

**THE THIRD MEETING OF THE ONE HUNDRED AND TWENTY-FIFTH
COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS**

**COUNCIL CHAMBERS
CITY HALL**

JANARY 10TH, 2005

7:00 p.m. The meeting convened with His Worship, Mayor J. Kohler, presiding.

ATTENDANCE

Members

Mayor J. Kohler
Alderman B. Aarts
C. Barwick
H. Chapman
T. Johnston
T. Shackelton
M. Turvey
D. Warden

Officials

W. Graves, City Clerk
W. Day, City Treasurer & Director of Finance
F. Lattanzio, Community Centres & Property Manager
D. Morgan, Culture & Recreation Manager
J. Dewancker, Environmental Services Director
I. Andersen, Manager Of Operations
P. Hegler, Manager Engineering
G. Dart, Director Human Resources
R. Lyons, Fire Chief
M. Carroll, Valleyview Administrator
J. McCoomb, Planner
R. Beachey, Deputy City Clerk

THE LORD'S PRAYER

CLOSED SESSION

The Closed Session was held in Committee Room #204 and the minutes are located at the end of Regular Open Council Business.

DISCLOSURES OF INTEREST

Nil.

MINUTES

Motion by Alderman Turvey - Warden:

THAT: The minutes of the meetings held on December 20th, 2004 and January 3rd, 2005 be confirmed.

Carried.

DEPUTATIONS

Bailey/Lois Avenue Connection - Plan of Subdivision File #34T-04507

Mr. Darryl Kantor, President, P. Kantor Construction Limited, was in attendance to request that Council reconsider a resolution supporting a Lois Avenue connection and to pass a new resolution supporting a Bailey Avenue connection to the proposed cul-de-sac development, north of Lawton Street.

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE – Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

CITY CLERK _____ CONFIRMED _____ MAYOR _____

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Municipality of Central Elgin – Proposed Zoning By-Law Amendment – 215 Main Street,
former Village of Port Stanley

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit the proposed expansion to the existing Kettle Creek Inn and to establish site specific controls for such use at 215 Main Street, in the former Village of Port Stanley.

Municipality of Central Elgin – Intention to Remove Holding Symbol – Part of Lots 10 and 11, Plan 73, former Village of Port Stanley

Notice of intention to remove a holding symbol from Zoning By-law No. 1507 for lands legally described as Part of Lots 10 and 11, Plan 73, former Village of Port Stanley, was received from the Municipality of Central Elgin.

Draft Plan of Subdivision #34T-04510 – Joe Ostojic & Son Ltd; Doug Tarry Limited; and Faith Baptist Church - Block 4 Development Area - South of Southgate Parkway – 20 lots for single detached dwellings and 14 lots for semi-detached dwellings (28 units) – Appendix “A”

Motion by Alderman Shackelton - Aarts:

THAT: Council approve in principle the proposed Draft Plan of Subdivision File # 34T-04510 (Residential Plan of Subdivision) of lands owned by Joe Ostojic & Son Ltd.; Doug Tarry Limited; and Faith Baptist Church which lands are legally described as Blocks 23, 25, 26, Registered Plan 11M-110; Part of Blocks 22, 24, 27, 29, Registered Plan 11M-110, and Part of Block 35, Registered Plan 11M-113, City of St. Thomas, County of Elgin and further that final approval be subject to:

- A final staff report following the review of comments/recommendations received from agencies and City departments upon completion of the circulation of the draft plan,
- Confirmation by the Director of Environmental Services that there is sufficient uncommitted reserve treatment capacity in the sanitary sewerage system to service the proposed development;
- The developer entering into a subdivision agreement satisfactory to the City of St. Thomas with respect to the provision of municipal services, financial, administrative and other related matters.

AND THAT: A date for a public meeting be set for 6:50 p.m. on February 21st, 2005 in accordance with Ontario Regulations 196/96, as amended.

Carried.

Zoning By-Law Amendment Application – Remove Holding Zone Symbol – 289 and 295 Wellington Street – Loblaw Properties Limited – Appendix “B”

Motion by Alderman Johnston - Shackelton:

THAT: The application by Home Hardware Stores Limited for an amendment to the City of St. Thomas Zoning By-Law 50-88 to remove the h1 and h2 holding symbol from the lands located at 289 and 295 Wellington Street be approved;

AND THAT: Direction be given to prepare the necessary amending by-law and notice of Council's intention to pass a by-law to remove the holding symbol be given pursuant to Ontario Regulation 199/96;

AND FURTHER THAT: The final approval of the amending by-law by Council be subject to receiving, in writing, confirmation from Home Hardware Stores Limited that the purchase of the lands from Loblaws Properties Limited has been completed.

Carried.

CITY CLERK _____ CONFIRMED _____ MAYOR _____

Bailey/Lois Avenue Connection - Plan of Subdivision File #34T-04507

Motion by Alderman Johnston – Shackelton:

THAT: The provisions of By-Law 110-82, being a by-law to Provide Rules Governing the Order and Proceedings of the Council of the Corporation of the City of St. Thomas, be suspended.

Carried.

Motion by Alderman Aarts – Johnston:

THAT: Council amend and approve a change to the first sentence of Clause 11 of the June 29, 1998 Protective Services and Transportation Committee report which now reads:

That new subdivision development within the Block 3 Area provide for the inclusion of future local road connections to Coulter Ave., Bodkin Street and Lois Ave.

to read:

That new subdivision development within the Block 3 Area provide for the inclusion of future local road connections to Coulter Ave., Bodkin Street and Bailey Ave.

Carried.

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE – Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS

Third Avenue Extension North of Wellington Street – Hydro Servicing – Appendix “C”

Motion by Alderman Shackelton - Chapman:

THAT: The Third Avenue extension, being constructed between Wellington Street and the CASO Railway, as part of the Community Centre development project, be constructed with an underground hydro plant at a net estimated additional cost of \$30,628.

Motion Lost.

BUSINESS CONCLUDED

PERSONNEL & LABOUR RELATIONS COMMITTEE – Chairman D. Warden

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

FINANCE AND ADMINISTRATION COMMITTEE – Chairman C. Barwick

UNFINISHED BUSINESS

NEW BUSINESS

Seniors' Picnic 2005 – Grant Request

Motion by Alderman Turvey – Shackelton:

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THAT: The grant request to support the Seniors' Picnic Committee be deferred to the 2005 Budget deliberations.

Carried.

St. Thomas-Elgin Community Centre/Twin Pad Arena Project Budget – Appendix “D”

Motion by Alderman Barwick – Mayor Kohler:

THAT: Council approve the following cost item for inclusion in the St. Thomas-Elgin Community Centre Project:

- Barrier free access at five (5) door locations.

at an estimated cost of \$18,000.00, as found in Report TR 01-05 of the Director of Finance and City Treasurer.

Carried.

Motion approved by Alderman Turvey – Mayor Kohler:

THAT: Council approve the following cost item for inclusion in the St. Thomas-Elgin Community Centre Project:

- Increase HVAC in MPR to allow full occupancy.

at an estimated cost of \$15,000.00, as found in Report TR 01-05 of the Director of Finance and City Treasurer.

Motion Lost.

Motion by Alderman Shackelton- Turvey:

THAT: The balance of items in Report TR-01-05 of the Director of Finance and City Treasurer be referred back to the Project Management Team Steering Committee.

Carried.

2005 Budget Development Timetable and Instructions – Appendix “E”

Motion by Alderman Johnston - Aarts:

THAT: The 2005 Budget Development Timetable and Instructions be approved and circulated by the City Treasurer to all applicable City Departments and Boards.

Carried.

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE – Chairman B. Aarts

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

PROTECTIVE SERVICES AND TRANSPORTATION COMMITTEE – Chairman T. Shackelton

UNFINISHED BUSINESS

NEW BUSINESS

CITY CLERK _____ CONFIRMED _____ MAYOR

Lease of Airport Lands – St. Thomas Municipal Airport – Appendix “F”

Motion by Alderman Chapman - Johnston:

THAT: Council concur with the assignment of lease of airport lands (Part 2, Reference Plan 11R-4001) at the St. Thomas Municipal Airport from Mr. Cory K Caughy to Mr. John Dorscht.

Carried.

Use of St. Thomas Animal Control Shelter by Township of Southwold – Appendix “G”

Motion by Alderman Turvey - Chapman:

THAT: The Township of Southwold be permitted to participate in the City of St. Thomas pound beginning in 2005; and

THAT: For this participation, the Township of Southwold be required to pay a one-time capital contribution to the City of St. Thomas in the amount of \$16,560.39 due upon receipt; and

THAT: For this participation, the Township of Southwold be required to pay a yearly charge for pound building expenses on the basis of the number of dogs from that municipality in a year as a percentage of the total dogs entered in the pound for the year; and

THAT: Any adoption fees for a dog from the Township of Southwold be retained as revenue by the City of St. Thomas; and

THAT: Should the Township of Southwold wish not to participate in the St. Thomas pound, they be charged a boarding fee for each dog entered into the pound at a rate of \$10.00 per day for each day or part thereof that a dog is in the pound;

AND THAT: The capital contribution in the amount of \$16,560.39 from the Township of Southwold for participating in the City of St. Thomas pound, be placed in the general property reserve.

Carried.

Tanker 8 - St. Thomas Fire Department – Appendix “H”

Motion by Alderman Chapman - Turvey:

THAT: The Fire Department be allowed to dispose of Tanker 8.

Carried.

Railway Crossing Malfunction

Alderman Johnston inquired about the problem with the railway crossing protective signal malfunctioning along Centre Street for about five hours the previous week.

John Dewancker informed Council that this was the sole responsibility of C.N.

Bus Stop Location at Walmart / Superstore

Alderman Warden inquired about the location of the bus stop at the Walmart / Superstore in that bus riders had to walk a long distance to the stores.

Alderman Shackelton informed Council that Council has no control over private property.

Mayor Kohler indicated that there were new owners for this retail complex and that perhaps the City should contact them.

Alderman Shackelton agreed that this required follow up.

BUSINESS CONCLUDED

REPORTS PENDING

PARKING – HIGH STREET, SOUTH OF CHESTNUT STREET – M. Sture

AMENDMENT TO BY-LAW 44-2000(REGULATION OF WATER SUPPLY IN THE CITY OF ST. THOMAS) - MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ST. THOMAS AND ST. THOMAS ENERGY INC. (PROVISION OF WATER METER READING/BILLING AND COLLECTION SERVICES) - J. Dewancker

ESDA SERVICING MASTER PLAN AND CLASS ENVIRONMENTAL ASSESSMENT - J. Dewancker

ENVIRONMENTALLY SENSITIVE LAND USE – P. Keenan

SAFETY ISSUES AND INTERSECTION CONCERNS – M. Sture

POWER CENTRE TRAFFIC CONTROL – M. Sture

CIVIL MARRIAGES SOLEMNIZATION – W. Graves

GAS TAX FUNDING SPENDING PROGRAM – M. Sture

POOL EXPENSES – W. Day

WELSH FAMILY – W. Day

DRIVEWAY RECONSTRUCTION – MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES – J. Dewancker

COUNCIL

Council reconvened into regular session.

REPORT OF COMMITTEE OF THE WHOLE

Planning and Development Committee – Chairman H. Chapman

Environmental Services Committee – Chairman M. Turvey

Personnel and Labour Relations Committee – Chairman D. Warden

Finance and Administration Committee – Chairman C. Barwick

Community and Social Services Committee – Chairman B. Aarts

Protective Services and Transportation Committee – Chairman T. Shackelton

Motion by Alderman Turvey - Chapman:

THAT: The recommendations, directions and actions of Council in Committee of the Whole as recorded in the minutes of this date be confirmed, ratified and adopted.

Carried.

REPORTS OF COMMITTEES

The First Report of the Site Plan Control Committee – Appendix “I”

Motion by Alderman Turvey - Shackelton:

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THAT: Clauses 1, 2, 3 and 4 of the First Report of the Site Plan Control Committee be adopted.

Carried.

PETITIONS AND COMMUNICATONS

Support for Child Care and Early Childhood Education – CUPE Correspondence

Motion by Alderman Johnston - Aarts:

THAT: Council support CUPE's efforts in creating a new National Child Care Program.

Carried.

Rotary Club of St. Thomas Foundation: re: Don Bosco, Tsunami Relief Fund – Grant Request

Motion by Alderman Aarts - Barwick:

THAT: Council refer the grant request relating to the Tsunami Relief Fund, through the Rotary Club of St. Thomas Foundation, to the 2005 Budget deliberations.

Carried.

UNFINISHED BUSINESS

Proclamation Activities – Appendix “J”

Motion by Alderman Warden - Turvey:

THAT: Report CC-59-04 of the City Clerk be received for information purposes only.

Carried.

NEW BUSINESS

Semi-Annual Attendance for Council for the period of July 1st, 2004 to Dec 31st, 2004
- Appendix “K”

Motion by Alderman Shackelton – Aarts:

THAT: Report CC-02-05 regarding the Semi-Annual Attendance for Council and Committee of the Whole for the period July 1st, 2004 to December 31st, 2004, be received and filed for information.

Carried.

Council Meeting Schedule – Appendix “L”

A request was made to deal with the following resolution by recorded vote.

Motion by Alderman Turvey - Aarts:

THAT: Council change its regular meeting schedule from the 1st, 2nd and 3rd Mondays of the month to the 1st and 3rd Mondays; and

THAT: All meeting agendas include reports from all departments, when necessary; and

THAT: Public delegations be scheduled at both of the meetings during the month as requests are made;

AND THAT: This schedule be implemented in February 2005 and reviewed by the end of June 2005.

Recorded Vote

CITY CLERK _____ CONFIRMED _____ MAYOR _____

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Yeas

Mayor J. Kohler
Alderman B. Aarts
M. Turvey

Nays

C. Barwick
H. Chapman
T. Johnston
T. Shackelton
D. Warden

Motion Lost.

St. Thomas Community Centre/Twin Pad Arena - Petition

Motion by Alderman Barwick – Shackelton:

THAT: Council request the Ministry of Municipal Affairs to provide a full and complete copy of Petitions relating to the St. Thomas Community Centre;

AND FURTHER THAT: This request be made under the Freedom of Information and Protection of Privacy Act.

Carried.

BY-LAWS

Motion by Alderman Shackelton - Turvey:

THAT: Leave be granted to bring in the following by-laws:

1. A by-law to confirm the proceedings of the Council meeting held on the 10th day of January, 2005.
2. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and Ronald James Nesbitt and Linda Ellen Nesbitt. (Property Taxes)
3. A by-law to assume certain lands as part of the public highway. (Cottonwood Drive, Linden Lane, Goldenrod Court, Magnolia Court, Amberwood Court)
4. A by-law to amend By-law 53-96, being a by-law for the registering, licensing, restricting and prohibiting the running at large of animals and dogs within the City of St. Thomas/Animal Control By-law.
5. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain documents. (Conveyance of Reserve - Dalewood Landing Development Area - File #34T-04505 - Inn Services Inc.)
6. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain documents. (Conveyance of Reserve - Dalewood Landing Development Area File #34T-04505 - Inn Services Inc.)
7. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain documents. (Conveyance of Reserve - Dalewood Landing Development Area File #34T-04505 - Inn Services Inc.)
8. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and the National Automobile, Aerospace, Transportation and General Workers of Canada - CAW Canada Local 2168. (Collective Agreement - Valleyview Home for the Aged)
9. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas, Cory K. Caughy, and

CITY CLERK_____CONFIRMED_____MAYOR

3rd Meeting of the 125th Council - 9

John Paul Dorscht. (Assignment of lease - St. Thomas Municipal Airport - Part 2, Reference Plan 11R-4001)

Carried.

First and Second Reading

Motion by Alderman Shackelton - Turvey:

THAT: The by-laws be now read a first time, referred to Council in Committee to the Whole and read a second time.

Carried.

Alderman Aarts was appointed Chairman of Council in Committee of the Whole and conducted the second reading of the by-laws.

On motion duly moved and seconded, the Chairman was ordered to report on the passing of the by-laws. The Chairman reported as ordered and the Mayor resumed the Chair.

Third Reading

Motion by Alderman Shackelton - Turvey:

THAT: The report of Council in the Committee of the Whole on the following by-laws be received and adopted, the same be read a third time, engrossed, signed by the Mayor and Clerk, sealed and numbered.

1. A by-law to confirm the proceedings of the Council meeting held on the 10th day of January, 2005. (B/L 1-2005)

2. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and Ronald James Nesbitt and Linda Ellen Nesbitt. (Property Taxes) (B/L 2-2005) (A/G 1-2005)

3. A by-law to assume certain lands as part of the public highway. (Cottonwood Drive, Linden Lane, Goldenrod Court, Magnolia Court, Amberwood Court) (B/L 3-2005)

4. A by-law to amend By-law 53-96, being a by-law for the registering, licensing, restricting and prohibiting the running at large of animals and dogs within the City of St. Thomas/Animal Control By-law. (B/L 4-2005)

5. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain documents. (Conveyance of Reserve - Dalewood Landing Development Area - File #34T-04505 - Inn Services Inc.) (B/L 5-2005)

6. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain documents. (Conveyance of Reserve - Dalewood Landing Development Area File #34T-04505 - Inn Services Inc.) (B/L 6-2005)

7. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain documents. (Conveyance of Reserve - Dalewood Landing Development Area File #34T-04505 - Inn Services Inc.) (B/L 7-2005)

8. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and the National Automobile, Aerospace, Transportation and General Workers of Canada - CAW Canada Local 2168. (Collective Agreement - Valleyview Home for the Aged) (B/L 8-2005) (A/G 2-2005)

9. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas, Cory K. Caughy, and

CITY CLERK _____ CONFIRMED _____ MAYOR

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John Paul Dorscht. (Assignment of lease - St. Thomas Municipal Airport - Part 2, Reference Plan 11R-4001) (B/L 9-2005) (A/G 3-2005)

Carried.

PUBLIC NOTICE

Sports Spectacular

Alderman Johnston reminded Council about the upcoming Sports Spectacular, a fundraiser for Special Olympics, to be held on January 27th, 2005.

Chili Cook-off

Fire Chief Lyon informed Council regarding the upcoming Chili Cook-off on February 3rd, 2005. at St. Ann's Centre between 11:00 a.m. to 1:30 pm.

NOTICES OF MOTION

CLOSED SESSION

Motion by Alderman Johnston - Turvey:

THAT: This meeting be closed to deal with labour relations matters.

Carried.

OPEN SESSION

7:00 P.M. Council met in regular open session and at the conclusion of the open session the members again met in closed session.

CLOSED SESSION

Motion by Alderman Johnston – Turvey:

THAT: This meeting be closed to deal with labour relations matters at 9:06 p.m.

Carried.

OPEN SESSION

Motion by Alderman Johnston – Turvey:

THAT: Council now rise from Closed Session at 10:21 p.m.

Carried.

Appointment Of Various Standing Committees, Boards And Other Public Bodies

Motion by Alderman Shackelton - Aarts:

THAT: The following be appointed to the various Committees, Boards and Public Bodies for 2005 or the term indicated:

Property Standards Committee (Staggered 3 yr Term) Council Decision	- David Collins (2005-2006-2007)
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St. Thomas Seniors' Centre Board of Directors (Staggered Two year term) Council Decision	- Peter Olver (2005-2006)
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Board of Management (DDB) - Downtown Improvement Area (Remaining Term of Council) Council By-Law	- James Todd - Sandy Vasquez
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Board of Directors of St. Thomas Energy Services Inc.	- Mayor J. Kohler (Term of Council)
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CITY CLERK_____CONFIRMED_____MAYOR

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(App't. made by Hydro Holding Co. and confirmed by Council)

Council Decision

- Alderman T. Shackelton (Term of Council)
- Orland Hartford (Dec.31, 2006)

- Paul Smith (Dec.31, 2006)
- John Lavery (Dec.31, 2005)
- Bruce Smith (Dec.31, 2005)

Board of Directors of St. Thomas Energy Inc.

(App't. made by Hydro Holding Co. and confirmed by Council)

Council Decision

- Hugh Shields (Dec.31, 2006)
- Christopher (Kit) Brown (Dec.31, 2006)
- Nick Matijevic (Dec.31, 2005)
- Joseph Starcevic (Dec.31, 2005)
- John Lavery (Dec.31, 2005)

Carried.

HIRING POLICIES

Motion by Alderman Johnston – Mayor Kohler:

THAT: Council direct the Director of Human Resources to prepare hiring policies for the Corporation and report back to Council.

Carried.

ADJOURNMENT

Motion by Alderman Johnston - Chapman:

THAT: We do now adjourn. (10:26 P.M.)

Carried.

CLOSING PRAYER