

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

**COUNCIL CHAMBERS
CITY HALL**

FEBRUARY 7th, 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
M. Turvey
D. Warden

Officials

W. Graves, City Clerk
W. Day, City Treasurer & Director of Finance
M. Sture, Supervisor, Roads & Transportation
R. Barber, Deputy Fire Chief
R. Lyons, Fire Chief
I. Andersen, Manager Of Operations
J. Dewancker, Director of Environmental Services

Absent

Alderman T. Johnston
T. Shackelton

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.

On a point of order, Alderman Warden asked if Council would consider adding approval of the agenda in its procedure.

This request will be investigated.

DISCLOSURES OF INTEREST

Alderman Warden declared a pecuniary interest regarding Report ES-09-05 due to his involvement with the supplier of the busses. He refrained from all discussion and action regarding this matter.

MINUTES

Motion by Alderman Turvey - Warden:

THAT: The minutes of the meeting held on January 17th, 2005 be confirmed.

Carried.

DEPUTATIONS

By-Law 89-2004 - Request to Extend Effective Date - St. Thomas Bingo Country

Mr. Jordan Gnat, President, Boardwalk Gaming and Entertainment Inc., was in attendance to request an extension of the effective date of By-Law 89-2004, being a by-law to establish smoke free public places and workplaces in the City of St. Thomas, for St. Thomas Bingo Country. This matter was discussed under New Business.

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE – Chairman H. Chapman

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UNFINISHED BUSINESS

NEW BUSINESS

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

Notice of the passing of a zoning by-law was received from the Municipality of Central Elgin to permit the expansion of the Kettle Creek Inn at 215 Main Street, Former Village of Port Stanley.

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE – Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS

Highway 3 Improvements - St. Thomas to Aylmer - Notice of Study Completion/Design and Construction Report – Appendix “A”

Motion by Alderman Aarts - Chapman:

THAT: The Notice of Study Completion and the Design and Construction Report by MTO for proposed improvements to Highway 3 between St. Thomas and Aylmer be received as information.

Carried.

Snowstorm Cleanup Inquiry

Alderman Warden complemented staff for cleaning up from recent snowstorms and inquired if the City had the proper equipment to do a quality job.

The Director of Environmental Services stated that there was difficulty in obtaining contractors to assist and that there was an equipment need.

Alderman Warden asked the Chairman of the Finance Committee if there was a plan for an equipment reserve.

The Chairman of the Finance Committee stated that an equipment reserve will be established.

Building Permit Inquiry

Alderman Warden inquired about the timing and processing of building permits.

The Director of Environmental Services responded that a project should not proceed without a building permit and that if it did, it would be at the developer’s risk.

BUSINESS CONCLUDED

PROTECTIVE SERVICES AND TRANSPORTATION – Alderman Turvey chaired this portion of the meeting.

UNFINISHED BUSINESS

Dedicated Gas Tax Funding for Transit - Expenditure Plan – Appendix “B”

Motion by Mayor Kohler – Alderman Aarts:

THAT: Report ES06-05, of the Supervisor, Roads & Transportation, which outlines a strategic plan for expending Ontario Gas Tax Funding be endorsed;

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THAT: A consultant be retained to assist with the development of a Ridership Growth Strategy and an Asset Management Plan for St. Thomas Transit Services;

AND THAT: The existing transit fleet be supplemented by acquiring two new buses.

Carried.

NEW BUSINESS

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE – Chairman B. Aarts

UNFINISHED BUSINESS

Renaming of Park Pavilions – Welch Family Request – Appendix “C”

Motion by Mayor Kohler – Alderman Warden:

THAT: A Committee consisting of the following council members be established to review the renaming of park pavilions:

Alderman Turvey
Alderman Chapman
Alderman Aarts

Carried.

NEW BUSINESS

Lions Park Pavilion Capital Project – Appendix “D”

Motion by Mayor Kohler - Alderman Turvey:

THAT: Council authorize the execution of an Agreement with the Lions Club of St. Thomas for a 5-year interest-free loan of \$60,000 to facilitate the construction of a pavilion in Lions Park; it being noted that the total project cost is estimated at \$120,000;

AND THAT: Council authorize an amount of \$60,000 to be drawn from the Parkland Reserve Fund as the City contribution towards the project.

Carried.

BUSINESS CONCLUDED

FINANCE AND ADMINISTRATION COMMITTEE – Chairman C. Barwick

UNFINISHED BUSINESS

Canada - Ontario Municipal Rural Infrastructure Fund – Appendix “E”

Motion by Alderman Aarts – Turvey:

THAT: Report TR-04-05, of the Director of Finance & City Treasurer, be received for information.

Carried.

NEW BUSINESS

Temporary Borrowing from Reserve Funds to Finance Capital Projects– Appendix “F”

Motion by Alderman Warden – Turvey:

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THAT: Council authorize the Treasurer to borrow from Reserve Funds on a temporary basis for the purpose of financing Capital projects; it being noted that such temporary loans will be supported by a promissory note and repaid at the time that permanent financing for the Capital projects is secured.

Carried.

Water Meter Replacement Program - Request for Proposal - Tender Award – Appendix “G”

Motion by Alderman Turvey - Aarts:

THAT: The request for proposal submitted by Canadian Water Services, for the replacement of water meters in the total amount of \$127,333.00 including taxes, be accepted;

THAT: A by-law be passed authorizing the City Clerk and Mayor to execute the contract;

AND THAT: The contractor be authorized to proceed with the work.

Carried.

Transit Subsidy Request – Appendix “H”

Motion by Mayor Kohler - Alderman Chapman:

THAT: The Clerk, Treasurer and Officer responsible for Public Transportation be authorized to sign the Petition for Annual Payment of Vehicle Program Funding attached to Report ES09-05, of the Supervisor, Roads & Transportation;

THAT: Council endorse this request for transit subsidy funds;

THAT: The Petition for Annual Payment of Vehicle Program Funds be submitted to the Ministry of Transportation;

AND THAT: A copy of Council’s endorsement be sent to the Ministry of Transportation with the forms.

Carried.

Third Avenue Extension - Cost Sharing Arrangement for the Future Construction of the North Portion of Third Avenue Extension– Appendix “I”

Motion by Alderman Turvey – Mayor Kohler:

THAT: The cost of future construction of the most northerly portion of Third Avenue Extension between station 0+200m and station 0+235m be shared between the City of St.Thomas and the owners of Block 1, shown on draft plan of Subdivision 34T-03502, as outlined in Report ES08-05 of the Director of Environmental Services;

AND THAT: Such cost sharing arrangement be included in the subdivision agreement between 1106006 Ontario Ltd/1106030 Ontario Inc., and the City of St.Thomas.

Carried.

Elgin County Pioneer Museum – Grant Request

Motion by Alderman Aarts - Chapman:

THAT: The grant request to support the Elgin County Pioneer Museum be deferred to the 2005 Budget deliberations.

Carried.

Reserve Update

Alderman Warden asked that Council receive an update regarding reserve amounts.

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

POOL EXPENSES – W. Day

DRIVEWAY RECONSTRUCTION – MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES – J. Dewancker

HIRING POLICIES – G. Dart

PROCLAMATIONS – W. Graves

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

Protective Services and Transportation Committee – Chairman T. Shackelton

Community and Social Services Committee – Chairman B. Aarts

Finance and Administration Committee – Chairman C. Barwick

Motion by Alderman Aarts - 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

PETITIONS AND COMMUNICATONS

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Tag Day - Multiple Sclerosis Society of Canada

Motion by Alderman Turvey - Chapman:

THAT: We authorize the conducting of a Tag Day by Multiple Sclerosis Society of Canada Elgin County Chapter on May 5th to 8th, 2005.

Carried.

Vanier Medal for Good Citizenship - 2005

An invitation to nominate an individual for the 2005 Vanier Medal for outstanding contribution to public administration was received from Jocelyn Souliere, President Institute of Public Administration of Canada. The deadline for nominations is March 31st, 2005.

Easter Seal Society – Easter Seals Month

Motion by Alderman Warden - Aarts:

THAT: The Council of the Corporation of the City of St. Thomas proclaim the month of March 2005 as “Easter Seals Month” in the City of St. Thomas.

Carried.

Tag Day - Daisy of Hope Campaign

Motion by Alderman Warden - Chapman:

THAT: We authorize the conducting of a Tag Day by Violence Against Women Services Elgin County and St. Thomas-Elgin Second Stage Housing on May 27th and 28th, 2005.

Carried.

UNFINISHED BUSINESS

NEW BUSINESS

Municipal Heritage Committee - Replacement Appointment

Motion by Alderman Aarts – Warden:

THAT: The following person be appointed to the Municipal Heritage Committee for the remaining term of Council:

Susan Fortin-Smith.

Carried.

Deputy Mayor Position– Appendix “J”

Motion by Alderman Barwick - Warden:

THAT: Report TF-01-05 of the Mayor’s Task Force be deferred until all Council members are present.

Carried.

Smoking By-law and Bingo Charity Organizations

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

Motion by Alderman Barwick - Aarts:

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THAT: Charity Bingo Halls be exempt within the smoking by-law until such time that the Provincial Legislation or Central Elgin Non-Smoking by-law comes into effect;

AND THAT: Staff be directed to prepare a by-law amendment.

Recorded Vote

Yeas

Mayor J. Kohler
Alderman B. Aarts
C. Barwick
H. Chapman

Nays

Alderman M. Turvey
D. Warden

Absent

Alderman T. Johnston
T. Shackelton

Carried.

Provincial Non-Smoking Legislation

Motion by Alderman Barwick – Aarts:

THAT: Council petition the Province of Ontario to move forward with the Province wide non-smoking laws.

Carried.

Request for Audit Relating to the St.Thomas Community Centre/Twin Pad Arena

Mayor Kohler advised that he had received a letter from John Gerretsen, Minister of Municipal Affairs and Housing, advising Council that the Minister does not believe that a provincial–municipal audit is warranted at this time for matters relating to the St.Thomas – Elgin Community Centre / Arena Complex.

St. Thomas Community Centre/Twin Pad Arena - Petition

The City Clerk advised that he had received a letter from the Ministry of Municipal Affairs and Housing, denying Council access to a copy of a petition requesting a provincial audit of the financial affairs of the City of St.Thomas.

The request was denied under Section 21(1) of the Freedom of Information and Protection of Privacy Act as it was deemed that the disclosure would result in an unjustified invasion of someone else's personal privacy.

BY-LAWS

Motion by Alderman Aarts - 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 7th day of February, 2005.
2. A by-law to authorize an agreement with The St. Thomas Lions Club. (\$60,000 loan - Pavilion Construction at Lions Park)

Carried.

First and Second Reading

Motion by Alderman Aarts - 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 Chapman was appointed Chairman of Council in Committee of the Whole and

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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 Aarts - 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 7th day of February, 2005. (B/L 17-2005)
2. A by-law to authorize an agreement with The St. Thomas Lions Club. (\$60,000 loan - Pavilion Construction at Lions Park) (B/L 18-2005) (A/G 5-2005)

Carried.

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION

Motion by Alderman Aarts - Turvey:

THAT: This meeting be closed to deal with a personal matter about an identifiable individual.

Carried.

OPEN SESSION

Motion by Alderman Warden - Barwick:

THAT: Council now rise from Closed Session at (6:46 P.M).

Carried.

ADJOURNMENT

Motion by Alderman Aarts - Turvey:

THAT: We do now adjourn. (8: 26 P.M.)

Carried.

CLOSING PRAYER