

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

COUNCIL CHAMBERS
CITY HALL

FEBRUARY 14TH, 2005

6:00 p.m. The meeting convened with His Worship, Mayor J. Kohler, presiding.

ATTENDANCE

Members

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

Officials

W. Graves, City Clerk
W. Day, City Treasurer & Director of Finance
J. Dewanker, Director of Environmental Services
P. Hegler, Manager Engineering
R. Beachey, Deputy City Clerk
J. McCoomb, Senior Planner

Absent

Alderman B. Aarts
 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.

DISCLOSURES OF INTEREST

MINUTES

Motion by Alderman Warden - Chapman:

THAT: The minutes of the meeting held on February 7th, 2005 be confirmed.

Carried.

DEPUTATIONS

Kettle Creek Conservation Authority - 2005 Budget

Mr. Bryan Hall General Manager and Don McCall Chairman, Kettle Creek Conservation Authority, were in attendance to discuss the 2005 KCCA Levy Appointment.

The members received a notice from Naomi Delaney, Finance Services Supervisor, Kettle Creek Conservation Authority, of a meeting being held on Wednesday, February 23, 2005 at 5:30 p.m. at the St. Thomas Golf & Country Club to approve the 2005 budget of the Kettle Creek Conservation Authority.

Serenity House Hospice

Ms. Linda Corriveau, Project Coordinator, Serenity House Hospice, was in attendance to request a donation of land, support for a residential hospice and permission to hold a fundraising event at Pinafore Park during the Canada Day celebrations.

The members directed that the request for the duck derby race at Pinafore Park be directed to the Canada Day Committee.

By-Law 89-2004 - To establish smoke free public places and workplaces in the City of St. Thomas

Mr. Craig Wilson, Manager, Manx Arms, was in attendance to express his concerns with By-Law 89-2004, being a by-law to establish smoke free public places and workplaces in the City of St. Thomas.

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COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PERSONNEL AND LABOUR RELATIONS COMMITTEE – Chairman D. Warden

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

FINANCE AND ADMINISTRATION COMMITTEE – Chairman C. Barwick

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE – Chairman B. Aarts

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

PROTECTIVE SERVICES & TRANSPORTATION COMMITTEE – Alderman Chapman chaired this portion of the meeting.

UNFINISHED BUSINESS

By-Law 89-2004 - Smoking By-Law - Appendix "A"

Motion by Alderman Johnston-Turvey:

THAT: By-law 89-2004 be amended, to include, under signage requirements, that signs in conformity with the Tobacco Control Act shall be permitted signs;

THAT: Subject to a funding allocation from the Health Unit, Council authorize staff to arrange for a short term contract with an independent security/enforcement agency to assist the City in the enforcement of the Smoking By-law and further that the contract be reviewed by Council by May 31st, 2005;

AND THAT: Personnel from the Health Unit be named in a By-law to assist in compliance checks regarding the Smoking By-law.

Carried.

NEW BUSINESS

BUSINESS CONCLUDED

PLANNING AND DEVELOPMENT COMMITTEE – Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

Draft Plan of Subdivision File #34T-04508 - Wyndfield Phase IV - Block 4 Development Area 76 lots for single detached dwellings - Springwater Developments Inc. - Appendix "B"

Motion by Alderman Turvey - Warden:

THAT: Council approve the Draft Plan of Subdivision File # 34T-04508 (Residential Plan of

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Subdivision) of lands owned by Springwater Developments Inc., which lands are legally described as Block 63, Registered Plan 11M-125, and Part of Block 32, Registered Plan 11M-110, City of St. Thomas, County of Elgin, subject to the standard draft plan conditions, including the requirement for the developer to enter into a subdivision agreement with the Corporation of the City of St. Thomas with respect to the provision of municipal services, financial, administrative and other related matters.

Carried.

Draft Plan of Subdivision File #34T-04509- Lake Margaret Estates Phase VI - 41 lots for single detached dwellings - Doug Tarry Limited - Appendix "C"

Motion by Alderman Johnston - Mayor Kohler:

THAT: Council approve the Draft Plan of Subdivision File # 34T-04509 (Residential Plan of Subdivision) of lands owned by Doug Tarry Limited, which lands are legally described as being Block 38, Registered Plan 11M-144 and Part of Blocks 6, Registered Plan 11M-105, City of St. Thomas, County of Elgin, subject to the standard draft plan conditions, including the requirement for the developer to enter into a subdivision agreement with the Corporation of the City of St. Thomas with respect to the provision of municipal services, financial, administrative and other related matters.

Carried.

Draft Plan of Subdivision/Condominium File #34CDM-04504 - Dalewood Crossings Development Area - Vacant Land Condominium - Block 46, Plan 11M-145 - Appendix "D"

Motion by Alderman Turvey - Warden:

THAT: Council approve the Draft Plan of Subdivision/Condominium File # 34CDM-04504, being an application for approval of declaration and description for a proposed Vacant Land Condominium owned by Inn Services Inc., which lands are legally described as Block 46, Registered Plan 11M-145 in the City of St. Thomas, County of Elgin, subject to the standard draft plan conditions, including the requirement for the developer to enter into a subdivision agreement with the Corporation of the City of St. Thomas with respect to the provision of municipal services, financial, administrative and other related matters.

Carried.

Proposed Zoning By-Law Amendment - Youth Recreation Centre - 15 Hiawatha Street - Bob and Jennifer Rasmussen - Appendix "E"

Motion by Alderman Turvey - Warden:

THAT: The application by "The Backyard" (Bob & Jennifer Rasmussen) for an amendment to the City of St. Thomas Zoning By-law 50-88 be received and that direction be given to prepare a site specific draft amendment to the Zoning By-law to permit a youth recreation centre for youth social activities and dancing on lands located at 15 Hiawatha Street;

THAT: A date for a public meeting be set for 6:45 p.m. on March 15th, 2005 in accordance with Ontario Regulation 199/96, as amended.

Carried.

CIP Financial Incentive Applications - Timeframe Extensions to Complete CIP Projects Appendix "F"

Motion by Mayor Kohler - Alderman Turvey:

THAT: Report PD-07-2005 be received; and

THAT: The following project completion timeframe extensions be approved:

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CIP Application 2003-001: 384-390 Talbot Street, extended to February 28, 2005

CIP Application 2003-004: 443 Talbot Street, extended to March 31, 2005

CIP Application 2004-018: 441 Talbot Street, extended to September 23, 2005.

Carried.

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE – Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS

Malakoff Reconstruction - Tender Results - Appendix "G"

Motion by Alderman Chapman - Johnston:

THAT: The tender as submitted by Omega Contractors in the amount of \$1,484,257.99 be accepted;

THAT: The Contractor be authorized to proceed with the contract;

THAT: The Mayor and Clerk be authorized to sign the agreement;

AND THAT: The original budgeted amounts be revised to reflect the changes in the funding sources.

Carried.

Inquiry - Woodland Road Emergency Vehicles

Alderman Turvey with the consensus of Council asked staff to review safety issues relating to access for emergency vehicles in the Woodland Road area.

Inquiry – Winter Control – Snow Plow Equipment

Alderman Warden requested that in light of the availability of equipment for snow plowing that the sharing of equipment with St. Thomas Energy be reviewed.

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

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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

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

Planning and Development Committee – Chairman H. Chapman

Environmental Services Committee – Chairman M. Turvey

Motion by Alderman Warden - Turvey:

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 COMMUNICATIONS

Mrs. St. Thomas 2004/2005

Motion by Alderman Warden - Turvey:

THAT: We authorize 100 pins to Chris Kirkpatrick Ellacott, Mrs. St. Thomas 2005 for the Mrs. Canada Pageant International 2005 that will take place from March 17th to 20th, 2005.

Carried.

UNFINISHED BUSINESS

Deputy Mayor Position

The Mayor requested and received by consensus that Report TF-01-05 of the Mayor's Task Force will be dealt with in March 2005.

NEW BUSINESS

Special Olympics Basketball Tournament

Motion by Alderman Johnston – Turvey:

THAT: Council provide 75 pins for the Special Olympics Basketball Tournament to be held February 26th, 2005.

CITY CLERK _____ CONFIRMED _____ MAYOR _____

Carried.

BY-LAWS

Motion by Alderman Turvey - Chapman:

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 14th day of February, 2005 .
2. A by-law to authorize a contract with Canadian Water Services. (Replacement of water meters - \$127,333.00)
3. 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 Her Majesty the Queen in Right of Ontario, as represented by the Chair of the Management Board of Cabinet. (Justice Building lease - January 1, 2004 to December 31, 2008)
4. A by-law to authorize the 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 Kevin David Adams and Lori Ann Adams. (property taxes)

Carried.

First and Second Reading

Motion by Alderman Turvey - Chapman:

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 Johnston 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 Turvey - Chapman:

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 14th day of February, 2005. (B/L 19-2005)
2. A by-law to authorize a contract with Canadian Water Services. (Replacement of water meters - \$127,333.00) (B/L 20-2005) (CON 1-2005)
3. 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 Her Majesty the Queen in Right of Ontario, as represented by the Chair of the Management Board of Cabinet. (Justice Building lease - January 1, 2004 to December 31, 2008) (B/L 21-2005) (A/G 6-2005)
4. A by-law to authorize the 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 Kevin David Adams and Lori Ann Adams. (property taxes) (B/L 22-2005) (A/G 7-2005)

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Carried.

PUBLIC NOTICE

NOTICES OF MOTION

By-Law 89-2004 - Smoking By-Law Repeal

Alderman Barwick put forward the following Notice of Motion.

Motion by Alderman Barwick:

THAT: By-Law 89-2004, a by-law to establish smoke free public places and workplaces in the City of St. Thomas, be repealed in its entirety.

CLOSED SESSION

Motion by Alderman Chapman - Johnston:

THAT: This meeting be closed to deal with a proposed or pending disposition of land by the municipality.

Carried.

OPEN SESSION

Motion by Alderman Johnston - Warden:

THAT: Council now rise from Closed Session at (6:17 P.M).

Carried.

ADJOURNMENT

Motion by Alderman Johnston - Turvey:

THAT: We do now adjourn. (8:10 P.M.)

Carried.

CLOSING PRAYER