relations and employee negotiations, and advice or recommendations of officers and employees of the Corporation including communications necessary for that purpose. (CSC)
- d) A matter Pertaining to Labour Relations or Employee Negotiations with respect to the School Crossing Guard Program. (CPSC)
- e) A matter pertaining to instructions and directions to officers and employees of the Corporation to a proposed acquisition of lands; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of lands; commercial and financial information supplied in confidence pertaining to the proposed acquisition the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss

or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition. (IEPC)

- f) A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose with respect to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*; and personal matters about an identifiable individual, including municipal or local board employees.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, D. Brown, H.L. Usher, S.E. White (12)

The Council rises and goes in camera at 4:09 PM with Mayor J.F. Fontana in the Chair and all Members present except Councillors N. Branscombe and J.P. Bryant.

Councillor P. Van Meerbergen enters the meeting at 4:35 PM.

The Committee of the Whole rises and Council resumes in regular session at 4:30 PM with J.F. Fontana in the chair and all Members present except Councillors W.J. Armstrong, N. Branscombe and J.P. Bryant.

## **V RECOGNITIONS**

1. His Worship the Mayor introduces the London Lightning, 2013 NBL Champions.
2. His Worship the Mayor presents a certificate for "London's Featured Community Organization" to the London-Middlesex Master Gardeners.
3. His Worship the Mayor recognizes National Poetry Month and invites Holly Painter from London Poetry Slam and Debra Franke from Poetry London to present poems.

At 5:18 PM Councillor W.J. Armstrong enters the meeting and Councillor H.L. Usher leaves the meeting.

4. His Worship the Mayor recognizes J. Stevenson of the London Western Track & Field Club, to acknowledge the establishment of Canada's first para-athletics hub.
5. His Worship the Mayor acknowledges the 50th Anniversary of the East London Optimist Club.

At 5:20 PM Councillor H.L. Usher enters the meeting.

Motion made by Councillor M. Brown and seconded by Councillor B. Polhill to Approve that pursuant to section 7.4 of the Council Procedure By-law, the order of business BE CHANGED to permit consideration of clause 15 of the 8th Report of the Planning and Environment Committee, having to do with Medway Valley Heritage Forest ESA – North, Trail Master Planning Study, to be heard at 7:00 PM, or immediately following the dinner break.

Motion Passed

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

## **VI CONFIRMATION AND SIGNING OF THE MINUTES OF THE SEVENTH MEETING HELD ON MARCH 26, 2013**

Motion made by Councillor B. Polhill and seconded by Councillor P. Van Meerbergen to Approve the Minutes of the 7th Meeting held on March 26, 2013.

Motion Passed

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

## **VII COMMUNICATIONS AND PETITIONS**

Motion made by Councillor B. Polhill and seconded by Councillor P. Van Meerbergen to Approve the referral of the following communications for consideration with the noted clauses:

1. Property located at 77 Tecumseh Avenue West (Z-8136) (Refer to the Planning and Environment Stage for Consideration with Clause 12 of the 8th Report of the Planning and Environment Committee.)
  - a) M. Meijer, 82 Cliftonvale Avenue;
  - b) J. Cresswell, By E-mail; and
  - c) B. Honsinger, 107 Langarth Street West
2. A. Culver, By E-mail - Amendments to Fees and Charges By-law (Refer to the Community and Protective Services Committee Stage for Consideration with Clause 6 of the 7th Report of the Community and Protective Services Committee.)
3. (ADDED) Medway Valley Heritage Forest Environmentally Significant Area - North - Trail Master Planning Study (Refer to the Planning and Environment Committee Stage for Consideration with Clause 15 of the 8th Report of the Planning and Environment Committee.)
  - a) A. Caveney, Nature London;
  - b) D. & W. Wake, 597 Kildare Road;
  - c) L. & K. Zerebecki, 1966 Valleyrun Boulevard;
  - d) C. Sheculski, Sunningdale West Residents Association;
  - e) G. Smith, Friends of Meadowlily Woods Community Association; and
  - f) B. Davis, Old Masonville Ratepayers Association

Motion Passed

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

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

None.

## **IX REPORTS**

10th Report of the Corporate Services Committee  
Councillor J.B. Swan presents.

Motion made by Councillor J.B. Swan to Approve clauses 1 to 15.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor D. Brown calls for a separate vote on clause 3.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor D. Henderson calls for a separate vote on clause 6.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor B. Polhill calls for a separate vote on clause 15.

The Chair directs that clause 2b) be considered after the in camera session.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Municipal Freedom of Information and Protection of Privacy Act - 2012 Annual Report

That the following actions be taken with respect to the report dated April 9, 2013 regarding the Municipal Freedom of Information and Protection of Privacy Act, 2012 Annual Report:

- a) the Annual Report BE RECEIVED for information; and
- b) Councillor W.J. Armstrong's concerns, regarding the distribution of a particular communication earlier this year, BE REFERRED to the City Manager for discussion with Councillor Armstrong.

3. Elected Officials and Appointed Citizen Members - 2013 Remuneration

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and the City Clerk, the 2013 remuneration for elected officials and appointed citizen members of local boards and commissions where stipends are paid BE ADJUSTED by 1.5% over 2012, effective, January 1, 2013, in keeping with Council Policy 5(32), which provides for the salaries and honorariums of elected officials and appointed citizen members of local boards and commissions where stipends are paid to be adjusted "...annually on January 1st by the percentage increase reflected in the Labour Index (monthly Index, Table 3), on the understanding that if such an index reflects a negative percentage, the annual adjustment to the salaries of the elected officials and appointed citizen members will be 0%; and on the further understanding that if the Labour Index (monthly Index, Table 3) has increased by a percentage greater than the Consumer Price Index, Ontario, the annual percentage increase in the salaries and honorariums of the elected officials and appointed citizen members will be no greater than the increase in the Computer Price Index, Ontario...".

4. 2012 Operating Budget Status - Fourth Quarter Report

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken with respect to the 2012 Operating Budget Status – 4th Quarter Report for the General Budget (Property Tax Supported), Water and Wastewater Budgets:

- a) the status report BE RECEIVED for information; it being noted that the 2012 corporate operating savings resulted from:
  - i) \$5.2 million in net savings for the General (Property Tax Supported) Budget as identified by Civic Departments, Boards and Commissions; it being noted that the year-end savings are \$2.7 million higher than projected in the 2012 Operating Budget Status – 3th Quarter Report, and the \$5.2 million operating surplus was contributed to the Operating Budget Contingency Reserve, consistent with Council direction;
  - ii) \$0.3 million in net savings for the Water rate supported budget was realized; it being noted that this year-end surplus is \$0.6 million greater than the \$0.3 million deficit reported in the 2012 Operating Budget Status – 3rd Quarter Report, and the \$0.3 million in savings has been contributed to the Water Capital Reserve Fund and will assist in funding future capital expenditures, consistent with Council direction; and
  - iii) \$1.4 million in net savings for the Wastewater rate supported budget was realized; it being noted that the \$1.4 million surplus is an approximate \$1.4 million change from the projected breakeven position in the 2012 Operating

Budget Status – 3rd Quarter Report, and of the \$1.4 million savings, \$1.2 million has been contributed to the Sewage Works Reserve Fund and \$0.2 million has been contributed to the Wastewater Rate Stabilization Reserve, consistent with Council direction;

- b) the Civic Administration BE AUTHORIZED to draw down \$0.7 million from the Operating Budget Contingency Reserve and contribute the funding to the Economic Development Reserve Fund to be used to support initiatives brought forward by the Investment and Economic Prosperity Committee that best accelerate London's economy and foster private sector investment in the City;

it being noted that the \$4.5 million balance pertaining to the 2012 savings of \$5.2 million has already been allocated by Municipal Council for the following:

- i) \$2.0 million from the Operating Budget Contingency Reserve to the City Facilities Reserve Fund in order to provide a source of funding for facility-related initiatives such as Ontario Works Decentralization, consistent with direction received in the 2012 Operating Budget Status –3rd Quarter Report;
  - ii) \$1.1 million to the Corporate Financing service as revenue, recognizing that during 2013 Budget deliberations, Council directed Civic Administration to utilize 2012 surplus funding to reduce the 2013 tax levy from rates;
  - iii) \$0.5 million to the London & Middlesex Housing Corporation (LMHC), recognizing that during 2013 Budget deliberations, Council directed Civic Administration to use 2012 surplus to reduce its 2013 Budget increase;
  - iv) \$0.9 million to the Corporate Financing service as revenue; it being noted that this is consistent with Municipal Council direction with regard to corporate surplus policy; and
  - v) the London Advisory Committee on Heritage (LACH) 2012 surplus of \$4,498 to the LACH 2013 budget to be used for the purchase of interpretive signage for the Tempo VII Hydroplane and the replacement of a bronze heritage plaque commemorating the former Supertest station located on Carfrae Crescent; it being noted that this action is consistent with Municipal Council direction received on January 15, 2013; and
- c) the Civic Administrations contribution of \$3.3 million (\$2.9 million – property tax supported; \$0.2 million – wastewater; and \$0.2 million – water) to the Efficiency, Effectiveness and Economy reserves in 2012 BE NOTED for information.

*Note: Subject to year end financial statement audit and adjustments related to the accounting for tangible capital assets (PSAB 3150).*

#### 5. 2012 Capital Budget Status - Fourth Quarter Report

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the staff report dated April 9, 2013 regarding the 2012 Capital Budget Status, Fourth Quarter Report BE RECEIVED for information.

#### 6. 295 Rectory Street - London Optimist Soccer Centre (BMO Centre) Building and Brownfield Site Remediation Update

Motion made by Councillor J.B. Swan to Approve 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, the budget for the building and brownfield site remediation, project RC2401-RINC, BE INCREASED by \$200,000.00 as identified in the Sources of Financing Report as appended to the staff report dated April 9, 2013.

#### 7. Old East Village Business Improvement Area - 2013 Proposed Budget - Municipal Special Levy

That, on the recommendation of the Deputy City Treasurer, the following actions be taken:

- a) the Old East Village Business Improvement Area proposed 2013 budget submission in the amount of \$511,291 BE APPROVED as outlined in the ~~attached~~ Schedule A;

- b) the amount to be raised by The Corporation of the City of London for the 2013 fiscal year for the purposes of the Old East Village Business Improvement Area and pursuant to subsection 208(1) of the Municipal Act, 2001 BE FIXED at \$15,781 (which accounts for \$14,781 for the City of London levy as required by the Old East Village Business Improvement Area to help support its 2013 budget and an estimated allowance of \$1,000 to provide for vacancy rebates);
- c) a special charge BE ESTABLISHED for the amount referred to in part b), above, by a levy in accordance with By-law CP-1, as amended; it being noted that any special charge shall have priority lien status and shall be added to the tax roll pursuant to subsection 208(7) of the Municipal Act, 2001; and
- d) the ~~attached~~ proposed by-law (Schedule B) BE INTRODUCED at the Municipal Council on April 16, 2013 with respect to municipal special levy for the Old East Village Business Improvement Area.

8. Argyle Business Improvement Area - 2013 Proposed Budget - Municipal Special Levy

That on the recommendation of the Deputy City Treasurer, the following actions be taken:

- a) the Argyle Business Improvement Area Budget of \$180,665 BE RECEIVED as outlined in the ~~attached~~ Schedule A;
- b) the \$130,665 portion of the \$180,665 budget submission which represent the exclusion of a \$50,000 grant request by the Argyle Business Improvement Area for the purposes of sweepers/cleaners, an anti-graffiti mural program, façade and beautification, consulting, banners, BIA District welcome signage and security measures such as street cameras, safety and policing, monitoring and business watch BE APPROVED;
- c) the \$50,000 municipal grant request BE DIRECTED to the Managing Director, Planning and City Planner, in consultation with the Finance Division, for a report back that includes a business case analysis to be prepared by the Argyle Business Improvement Area pertaining to the grant request initiated by the Argyle Business Improvement Area; it being noted that the requested \$50,000 grant could be incorporated into the Argyle Business Improvement Area's levy, and it being further noted that the \$50,000 grant request was received by Civic Administration in February, 2013 and was not approved as part of the recent 2013 Corporate Budget deliberations;
- d) the amount to be raised by The Corporation of the City of London for the 2013 fiscal year for the purposes of the Argyle Business Improvement Area, pursuant to subsection 208(1) of the Municipal Act, 2001, BE FIXED at \$110,480 as outlined in the ~~attached~~ Schedule A;
- e) a special charge BE ESTABLISHED for the amount referred to in part d), above, by a levy in accordance with By-law A.-6873-292, as amended, it being noted that any special charge shall have priority lien status and shall be added to the tax roll pursuant to subsection 208(7) of the Municipal Act, 2001;
- f) the ~~attached~~ proposed by-law (Schedule B) BE INTRODUCED at the Municipal Council meeting to be held on April 16, 2013 for the purpose of implementing the municipal special levy for the Argyle Business Improvement Area; and
- g) the Argyle Business Improvement Area BE REQUESTED to report back on the outstanding conditions associated with the grant provided by the City of London in 2012 prior to any further grant request considerations.

9. London Downtown Business Association - 2013 Proposed Budget - Municipal Special Levy

That on the recommendation of the Deputy City Treasurer, the following actions be taken:

- a) the London Downtown Business Association proposed 2013 budget submission in the amount of \$951,229 BE APPROVED as outlined in the ~~attached~~ Schedule A;
- b) the amount to be raised by The Corporation of the City of London for the 2013 fiscal year for the purposes of the London Downtown Business Association and pursuant to subsection 208(1) of the Municipal Act, 2001 BE FIXED at \$1,018,027 (which accounts

for \$935,027 for the City of London levy as required by the LDBA to help support its 2013 budget and an estimated allowance of \$83,000 to provide for vacancy rebates);

- c) a special charge BE ESTABLISHED for the amount referred to in part b), above, by a levy in accordance with By-law CP-2 as amended; it being noted that any special charge shall have priority lien status and shall be added to the tax roll pursuant to subsection 208(7) of the Municipal Act, 2001; and
- d) the ~~attached~~ proposed by-law (Schedule C) BE INTRODUCED at the Municipal Council on April 16, 2013 with respect to municipal special levy for the London Downtown Business Improvement Area.

10. Tender No. 13-21 - Lease of Farm Land

That, on the recommendation of the Manager Realty Services, with the concurrence of the Manager of Purchasing and Supply, with respect to the City-owned lands, as shown on Schedule "A" ~~attached~~, the bids submitted by Jason Lawrence Regier, for lease of farm lands at the tendered annual lease offer of \$72,000.00 for a three (3) year term on Manning Drive; \$44,352.00 for a one (1) year term on Huron Street, and \$14,400.00 for a one (1) year term on Bonder Road, BE ACCEPTED; it being noted that Jason Lawrence Regier submitted the highest offers and meets the City's terms, conditions and specifications in all areas.

11. Federation of Canadian Municipalities Board of Directors Meeting - Prince George, B.C. - March 6-9, 2013

That the communication dated March 19, 2013 from Councillor H.L. Usher and Councillor J.L. Baechler regarding the Federation of Canadian Municipalities Board of Directors meeting held on March 6-9, 2013 in Prince George, B.C. BE RECEIVED.

12. Appointment to the Animal Welfare Advisory Committee

That the following individual BE APPOINTED to the Animal Welfare Advisory Committee for the term ending February 28, 2015;

Voting:

- Jennifer Fawcett-Cornish (Member- at-Large)

13. Appointment to the Community Safety and Crime Prevention Advisory Committee

That the following individuals BE APPOINTED to the Community Safety and Crime Prevention Advisory Committee for the term ending February 28, 2015;

Voting:

- Roderick Singh (Member-at-Large)
- Patricia Watson (Member-at-Large)

14. Resignation of C. Costa from the London Diversity and Race Relations Advisory Committee

That the communication dated March 26, 2013 from E. Rodrigues, Executive Director, LUSO Community Services, indicating the resignation of C. Costa's from the London Diversity and Race Relations Advisory Committee, BE ACCEPTED and Ms. Costa BE THANKED for participating on the London Diversity and Race Relations Advisory Committee.

15. Enquiry – Councillor J.P. Bryant – Status of Remediation Near Piccadilly Park

Motion made by Councillor B. Polhill to Approve that the enquiry by Councillor J.P. Bryant regarding the remediation work that was postponed near Piccadilly Park, in the area bounded by Wellington Street, Kenneth Avenue and the CP Railway tracks, BE REFERRED to the Managing Director, Parks and Recreation, for response to Councillor Bryant.

The motion to adopt clauses 1 to 15, excluding 2 b), 3, 6 and 15 is put.

Motion Passed



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

Motion made by Councillor S.E. White and seconded by Councillor B. Polhill to Amend clause 3, of the 10th Report of the Corporate Services Committee to separate the remuneration of the elected officials (part a) from the appointed citizen members of local boards and commissions (part b).

Motion Passed

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

NAYS: W.J. Armstrong (1)

Motion made by Councillor J.B. Swan and seconded by Councillor J.L. Baechler to Approve that, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and the City Clerk, the 2013 remuneration for:

- a) elected officials BE ADJUSTED by 1.5% over 2012, effective, January 1, 2013, in keeping with Council Policy 5(32), which provides for the salaries and honorariums of elected officials and appointed citizen members of local boards and commissions where stipends are paid to be adjusted "...annually on January 1st by the percentage increase reflected in the Labour Index (monthly Index, Table 3), on the understanding that if such an index reflects a negative percentage, the annual adjustment to the salaries of the elected officials and appointed citizen members will be 0%; and on the further understanding that if the Labour Index (monthly Index, Table 3) has increased by a percentage greater than the Consumer Price Index, Ontario, the annual percentage increase in the salaries and honorariums of the elected officials and appointed citizen members will be no greater than the increase in the Consumer Price Index, Ontario..."; and,

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, P. Hubert, H.L. Usher (8)

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

Motion made by Councillor J.B. Swan and seconded by Councillor S.E. White to Approve that on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and the City Clerk, the 2013 remuneration for appointed citizen members of local boards and commissions where stipends are paid BE ADJUSTED by 1.5% over 2012, effective, January 1, 2013, in keeping with Council Policy 5(32), which provides for the salaries and honorariums of elected officials and appointed citizen members of local boards and commissions where stipends are paid to be adjusted "...annually on January 1st by the percentage increase reflected in the Labour Index (monthly Index, Table 3), on the understanding that if such an index reflects a negative percentage, the annual adjustment to the salaries of the elected officials and appointed citizen members will be 0%; and on the further understanding that if the Labour Index (monthly Index, Table 3) has increased by a percentage greater than the Consumer Price Index, Ontario, the annual percentage increase in the salaries and honorariums of the elected officials and appointed citizen members will be no greater than the increase in the Consumer Price Index, Ontario...".

Motion Passed

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

NAYS: D.G. Henderson, P. Van Meerbergen (2)

Clause 3, as amended, reads as follows:

"That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer and the City Clerk, the 2013 remuneration for:

- a) elected officials BE ADJUSTED by 1.5% over 2012, effective, January 1, 2013, in

keeping with Council Policy 5(32), which provides for the salaries and honorariums of elected officials and appointed citizen members of local boards and commissions where stipends are paid to be adjusted ‘...annually on January 1st by the percentage increase reflected in the Labour Index (monthly Index, Table 3), on the understanding that if such an index reflects a negative percentage, the annual adjustment to the salaries of the elected officials and appointed citizen members will be 0%; and on the further understanding that if the Labour Index (monthly Index, Table 3) has increased by a percentage greater than the Consumer Price Index, Ontario, the annual percentage increase in the salaries and honorariums of the elected officials and appointed citizen members will be no greater than the increase in the Consumer Price Index, Ontario...’; and,

- b) appointed citizen members of local boards and commissions where stipends are paid BE ADJUSTED by 1.5% over 2012, effective, January 1, 2013, in keeping with Council Policy 5(32), which provides for the salaries and honorariums of elected officials and appointed citizen members of local boards and commissions where stipends are paid to be adjusted ‘...annually on January 1st by the percentage increase reflected in the Labour Index (monthly Index, Table 3), on the understanding that if such an index reflects a negative percentage, the annual adjustment to the salaries of the elected officials and appointed citizen members will be 0%; and on the further understanding that if the Labour Index (monthly Index, Table 3) has increased by a percentage greater than the Consumer Price Index, Ontario, the annual percentage increase in the salaries and honorariums of the elected officials and appointed citizen members will be no greater than the increase in the Consumer Price Index, Ontario...’.”

The motion to adopt clause 6 is put.

Motion Passed

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

At 5:49 PM, Councillor J.B. Swan leaves the meeting.

The motion to adopt clause 15 is put.

Motion Passed

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

Councillor J.B. Swan enters the meeting at 5:50 PM.

Motion made by Councillor D. Brown to Approve the referral of part b) of clause 2, to closed session.

- b) Councillor W.J. Armstrong’s concerns, regarding the distribution of a particular communication earlier this year, BE REFERRED to the City Manager for discussion with Councillor Armstrong.

Motion Passed

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

Motion made by Councillor J.B. Swan and seconded by Councillor S. Orser to Approve that pursuant to section 7.4 of the Council Procedure By-law, the order of business BE CHANGED to permit consideration of clause 13 of the 8th Report of the Planning and Environment Committee, having to do with the property located at 193 Clarke Road to be heard at this time.

Motion Passed

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

8th Report of the Planning and Environment Committee  
Councillor B. Polhill presents.

13. Property located at 193 Clarke Road (Z-8143)

Motion made by Councillor P. Hubert and seconded by Councillor J.B. Swan to Approve that the application of Southside Group relating to the property at 193 Clarke Road BE REFERRED back to the Civic Administration for further consultation with the public regarding site plan concerns, and for consideration of the staff recommendation in conjunction with a public site plan process and review through the Urban Design Peer Review Panel.

Motion made by Councillor S. Orser and seconded by Councillor J.B. Swan to Approve that pursuant to section 9.6 of the Council Procedure By-law, Councillor W.J. Armstrong be permitted to speak longer than five minutes.

Motion Passed

The motion to Refer clause 13 is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher (11)

NAYS: J.L. Baechler, S.E. White (2)

His Worship the Mayor and Members of Council welcome and recognize representatives of the Students' Councils from Western University, Huron University College, Brescia University College, King's University College, Society of Graduate Students and Fanshawe College, including the following:

Adam Fernal, President and Patrick Whelan, President-Elect, University Students' Council, Western University;

Vivek Prabhu, President, Huron University College Students' Council;

Jazmyn Jansen, President and Emily Addison, President-Elect, Brescia University College Students' Council;

David Ennett, President and Jen Carter, President-Elect

Society of Graduate Students, Western University: Christopher Shirreff, President and Kevin Godbout, President-Elect, King's University College Students' Council; and,

Zach Dodge, President and Adam Gourlay, President-Elect, Fanshawe Student Union.

Motion made by Councillor J.L. Baechler and seconded by Councillor J.B. Swan to Recess.

The Council recesses at 6:25 PM and reconvenes at 7:25 PM with Mayor J.F. Fontana in the Chair and all Members present except Councillors J.B. Swan, N. Branscombe and J.P. Bryant.

8th Report of the Planning and Environment Committee, continued.

Motion made by Councillor B. Polhill to approve clause 15.

15. Medway Valley Heritage Forest Environmentally Significant Area - North - Trail Master Planning Study

That the following actions be taken with respect to the Medway Valley Heritage Forest Environmentally Significant Area, North Trail Master Planning Study:

- a) the Medway Valley Heritage Forest North Environmentally Significant Area Trail Master Planning Study, March, 2013 BE ACCEPTED;
- b) Trail Option 5B - 'Enhanced Accessibility' BE APPROVED for implementation as shown in Appendix "B" of the Civic Administrations report dated April 9, 2013, subject to the following modifications being undertaken:

- i) the area marked on Appendix B as `proposed 1.0 m wide hiking trail with wood chip surface` be changed to a 2.0 m wide hiking trail with wood chip surface, with a smooth and even solid base, without obstructions, such as visible tree roots;
  - ii) the existing maintenance access/hiking trail be improved to a 3.2m asphalt pathway north and south of the 'bend';
  - iii) the only non-asphalt surfaces will be ~225 metres at the "bend" which will be a boardwalk over the tributary and the 2.0m wood chip hiking trail, noted in i), above; and,
  - iv) construction of i) and ii), above, be completed by June 1, 2014, with the exception of the Sunningdale West pathway connection;
- c) the Trail Advisory Group (TAG) BE THANKED for their input into this process and that no further comment be sought with respect to this matter;
  - d) an additional inventory to confirm the management zone limits and boardwalk layout around the 'bend' in the Medway Creek to cross the Wonderland Road Tributary BE INITIATED this spring;
  - e) implementation of the recommended trail option, including "on-road" linkages BE INITIATED and include involvement of the Transportation Division as required by the City's Trails Standards in environmentally significant areas;
  - f) the Civic Administration BE REQUESTED to continue land acquisition discussions with private landowners to support implementation of the preferred option; and,
  - g) the Civic Administration BE REQUESTED to develop and implement a monitoring program for the long-term sustainability of the trail use for intended objectives that will consider adaptive management where and if required;

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

- communications from the Sunningdale West Residents Association; noting that a petition signed by approximately 209 individuals is on file in the City Clerk's office;
- a communication, dated March 28, 2013, from Lori and Keith Zerebecki, 1966 Valleyrun Boulevard
- a communication, dated March 27, 2013, from William J. Lyons, #36 – 1511 Aldersbrook Road;
- a communication from Dr. Peter Agathos, 2112 Valleyrun Boulevard;
- a communication, dated March 27, 2013, from Gordon Wood, 195 Brunswick Crescent;
- a communication, dated March 27, 2013, from David Potten, 110 West Rivertrace Walk;
- a communication, dated March 27, 2013, from Fred Fretz, 1984 Valleyrun Boulevard;
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- a communication, dated March 16, 2013, from Anita Caveney, David and Winnifred Wake, Nature London;
- a communication from David Bronicheski, 314 Rivertrace Close;
- a communication from Bruce McMillan, McMillan Company;
- a communication, dated April 8, 2013, from Mike Harasym, Harasym Development Inc.,
- a communication from Carmine Gargarella, Bridlewood Homes;
- a communication from Judy Kwasnica, #706 – 655 Windermere Road;
- a communication from Nisha and Adrian Lattanzio, 332 Cornelius Court;
- a communication from Ella, Julie, Nicholas and Matteo Votta, 345 Cornelius Court;
- a communication from Jonathon Batch and Elizabeth Abbott, 231 Pebblecreek Walk;
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- a communication, dated April 1, 2013, from Laura Price and David Pringle, 2148 Valleyrun Boulevard;
- a communication, dated March 31, 2013, from Robert, Janet, Taylor and Jaxon Lee, 1995 Wallingford Avenue; and,

- a communication from Julie Robertson, 2128 Valleyrun Boulevard;

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

- C. Sheculski, Vice President, Sunningdale West Residents Association – advising that the Manager, Environmental and Parks Planning gave a wonderful history of the Medway Valley Heritage Trail (Trail); indicating that he contacted the developer and the City in 2007 to enquire as to how the Trail would connect; noting that he was advised that it would be based on the 2005 Plan; indicating that he moved into his residence in 2008; advising that he kept in touch with the project advancement; noting that he contacted the developer with respect to the bridges; indicating that an alternative method was found that did not require a bridge; advising that there has been a change in the Municipal Council since the commencement of this project; indicating that there was a public meeting held in December, 2011; indicating that this new proposal is quite an alarming surprise; noting that it looked like the trail system was gone; further noting that it did not feel like there was a good chance for the trail system; indicating that a second public participation meeting was held; advising that in November, 2012, he asked about the Planning Advisory Group and the Trails Advisory Group; noting that many of the area residents expressed concern with their lack of voice on the two groups; indicating that, in January, 2013, he shared some points and concerns and the construction of the bridges was reduced to one; indicating that there has been no change in the community position; advising that 207 area residents signed their petition; advising that he feels that this is a discussion of principle; advising that he has spent half of his life working in the environmental industry; indicating that there is development on every side of them; and indicating that people are using the trails; advising that he will continue to advocate for the trails; advising that the enhanced Option 5b is not there yet; advising that he would like to see the areas up until the bend, paved with asphalt; noting that split asphalt is acceptable; indicating that he supports the boardwalk through the bend; expressing agreement with the two metre trail system; indicating that the bulk of the request for asphalt is around accessibility or strollers; noting that there are a lot of elderly residents living in the area; and advising that there is also a seniors building in the area.
- Michael Dawthorne, Chair, Accessibility Advisory Committee and resident of northwest London – advising that this is a unique opportunity for people with disabilities; noting that one in seven people have a disability; advising that there are many trails that are not accessible; indicating that this is an opportunity to put in a trail that will be used by over 50% of the residents; advising that the last speaker expressed how passionate people are about their city; indicating that woodchips and gravel are not accessible; advising that he realizes that accessibility is expensive; indicating that the Civic Administration has advised the Accessibility Advisory Committee that every consideration is given to access; indicating that this is the first step to see this honoured; and advising that accessibility is not a price tag, it is a right.
- Leonard Fluher, 106 Rhine Avenue – advising that he has been a member of the Trails Advisory Group since January; indicating that he had a heated discussion with a city employee; enquiring as to whether or not we should cave into these people; advising that he is from one of the oldest families in London; indicating that this is one of the oldest trails in London; advising that John Graves Simcoe made the access open to everyone (Dundas Street); noting that this is listed as part of the surrender of London; expressing outrage at the way people with disabilities are treated; advising that his family has been part of the forest ranger service; indicating that today is the 99th anniversary of Vimy Ridge; and providing some family history.
- David Bronicheski, 314 Rivertrace Close – advising that he moved to London 10 years ago; indicating that the most base issue is whether or not this Council will honour the commitment that the previous Council made 10 years ago when the sewer went in; advising that he takes visitors to the areas that have been completed and everyone is impressed; and requesting that the Civic Administration's recommendation be rejected and that a continuous asphalt link be installed.
- Angela McGonigle, 297 Cornelius Court – advising that she has lived at her residence since 2008; indicating that Sunningdale West is close to the Trail system; advising that her son relies on a powered wheelchair to get around; indicating that, through the *Ontarians with Disabilities Act*, people are able to access places for work, travel and play; expressing disappointment that they have been fighting for 8 years for universal access; advising that it is difficult to ask for compromise but she wants to be able to take her son for a walk; requesting that the Trail be 2 metres wide, with a woodchip surface that is smooth and even with no tree roots; advising that the only non-asphalt surface that she will support is the boardwalk; requesting that the Trails Advisory Group

be thanked for its work; indicating that there is a difference between those with an interest in a subject and those who have a stake in a subject; advising that she has attended every meeting and felt that, as of November, 2012, she was losing her voice on this matter; indicating that she has volunteered 50 hours of her time on this matter; expressing hope that the community is being heard tonight; advising that on page 2 of the Civic Administration's report, the second last paragraph mentions that the road pathway was to be built to four metres; advising that on page 2 of the Civic Administration's report, the last sentence, she did not learn about this until 2 ½ years later; indicating that she was not invited to be a member of the Planning Advisory Group until this year; advising that in Appendix C of the Civic Administration's report, the existing gravel base road gets muddy and wet; advising that on page 12 of the Civic Administration's report, the existing dirt hiking trail, what happens if a wheelchair and a stroller meet up from opposite sides, how do they get by each other; advising that the area is a natural beauty; and indicating that with the enhanced Option 5b, her son, Owen cannot get across the creek to see his friend.

- Jacqueline Madden, 2134 Valleyrun Boulevard – advising that she has lived in world class cities; indicating that London considers itself a world class city and everything should be done world class, including this Trail.
- Renee Agathos, 2112 Valleyrun Boulevard – advising that they have a stake in this area; indicating that she was not aware of this issue until the Fall of 2011; indicating that she tried to follow the pathway with children and they were dumped out just south of Fanshawe Park Road; noting that they walked up to Wonderland Road, which was scary; indicating that they found their way through a field and back to the Trail; advising that, with the new work that has been completed on Wonderland Road North, it does not provide access to bicycling or rollerblading in safe ways; expressing a preference for the continuous asphalt pathway; and requesting that sidewalks be built further away from the road.
- Alain Proulx, 2044 Creekbend Place – reiterating the previous comments; advising that environmentally significant areas deserve respect; and advising that there is heavy equipment at the sewer.
- Roslynn Moorhead, 7 Hastings Gate – advising that environmentally significant areas are the jewels of London; advising that she was talking to someone visiting London from Kingston and they were impressed with the beauty of London; advising that Medway has been compromised by the sewer; noting that there is some need to compromise, but requesting that everyone remember that this is not a neighbourhood park; and advising that she does not support a continuous asphalt pathway.
- Keith Zerebecki, 1966 Valley Run Boulevard – indicating that he and his grandchildren love visiting Plane Tree Park; advising that, if he was on the Planning and Environment Committee, he would be tempted to vote in favour of the Civic Administration's recommendations; noting that the recommendations add a valuable bridge and paves some of the pathways; indicating that the enhancements have been well thought through; indicating that one of the enhancements meets up with the lookout; advising that Option 5b links asphalt with multi-use pathways; advising that the Trail is an outstanding feature in the city; advising that if Option 5b is approved, part of the pathway would be paved; advising that the link for the pathways is 500 metres of additional asphalt; indicating that there is approximately 80% in place; and expressing gratitude that only one bridge has to be built, not three.
- David Potten, 110 West Rivertrace Walk, on behalf of Friends of Medway Creek – advising that the 1998 Sunningdale Community Plan had an impact; indicating that there is no one here from Upper Richmond Village; indicating that there is no mention of cycling; noting that the alternative is to use Sunningdale Road, which is unsafe for recreation; advising that phase one of the plan is north of Fanshawe Park Road; indicating that if people stay on the pathway, they can keep the area clean; enquiring as to what it will be like in the summer and when Hickory Heights subdivision is built; advising that 72% of people voted to use the 50/50 weighing of environmental and social criteria of the study; indicating that if you cannot put a trail here, no trails would have positive scores; enquiring why taxpayers money is spent on conducting environmental studies; expressing appreciation to the members of the Trails Advisory Group; noting that the Group conducted a site visit, evaluated the options and reached a consensus; advising that Medway Creek residents educate the community on responsible environmental options; expressing support for an enhanced Option 5b; and advising that if half of the access road is paved on top of the sewer, it will satisfy more people.
- Sandy Levin, 59 Longbow Road, on behalf of the Orchard Park/Sherwood Forest Ratepayers Association – advising that he served on the Planning Advisory Group; recommending that the Trails Advisory Group should continue; advising that the policies and practices that the Municipal Council implements are what balances the

conflicts between neighbourhoods; indicating that, by improving the access to the Trails, you are turning them into bicycle lanes; advising that someone took leaf bags and threw them in the bollard; advising that Option 5b might be the right compromise; indicating that this is only one part of the environmentally significant areas; enquiring as to whether the next step is to provide access through the entire environmentally significant areas; indicating that Option 5b bends the rules of the Official Plan a bit, but does not break them; indicating that the issues with the muddy areas are a result of the fallout from the sewer work being undertaken; and advising that no one is going to get what they want.

- Bill Davis, Old Masonville Residents Association – advising that people have provided reasons for approving or disapproving the Civic Administration’s recommendations; and indicating that the environmentally significant areas can be protected.
- Susan Blocker, 367 Grosvenor Street – advising that there is an excellent park system in the City; indicating that environmentally significant areas are different than park systems; advising that environmentally significant areas are not just for us, but are to protect and preserve other species; and advising that she does not support the continuation of the asphalt pathway.
- Jack Blocker, 367 Grosvenor Street – reminding the Committee that there is one set of actors who have an even larger stake in this, the wildlife who will be impacted with the increase in human traffic; advising that the Municipal Council passed a resolution to suspend asphalt paving in environmentally significant areas in 2009; indicating that with an increase in asphalt paving, there is an increase in human traffic; advising that all Londoners have the advantage of natural areas in the City; indicating that he agrees with the Environmental and Ecological Planning Advisory Committee recommendation to weigh environmental consideration, with Options 3, 5a and 7b being given the highest priority; and noting that these recommendations are cheaper.
- David Wake, Nature London – advising that the Medway Valley Trail is an environmentally significant areas and is set aside for all the reasons that we know about; advising that the issue of the bend around the River is a substantial issue; advising that trails and bicycles are not allowed in environmentally significant areas; requesting the minimum footprint be allotted for the bend in the Trail; and recommending that bicycle racks should be placed at the end of the asphalt trail so that people can walk, not bicycle.
- Winnifred Wake, Nature London – supporting her husband’s comments; requesting that the integrity of environmentally significant areas be put first; advising that a lot of compromise has already taken place; and recommending the minimum footprint around the bend in the Trail.
- Anita Caveney, Nature London – advising that Nature London is relentless in its protection of environmentally significant areas; advising that there are reasons why environmentally significant areas are given that designation; indicating that these reasons should be considered first and foremost; expressing disappointment to hear how other people put their interests first; and reading an exemption from the *Ontarians with Disabilities Act* relating to environmentally significant areas.
- Lori Pratt, 519 Sundance Place – advising that, even with all of the building going on, she sees all kinds of wildlife; and indicating that she loves nature and wants to enjoy it.
- Jim Cushing, 25 Elmwood Avenue East – advising that he enjoys the paved pathways in the parks; and indicating that he does not want to see pathways in environmentally significant areas.
- Chester Pawlowski, 178 St. Bees Close – indicating that the 2005 Medway Valley Heritage Trail Plan was on track; advising that Sandy Levin and the Attawandaron Residents supported the 2005 Plan; indicating that, with respect to Councillor Henderson’s concerns relating to the bend in the Trail, Stantec reported on the costs and assessment; and advising that this information is not provided in the Civic Administration’s report. (2013-E20)

At 7:32 PM, His Worship the Mayor places Councillor P. Hubert in the Chair and takes a seat at the Council Board.

At 7:37 PM, His Worship the Mayor resumes the Chair and Councillor P. Hubert takes his seat at the Council Board.

At 7:42 PM Councillor J.B. Swan enters the meeting.

Pursuant to section 7.2 of the Council Procedure By-law, Councillor J.L. Beachler requests a separate vote on parts b) i), b)ii) and b)iii) of clause 15 of the 8th Report of the Planning and Environment Committee.

Motion made by Councillor S.E. White and seconded by Councillor P. Hubert to Amend clause 15 by adding the following new paragraph immediately after part g): "it being noted that the Council identifies the history and significance of the area and that the above-noted project is a unique scenario and that this will not be a standard or precedent for other ESA;"

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, S.E. White (12)

NAYS: H.L. Usher (1)

Motion made by Councillor B. Polhill to Approve parts i), ii) and iii) of part b) of clause 15.

Motion Passed

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

NAYS: W.J. Armstrong, J.L. Baechler, P. Hubert, D. Brown, H.L. Usher (5)

Motion made by Councillor B. Polhill to Approve the remainder of clause 15, as amended.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, S.E. White (11)

NAYS: D. Brown, H.L. Usher (2)

Clause 15, as amended, reads as follows:

That the following actions be taken with respect to the Medway Valley Heritage Forest Environmentally Significant Area, North Trail Master Planning Study:

- a) the Medway Valley Heritage Forest North Environmentally Significant Area Trail Master Planning Study, March, 2013 BE ACCEPTED;
- b) Trail Option 5B - 'Enhanced Accessibility' BE APPROVED for implementation as shown in Appendix "B" of the Civic Administrations report dated April 9, 2013, subject to the following modifications being undertaken:
  - i) the area marked on Appendix B as 'proposed 1.0 m wide hiking trail with wood chip surface' be changed to a 2.0 m wide hiking trail with wood chip surface, with a smooth and even solid base, without obstructions, such as visible tree roots;
  - ii) the existing maintenance access/hiking trail be improved to a 3.2m asphalt pathway north and south of the 'bend';
  - iii) the only non-asphalt surfaces will be ~225 metres at the "bend" which will be a boardwalk over the tributary and the 2.0m wood chip hiking trail, noted in i), above; and,
  - iv) construction of i) and ii), above, be completed by June 1, 2014, with the exception of the Sunningdale West pathway connection;
- c) the Trail Advisory Group (TAG) BE THANKED for their input into this process and that no further comment be sought with respect to this matter;
- d) an additional inventory to confirm the management zone limits and boardwalk layout around the 'bend' in the Medway Creek to cross the Wonderland Road Tributary BE INITIATED this spring;
- e) implementation of the recommended trail option, including "on-road" linkages BE INITIATED and include involvement of the Transportation Division as required by the City's Trails Standards in environmentally significant areas;



- f) the Civic Administration BE REQUESTED to continue land acquisition discussions with private landowners to support implementation of the preferred option; and,
- g) the Civic Administration BE REQUESTED to develop and implement a monitoring program for the long-term sustainability of the trail use for intended objectives that will consider adaptive management where and if required;

it being noted that the Council identifies the history and significance of the area and that the above-noted project is a unique scenario and that this will not be a standard or precedent for other ESA;

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

- communications from the Sunningdale West Residents Association; noting that a petition signed by approximately 209 individuals is on file in the City Clerk's office;
- a communication, dated March 28, 2013, from Lori and Keith Zerebecki, 1966 Valleyrun Boulevard
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- a communication from Julie Robertson, 2128 Valleyrun Boulevard;

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

- C. Sheculski, Vice President, Sunningdale West Residents Association – advising that the Manager, Environmental and Parks Planning gave a wonderful history of the Medway Valley Heritage Trail (Trail); indicating that he contacted the developer and the City in 2007 to enquire as to how the Trail would connect; noting that he was advised that it would be based on the 2005 Plan; indicating that he moved into his residence in 2008; advising that he kept in touch with the project advancement; noting that he contacted the developer with respect to the bridges; indicating that an alternative method was found that did not require a bridge; advising that there has been a change in the Municipal Council since the commencement of this project; indicating that there was a public meeting held in December, 2011; indicating that this new proposal is quite an alarming surprise; noting that it looked like the trail system was gone; further noting that it did not feel like there was a good chance for the trail system; indicating that a second public participation meeting was held; advising that in November, 2012, he asked about the Planning Advisory Group and the Trails Advisory Group; noting that many of the area residents expressed concern with their lack of voice on the two groups; indicating that, in January, 2013, he shared some points and concerns and the construction of the bridges was reduced to one; indicating that there has been no

- change in the community position; advising that 207 area residents signed their petition; advising that he feels that this is a discussion of principle; advising that he has spent half of his life working in the environmental industry; indicating that there is development on every side of them; and indicating that people are using the trails; advising that he will continue to advocate for the trails; advising that the enhanced Option 5b is not there yet; advising that he would like to see the areas up until the bend, paved with asphalt; noting that split asphalt is acceptable; indicating that he supports the boardwalk through the bend; expressing agreement with the two metre trail system; indicating that the bulk of the request for asphalt is around accessibility or strollers; noting that there are a lot of elderly residents living in the area; and advising that there is also a seniors building in the area.
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  - Jacqueline Madden, 2134 Valleyrun Boulevard – advising that she has lived in world class cities; indicating that London considers itself a world class city and everything should be done world class, including this Trail.
  - Renee Agathos, 2112 Valleyrun Boulevard – advising that they have a stake in this area; indicating that she was not aware of this issue until the Fall of 2011; indicating that she tried to follow the pathway with children and they were dumped out just south of Fanshawe Park Road; noting that they walked up to Wonderland Road, which was

- scary; indicating that they found their way through a field and back to the Trail; advising that, with the new work that has been completed on Wonderland Road North, it does not provide access to bicycling or rollerblading in safe ways; expressing a preference for the continuous asphalt pathway; and requesting that sidewalks be built further away from the road.
- Alain Proulx, 2044 Creekbend Place – reiterating the previous comments; advising that environmentally significant areas deserve respect; and advising that there is heavy equipment at the sewer.
  - Roslynn Moorhead, 7 Hastings Gate – advising that environmentally significant areas are the jewels of London; advising that she was talking to someone visiting London from Kingston and they were impressed with the beauty of London; advising that Medway has been compromised by the sewer; noting that there is some need to compromise, but requesting that everyone remember that this is not a neighbourhood park; and advising that she does not support a continuous asphalt pathway.
  - Keith Zerebecki, 1966 Valley Run Boulevard – indicating that he and his grandchildren love visiting Plane Tree Park; advising that, if he was on the Planning and Environment Committee, he would be tempted to vote in favour of the Civic Administration’s recommendations; noting that the recommendations add a valuable bridge and paves some of the pathways; indicating that the enhancements have been well thought through; indicating that one of the enhancements meets up with the lookout; advising that Option 5b links asphalt with multi-use pathways; advising that the Trail is an outstanding feature in the city; advising that if Option 5b is approved, part of the pathway would be paved; advising that the link for the pathways is 500 metres of additional asphalt; indicating that there is approximately 80% in place; and expressing gratitude that only one bridge has to be built, not three.
  - David Potten, 110 West Rivertrace Walk, on behalf of Friends of Medway Creek – advising that the 1998 Sunningdale Community Plan had an impact; indicating that there is no one here from Upper Richmond Village; indicating that there is no mention of cycling; noting that the alternative is to use Sunningdale Road, which is unsafe for recreation; advising that phase one of the plan is north of Fanshawe Park Road; indicating that if people stay on the pathway, they can keep the area clean; enquiring as to what it will be like in the summer and when Hickory Heights subdivision is built; advising that 72% of people voted to use the 50/50 weighing of environmental and social criteria of the study; indicating that if you cannot put a trail here, no trails would have positive scores; enquiring why taxpayers money is spent on conducting environmental studies; expressing appreciation to the members of the Trails Advisory Group; noting that the Group conducted a site visit, evaluated the options and reached a consensus; advising that Medway Creek residents educate the community on responsible environmental options; expressing support for an enhanced Option 5b; and advising that if half of the access road is paved on top of the sewer, it will satisfy more people.
  - Sandy Levin, 59 Longbow Road, on behalf of the Orchard Park/Sherwood Forest Ratepayers Association – advising that he served on the Planning Advisory Group; recommending that the Trails Advisory Group should continue; advising that the policies and practices that the Municipal Council implements are what balances the conflicts between neighbourhoods; indicating that, by improving the access to the Trails, you are turning them into bicycle lanes; advising that someone took leaf bags and threw them in the bollard; advising that Option 5b might be the right compromise; indicating that this is only one part of the environmentally significant areas; enquiring as to whether the next step is to provide access through the entire environmentally significant areas; indicating that Option 5b bends the rules of the Official Plan a bit, but does not break them; indicating that the issues with the muddy areas are a result of the fallout from the sewer work being undertaken; and advising that no one is going to get what they want.
  - Bill Davis, Old Masonville Residents Association – advising that people have provided reasons for approving or disapproving the Civic Administration’s recommendations; and indicating that the environmentally significant areas can be protected.
  - Susan Blocker, 367 Grosvenor Street – advising that there is an excellent park system in the City; indicating that environmentally significant areas are different than park systems; advising that environmentally significant areas are not just for us, but are to protect and preserve other species; and advising that she does not support the continuation of the asphalt pathway.
  - Jack Blocker, 367 Grosvenor Street – reminding the Committee that there is one set of actors who have an even larger stake in this, the wildlife who will be impacted with the increase in human traffic; advising that the Municipal Council passed a resolution to suspend asphalt paving in environmentally significant areas in 2009; indicating that with an increase in asphalt paving, there is an increase in human traffic; advising that all

Londoners have the advantage of natural areas in the City; indicating that he agrees with the Environmental and Ecological Planning Advisory Committee recommendation to weigh environmental consideration, with Options 3, 5a and 7b being given the highest priority; and noting that these recommendations are cheaper.

- David Wake, Nature London – advising that the Medway Valley Trail is an environmentally significant areas and is set aside for all the reasons that we know about; advising that the issue of the bend around the River is a substantial issue; advising that trails and bicycles are not allowed in environmentally significant areas; requesting the minimum footprint be allotted for the bend in the Trail; and recommending that bicycle racks should be placed at the end of the asphalt trail so that people can walk, not bicycle.
- Winnifred Wake, Nature London – supporting her husband's comments; requesting that the integrity of environmentally significant areas be put first; advising that a lot of compromise has already taken place; and recommending the minimum footprint around the bend in the Trail.
- Anita Caveney, Nature London – advising that Nature London is relentless in its protection of environmentally significant areas; advising that there are reasons why environmentally significant areas are given that designation; indicating that these reasons should be considered first and foremost; expressing disappointment to hear how other people put their interests first; and reading an exemption from the *Ontarians with Disabilities Act* relating to environmentally significant areas.
- Lori Pratt, 519 Sundance Place – advising that, even with all of the building going on, she sees all kinds of wildlife; and indicating that she loves nature and wants to enjoy it.
- Jim Cushing, 25 Elmwood Avenue East – advising that he enjoys the paved pathways in the parks; and indicating that he does not want to see pathways in environmentally significant areas.
- Chester Pawlowski, 178 St. Bees Close – indicating that the 2005 Medway Valley Heritage Trail Plan was on track; advising that Sandy Levin and the Attawandaron Residents supported the 2005 Plan; indicating that, with respect to Councillor Henderson's concerns relating to the bend in the Trail, Stantec reported on the costs and assessment; and advising that this information is not provided in the Civic Administration's report. (2013-E20)

8th Report of the Civic Works Committee  
Councillor P. Van Meerbergen presents.

Motion made by Councillor P. Van Meerbergen to Approve clauses 1 to 13, inclusive.

At 8:26 PM, Councillor J.B. Swan leaves the meeting.

1. Disclosure of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Environmental Programs Update

That, on the recommendation of the Director - Environment, Fleet and Solid Waste, the staff report, dated April 8, 2013 with respect to Environmental Programs Updates BE RECEIVED. (2013-E01)

3. Comments on Environmental Bill of Rights Registry - Halton Recycling - Environmental Compliance Approval

That, on the recommendation of the Director, Environment, Fleet and Solid Waste, the ~~attached~~ revised comments BE APPROVED and BE SUBMITTED to the Ministry of Environment by April 20, 2013, in response to the Environmental Bill of Rights Registry posting (EBR 011-8496) titled "Halton Recycling Ltd." (2013-E02)

4. Contract Award: Tender No. T13-32 2013 Growth Management Implementation Strategy (GMIS) Southdale Road West Widening

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to awarding the contract for the Southdale Road West Widening from Wonderland Road to Wharncliffe Road (TS1486, TS1254-12, ES2467, EW3543):

- a) the bid submitted by Bre-Ex Limited, 247 Exeter Road, London, N6L1A5, at its

submitted tendered price of \$6,001,132.08 (excluding H.S.T.) for the 2013 Southdale Road Widening Contract BE ACCEPTED; it being noted that the bid submitted by Bre-Ex Limited was the lowest of six (6) bids received and meets the City's specifications and requirements in all areas;

- b) Stantec Consulting Limited, 1069 Wellington Road South, Suite 214, London, Ontario, N6E 1H6 BE APPOINTED Consulting Engineers for the contract administration and resident supervision of the said project in the amount of \$567,050.00 (excluding H.S.T.), in accordance with Section 15.2 (g) of the Procurement of Goods and Services Policy and based upon the fee Guideline for Professional Engineering Services, recommended by the Ontario Society of Professional Engineers;
- c) future additional annual operating costs of \$17,000.00 BE APPROVED as a first priority commitment from available assessment growth in 2014, subject to final budget approval;
- d) the financing for this project BE APPROVED as set out in the Sources of Financing Report appended to the staff report dated April 8, 2013;
- e) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- f) 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 13-32); and,
- g) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2013-L04)

5. Contract Award: Tender No. 13-16 Meadowlily Footbridge Rehabilitation

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the award of a contract for the Meadowlily Footbridge Rehabilitation Project (TS1213):

- a) the bid submitted by McLean Taylor Construction Limited, 25 Water Street, St. Marys, ON N4X 1B1, at its submitted tendered price of \$1,919,939.80 (excluding H.S.T.), for the Meadowlily Footbridge Rehabilitation Project BE ACCEPTED; it being noted that the bid submitted by McLean Taylor Construction Limited was the lowest of five (5) bids received and meets the City's specifications and requirements in all areas;
- b) AECOM Canada Ltd, 250 York Street, Suite 410, London, Ontario, N6A 6K2 BE AUTHORIZED to carry out the resident inspection and contract administration of the said project in the amount of \$149,490.00 (excluding H.S.T.), in accordance with Section 15.2(g) of the Procurement of Goods and Services Policy;
- c) the consulting fee for the project identified in (b), above, which is in accordance with the estimate on file, and which is based upon the Fee Guideline for Professional Engineering Services recommended by the Ontario Society of Professional Engineers BE APPROVED;
- d) the financing for this project BE APPROVED as set out in the Sources of Financing Report appended to the staff report dated April 8, 2013;
- e) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- f) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract for the material to be supplied and the work to be done relating to this project (Tender 13-16); and,
- g) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2013-L04)

6. Contract Award: Tender No. 13-18 2013 Arterial Road Rehabilitation Contract

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the award of the contract for the 2013 Arterial Road Rehabilitation Contract (TS1446-13):

- a) the bid submitted by Coco Paving Inc. 1865 Clarke Road, London ON N5X 3Z6, at its submitted tendered price of \$4,683,000.00 (excluding H.S.T.), for the 2013 Arterial Road Rehabilitation Contract, BE ACCEPTED; it being pointed out that the bid submitted by Coco Paving Inc. was the lowest of two (2) bids received and meets the City's specifications and requirements in all areas; it being further noted that there is no anticipated additional operating costs to the Environmental and Engineering Services budget in 2014 and subsequent years associated with approval of this tender;
- b) the financing for this project BE APPROVED as set out in the Sources of Financing Report appended to the staff report dated April 8, 2013;
- 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 material to be supplied and the work to be done relating to this project (Tender 13-18); 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. (2013-L04)

7. Single Source Supply and Delivery of Tractor Backhoe

That, on the recommendation of the Managing Director – Environmental and Engineering Services and City Engineer, and the concurrence of the Director-Environment, Fleet and Solid Waste, that the following actions be taken:

- a) the negotiated amount with Strongco Limited Partnership, 6171 Colonel Talbot Road, London, ON N6P 1J2, for the supply and delivery of one (1) Case Model 590SN Tractor Backhoe at their proposed price of \$130,000.00, HST extra, BE ACCEPTED on a single source basis as per section 14.4 (d). of the Procurement of Goods and Services Policy;
- b) the funding for this purchase BE APPROVED as set out in the Sources of Finance Report appended to the staff report dated April, 8, 2013;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this purchase; and,
- d) the approval hereby given BE CONDITIONAL upon the Corporation entering into a formal contract or having a purchase order, or contract record relating to the subject matter of this approval. (2013-F18)

8. Contract Award: Tender No. 13-05 2013 Infrastructure Lifecycle Renewal Program Contract 4: Edward Street Reconstruction

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the award of contracts for the 2013 Lifecycle Renewal Program, Contract #4: Edward Street Reconstruction Project (ES2414-13, EW3765-13, TS3014-13):

- a) the bid submitted by Bre-Ex Ltd. (Bre-Ex), 247 Exeter Road, London, ON, N6L 1A5, at its tendered price of \$2,737,897.60 (excluding H.S.T.), for the 2013 Infrastructure Lifecycle Renewal Program, Contract #4 project, BE ACCEPTED; it being pointed out that the bid submitted by Bre-Ex Ltd. was the lowest of nine bids received and meets the City's specifications and requirements in all areas;
- b) Archibald, Gray, McKay Consulting Engineers (AGM), 3514 White Oak Road London ON, N6E 2Z9, 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 \$279,119.00 (excluding H.S.T.); it being noted that this firm completed the engineering design, based upon the Fee Guideline for Professional Engineering

Services, recommended by the Ontario Society of Professional Engineers; and in accordance with Section 15.2 (g) of the City of London's Procurement of Goods and Services Policy;

- c) minor future additional annual operating costs of \$900.00 BE RECOGNIZED as a result of this project; it being noted that these costs are as a result of new infrastructure installation and will be considered and accommodated within future Water & Wastewater operating budgets;
- d) the financing for this project BE APPROVED as set out in the Sources of Financing Report appended to the staff report date April 8, 2013;
- e) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- f) 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 13-05); and,
- g) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2013-L04)

9. Amendments to the Traffic and Parking By-law

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the ~~attached~~ proposed by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting to be held on April 16, 2013 for the purpose of amending the Traffic and Parking By-law (P.S. 111). (2013-C01)

10. Tender 13-36 Replacement of Sidewalks, Curb and Gutter and Hot mix Asphalt

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the award of a contract for Tender 13-36, Replacement of Sidewalks, Curb & Gutter and Hot Mix Asphalt:

- a) the bid submitted by McCann Paving Inc., P.O. Box 100, Stratford, Ontario N5A 6S8 at their tendered price of \$2,507,254.08 (excluding HST) BE ACCEPTED; it being noted that the bid submitted by McCann Paving Inc. was the lowest of five bids received and meets the City's specifications and requirements in all areas;
- b) the financing for this project BE APPROVED as set out in the Sources of Finance Report appended to the staff report dated April 8, 2013;
- c) the Civic Administration BE AUTHORIZED to undertake all of the administrative acts that are necessary in connection with this contract;
- d) the approval hereby given 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 13-36); 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. (2013-L04)

11. Pedestrians Crossing Richmond Street and Piccadilly Street

That, on the recommendation of the Director of Roads and Transportation, NO ACTION BE TAKEN with respect to installing an intersection pedestrian signal on Richmond Street at Piccadilly Street. (2013-T07)

12. Update on New Funding Model and By-laws for Water, Wastewater and Stormwater Services

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken to clarify and consolidate changes to the relevant water, wastewater and stormwater rates, fees and charges, which came into effect March 1, 2013:

- a) the ~~attached~~ proposed by-law (Appendix 'A') to repeal and replace By-law No. W-3 entitled "A by-law to provide for the Regulation of Water Supply in the City of London", and By-law No. W-7 entitled "A by-law to provide for the setting of rates and charges for water supply in the City of London", BE INTRODUCED at the Municipal Council meeting on April 16, 2013;
- b) the ~~attached~~ proposed by-law (Appendix 'B') to repeal and replace By-law No. WM-15 entitled "A by-law for imposing a sewer system charge", By-law No. WM-26 entitled "A by-law to establish the Schedule of Sewer System Fees and Charges", and By-law No. W.-1911-23 entitled "A by-law to regulate the charges to property owners who connect their properties to the sewer works of the City of London", BE INTRODUCED at the Municipal Council meeting on April 16, 2013; and,
- c) the staff report dated April 8, 2013 with respect to these matters BE RECEIVED;

it being noted that the CWC received the ~~attached~~ presentation from R. Welker, Division Manager, with respect to this matter;

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

- Gary Brown, 59 Ridout Street – indicating there should be a stormwater charge for commercial or private parking lots, stating if there is no charge for parking lots this creates an unfair advantage and encourages speculation; and amounts to a tax break noting that parking lots have a great impact on the sewer system because of storm run off; and congratulating staff for their work on moving towards a fairer system. (2013-C01)

### 13. Environmental and Engineering Initiatives

That, the ~~attached~~ presentation from J. Braam, Managing Director, Environmental and Engineering Services and City Engineer, with respect to Environmental and Engineering Initiatives BE RECEIVED for information.

Motion Passed

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

### 8th Report of the Planning and Environment Committee, continued

Motion made by Councillor J.L. Baechler to Approve clauses 1 to 16, excluding clauses 13 and 15.

Pursuant to section 17.2 of the Council Procedure By-law, Councillor D. Brown calls for a separate vote on clauses 11 and 12.

#### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

#### 2. McCormick Area Study Update (OZ-7601)

That, on the recommendation of the Managing Director, Planning and City Planner, the staff report dated April 9, 2013, with respect to the lands generally bounded by the Canadian Pacific Railway to the north, Quebec Street and Burbrook Place to the west, Dundas Street to the south and Ashland Avenue and McCormick Boulevard to the east, BE RECEIVED. (2013-E20)

#### 3. Secondary Dwelling Units (OZ-8053)

That, on the recommendation of the Managing Director, Planning and City Planner, the staff report dated April 9, 2013, with respect to city-wide Official Plan and Zoning By-law Amendments, as it relates to secondary dwelling units, BE CIRCULATED for public comment; it being noted that the matter shall be considered at a future public participation meeting of the Planning and Environment Committee. (2013-D14A)



4. Properties located at 181 & 199 Commissioners Road East (39T-08501)

That, on the recommendation of the Senior Planner, Development Services, the Approval Authority BE ADVISED that Municipal Council supports a one (1) year extension of draft approval for draft approved plan 39T-08501, submitted by Highland Green London Inc., prepared by ENG Plus (Project No. 06.257), certified by J. Andrew Smith OLS, on December 18, 2007, as red line amended, which shows 27 single detached residential lots served by an extension of Edwin Drive and an extension of Carnegie Lane SUBJECT TO the previously approved conditions as modified on January 19, 2011. (2013-D12)

5. Property located at 3047 Tillman Road (H-8146)

That, on the recommendation of the Senior Planner, based on the application of York Development Group, relating to the property located at 3047 Tillman Road, the proposed by-law, as appended to the staff report dated April 9, 2013 BE INTRODUCED at the Municipal Council meeting to be held on April 16, 2013, 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 Restricted Office/Residential R9/Convenience Commercial (h-5.h-53.h-55.h-56.RO2/R9-7.H40/CC6) Zone TO a Restricted Office/Residential R9/Convenience Commercial (RO2/R9-7.H40/CC6) Zone to remove the "h-5", "h-53", "h-55" and "h-56" holding provisions. (2013-D14A)

6. Property located at 3200 Singleton Avenue (H-8117)

That, on the recommendation of the Senior Planner, Development Services, based on the application of Sifton Properties Limited, relating to the property located at 3200 Singleton Avenue, the proposed by-law, as appended to the staff report dated April 9, 2013 BE INTRODUCED at the Municipal Council meeting to be held on April 16, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to remove holding provisions "h", "h-54", "h-71", "h-100", and "h-105" from 3200 Singleton Avenue and to retain holding provision "h-136" and the Residential Special Provision R5-6(6), R6-5(30) and R8-4(16) Zones. (2013-D14A)

7. Annual Report on Building Permit Fees

That, on the recommendation of the Managing Director, Development and Compliance Services & Chief Building Official, the Civic Administration's report, dated April 9, 2013, relating to 2012 building permit fees collected and costs of administration and enforcement of the Building Code Act and regulations, for 2012, BE RECEIVED; it being noted that the Civic Administration is requested to provide a further update to the Planning and Environment Committee in July, 2013. (2013-P10)

8. 4th Report of the Environmental and Ecological Planning Advisory Committee

That, the following actions be taken with respect to the 4th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on March 21, 2013:

- a) the following actions be taken with respect to the Conditions of Draft Approval included with the Notice dated February 15, 2013, from N. McKee, Senior Planner, with respect to an application submitted by 700541 Ontario Limited, relating to the property located at 1300 Fanshawe Park Road East:
  - i) conditions 30, 31 and 32 should BE RETAINED;
  - ii) the last line of condition 33 should BE REMOVED;
  - iii) the final boundaries of the natural hazard lands BE DETERMINED;
  - iv) all natural heritage issues BE RESOLVED, prior to the approval of this application;
  - v) the Stoney Creek Master Drainage Plan, the Stoney Creek Stormwater Management Class Environmental Assessment, and any applications for the construction of the Stoney Creek On-line Flood Control Facility, that may be outstanding, BE COMPLETED prior to the approval of this application; and,
  - vi) the Environmental and Ecological Planning Advisory Committee BE CIRCULATED the Environmental Impact Statement for the proposed

stormwater management pond;

- b) the Civic Administration BE REQUESTED to provide the following to the Environmental and Ecological Planning Advisory Committee, within the context of the Planning Department Work Plan Priorities:
  - i) the encroachment inventory for the Kilally ESA;
  - ii) the Manager, Licensing and Municipal Law Enforcement BE REQUESTED to provide a presentation with respect to encroachments - actions that can be taken to ensure a higher enforcement priority, the types and how encroachments are addressed, to a future meeting of the Environmental and Ecological Planning Advisory Committee;
  - iii) the Restoration Protocols, prepared by J. Bruin, Landscape Architect/Parks Planner;
  - iv) the Manager, Parks Planning and Design BE REQUESTED to provide a presentation with respect to the Management of Wildlife Trees in ESAs;
  - v) prepare a summary on the deer studies prepared by Dr. Bazely; and,
- vi) a copy of the Nature London template forms;
- c) that clauses 3 through 12, inclusive, of the 4th Report of the EEPAC, BE RECEIVED;

it being noted that the Planning and Environment Committee heard a verbal presentation from Dean Sheppard, Chair, EEPAC, with respect to these matters.

9. Properties located at 555-557 Ridout Street North (Z-8133)

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Agent Realty Ltd. (2049401 Ontario Ltd.), relating to the property located at 555-557 Ridout Street North:

- a) the proposed by-law, as appended to the staff report dated April 9, 2013 BE INTRODUCED at the Municipal Council meeting to be held on April 16, 2013, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R4 Special Provision/Residential R5/ Residential R8 (R4-6(1)/R5-5/R8-2) Zone, which permits street townhouse, cluster townhouse, apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, continuum-of-care facilities TO a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-\_\_) Zone, to permit a real estate agency use for a temporary period not exceeding three (3) years; and,
- b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM a Residential R4 Special Provision/Residential R5/ Residential R8 (R4-6(1)/R5-5/R8-2) Zone, which permits street townhouse, cluster townhouse, apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, continuum-of-care facilities TO a Residential R4 Special Provision/Residential R5/Residential R8/Temporary Use (R4-6(1)/R5-5/R8-2/T-\_\_) Zone, to permit Service Offices and Professional Offices BE REFUSED for the following reasons:
  - i) temporary zones are intended to support a single new use and to be implemented for a short period of time;
  - ii) the additional uses permitted by the Service Office and Professional Office definitions would promote additional tenants on site that are not associated with the proposed future high density residential use intended to be developed on the site; and,
  - iii) the request for Service Offices and Professional Offices could lead to potential long term office uses on the site;

it being pointed out that at the public participation meeting associated with this matter, the

following individuals made oral submissions in connection therewith:

- Steven Cromwell, Zelinka Priamo Ltd., on behalf of the applicant – expressing support for the Civic Administration's recommendations.
- Barry Gribb, 549 Ridout Street – advising that he has no issues with the recommendations being proposed by the Civic Administration; expressing concern with the removal of trees on the property; noting that the view from his building has deteriorated; requesting assurance that the driveway and landscaping will continue to be implemented; and requesting that, if possible, mature trees be planted. (2013-D14A)

10. Wortley Village - Old South Heritage Conservation District (O-8118)

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the creation of a Heritage Conservation District for the Wortley Village-Old South neighbourhood:

- a) the Wortley Village-Old South Plan and Guidelines BE CIRCULATED to the public for comment; it being noted that the Plan and Guidelines shall be considered at a future Planning and Environment Committee public participation meeting;
- b) the proposed draft by-law, as appended to the staff report dated April 9, 2013 BE CIRCULATED for public review and comment; it being noted that the Plan and Guidelines shall be considered at a future Planning and Environment Committee public participation meeting; and,
- c) the proposed draft Official Plan amendment, as appended to the staff report dated April 9, 2013 BE CIRCULATED for public review and comment; it being noted that the Plan and Guidelines shall be considered at a future Planning and Environment Committee public participation meeting;

it being noted that the Planning and Environment Committee heard a verbal presentation from the Heritage Planner with respect to this matter. (2013-R01)

11. 4th Report of the London Advisory Committee on Heritage

Motion made by Councillor B. Polhill to Approve that the following actions be taken with respect to the 4th Report of the London Advisory Committee on Heritage from its meeting held on March 13, 2013:

- a) the following actions be taken with respect to the Guy Lombardo Tempo VII Hydroplane (Hydroplane):
  - i) the mandate of the Tempo VII Hydroplane Sub-committee BE AMENDED to allow for the consideration of locations outside of the City of London to display the Hydroplane;
  - ii) the Civic Administration BE REQUESTED to establish a process to allow for the temporary exhibition of the Hydroplane at various venues; and,
  - iii) the Civic Administration BE REQUESTED to determine a Source of Financing to cover the cost of ensuring the road-worthiness of the Hydroplane's trailer and other expenses that would be incurred in transporting and exhibiting the Hydroplane;

it being noted that the Tempo VII Sub-committee has been unsuccessful, thus far, in finding display and/or permanent storage space within the City of London for the Hydroplane

- b) that clauses 2 through 10, inclusive, of the 4th Report of the LACH, BE RECEIVED;

it being noted that the Planning and Environment Committee heard a verbal presentation from George Goodlet, Chair, LACH, with respect to these matters.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, H.L. Usher, S.E. White (11)

RECUSED: D. Brown (1)

12. Property located at 77 Tecumseh Avenue West (Z-8136)

Motion made by Councillor B. Polhill to Approve that, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Malcolm Ross, relating to the property located at 77 Tecumseh Avenue West:

- a) the ~~attached~~, revised, proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on April 16, 2013 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Neighbourhood Facility (NF) Zone, which permits elementary school uses TO a Residential R1 Special Provision (R1-3 (4)) Zone, to allow for 10 single detached dwelling lots with a minimum lot frontage of 10m, a minimum front and exterior setback to a main dwelling of 3.0m from a local street and with a 1.2m minimum interior side yard setback and a Holding Residential R8 Special Provision (h-5\*h-( )\*R8-4 (¬)) Zone, to permit an apartment building in a converted institutional building (Manor Highland Park Public School) as it exists at the time of the passing of this by-law with a density of 39 units/ha (28 units), subject to a holding provision to ensure sanitary and stormwater servicing reports have been prepared and confirmation that sanitary and stormwater management systems are implemented to the satisfaction of the City Engineer and a public site plan meeting be held; and,
- b) the Site Plan Approval Authority BE REQUESTED to consider the following site specific design issues through a public site plan process:
  - the site plan application drawings remain consistent with the drawings submitted through the zoning by-law amendment process, particularly with regard to the following:
  - incorporating architectural features on the exterior of the existing elementary school building, such as large windows and the dual entrances marked by canopies (one on the north elevation at the location of the existing principal entrance facing Murray Park and one on the south elevation leading to the proposed driveway and parking area) to improve the residential character of the building by reducing the prevalence of large blank walls characteristic of the elementary school use;
  - retaining the Forbes Street parking area loop layout with a loading lay-by found adjacent to the main entrance to minimize the street front exposure of the parking lot and maximize the amount of open landscape area fronting Forbes Street;
  - providing safe, convenient and direct pedestrian connections between the existing public sidewalks along Forbes Street and Tecumseh Avenue to the proposed main entrances of the building; and,
  - determining the feasibility of having the entrance on Tecumseh Avenue instead of Forbes Street;
- c) the Managing Director, Engineering and City Engineer BE REQUESTED to undertake dye testing to ensure that raw sewage is not being discarded into the Coves and to examine the sewage issues in the Coves;

it being noted that the Planning and Environment Committee received a communication, dated January 24, 2013, from Kimberley Wood, 27 Forbes Street, with respect to this matter;

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

- Malcolm Ross, on behalf of Homes Unlimited – expressing support for the Civic Administration's recommendations; advising that Homes Unlimited is a charitable, non-profit organization; indicating that Homes Unlimited manages several properties; noting that most of their properties have live-in superintendents; advising that they are applying for a grant through the City of London's Affordable Housing program; advising that the income range for the proposed tenants will be between \$24,000 to \$36,000; advising that this will assist young people and couples get established; indicating that Habitat for Humanity has approached them for first rights of refusal; indicating that, in areas where Homes Unlimited has built, the area property values have increased and the neighbourhood has been improved; noting that Homes Unlimited won a design award for their building on Nelson Street, near Adelaide Street; advising that the application is for 28 units to be built in the former school building and renovations will be completed to allow the school to look more like an apartment building, rather than an abandoned school; and advising that the proposed parking location is the most sensible

- location on the site.
- Thom McClenaghan, 220 Base Line Road East – advising that he has lived in the area for many years; indicating that he has a connection with Friends of the Coves Subwatershed; indicating that there is currently an undertaking to make Elmwood Avenue a significant gateway to the Coves Environmentally Significant Area; advising that Ms. Wood makes excellent points in her communication; enquiring as to the status of the current capacity of the existing storm and sanitary sewers; noting that many millions of dollars have been spent on infrastructure; advising that there is a combined storm and sanitary sewer in one pipe and that there is also a crossover of pipes; requesting that the project be held back until the infrastructure is fixed; advising that we do not need more sewage in the Coves; and advising that the Coves is one area in the City that is the most efficient to the quality of life in the neighbourhood.
  - Kimberley Wood, 27 Forbes Street – advising that she has resided at her residence since 2008; indicating that it is a quiet area; advising that the loss of the school resulted in the loss of a community hub; noting that the area is now used as a dog park; advising that she does not think that this is the best fit for 28 affordable housing units; advising that she sees the school property as a way to re-establish the community; recommending that an Ontario Works satellite office be moved to the school or maybe open a small dance school; indicating that she supports residential development; requesting that everyone picture her street competing with 28 more cars; advising that she would look out onto a parking lot; advising that it would increase traffic on their street; indicating that the lack of visitor parking would have people parking on Forbes Street and Tecumseh Avenue; advising that her driveway is immediately across from the proposed parking lot; and indicating that if you take out one lot for Habitat for Humanity, you could square up the lots.
  - David Galloway, 19 Forbes Street – requesting two low density projects be developed here instead; enquiring as to whether studies have been completed on the potential impact on property values in the area; advising that he has lived in this area for four years; and indicating that their property values took a big hit when they were not able to block the methadone clinic that is four blocks away.
  - David Brooks, 25 Forbes Street – advising that many new people are moving into the area and investing a lot of money in their properties; advising that the area is becoming the new “Wortley” area; and, advising that if the affordable housing units are built here, it will devalue their properties.
  - Kim Semper, 31 Forbes Street – echoing what the other speakers have said; indicating that, with the installation of 28 single apartments, there will be an increase in the number of people, cars, guests and friends; advising that it makes more sense to have access on Tecumseh Avenue; enquiring as to where the snow will be piled; and enquiring as to the reason for 28 single units.
  - Chris Kalmar, 21 Forbes Street – advising that the school closure was unexpected; expressing support for the Habitat for Humanity house, but not the rest of the application; enquiring as to what other proposals can be put in there; indicating that the crime rate in this area will increase; and, advising that this is a quiet neighbourhood and they would like to keep it this way. (2013-D14A)

#### 14. Properties located at 275-277 Piccadilly Street (Z-8132)

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of 1875425 Ontario Inc., relating to the properties located at 275-277 Piccadilly Street, the request to amend Zoning By-law No. Z.-1, to change the zoning of the subject property FROM a Residential R2 (R2-2) Zone, which permits single detached, semi-detached, duplex and converted dwellings TO a Residential R8 (R8-3) Zone, to permit, apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments and continuum-of-care facilities BE REFUSED for the following reasons:

- i) the current zoning for this area is appropriate, promotes neighbourhood stability, and allows redevelopment of residential properties in a manner which is compatible with the surrounding neighbourhood, consistent with the Provincial Policy Statement;
- ii) opportunities for infill and intensification have already been provided in areas around the Piccadilly Neighbourhood;
- iii) the site is currently developed at a higher density than what is currently permitted by the zoning and official plan and is not considered underutilized;
- iv) the requested amendment is not consistent with the policies of the Provincial Policy

Statement, 2005 which encourage efficient development and land use patterns which sustain the financial well-being of the municipality;

- v) the requested amendment is not consistent with the Residential Intensification policies of the Official Plan;
- vi) the proposed amendment would constitute "spot" zoning, and is not considered appropriate in isolation from the surrounding neighbourhood; the site is not unique and does not have any special attributes which would warrant a site specific amendment; and
- vii) the requested amendment could create opportunities for additional multiple unit residential uses and erode the residential character of the area;

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

- a communication from Wendy Dickinson, Planning Chair, The Woodfield Community Association; and,
- a communication, dated April 8, 2013, from John Fracasso, 314 Piccadilly Street;

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

- Richard Zelinka, Zelinka Priamo Ltd., on behalf of the applicant – advising that the site is not unique within the context; however, it is unique; noting that the building design is unique and within the character of the area; advising that the two properties currently contain nine dwelling units; noting that the applicant wishes to increase the number of units to 11; advising that these will be premium units, consisting of a multi-level design; noting that it is similar to a fourplex, with three level units; advising that there will be one unit underneath the units in both buildings; indicating that this will be a different design from what is normally associated with apartment buildings; indicating that this will be attractive to students and families; indicating that these buildings are intended to be turned into condominiums; indicating that it is a desirable area; noting that it is close to parkland, is an easy walk to Richmond Row and is transit supported; advising that 275 Piccadilly Street is the largest lot in the area; indicating that both properties have 2½ storey houses on them now; noting that the same height is proposed for the new buildings; further noting that the entrance will be onto Piccadilly Street; indicating that the west facing wall bears no recognition to the fact that it is the entrance to a neighbourhood; indicating that they are not intensifying, they are only adding two additional units; noting that the intensity is well within the area; advising that the building has had nine units for a long time; advising that the open space design will help to enhance the area; advising that, currently, this corner is very open, with an exceptional amount of openness and low coverage; indicating that the proposed buildings will be built in a way that maintains openness on the site; indicating that the site maintains a large landscaped area; advising that the corner site is on two double-wide road allowances which means the yards are abundant in landscape, open space and boulevard; indicating that this site is at a transition, being opposite Wellington Street; indicating that the building heights are 27 metres on the west side; indicating that this is intended to be a transitional area using built form consistent with the general area; advising that the proposed height of the buildings is less than what is there today; advising that the proposal is permitted by Official Plan intensification policies; advising that the City's urban design staff are generally supportive of the buildings, which will have front, wrap around porches and parking in the rear yard; advising that the Urban Design staff encouraged the building to be built closer to Piccadilly Street; indicating that they are able to address most of the recommendations, including moving the buildings closer to the street; indicating that the buildings are set back from the road as they have major front staircases; advising that most of the buildings on the street are set back from the street; indicating that the design the applicant is putting forward tries to maintain the character in the area; indicating that there are revised drawings prepared, with the porch being a major element of both dwellings; noting that the rear portion of the building has a porch as well; indicating that the current design addresses Piccadilly Street and Wellington Street by removing the existing seven car garage, bringing in a usable landscape area, covers less than the maximum allowed in the area; and conforms with the Official Plan and Provincial Policy Statement.
- Anna Woodson, 300 Piccadilly Street, Executive Director, Piccadilly Area Neighbourhood Association, and on behalf of the Woodfield Community Association – indicating that the property is designated low density residential; advising that the

property is currently legal non-conforming; indicating that the use would eventually revert back to an R2-2 Zone; advising that the neighbourhood has fought hard against this type of development; indicating that the intensity is not compatible with the neighbourhood; advising that Wellington Street is the boundary between commercial and residential; indicating that a large number of the properties are owner occupied; advising that they live on a beautiful street with beautiful heritage homes; expressing support for the Civic Administration's recommendations; and advising that the Woodfield Community Association wrote in as well, expressing their support for the Civic Administration's recommendations.

- Tom Burns, 274 Piccadilly Street – advising that he lives directly across from the proposed buildings; indicating that for 18 years, their home has been a single family home; advising that they are used to the students and busyness of the area; advising that there are ongoing noise issues from the students partying on the porches at 275 Piccadilly Street; advising that wrap around porches will become magnets for student parties; noting that this will be the same for the barbeque area; indicating that this will be a great place for people occupying 37 bedrooms; indicating that there will be an increase in traffic; advising that the current tenants leave garbage and recycling out days after pick up; advising that they love where they live and want to remain there; indicating that they are the anchor on the corner where they live; and advising that the proposed development will do damage to the neighbourhood.
- Gord Buxton, 289 Piccadilly Street – advising that he has seen the neighbourhood change over the years; indicating that it is now family oriented; expressing concern with the proposal and the changes that it will bring to the neighbourhood; and advising that it would be the same for any other neighbourhood development that went in.
- John Baskerville, 319 Piccadilly Street – advising that he has lived in his residence for a long time; indicating that the proposal is not what the neighbourhood is about; noting that the applicants' representative was careful not to mention the number of bedrooms; expressing opposition to the application; and expressing support for the neighbours' comments.
- Craig Martin, 735 Waterloo Street – indicating that Ms. Woodson summarized his comments; expressing concern with the intensity of the proposal; and expressing support for the Civic Administration's recommendations.
- John Fracasso, 314 Piccadilly Street – advising that he has lived in the area for 33 years; indicating that people talk about design but not livability; requesting that livability be kept in perspective; expressing surprise at Mr. Zelinka's defense of the development as he appeared before the Ontario Municipal Board in support of lines and the difference they make for the same residential block; noting that there is a domino effect; and requesting that people listen to what Mr. Zelinka said a few years ago, not today.
- Susan Buxton, 289 Piccadilly Street – advising that they have gotten used to some level of student activities; and expressing support for the Civic Administration's recommendations.
- Lisa Lansink, 34 Kenneth Avenue – advising that she is not here to either support or oppose the application; indicating that she would like to see a mutual fence between the two properties; and requesting that the lighting not shine on her backyard.
- Brenda Stevenson, 301 Piccadilly Street – advising that they just purchased a historical home that they plan to bring up to standard; indicating that this application scares her; indicating that all of the homes in the area are older; and advising that, if they had known about this application, they would not have purchased their property.
- Peter Burnett, 300 Piccadilly Street – advising that he has lived in his residence for over 20 years; indicating that Ms. Woodson has been before this Committee a number of times relating to the increased intensification of the neighbourhood; advising that this is a block of historic homes; indicating that many of the homes on the street are single family, owner occupied homes; advising that the proponent noted that there would be a modest increase in the number of units; enquiring why the owner would not continue with business as usual; enquiring why the redevelopment is necessary; reiterating that there will be increased traffic problems; advising that there are traffic calming measures on the street; advising that there is confusion at the corner; indicating that there are problems with the students coming home at 2:00 a.m.; and indicating that he used to have a white picket fence around his property, but he had to remove it as a support post was kicked so hard that it was broken.
- Margaret Whitley, Montessori School of Children – expressing support for the Civic Administration's recommendations; advising that there are many families in the area whose children attend Montessori; and that Montessori has ensured that their buildings are in keeping with the neighbourhood. (2013-D14A)

16. Enquiry - Infill/Planning Projects

That, the Managing Director, Planning and City Planner BE REQUESTED to report back at a future meeting of the Planning and Environment Committee with respect to infill and planning projects in established communities; it being noted that the Planning and Environment Committee (PEC) received the ~~attached~~ enquiry from Councillor J.P. Bryant with respect to this matter; it being further noted that the word "infrastructure" was amended to read "infill".

The motion to adopt clauses 1 to 16, excluding clauses 11, 12, 13 and 15 is put.

Motion Passed

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

The motion to adopt clause 11 is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, H.L. Usher, S.E. White (11)

RECUSED: D. Brown (1)

Motion made by Councillor B. Polhill and seconded by Councillor D. Brown to Amend clause 12 part c) to read as follows:

"c) the Managing Director, Environmental and Engineering Services and City Engineer BE REQUESTED to undertake dye testing to ensure that raw sewage is not being discarded in the Coves, as it relates to 77 Tecumseh Avenue West; it being noted that the City is undertaking an examination of overflows to the Coves and throughout the City as part of the Pollution Prevention Control Plan (PPCP)."

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, S. Orser, J.L. Baechler, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, S.E. White (11)

RECUSED: M. Brown (1)

At 8:36 PM Councillor J.B. Swan returns to the meeting.

Motion made by Councillor D. Brown and seconded by Councillor P. Hubert to Refer clause 12 back to the Civic Administration for further consultation with the applicant with respect to access off Tecumseh Avenue West and to consider less density.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, S.E. White (11)

NAYS: J.L. Baechler (1)

RECUSED: M. Brown (1)

Clause 12, as amended and referred, reads as follows:

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Malcolm Ross, relating to the property located at 77 Tecumseh Avenue West:

a) the ~~attached~~, revised, proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on April 16, 2013 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Neighbourhood Facility (NF) Zone, which permits elementary school uses TO a Residential R1 Special Provision (R1-3 (4)) Zone, to allow for 10 single detached dwelling lots with a minimum lot frontage of 10m, a minimum front and exterior setback to a main dwelling of 3.0m from a local street and with a 1.2m minimum interior side



yard setback and a Holding Residential R8 Special Provision (h-5\*h-( )\*R8-4 (¬)) Zone, to permit an apartment building in a converted institutional building (Manor Highland Park Public School) as it exists at the time of the passing of this by-law with a density of 39 units/ha (28 units), subject to a holding provision to ensure sanitary and stormwater servicing reports have been prepared and confirmation that sanitary and stormwater management systems are implemented to the satisfaction of the City Engineer and a public site plan meeting be held; and,

- b) the Site Plan Approval Authority BE REQUESTED to consider the following site specific design issues through a public site plan process:
- the site plan application drawings remain consistent with the drawings submitted through the zoning by-law amendment process, particularly with regard to the following:
  - incorporating architectural features on the exterior of the existing elementary school building, such as large windows and the dual entrances marked by canopies (one on the north elevation at the location of the existing principal entrance facing Murray Park and one on the south elevation leading to the proposed driveway and parking area) to improve the residential character of the building by reducing the prevalence of large blank walls characteristic of the elementary school use;
  - retaining the Forbes Street parking area loop layout with a loading lay-by found adjacent to the main entrance to minimize the street front exposure of the parking lot and maximize the amount of open landscape area fronting Forbes Street;
  - providing safe, convenient and direct pedestrian connections between the existing public sidewalks along Forbes Street and Tecumseh Avenue to the proposed main entrances of the building; and,
  - determining the feasibility of having the entrance on Tecumseh Avenue instead of Forbes Street;
- c) the Managing Director, Environmental and Engineering Services and City Engineer BE REQUESTED to undertake dye testing to ensure that raw sewage is not being discarded in the Coves, as it relates to 77 Tecumseh Avenue West; it being noted that the City is undertaking an examination of overflows to the Coves and throughout the City as part of the Pollution Prevention Control Plan (PPCP);

it being noted that the Planning and Environment Committee received a communication, dated January 24, 2013, from Kimberley Wood, 27 Forbes Street, with respect to this matter;

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

- Malcolm Ross, on behalf of Homes Unlimited – expressing support for the Civic Administration’s recommendations; advising that Homes Unlimited is a charitable, non-profit organization; indicating that Homes Unlimited manages several properties; noting that most of their properties have live-in superintendents; advising that they are applying for a grant through the City of London’s Affordable Housing program; advising that the income range for the proposed tenants will be between \$24,000 to \$36,000; advising that this will assist young people and couples get established; indicating that Habitat for Humanity has approached them for first rights of refusal; indicating that, in areas where Homes Unlimited has built, the area property values have increased and the neighbourhood has been improved; noting that Homes Unlimited won a design award for their building on Nelson Street, near Adelaide Street; advising that the application is for 28 units to be built in the former school building and renovations will be completed to allow the school to look more like an apartment building, rather than an abandoned school; and advising that the proposed parking location is the most sensible location on the site.
- Thom McClenaghan, 220 Base Line Road East – advising that he has lived in the area for many years; indicating that he has a connection with Friends of the Coves Subwatershed; indicating that there is currently an undertaking to make Elmwood Avenue a significant gateway to the Coves Environmentally Significant Area; advising that Ms. Wood makes excellent points in her communication; enquiring as to the status of the current capacity of the existing storm and sanitary sewers; noting that many millions of dollars have been spent on infrastructure; advising that there is a combined storm and sanitary sewer in one pipe and that there is also a crossover of pipes; requesting that the project be held back until the infrastructure is fixed; advising that we do not need more sewage in the Coves; and advising that the Coves is one area in the City that is the most efficient to the quality of life in the neighbourhood.
- Kimberley Wood, 27 Forbes Street – advising that she has resided at her residence

since 2008; indicating that it is a quiet area; advising that the loss of the school resulted in the loss of a community hub; noting that the area is now used as a dog park; advising that she does not think that this is the best fit for 28 affordable housing units; advising that she sees the school property as a way to re-establish the community; recommending that an Ontario Works satellite office be moved to the school or maybe open a small dance school; indicating that she supports residential development; requesting that everyone picture her street competing with 28 more cars; advising that she would look out onto a parking lot; advising that it would increase traffic on their street; indicating that the lack of visitor parking would have people parking on Forbes Street and Tecumseh Avenue; advising that her driveway is immediately across from the proposed parking lot; and indicating that if you take out one lot for Habitat for Humanity, you could square up the lots.

- David Galloway, 19 Forbes Street – requesting two low density projects be developed here instead; enquiring as to whether studies have been completed on the potential impact on property values in the area; advising that he has lived in this area for four years; and indicating that their property values took a big hit when they were not able to block the methadone clinic that is four blocks away.
- David Brooks, 25 Forbes Street – advising that many new people are moving into the area and investing a lot of money in their properties; advising that the area is becoming the new “Wortley” area; and, advising that if the affordable housing units are built here, it will devalue their properties.
- Kim Semper, 31 Forbes Street – echoing what the other speakers have said; indicating that, with the installation of 28 single apartments, there will be an increase in the number of people, cars, guests and friends; advising that it makes more sense to have access on Tecumseh Avenue; enquiring as to where the snow will be piled; and enquiring as to the reason for 28 single units.
- Chris Kalmar, 21 Forbes Street – advising that the school closure was unexpected; expressing support for the Habitat for Humanity house, but not the rest of the application; enquiring as to what other proposals can be put in there; indicating that the crime rate in this area will increase; and, advising that this is a quiet neighbourhood and they would like to keep it this way. (2013-D14A)

4th Report of the Investment and Economic Prosperity Committee  
Councillor J.B. Swan presents.

Motion made by Councillor M. Brown to Approve clause 9.

9. Potential Farhi Holdings Corporation Developments in the City of London

That the following actions be taken with respect to the ~~attached~~ communication dated March 25, 2013 submitted by S. Farhi, S. Farhi Holdings Corporation:

- a) NO ACTION BE TAKEN with respect to the proposed project located at 199 Queens Avenue;
- b) Mr. Farhi BE REQUESTED to provide the Civic Administration with additional detail, including business plans and due diligence check lists, satisfactory to the Civic Administration, with respect to the following projects proposed in his communication dated March 25, 2013:
  - i) Market Tower and Annex Sale - 151 Dundas Street;
  - ii) 402 Corridor Development - 500 acres along the 402 north of Colonel Talbot Road;
  - iii) Top of the Thames - 435-451 Ridout Street;
  - iv) Lagrou Park - 2679 Dundas Street;
  - v) Courthouse Square - 74 Fullarton Street; and
- c) the Civic Administration BE REQUESTED to review and report back to the Investment and Economic Prosperity Committee (IEPC), within 90 days of receipt of the information requested from Mr. Farhi in b), above;

it being noted the IEPC received a presentation from S. Farhi regarding this matter.

The Chair directs that consideration of part b)i) be deferred until after the in-camera session.

The motion to adopt clause 9, excluding part b)i) is put.

Motion Passed

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

NAYS: D.G. Henderson (1)

Motion made by Councillor J.B. Swan to Approve clauses 1 to 8.

At 9:03 PM His Worship the Mayor places Councillor M. Brown in the Chair and takes a seat at the Council Board.

At 9:11 PM, His Worship the Mayor resumes the Chair, and Councillor M. Brown takes his seat at the Council Board.

1. Disclosures of Pecuniary Interest

That it BE NOTED that Councillor J. Swan disclosed a pecuniary interest in clause 9 of this report, having to do with a presentation by S. Farhi on proposed Farhi Holdings Corporation developments in the City of London, by indicating that his employer, Orchestra London, leases space that is owned by the Farhi Holding Corporation.

2. Assessment Growth Allocation

That the Municipal Council resolution adopted at its meeting held on February 28, 2013, with respect to assessment growth allocation BE RECEIVED.

3. 2013 OPERATING BUDGET FOR SERVICES WITHIN CULTURE SERVICES

That the Municipal Council resolution adopted at its meeting held on February 28, 2013 with respect to the 2013 Operating Budget for services within the Culture Services BE RECEIVED.

4. Immigrant Incubation Centre

That NO ACTION BE TAKEN with respect to the Municipal Council resolution adopted at its meeting held on February 28, 2013, related to a request for \$25,000 funding for a feasibility study for a Immigrant Incubation Centre; it being noted that the Investment and Economic Prosperity Committee received the ~~attached~~ communication dated March 25, 2013, from J. Heriera, J. Malkin and A. Tang, Directors, London Multicultural Community Association with respect to this matter.

5. City of London Boards and Commissions and Non-Profit Agencies: Job Creation Presentations

That the following actions be taken with respect to job creation presentations:

- a) the ~~attached~~ presentation from P. White, President London Economic Development Corporation, BE RECEIVED;
- b) the ~~attached~~ presentation from L. Da Silva, General Manager, London Convention Centre, BE RECEIVED;
- c) the ~~attached~~ presentation from M. Sinclair, Tech Alliance, BE RECEIVED;
- d) the ~~attached~~ presentation from S. Pellarin, Executive Director, Small Business Centre, BE RECEIVED;
- e) the verbal presentation from J. Winston, General Manager, Tourism London, BE RECEIVED; and,
- f) the Civic Administration BE DIRECTED to report back to the Investment and Economic Prosperity Committee with respect to the following:
  - i) a summary of existing agencies and their programs, specifically to identify areas

- for improvement or redundancy;
- ii) a plan to assist agencies to establish a single, practical, measurable and transparent “jobs plan” for the City of London;
- iii) steps to continue to foster relationships with partners in education, health and wealth creation; and,
- iv) a measureable system for retention of students from various graduate programs in the City of London, following graduation, in conjunction with the various agency partners noted above;

it being noted that the IEPC did not receive a specific report from H. Filger, Director of Corporate Investment and Partnerships, as Mr. Filger reports regularly to the IEPC with respect to these matters.

6. Southwest Economic Alliance: Past Work and Plans for the Upcoming Years

That the presentation from S. Lavoie, President, Southwest Economic Alliance (SWEA) and D. Mumford, Regional Vice President, Radio and TV Operations Bell Media, Ontario, BE RECEIVED; it being noted that this presentation was considered with clause 5, above.

7. 2012 London Convention Centre Results

That, on the recommendation of the London Convention Centre (LCC) Board of Directors, the LCC 2012 operational surplus in the amount of \$154,093, BE TRANSFERRED to the LCC Special Projects Reserve; it being noted that the Investment and Economic Prosperity Committee received a communication dated March 4, 2013, from the Board of Directors, LCC, with respect to this matter.

8. Industrial Land Review Update

That the verbal update, from G. Barrett, Manager, Policy Planning and Programs, with respect to the public participation opportunities to be held on April 23, 2013 before the Planning and Environment Committee, relating to the proposed expansion of the Urban Growth Boundary BE RECEIVED.

Motion Passed

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

7th Report of the Community and Protective Services Committee  
Councillor D. Brown presents.

Motion made by Councillor D. Brown to Approve clauses 1, 2, 3, 4 and 8.

1. Disclosures of Pecuniary Interest

That it BE NOTED that the following pecuniary interests were disclosed:

- a) Councillor B. Armstrong discloses a pecuniary interest in clause 6 of this Report having to do with Amendments to the Fees and Charges By-law, specific to Residential Rental Units Licensing, by indicating that he owns rental properties; and
- b) Councillor J.P. Bryant discloses a pecuniary interest in clause 6 of this Report having to do with Amendments to the Fees and Charges By-law, specific to Residential Rental Units Licensing, by indicating that she has a rental unit in her home.

2. 4th Report of the London Housing Advisory Committee

That the 4th Report of the London Housing Advisory Committee, from its meeting held on March 13, 2013, BE RECEIVED.

3. 3rd Report of the London Diversity and Race Relations Advisory Committee

That the 3rd Report of the London Diversity and Race Relations Advisory Committee, from its meeting held on March 21, 2013, BE RECEIVED.

4. 3rd Report of the Accessibility Advisory Committee

That the 3rd Report of the Accessibility Advisory Committee, from its meeting held on March 28, 2013, BE RECEIVED.

8. Introduction of By-law for Approval of Liquor License Applications for the City of London

That, on the recommendation of Tim Dobbie – Tim L. Dobbie Consulting Ltd. and the Managing Director of Parks & Recreation, with the concurrence of the City Manager, the by-law, appended to the report dated April 8, 2013, BE INTRODUCED at the Municipal Council Meeting of April 16, 2013 to:

- a) authorize the City Manager or written designate, to execute “Liquor Sales Licence Applications” for submission to the Alcohol and Gaming Commission of Ontario; and,
- b) repeal By-law A.-6558-217 and By-law A.-6304-32.

Motion Passed

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

Motion made by Councillor D. Brown to Approve clause 6.

6. Amendments to Fees and Charges By-law

That the matter of amendments to the Fees and Charges By-law A-46, to include Residential Rental Units Licensing By-law fees and Property Standards Order Fees BE REFERRED back to Civic Administration to review and report back to a future meeting of the Community and Protective Services Committee, with respect to additional information including such matters as units not currently in compliance, continued non-compliance and a more reasonable fee increase for the program (not full recovery) including a variety of options;

it being noted that the Community and Protective Services Committee (CPSC) received the ~~attached~~ presentation from the Manager of Licensing and Municipal Law Enforcement and a verbal presentation from Deputy Fire Chief, J. Jessop;

it being further noted that the CPSC received the following in support of residential unit licensing:

- a) a communication dated April 2, 2013, from S. Grindrod, Western University – Housing & Ancillary Services; and
- b) a communication from B. Hull, Vice-President Administration, Fanshawe College.

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

- J. Hoffer, Cohen Highley, representing the London Property Management Association – providing the ~~attached~~ submission.
- S. Palmer, 301 Consortium Court – indicating that she is speaking for several landlords and property managers to express concern related to the lack of focus on non-compliance with the by-law; questioning what is being done about those landlords who are not applying, and indicating that the fee increase is not justified.
- C. McKone, 23 Applewood Lane – noting that he is representing a small group of landlords, with 32 building currently licensed under this by-law; advising that he has embraced the program even though he disagrees with it and that the fee increase is penalizing people who are doing a good job.
- G. Anthony, 530 Elizabeth Street – posing questions related to the references cited about the City of Oshawa by-law and suggesting that the City of London is not comparable because the rental revenue levels are quite different.
- S. Morrison, 803 Waterloo Street – indicating that he owns 6 or 7 rental properties in Old North and noting agreement with previous comments in opposition to the proposed fee increase; advising that this program is already very expensive for small landlords and that it is not fair that other rental properties aren't paying anything; further noting that the increased license fee will result in less building maintenance and will negatively

affect his business; suggesting that the by-law isn't increasing safety, but is a punitive tax on small landlords.

- V. VanLinden, 431 Ridgewood Crescent – offering to the committee a “tenant’s” point of view, noting she has lived in this type of rental housing most of her life; noting that low-income individuals choose this type of housing and support for affordable housing, while stating that she opposes such a steep fee increase; advising that over 4,000 Londoners rely on the Foodbank and likely some of these people are living in the affected properties, and requesting that such an increase not be allowed.
- Resident – noting that he started to liquidate his rental properties with the implementation of the by-law as he did not want to be bothered with the additional hassle; noting that fire inspections are only pass or fail, and that there is an issue with that legislation in that a lot of properties aren't sub-standard but can't be deemed in compliance; suggesting that the costs of the program should have been known and that the City is now trying to “bait and switch” and this is unfair to homeowners.
- E. Sims, 65 Nottinghill Crescent – indicating that she is a small landlord and does not feel the fee should be increased on a program that serves no purpose; suggesting that the fee increase will result in less investment by owners on rental properties, and that the amount will be imposed on tenants.
- L. Palumbo, 502 Central Avenue – noting that he is opposed to the fee increase but not the principles of the by-law, and he thought that the services of the program were already provided through other fees; advising that responses should be based on complaints from tenants and that no one should be living in unsafe housing; advising that most properties are already in compliance and landlords are generally doing a good job; suggesting that a licensing program should be required and questioning the costs amounting to \$420,000; noting that the fee increase is targeted to a small portion of the community and that funds should be raised through fines for non-compliance, not the registration of those in compliance.
- S. McNally, 133 Toulon Crescent – noting that he is opposed to the by-law and that infractions should raise funds not the licensing fee.
- M. Black 1609 Hillside Drive – noting that prior to the program all inspections were already being done by responsible landlords; advising that he owns several properties; suggesting that the by-law was originally implemented due to problems in specific areas and that new density and development is taking the pressure off some neighbourhoods; advising that the market is soft and problems are correcting themselves, and that fee increases will be passed along to the tenants and the increase is not necessary.
- D. McKelvey, 32 Hope Street – advising that he renovates old houses and recently brought one back from ‘oblivion’ but cannot afford to do this work in London anymore because of this by-law.
- A. Kaplansky – indicating that an 800% fee increase is not justified and that the City should spend less time in court fighting development if its concerned about budget constraints; indicating that development should be promoted.
- M. Shmukler, 1643 Hillside Drive – advising that he was considering new windows in some of his properties but will have to reconsider this work due to the proposed fee increase.
- D. McBurney, 4-466 South Street – indicating support for the by-law but noting that the increase is significant; suggesting that the program needs to be expanded, reminding of the reasons it was created in the first place – sub-standard housing; noting that rental prices in London are over-inflated creating an artificially high market and that the City takes on ancillary costs and has paid utilities for bad landlords.
- B. Zhang, 258 Brunswick Crescent – noting his opposition to the increase of 800% and his agreement with other comments made; and questioning where \$420,000 goes annually for the program.
- W. Dow, 1174 Fogarty Street – advising that she owns a rental property near Fanshawe but is not getting the expected revenue due to restrictions and that she adheres to the by-law; noting that she sells real estate and when she advises potential purchasers of the licensing requirement sales are negatively affected.
- D. Torhjem, 442 Whisker Street – noting agreement with the previous comments made and expressing frustration with the need for the program at all; questioning the percentage of landlords that are licensed and suggesting that if the issue is compliance the City should be going after the unlicensed.
- M. Dow, 433 High Street – noting that the financial cost of the program is an affront to the taxpayer; and advising that she works 2 jobs to maintain her property and that the fee increase will be a deterrent.
- D. Hynes, 591 Rosedale Street – advising that he owns 2 rental homes and doesn't raise rent unless he has to and suggesting that \$100.00 may not seem like a lot, but it is a substantial increase.

- J. Pinheiro, 22 Drummond Place – suggesting that the increase is based on over-run services to cover the costs and questioning what additional increases may be in store.

Motion Passed

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

RECUSED: W.J. Armstrong (1)

At 9:25 PM, Councillor P. Van Meerbergen leaves the meeting.

Motion made by Councillor D. Brown to Approve clause 7.

#### 7. Child Care Funding Formula Update

That, on the recommendation of the Managing Director, Neighbourhood, Children and Fire Services, the following actions be taken with respect to the new Provincial Child Care Funding Formula:

- a) the report dated April 8, 2013 BE RECEIVED; and
- b) the by-law, as appended to the staff report dated April 8, 2013, BE INTRODUCED at the Municipal Council meeting of April 16, 2013 to establish and maintain a Child Care and Early Childhood Development Reserve Fund. (2013-C01)

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, D. Brown, H.L. Usher, S.E. White (12)

Motion made by Councillor W.J. Armstrong to Approve clause 5.

#### 5. London Majors Baseball License Agreement for use of Labatt Park

That, on the recommendation of the Managing Director of Parks & Recreation, the following actions be taken with respect to a Licence Agreement for the Use of Labatt Park:

- a) the by-law, appended to the staff report dated April 8, 2013, BE INTRODUCED at the Municipal Council meeting on April 16, 2013, to:
  - i) approve a Licence Agreement between the City of London and London Majors Baseball for non-exclusive use of Labatt Park for the period of April 16, 2013 to October 31, 2014;
  - ii) delegate to the Managing Director of Parks and Recreation, or designate, the authority to authorize and approve such further other documents, including agreements, that may be required in furtherance of the licence agreement that are:
    - A) consistent with the requirements contained in the Agreement;
    - B) do not require additional funding or are provided for in the City's current budget; and
    - C) do not increase the indebtedness or liabilities of The Corporation of the City of London, subject to prior review and approval by the City Solicitor;
  - iii) authorize the Managing Director of Parks and Recreation, or designate, to execute any agreements approved under i) or ii), above; and
- b) the Civic Administration BE DIRECTED to monitor the terms of the Agreement and the Club's ability to pay.

Motion made by Councillor D. Brown and seconded by Councillor B. Polhill to Refer clause 5 back to the Civic Administration to have further discussions with London Majors Baseball to amend the Agreement to allow for one-time events, including those through sports tourism, and to clarify that exclusive use would be for league events only.

Motion Failed

YEAS: W.J. Armstrong, S. Orser, D.G. Henderson, D. Brown, H.L. Usher (5)

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

Motion made by Councillor S.E. White and seconded by Councillor P. Hubert to Amend clause 5, to add the following at the end of the clause, "it being noted that the City acknowledges the contributions of the London Majors to the City of London."

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, D. Brown, H.L. Usher, S.E. White (12)

Motion made by Councillor J.B. Swan and seconded by Councillor S.E. White to Approve clause 5, as amended.

Motion Passed

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

NAYS: D.G. Henderson (1)

Clause 5, as amended, reads as follows:

that, on the recommendation of the Managing Director of Parks & Recreation, the following actions be taken with respect to a Licence Agreement for the Use of Labatt Park:

- a) the by-law, appended to the staff report dated April 8, 2013, BE INTRODUCED at the Municipal Council meeting on April 16, 2013, to:
  - i) approve a Licence Agreement between the City of London and London Majors Baseball for non-exclusive use of Labatt Park for the period of April 16, 2013 to October 31, 2014;
  - ii) delegate to the Managing Director of Parks and Recreation, or designate, the authority to authorize and approve such further other documents, including agreements, that may be required in furtherance of the licence agreement that are:
    - A) consistent with the requirements contained in the Agreement;
    - B) do not require additional funding or are provided for in the City's current budget; and
    - C) do not increase the indebtedness or liabilities of The Corporation of the City of London, subject to prior review and approval by the City Solicitor;
  - iii) authorize the Managing Director of Parks and Recreation, or designate, to execute any agreements approved under i) or ii), above; and
- b) the Civic Administration BE DIRECTED to monitor the terms of the Agreement and the Club's ability to pay;

it being noted that the City acknowledges the contributions of the London Majors to the City of London.

8th Report of the Strategic Priorities and Policy Committee  
Councillor P. Hubert presents.

Motion made by Councillor P. Hubert to Approve clause 3.

3. Thames Valley District School Board - Consideration of Councillor Appointment to the Accommodation Review Committee (ARC) for Aberdeen Public School, Ealing Public School and Trafalgar Public School

That Councillor B. Polhill BE APPOINTED to the Accommodation Review Committee (ARC) for the Thames Valley District School Board (TVDSB) for Aberdeen Public School, Ealing Public School and Trafalgar Public School.

Motion Passed



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

RECUSED: M. Brown (1)

Motion made by Councillor P. Hubert to Approve clauses 1 to 6, excluding clause 3.

2. Council Compensation Review Task Force

That, on the recommendation of the City Manager, the Terms of Reference for the Council Compensation Review Task Force BE AMENDED to delete the requirement for one of the Members-at-Large to be a person with past experience on Council; it being noted that the input of presently-serving Council Members will be sought during reviews of Council compensation to ensure that the Task Force takes into consideration the current working environment for Council Members.

4. City of London and London District Catholic School Board Liaison Committee

That the following individuals BE APPOINTED to the City of London and London District Catholic School Board Liaison Committee for the term ending November 30, 2014:

- Councillor D. Henderson
- Councillor J.B. Swan
- Councillor W.J. Armstrong

it being noted that discussions may include matters pertaining to the repurposing of school subject to closure.

5. Request for Delegation Status at the May 13, 2013 Strategic Priorities and Policy Committee Meeting re LHI Annual General Meeting

That the following actions be taken with respect to the 2012 Annual General Meeting of the Shareholder for London Hydro Inc.:

- a) the 2012 Annual General Meeting of the Shareholder for London Hydro Inc. BE HELD at a meeting of the Strategic Priorities and Policy Committee on May 13, 2013, for the purpose of receiving the report from the Board of London Hydro Inc. in accordance with the Shareholder Declaration and the Business Corporations Act, R.S.O. 1990, c. B.16; and,
- b) the City Clerk BE DIRECTED to provide notice of the 2012 Annual Meeting to the Board of Directors for London Hydro Inc., and to invite the Chair of the Board and Chief Executive Officer of London Hydro Inc. to attend at the Annual Meeting and present the report of the Board in accordance with Article 7.1 of the Shareholder Declaration; and,

it being noted that the Strategic Priorities and Policy Committee received a communication dated April 5, 2013, from P. C. Johnson, Chair, London Hydro Inc., with respect to this matter.

6. Request for Delegation Status at the May 13, 2013 Strategic Priorities and Policy Committee Meeting re LMHC Annual General Meeting

That the following actions be taken with respect to the 2012 Annual General Meeting of the Shareholder for the London & Middlesex Housing Corporation:

- a) the 2012 Annual General Meeting of the Shareholder for the London & Middlesex Housing Corporation BE HELD at a meeting of the Strategic Priorities and Policy Committee on May 13, 2013, for the purpose of receiving the report from the Board of the London & Middlesex Housing Corporation in accordance with the Shareholder Declaration and the Business Corporations Act, R.S.O. 1990, c. B.16; and
- b) the City Clerk BE DIRECTED to provide notice of the 2012 Annual Meeting to the Board of Directors for London Middlesex Housing Corporation and to invite the Chair of the Board and Chief Executive Officer of London Middlesex Housing Corporation to attend at the Annual Meeting and present the report of the Board in accordance with Article 7.1 of the Shareholder Declaration;

it being noted that the Strategic Priorities and Policy Committee received a communication dated April 8, 2013, from S. Matthew, Interim Executive Director, London & Middlesex Housing Corporation with respect to this matter.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, D. Brown, H.L. Usher, S.E. White (12)

## **X DEFERRED MATTERS**

None.

## **XI ENQUIRIES**

Councillor S. Orser enquired about the proposed building demolitions at the Western Fair District to accommodate additional parking. The enquiry was referred to the Investment and Economic Prosperity Committee for consideration.

## **XII EMERGENT MOTIONS**

1. Councillor D. Brown - Emergent Motion - Elgin Middlesex Detention Centre

Motion made by Councillor H.L. Usher and seconded by Councillor D. Brown to Approve leave to introduce an emergent motion related to the Elgin Middlesex Detention Centre.

Motion Passed

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

NAYS: M. Brown (1)

Motion made by Councillor D. Brown and seconded by Councillor H.L. Usher to Approve that the Mayor BE REQUESTED to send a letter to the Minister of Community Safety and Correctional Services, the Honourable Madeleine Meilleur, asking that immediate steps be taken to improve the health and safety conditions at Elgin Middlesex Detention Centre for the inmates, staff and emergency services of the Centre.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, D. Brown, H.L. Usher, S.E. White (12)

## **XIII BY-LAWS**

Motion made by Councillor B. Polhill and seconded by Councillor J.L. Baechler to Approve 1st reading of Bill No. 189.

Motion Passed

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

RECUSED: M. Brown (1)

Motion made by Councillor B. Polhill and seconded by Councillor J.B. Swan to Approve 2nd reading of Bill No. 189.

Motion Passed

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

RECUSED: M. Brown (1)

Motion made by Councillor B. Polhill and seconded by Councillor J.B. Swan to Approve 3rd reading of Bill No. 189.

Motion Passed

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

RECUSED: M. Brown (1)

Motion made by Councillor D. Brown and seconded by Councillor P. Hubert to Approve 1st reading and introduction of Bill Nos.169 to 190, excluding Bill No.189.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, D. Brown, H.L. Usher, S.E. White (12)

Motion made by Councillor M. Brown and seconded by Councillor J.B. Swan to Approve 2nd reading of Bill Nos.169 to 190, excluding Bill No.189.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, D. Brown, H.L. Usher, S.E. White (12)

Motion made by Councillor M. Brown and seconded by Councillor J.B. Swan to Approve 3rd reading of Bill Nos.169 to 190, excluding Bill No.189.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, D. Brown, H.L. Usher, S.E. White (12)

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

Bill No. 169                      A by-law to confirm the proceedings of the Council Meeting held on the  
By-law No. A.-                16<sup>th</sup> day of April, 2013. (City Clerk)  
6940-134

Bill No. 170                      A by-law levying tax rates for property classes in 2013.  
By-law No. A.-                (City Treasurer)  
6941-135

Bill No. 171                      A by-law to raise the amount required for the purposes of the Argyle  
By-law No. A.-                Business Association Improvement Area Board of Management for the  
6942-136                        year 2013 in accordance with section 208 of the *Municipal Act, 2001*.  
(8/10/CSC)

Bill No. 172                      A by-law to raise the amount required for the purposes of The Old East  
By-law No. A.-                Village Business Improvement Area Board of Management for the year  
6943-137                        2013 in accordance with section 208 of the *Municipal Act, 2001*.  
(7/10/CSC)

Bill No. 173                      A by-law to raise the amount required for the purposes of The London  
By-law No. A.-                Downtown Business Association Improvement Area Board of  
6944-138                        Management for the year 2013 in accordance with section 208 of the  
*Municipal Act, 2001*. (9/10/CSC)

Bill No. 174                      A by-law to establish the Child Care and Early Childhood Development  
By-law No. A.-                Reserve Fund. (7/7/CPSC)  
6945-139

Bill No. 175                      A By-law to authorize and approve a Licence Agreement between  
By-law No. A.-                London Majors Baseball Corporation and The Corporation of the City of  
6946-140                        London; and to authorize the Managing Director of Parks and  
Recreation, or designate, to execute the Agreement. (5/7/CPSC)

Bill No. 176 By-law No. A.- 6947-141	A By-law to authorize the City Manager, or written designate, to execute "Liquor Sales Licence Applications" for submission to the Alcohol and Gaming Commission of Ontario. (8/7/CPSC)
Bill No. 177 By-law No. L.S.P.- 3429-142	A by-law to authorize an application to expropriate lands in the City of London in the County of Middlesex for the Hyde Park Road Widening and Improvements, Phase 1 (Oxford Street and South Carriage Road) (13/8/CSC)
Bill No. 178 By-law No. PS- 111-13119	A by-law to amend By-law PS-111 entitled, "A by-law to regulate traffic and the parking of motor vehicles in the City of London." (9/8/CWC)
Bill No. 179 By-law No. S.- 5558-143	A by-law to lay out, constitute, establish and assume lands and reserves in the City of London as public highway. (as part of Bluegrass Drive) (Chief Surveyor)
Bill No. 180 By-law No. S.- 5559-144	A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as part of Watroak Drive, east of Foxbend Link). (Chief Surveyor)
Bill No. 181 By-law No. S.- 5560-145	A by-law to lay out, constitute, establish and assume certain reserves in the City of London as public highway. (as widening to Concept Drive and Innovation Drive). (Chief Surveyor)
Bill No. 182 By-law No. S.- 5561-146	A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Hyde Park Road, south of South Carriage Road) (Chief Surveyor)
Bill No. 183 By-law No. S.- 5562-147	A by-law to lay out, constitute, establish and assume lands in the City of London as public highway. (as widening to Talbot Street, north of John Street) (Chief Surveyor)
Bill No. 184 By-law No. W-8	A by-law to provide for the Regulation of Water Supply in the City of London. (12/8/CWC)
Bill No. 185 By-law No. WM-28	A by-law for regulation of wastewater and stormwater drainage systems in the City of London. (12/8/CWC)
Bill No. 186 By-law No. Z.-1- 132175	A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning on land located at 3047 Tillman Road. (5/8/PEC)
Bill No. 187 By-law No. Z.-1- 132176	A by-law to amend By-law No. Z.-1 to remove the holding provisions from the zoning on the land located at 3200 Singleton Avenue. (6/8/PEC)
Bill No. 188 By-law No. Z.-1- 132177	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 555-557 Ridout Street North. (9/8/PEC)
Bill No. 189 By-law No. Z.-1- 132178	A by-law to amend By-law No. Z.-1 to rezone an area of land located at 77 Tecumseh Avenue West. (12/8/PEC)
Bill No. 190 By-law No. 6948- 148	A by-law to authorize an Agreement of Purchase and Sale between The Corporation of the City of London and Mary Kikkert for the acquisition of 1 Meadowlily Road North and to authorize the Mayor and City Clerk to execute the Agreement.

Motion made by Councillor H.L. Usher and seconded by Councillor M. Brown to Approve that Council rise and go into Committee of the Whole, in camera, for the purpose of considering the following:

- g) A matter to be considered for the purpose of instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications

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

Motion Passed

NAYS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, S. Orser, J.L. Baechler, M. Brown, D.G. Henderson, D. Brown, H.L. Usher, S.E. White (11)

The Council rises and goes in camera at 10:05 PM with Mayor J.F. Fontana in the Chair and all Members present except Councillors J.B. Swan, N. Branscombe, P. Hubert, P. Van Meerbergen and J.P. Bryant.

The Committee of the Whole rises and Council resumes in regular session at 10:53 PM with Mayor J.F. Fontana in the Chair and all Members present except Councillors J.B. Swan, N. Branscombe, P. Hubert, P. Van Meerbergen and J.P. Bryant.

8th Report of the Committee of the Whole  
Councillor J.L. Baechler presents.

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

ABESENT: Councillors N. Branscombe and J.P. Bryant.

ALSO PRESENT: A. Zuidema, J.P. Barber, J. Braam, J. Fleming, M. Hayward, L. Livingstone, V. McAlea Major, L.M. Rowe and E. Soldo.

Motion made by Councillor J.L. Baechler and seconded by Councillor S. Orser that clause 3 of the 10th Report of the Corporate Services Committee be Amended in line 3 of part b) by inserting after the word "Manager" the words "and City Clerk".

Motion Passed

Motion made by Councillor J.L. Baechler and seconded by Councillor H.L. Usher that clause 9 of the 4th Report of the Investment and Economic Prosperity Committee be Amended by inserting a new part b) as follows:

"b) NO ACTION BE TAKEN with respect to the proposed project regarding the Market Tower and Annex Sale at 151 Dundas Street".

Motion Passed

Motion made by Councillor J.L. Baechler to Approve that, as a procedural matter pursuant to Section 239 (6) of the *Municipal Act, 2001*, the following recommendation be forwarded to City Council for deliberation and a vote in public session:

That, on the recommendation of the Manager of Realty Services, with respect to the property municipally known as 1 Meadowlily Road North, further described as Part Lot 8, Concession A, containing an area of approximately 1.45 acres, as shown on Schedule "A" ~~attached~~, for the purpose of parkland and for the realignment of the Thames Valley Parkway pathway system along the Thames River, the following actions be taken:

- a) the offer submitted by Mary Kikkert to sell the subject property to the City, for the sum of \$275,000.00 BE ACCEPTED subject to the following conditions:
- i) the City agreeing to pay the Vendor's reasonable legal costs, including disbursements and applicable taxes to complete this transaction, subject to assessment;
  - ii) the City agreeing to assume the existing tenancy on a month to month basis, at a monthly rent of \$850.00, plus utilities;
  - iii) the City having forty five (45) days from the date of acceptance of this agreement to satisfy itself in its sole and absolute discretion as to the soil and environmental condition of the subject property; and
- b) financing for this acquisition BE APPROVED as set out in the Sources of Financing Report ~~attached~~ hereto as Appendix "A".

Motion Passed

#### **XIV ADJOURNMENT**

Motion made by Councillor H.L. Usher and seconded by Councillor M. Brown to Adjourn.

Motion Passed

The meeting adjourned at 10:55 PM.

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Joe Fontana, Mayor

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Catharine Saunders, City Clerk