

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

**COUNCIL CHAMBERS
CITY HALL**

MARCH 14TH, 2005

6:00 p.m. The meeting convened with His Worship, Mayor Jeff 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
G. Dart, Director Human Resources
I. Andersen, Manager of Operations
M. Sture, Supervisor, Roads and Transportation

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 Warden declared a conflict of interest relating to the Community Festival request for travel trailer siting as he is a member of St. Anne’s Parish.

MINUTES

Alderman Shackelton requested that the minutes reflect that the Iron Horse Community Festival and the Lions Club Autofest must have their insurance in place.

Motion by Alderman Johnston – Warden:

THAT: The minutes of the meeting held on March 7th be confirmed.

Carried.

DEPUTATIONS

Junior Achievement of London

Mr. Barry Fitzgerald was in attendance to inform Council that Junior Achievement was celebrating 50 years of developing Canada’s business leaders through a variety of youth programs. Junior Achievement offers programs in St. Thomas and it is supported by local businesses.

Woodland Road – No Parking Request

Mr. Bruce Martin was in attendance to state his objection to the proposed no parking on Woodland Road. Mr. Martin stated that in his 20 years of living on Woodland Road there had not been a need for the parking restrictions. Mr. Martin questions why the road had been built if it was not to City and Fire. Dept. standards. Mr. Martin suggested that the City should be looking at all streets.

Ms. Natalie Arseneau was in attendance to request Council to place the no parking restrictions. Ms. Arseneau stated that in addition to safety concerns with large vehicles on the street there was a pumping station and trail entrance and the end of the street that generate traffic.

CITY CLERK_____CONFIRMED_____MAYOR

The 12th meeting of the 125th Council - 2

Alderman Warden stated that he had looked at the street and questioned if a compromise could be reached by placing the no parking signs from the fire hydrant to the end of the street rather than the entire street.

Palm Street

Mr. John Allen was in attendance to state his concerns regarding the ravine area that had been used as a dumping site. Mr. Allen was concerned about the environmental contamination and also the fact that proper fencing is not in place. Further, Mr. Allen stated that posts were rotten and the corner was collapsing.

Downtown Development Board – 2005 Budget

Mr. Mark Cosens, Chairman of the Downtown Development Board was in attendance to request Council to approve the Board's 2005 Budget that includes a \$20,000 increase in the levy. Mr. Cosens stated that their budget had not increased since 1998 and further that the Board looked forward to honouring its commitment to the new Community Complex.

Alderman Warden inquired if the Board had unanimous approval from its members for the increase.

Mr. Cosens stated that the Board had advertised and had held a meeting relating to the proposed budget and that no one had objected.

Letter of Tolerance – 170 South Edgeware

Mr. Joseph Docherty was in attendance, representing the property owners requesting a Letter of Tolerance for a new fence that had been constructed. Mr. Docherty stated that the property owners had contacted Environmental Services in the spring of 2004 about the construction of the fence and that they understood the fence had to provide for clearance for snow plowing operations. In the fall the property owners received notification about the height of the fence and then discovered that the fence was built on the road allowance. Mr. Docherty stated that the property owners were prepared to provide a letter stating that they would be responsible for the removal of the fence in the future.

The Director of Environmental Services, Mr. Dewancker, stated that staff could not recommend a Letter of Tolerance because of the location of the fence in the right of way and also because this was a newly constructed fence. Mr. Dewancker was not aware that staff had been contacted.

Alderman Turvey recommended that Mr. Docherty and Engineering staff meet to see if a solution could be found.

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

CIP Timeframe Extension to Complete CIP Project and CIP Financial Incentive Program Loan Agreement and Grant Agreement and Acknowledgement Form - Appendix "A"

Motion by Alderman Shackelton – Mayor Kohler

THAT: Report PD-12-2005 be received by Council as information; and,

THAT: CIP Application 2004-017, 763-765 Talbot Street timeframe be extended to August 18, 2005; and,

THAT: Council enter into a Loan Agreement and Grant Acknowledgement Agreement for the completed project relating to Application 2003-001, 384-390 Talbot Street.

Carried.

CITY CLERK _____ CONFIRMED _____ MAYOR

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE – Chairman M. Turvey

Trails and Parks Master Plan – Study Team Membership - Appendix "B"

Motion by Alderman Johnston – Aarts:

THAT: The study team membership for the preparation of the Trails and Parks Master Plan be comprised of a Member of Council, a member of the City's Home Builders' Association, the Consultant and City Staff as required; and,

THAT: Council appoint a member to participate in the guidance of this study; and,

THAT: An invitation for the study participation be extended to the City's Home Builders' Association; and,

THAT: Alderman Turvey and Alderman Johnston represent Council.

Carried.

2004 Annual Report for the St. Thomas Water Distribution System; 2004 Annual Report for the Elgin Middlesex Pumping Station and St. Thomas Area Secondary Water Supply; 2004 Annual Report for the St. Thomas Airport Drinking Water System - Appendix "C"

Motion by Alderman Johnston – Chapman:

THAT: The 2004 Annual Reports for the St. Thomas Water Distribution System, the Elgin Middlesex Pumping Station and St. Thomas Area Secondary Water Supply and the St. Thomas Airport Drinking Water System be received for information.

Carried.

Fleet Replacement Needs - Appendix "D"

Alderman Barwick recommended that this report be referred to budget. Council, by consensus, concurred.

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

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

2005/06 Ice Rental Rates - Revised - Appendix "E"

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

Motion by Alderman Johnston – Mayor Kohler:

THAT: Recreation Services Report TR-11-05, Ice Rental Rates, be received; and,

THAT: Council approve the following 2005/06 ice rental fee structure for Memorial Arena and the new Community Centre, effective September 1, 2005:

Group	Hourly Rate	GST	Total
Minor / Schools	\$100	\$7.00	\$107.00
Junior B	\$115	\$8.05	\$123.05
Elgin-Middlesex Chiefs	\$135	\$9.45	\$144.45
Adult	\$135	\$9.45	\$144.45
Non-Prime	\$100	\$7.00	\$107.00
8:30am-5pm, weekdays only			

AND THAT: Council authorize the establishment of a Community Centres – Major Maintenance reserve, it being noted that \$5 from each hourly rental will constitute a contribution to such reserve.

Recorded Vote

Yeas

Mayor J. Kohler

Alderman B. Aarts

C. Barwick

H. Chapman

T. Johnston

T. Shackelton

M. Turvey

D. Warden

Nays

Carried.

NEW BUSINESS

2005/06 Ice Allocation - Appendix "F"

Motion by Alderman Shackelton – Warden:

THAT: Recreation Services Report TR-12-05, 2005/06 Ice Allocation, be received as information.

Carried.

Proposed Ball Facility Rental Rates - 2005 - Appendix "G"

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

Motion by Alderman Barwick – Johnston:

THAT: Council approve the 2005 proposed Ball Facility Rental Rates (Schedule 2) attached to Report TR-13-05.

Recorded Vote

Yeas

Mayor J. Kohler

Alderman B. Aarts

C. Barwick

H. Chapman

T. Johnston

T. Shackelton

M. Turvey

D. Warden

Nays

Carried.

2005 Soccer Facility Rental Permit Appendix "H"

Motion by Alderman Shackelton – Turvey:

THAT: Council approve the 2005 Soccer Facility Rental Permit.

Carried.

BUSINESS CONCLUDED

PROTECTIVE SERVICES & TRANSPORTATION COMMITTEE - Chairman T. Shackelton

UNFINISHED BUSINESS

Woodland Road “No Parking” Request - Appendix "I"

Motion by Alderman Warden – Turvey:

THAT: The motion passed September 20, 2004 stating, “That the request by property owners for a parking restriction on Woodland Road be denied”, be rescinded.

Carried.

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

Motion by Alderman Turvey – Aarts:

THAT: A no parking zone be established on the west side of Woodland Road between Woodland Avenue and the end of Woodland Road; and,

THAT: The City’s Traffic By-Law 45-89 be amended to include such no parking zone on Woodland Road.

Recorded Vote

Yeas

Mayor J. Kohler

Alderman B. Aarts

H. Chapman

M. Turvey

D. Warden

Nays

Alderman C. Barwick

T. Johnston

T. Shackelton

Carried.

NEW BUSINESS

Sauve Avenue - Parking Restriction

At the request of the Environmental Services Department, this matter was not dealt with this evening.

Parking - High Street, South of Chestnut Street - Appendix "J"

Motion by Alderman Turvey – Aarts:

THAT: Report ES-22-05 be received for information and that no changes be made to the parking regulations on High Street.

Carried.

Travel Trailer Siting - St. Anne's Community Festival and Iron Horse Community Festival
Appendix "K"

Motion by Alderman Aarts – Mayor Kohler:

THAT: Subject to written authority being granted by the property owner;

THAT: Permission be granted to allow workers associated with the St. Anne's Community Festival to park recreational vehicles and travel trailers on the former Co-Op Property south of Centre Street and east of Moore Street, owned by the Banghart Family, for the period of Sunday May 29, 2005 to Sunday June 5, 2005; and,

THAT: Permission be granted to allow workers associated with the Iron Horse Community Festival to park recreational vehicles and travel trailers on the former Co-Op Property south of Centre Street and east of Moore Street, owned by the Banghart Family, for the period of Sunday August 21, 2005 to Sunday August 28, 2005.

Carried.

By-Law 89-2004, A by-law to establish smoke free public places and workplaces - Workplaces
with Residence - Appendix "L"

Motion by Alderman Turvey – Chapman:

THAT: By-law 89-2004 being a By-law to prohibit smoking in public places and workplaces be amended to permit a designated smoking room within a workplace that has temporary or permanent residence.

Carried.

BUSINESS CONCLUDED

REPORTS PENDING

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

CIVIL MARRIAGES SOLEMNIZATION – W. Graves

DRIVEWAY RECONSTRUCTION – MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES – J. Dewancker

PROCLAMATIONS – W. Graves

CITY CLERK _____ CONFIRMED _____ MAYOR

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 Chapman – 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

The Second Report of the Site Plan Control Committee - Appendix "M"

Motion by Alderman Aarts – Turvey:

THAT: Clauses 1, 2, 3, 4, 5 and 6 of the Second Report of the Site Plan Control Committee be adopted.

Carried.

PETITIONS AND COMMUNICATIONS

St. Thomas & District Labour Council - Day of Mourning - April 28th 2005

Motion by Alderman Shackelton – Barwick:

THAT: Council proclaim April 28, 2005 as the “Day of Mourning” in the City of St. Thomas.

Carried.

Easter Seal Society – Easter Seals Month

A letter was received from Jennie Christian, District Manager Easter Seal Society, thanking the Mayor and Members of Council for the proclamation of Easter Seals Month.

2005 Volunteer Awards – Ministry of Citizenship

A letter was received from Dr. Marie Bountrogianni, Minister, Ministry of Citizenship, inviting participation in the following Ontario’s volunteer recognition programs for 2005: The Ontario Volunteer Service Awards, The Outstanding Achievement Awards for Voluntarism in Ontario, and The Ontario Medal for Young Volunteers. The deadline for nominations is April 8th, 2005.

2005 Senior of the Year Award

A letter was received from John Gerretsen, Minister Responsible for Seniors, inviting Councils to honour one outstanding local senior in their municipality who has enriched the social, cultural

The 12th meeting of the 125th Council - 8

or civic life of the community, without thought of personal or financial gain. A completed form must be submitted by May 27, 2005.

Letter of Tolerance – 170 South Edgeware

It was noted that staff were directed to meet with the property owners to see if a solution could be found.

Agricultural Drainage Infrastructure Program

A letter was received from Carol Mitchell, Parliamentary Assistant, Ministry of Agriculture and Food, regarding a new Agricultural Drainage Infrastructure Program.

Association of Ontario Road Supervisors – 2005 Travelling Road Show – The Road to "Savings" Seminar

Material was been received from Bryan Clarke, Chief Administrative Officer, Association of Ontario Road Supervisors, regarding the 2005 Travelling Road Show - The Road to "Savings" Seminar being held in various locations.

Community Improvement Plan - Programs

A letter has been received from Jan van der Veen regarding core redevelopment assistance programs.

UNFINISHED BUSINESS

Deputy Mayor Position

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

NEW BUSINESS

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

By-Law 110-82 - Council's Procedural By-law

Motion by Alderman Turvey – Aarts:

THAT: Section 9, Rules of Conduct and Debate, By-law 110-82, being a By-law to provide for Rules governing the Order and Proceedings of Council, be amended to include a Section which defines that no member of Council shall use tactics of bullying or intimidation of other members during any meeting and further that if such action takes place, the Head of Council or Presiding Officer may exclude the member from the meeting.

Recorded Vote

Yeas

Mayor J. Kohler
Alderman B. Aarts
M. Turvey

Nays

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

Motion Lost.

Junior Achievement of London

Motion by Alderman Aarts – Shackelton:

THAT: The City of St. Thomas acknowledge the programs offered in our community by Junior Achievement which this year celebrates 50 years of delivering free business, entrepreneurial and leadership programs to youth, which guides them to become tomorrow's community leaders.

Carried.

Downtown Development Board – 2005 Budget

Motion by Alderman Turvey – Chapman:

THAT: Council authorize the 2005 budget and levy increase of the Downtown Development Board.

Carried.

Honours and Awards Committee

Alderman Johnston reported that applications would be received until Friday, March 18th for this year's Honours and Awards event.

Rogers Cable

Alderman Turvey expressed appreciation to Rogers for their telecasts of Council meetings.

St. Thomas Junior B Stars

Alderman Warden encouraged the public to support the Junior B Stars as they have made it to the finals.

BY-LAWS

Motion by Alderman Warden - 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 March , 2005.
2. A by-law to amend By-Law 89-2004 (designated smoking room within a workplace having a residence)
3. A by-law to authorize an agreement with Jan Van Der Veen, (384 – 390 Talbot Street - \$40,000 loan – Community Improvement Plan)
4. A by-law to authorize an agreement with Jan Van Der Veen (384-390 Talbot Street - \$20,000 grant – Community Improvement Program)
5. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (Restrict Left turns to and from First Avenue driveway and to and from Talbot Street driveway- 1063 Talbot Street)
6. A By-law to authorize a contract with Pacheco Contractors Ltd. (Third Avenue Watermain Replacement and Road Restoration – Wellington to Chestnut - \$302,505.48)

Carried.

First and Second Readings

Motion by Alderman Warden - Chapman:

The 12th meeting of the 125th Council - 10

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

Carried.

Alderman Turvey 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 Warden – Chapman:

THAT: The report of Council in 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 March , 2005. (B/L 35-2005)
2. A by-law to amend By-Law 89-2004 (designated smoking room within a workplace having a residence) (B/L 36-2005)
3. A by-law to authorize an agreement with Jan Van Der Veen, (384 – 390 Talbot Street - \$40,000 loan - Community Improvement Plan) (B/L 37-2005) (A/G 12-2005)
4. A by-law to authorize an agreement with Jan Van Der Veen (384-390 Talbot Street - \$20,000 grant - Community Improvement Program) (B/L 38-2005) (A/G 13-2005)
5. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (Restrict Left turns to and from First Avenue driveway and to and from Talbot Street driveway- 1063 Talbot Street) (B/L 39-2005)
6. A By-law to authorize a contract with Pacheco Contractors Ltd. (Third Avenue Watermain Replacement and Road Restoration – Wellington to Chestnut - \$302,505.48) (B/L 40-2005) (CON 5-2005)

Carried.

PUBLIC NOTICE

2005 Budget

Council will deal with the 2005 Budget on March 29, 2005.

NOTICES OF MOTION

CLOSED SESSION

Motion by Alderman Johnston – Turvey:

THAT: This meeting be closed to deal with a matter protected under the Municipal Freedom of Information and Protection of Privacy Act, a matter regarding a proposed or pending disposition of land by the municipality and a labour relations matter.

Carried.

OPEN SESSION

Motion by Alderman Turvey - Chapman:

CITY CLERK_____CONFIRMED_____MAYOR

THAT: Council do now rise from Closed Session at 6:44 p.m.

Carried.

ADJOURNMENT

Motion by Alderman Johnston - Warden:

THAT: We do now adjourn. (9:11 P.M.)