

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

**COUNCIL CHAMBERS
CITY HALL**

FEBRUARY 21ST, 2005

6:00 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, Manager of Culture and Recreation
J. Dewancker, Director, Environmental Services
R. Lyons, Fire Chief
P. Hegler, Manager Engineering
G. Dart, Director Human Resources
M. Carroll, Valleyview Administrator
M. Sture, Supervisor, Roads and Transportation
T. Calvert, Constable

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

Alderman Shackelton declared a conflict of interest regarding a CUPE position within the City of St. Thomas to be dealt with in closed session since he is a member of CUPE.

Alderman Warden declared a conflict of interest relating to the St. Anne’s Community Festival since he is a member of St. Anne’s. Alderman Warden refrained from all discussion and action regarding this matter.

MINUTES

Motion by Alderman Warden - Turvey:

THAT: The minutes of the meetings held on February 14th, 2005 be confirmed.

Carried.

DEPUTATIONS

Monthly Police Report

By consensus of Council, Constable Calvert presented the monthly Police Report under deputations.

By-Law 89-2004, A by-law to establish smoke free public places and workplaces

Mr. Paul Lovelock, Smoke-Free St. Thomas-Elgin Coalition, was in attendance to discuss Smoking By-law issues.

Mr. Lovelock affirmed the Smoke Free Coalition’s position that the City should move forward with its by-law and not wait for the Province. In his remarks Mr. Lovelock stated Council had shown good leadership in passing the by-law and requested that the by-law not be repealed.

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Alderman Aarts asked Mr. Lovelock whether other communities in Elgin had gone smoke free.

Mr. Lovelock responded that they were waiting for the Province.

Mr. Bill Adams, Royal Canadian Legion Lord Elgin Branch 041, was in attendance to discuss Smoking By-law issues.

Mr. Adams highlighted the fact that the Legion was a charitable organization and that its members contributed to many youth programs in the City. Mr. Adams feared that the local Legion members may go to Legions outside of the city should the by-law not be repealed. Mr. Adams asked that consideration be given to exempt the Legion from the by-law.

Alderman Barwick asked about the Legion's position relating to the canteen.

Mr. Adams responded that the canteen was a home away from home for Legion members.

Woodland Road "No Parking" Request

The Clerk advised Council that a resident from Woodland Road was in attendance that wished to speak to the Woodland Road report.

Council declined the request for the resident to speak.

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE – Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE – Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS

Station Street Reconstruction Tender Results - Appendix "A"

Motion by Alderman Shackelton - Chapman:

THAT: The Tender as submitted by 969774 Ontario Limited in the amount of \$327,857.84 be accepted; and,

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

THAT: the Mayor and Clerk be authorized to sign the agreement.

Carried.

BUSINESS CONCLUDED

PERSONNEL AND LABOUR RELATIONS COMMITTEE – Chairman D. Warden

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

CITY CLERK _____ CONFIRMED _____ MAYOR _____

FINANCE AND ADMINISTRATION COMMITTEE – Chairman C. Barwick

UNFINISHED BUSINESS

NEW BUSINESS

Jesse's Journey - Grant Request

Motion by Alderman Aarts - Warden:

THAT: Council refer the grant request relating to Jesse's Journey to the 2005 Budget deliberations

Carried.

2005 Levy - Catfish Creek Conservation Authority

Motion by Alderman Shackelton - Turvey:

THAT: The 2005 levy information received from the Catfish Creek Conservation Authority be received and referred to the 2005 Budget deliberations.

Carried.

Inquiry Relating to Year End Accounts

Mayor Kohler asked about the timing of information relating to the City's year end accounting.

The Director of Finance and City Treasurer responded that a report would be prepared in accordance with the City's policies once it has been confirmed that all information is complete.

2005 Budget Meeting

Alderman Barwick announced that on March 21st, 2005 Council would be considering the 2005 Budget.

Cost of Ambulance Service

Alderman Barwick commented on the continued increases in the cost of ambulance service and informed Council the County would be in attendance on March 7th to discuss the costs.

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE – Chairman B. Aarts

UNFINISHED BUSINESS

NEW BUSINESS

Monthly Report St. Thomas - Elgin Community Complex/ Twin Pad Arena - Appendix "B"

Motion by Alderman Shackelton - Turvey:

THAT: The January Monthly report for the St. Thomas-Elgin Community Centre/Twin Pad Arena be received.

Carried.

St. Thomas Junior B Stars Hockey Club

Alderman Shackelton asked if the Junior B Team was referenced as moving to the new community complex when new seats had just been installed at Memorial Community Centre.

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Mayor Kohler stated that a proposal had been submitted by the Stars and that it was being reviewed. There have been no decisions.

Alderman Aarts said that despite what the Stars may or may not do, the seats at Memorial Community Centre had to be replaced for safety reasons.

St. Thomas-Elgin Community Complex Twin Pad Arena - Special Team Rooms

Alderman Warden inquired about the status and ownership of the special team room at the new complex.

Alderman Aarts stated that there are a couple of larger rooms at the complex.

Alderman Warden stated that any agreement for the use of the rooms would have to be approved by Council.

St. Thomas-Elgin Community Complex/Twin Pad Arena - VIP Room

Alderman Johnston inquired about the status of the VIP room as shown on plans.

Mayor Kohler stated that the furnishing and naming of the VIP room was a fund raising initiative as part of a donation. This would not provide exclusive use to the donor.

St. Thomas-Elgin Community Complex/Twin Pad Arena - Land Transfer

Alderman Johnston inquired about when the City could take possession of the property.

The Director of Environmental Services stated the final details were in place for the Subdivision Agreement. Once registered at the Registry Office the legal description would be available to the MOEE for the record of site condition process which would in turn complete that process and allow the land to be conveyed.

2004 Aquatics Program - Review - Appendix “C”

Motion by Alderman Shackelton - Johnston:

THAT: Council approve Recreation Services Report TR-08-05 entitled “2004 Aquatics Program-Review, as information;

AND THAT: The following 2005 hourly rates for the Municipal Aquatic Staff be accepted:

Aquatic Supervisor	\$13.40
Senior Aquatic Instructor/Lifeguard	\$8.85
Junior Aquatic Instructor/Lifeguard	\$8.30
Basket/Wading Pool Attendant	\$7.45 (2005 General Minimum Wage)

Carried.

2005/06 Ice Rental Rates - Appendix “D”

Motion by Alderman Johnston - Warden:

THAT: Report TR-09-05 be postponed.

Carried.

Alderman Johnston requested that this report be placed under Unfinished Business and be dealt with once all of the other reports relating to the new complex including ice usage are complete so that Council could review them as one package.

Funding Grants - Valleyview Home - Appendix “E”

Motion by Alderman Turvey - Chapman:

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THAT: Report VV-004-05 of the Valleyview Administrator be received and filed as information.

Carried.

Valleyview Report (September-December 2004) - Appendix “F”

Motion by Mayor Kohler - Shackelton:

THAT: The Operational Report VV-003-05 of the Valleyview Administrator be received and filed as information.

Carried.

Valleyview Replacement - Monthly Report - Appendix “G”

Motion by Alderman Turvey - Johnston:

THAT: The Valleyview Replacement Report VV-002-05 for the month ending December 31st, 2004 be received and filed as information.

Carried.

BUSINESS CONCLUDED

PROTECTIVE SERVICES & TRANSPORTATION COMMITTEE – Chairman T. Shackelton

UNFINISHED BUSINESS

Woodland Road “No Parking” Request - Appendix “H”

Motion by Alderman Turvey - Warden:

THAT: Report ES-11-05 be postponed.

Carried.

Alderman Turvey asked that this matter be postponed and placed under Unfinished Business in order for the resident to appear as a deputation at a future Council meeting.

NEW BUSINESS

Extension of Deadline for Early Purchase of Dog Tags at Reduced Rate - Appendix “I”

Motion by Alderman Turvey - Warden:

THAT: The reduced rate for dog tag purchases be extended to March 31, 2005 from February 15, 2005.

Carried.

Fire Department Year-end Report - Appendix “J”

Motion by Alderman Johnston - Mayor Kohler:

THAT: The Year End Report FD-02-05 of the St. Thomas Fire Department be received as information.

Carried.

Animal Control Services 2004 - Appendix “K”

Motion by Alderman Turvey - Aarts:

THAT: Report CC-04-05 in regards to the operation of the Animal Control Service during 2004 be received as information.

Carried.

St. Anne's Community Festival - June 1-4, 2005

Motion by Alderman Aarts – Mayor Kohler:

THAT: The Council of the Corporation of the City of St. Thomas has no objections to the St. Anne's Community Festival taking place including no objections to the extension of the proposed extended licensed area; and

THAT: The Council authorizes the Festival to be held from June 1st to 4th, 2005 on the parish grounds; and further

THAT: The St. Anne's Community Festival be declared a Community Festival

Carried.

By-Law 89-2004, A by-law to establish smoke free public places and workplaces in the City of St. Thomas

The City Clerk advised Council that the City was now in receipt of the Short Form Wording Approval for the issuance of tickets under the by-law. Further, Council was advised that in order to access funds for enforcement under the by-law, the St. Thomas-Elgin Health Unit would be entering into a contract directly with Iron Rail Security for enforcement services under the by-law and that the City did not need to enter into a contract with the firm.

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

DRIVEWAY RECONSTRUCTION – MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES – J. Dewancker

PROCLAMATIONS – W. Graves

COUNCIL

Council reconvened into regular session.

REPORT OF COMMITTEE OF THE WHOLE

CITY CLERK _____ CONFIRMED _____ MAYOR

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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 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 COMMUNICATONS

Fire Services Labour Relations Seminar March 2-3, 2005

A copy of a letter was received from Robert Browning, Ontario Association of Fire Chiefs, inviting Council, senior municipal officials and Fire Chiefs to participate in the Fire Services Labour Relations Seminar being held in Toronto from March 2nd to 3rd, 2005.

Mental Health Week - Proclamation and Flag Raising - May 2-8, 2005

Motion by Alderman Aarts – Johnston:

THAT: The Council of the Corporation of the City of St. Thomas proclaim the week of May 2 - 8, 2005 as “Mental Health Week” and that their flag be flown at City Hall.

Carried.

Welcome Wagon Week - Proclamation and Flag Raising - March 20-26, 2005

Motion by Alderman Shackelton – Warden:

THAT: The Council of the Corporation of the City of St. Thomas proclaim the week of March 20 - 26, 2005 as “Welcome Wagon Week” in the City of St. Thomas and that the flag be flown at City Hall.

Carried.

By-Law 89-2004, A by-law to establish smoke free public places and workplaces in the City of St. Thomas

Motion by Alderman Barwick – Aarts:

THAT: Council receive the letter and petition from Mr. George Wilson regarding the Smoking By-law and direct staff to respond to Mr. Wilson’s questions.

Carried.

UNFINISHED BUSINESS

Deputy Mayor Position

Report TF-01-05 of the Mayor’s Task Force will be considered in March 2005.

CITY CLERK _____ CONFIRMED _____ MAYOR

NEW BUSINESS

By-Law 89-2004, A by-law to establish smoke free public places and workplaces in the City of St. Thomas

Motion by Alderman Barwick - Shackelton:

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.

Prior to the motion being dealt with, the following resolution to amend was presented and a request was made for a recorded vote.

Motion by Alderman Barwick – Shackelton:

THAT: By-Law 89-2004, a by-law to establish smoke free public places and workplaces in the City of St. Thomas, be suspended until May 31, 2006.

Recorded Vote

Yeas

Alderman B. Aarts
C. Barwick
T. Shackelton

Nays

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

Motion Lost.

BY-LAWS

Motion by Alderman Johnston – Warden:

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 21st day of February, 2005.
2. A by-law to authorize an amending agreement with the Ministry of Health and Long Term Care. (Amend Service Agreement - Funding)
3. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain contract between the Corporation of the City of St. Thomas and Omega Contractors. (Malakoff Street Reconstruction - \$1,484,257.99)
4. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain contract between the Corporation of the City of St. Thomas and 969774 Ontario Limited. (Station Street Reconstruction - \$327,857.84)
5. A by-law to amend By-Law 89-2004, being a by-law to establish smoke free public places and workplaces in the City of St. Thomas. (Exempt a charitable bingo hall - St. Thomas Bingo Country)
6. A by-law to amend By-Law 89-2004, being a by-law to establish smoke free public places and workplaces in the City of St. Thomas. (Add Tobacco Control Act signs as Approved Signs under Signage Requirements)
7. A by-law to appoint Provincial Offences Officers under By-Law 89-2004. (Jayson Chabot, Nicholas C. Lockwood, Sydney A. Salomons, Jason L.O. Steen, Darryl W. Sullivan, Brent A.W. Pincombe, Kathy Daniel, Carolyn Kuntz, Vanda Barreto, Martha Giesbrecht, Tim Hagerman, Barbara Krar, Tammi Ramsay, Ganesh Vallamkonda, Bev Walpole, Jenn Yurek)

Carried.

First and Second Reading

Motion by Alderman Johnston – Warden:

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

A request was made that By-Law number 5 be dealt with by recorded vote.

Motion by Alderman Johnston – Warden:

5. A by-law to amend By-law 89-2004, being a by-law to establish smoke free public places and workplaces in the City of St. Thomas (Exempt a charitable bingo hall – St. Thomas Bingo Country).

Recorded Vote

Yeas

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

Nays

Alderman T. Johnston
M. Turvey
D. Warden

Carried.

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 Johnston - Warden:

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 21st day of February, 2005. (B/L 23-2005)

2. A by-law to authorize an amending agreement with the Ministry of Health and Long Term Care. (Amend Service Agreement - Funding) (B/L 24-2005) (A/G 8-2005)

3. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain contract between the Corporation of the City of St. Thomas and Omega Contractors. (Malakoff Street Reconstruction - \$1,484,257.99) (B/L 25-2005) (CON 2-2005)

4. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain contract between the Corporation of the City of St. Thomas and 969774 Ontario Limited. (Station Street Reconstruction - \$327,857.84) (B/L 26-2005) (CON 3-2005)

5. A by-law to amend By-Law 89-2004, being a by-law to establish smoke free public places and workplaces in the City of St. Thomas. (Exempt a charitable bingo hall - St. Thomas Bingo Country) (B/L 27-2005)

6. A by-law to amend By-Law 89-2004, being a by-law to establish smoke free public places and workplaces in the City of St. Thomas. (Add Tobacco Control Act signs as Approved Signs under Signage Requirements) (B/L 28-2005)

7. A by-law to appoint Provincial Offences Officers under By-Law 89-2004. (Jayson Chabot, Nicholas C. Lockwood, Sydney A. Salomons, Jason L.O. Steen, Darryl W. Sullivan, Brent A.W. Pincombe, Kathy Daniel, Carolyn Kuntz, Vanda Barreto, Martha Giesbrecht, Tim Hagerman, Barbara Krar, Tammi Ramsay, Ganesh Vallamkonda, Bev Walpole, Jenn Yurek) (B/L 29-2005)

Carried.

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION

Motion by Alderman Johnston - Aarts:

THAT: This meeting be closed to deal with a matter relating to a proposed or pending disposition of land by the municipality and a personal matter about an identifiable individual.

Carried.

OPEN SESSION

Council met in regular open session.

ADJOURNMENT

Motion by Alderman Johnston - Shackelton:

THAT: We do now rise and adjourn. (9:00 P.M.)

Carried.

CLOSING PRAYER