

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

**COUNCIL CHAMBERS
CITY HALL**

APRIL 4TH, 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
J. McCoomb, Planner
J. Dewancker, Director, Environmental Services
I. Andersen, Manager of Operations
G. Dart, Director, Human Resources
R. Lyons, Fire Chief
P. Hegler, Manager Engineering
R. Barber, Deputy Fire Chief

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 Johnston - Turvey:

THAT: The minutes of the meeting held on March 29th, 2005 be confirmed.

Carried.

DEPUTATIONS

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

Draft Plan of Subdivision #34T-05502 - Lake Margaret Estates Development Area, Phase 7 - 45
Lots for Single Detached Dwellings - Doug Tarry Ltd. - Appendix "A"

Motion by Alderman Shackelton - Warden:

THAT: Council approve in principle the proposed Draft Plan of Subdivision # 34T-05502 (Residential Plan of Subdivision) of lands owned by Doug Tarry Limited which lands are legally described as Part of Block 6, Registered Plan 11M-105 and Part of Lot 2 East on Frances Street Registered Plan 27 and Part of Lot 5 Concession 7, Geographic Township of Yarmouth, 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,

CITY CLERK_____CONFIRMED_____MAYOR

The 17th meeting of the 125th Council - 2

- Confirmation by the Director of Environmental Services that there is sufficient uncommitted reserve treatment capacity in the sanitary sewage 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 6:00 p.m. on May 2, 2005 in accordance with Ontario Regulation 196/96, as amended.

Carried.

Zoning By-Law Amendment - Top of Bank and Geotechnical Setback Limits - Part Block 6, Plan 11M-105, Part Lot 5, Conc. 7, former Yarmouth Township - Doug Tarry Ltd.

Appendix "B"

Motion by Alderman Turvey - Aarts:

THAT: The application by Doug Tarry Ltd. 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 establish top of bank and geotechnical setback limits to development on lands legally described as Part Lot 5, Concession 7, former Township of Yarmouth, Part Lot 2, East of Frances Street, R.P. 27, Part of Block 6, Plan 11M-105, City of St. Thomas.

AND THAT: A date for a public meeting be set for 6:05 p.m. on May 2, 2005 in accordance with Ontario Regulation 199/96, as amended.

Carried.

Draft Plan of Subdivision File #34T-05504 - Dalewood Landing Development Area, Phase V - 56 lots for Single Detached Dwellings - Inn Services Inc. - Appendix "C"

Alderman Turvey inquired about why these lands were being considered for condominiums instead of apartments.

Mr. Dick Greenway, Inn Services Inc., was in attendance and provided comment that this rezoning would not only address neighbourhood concerns about the potential apartments but that the condominiums would in keeping with the neighbourhood.

Motion by Mayor Kohler - Alderman Turvey:

THAT: Council approve in principle the proposed Draft Plan of Subdivision # 34T-05504 (Residential Plan of Subdivision) of lands owned by Inn Services Inc. which lands are legally described as part of Block 62, Registered Plan 11M-60 and Part of Blocks 15 & 18, Plan 11M-130, and Part of Blocks 48 and 51, Registered Plan 11M-145, 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 sewage 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 6:15 p.m. on May 2, 2005 in accordance with Ontario Regulation 196/96, as amended.

Carried.

CITY CLERK _____ CONFIRMED _____ MAYOR _____

The 17th meeting of the 125th Council - 3

Zoning By-Law Amendment - 8 Single Detached Dwelling Units in Condominium Ownership
- Lots 34 and 35, Plan 11M-129 - Inn Services Inc. - Appendix "D"

Motion by Alderman Shackelton - Johnston:

THAT: The application by Inn Services 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 maximum of 8 single detached dwelling units as part of a proposed residential development in condominium ownership on lands legally described as Lots 34 & 35, Plan 11M-129, City of St. Thomas,

AND THAT: A public meeting be set for 6:25 p.m. on May 2, 2005 in accordance with Ontario Regulation 199/96, as amended.

Carried.

Draft Plan of Subdivision File #34T-05503 - West Side of Aldborough Avenue - 14 lots for
Single Detached Dwellings - Prespa Sales and Rentals Limited - Appendix "E"

Motion by Alderman Turvey - Aarts:

THAT: Council approve in principle the proposed Draft Plan of Subdivision # 34T-05503 (Residential Plan of Subdivision) of lands owned by Prespa Sales and Rentals Limited which lands are legally described as Part of Block C, Registered Plan 284, 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, Environmental Services that there is sufficient uncommitted reserve treatment capacity in the sanitary sewage 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 6:35 p.m. on May 2, 2005 in accordance with Ontario Regulation 196/96, as amended.

Carried.

Zoning By-Law Amendment - Rear Yard Setback of 7 Metres - Lots 8-11 within Draft Plan of
Subdivision File #34T-05503 - Prespa Sales and Rentals Limited - Appendix "F"

Motion by Alderman Turvey - Johnston:

THAT: The application by Prespa Sales & Rentals Ltd. 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 minimum rear yard setback of 7 metres on four lots ((Lots 8, 9, 10 and 11) within a proposed Draft Plan of Subdivision (File 34T-05503) on lands legally described as Block C, Lot, Registered Plan 284, City of St. Thomas,

AND THAT: A public meeting be set for 6:45 p.m. on May 2, 2005 in accordance with Ontario Regulation 199/96, as amended.

Carried.

Zoning By-Law Amendment - Removal of Holding Zone Symbol - Blocks 6, 8, and 9, Plan
11M-130 - H.J. Hayhoe Limited - Appendix "G"

Motion by Alderman Aarts - Warden:

CITY CLERK _____ CONFIRMED _____ MAYOR _____

The 17th meeting of the 125th Council - 4

THAT: The application by H.J. Hayhoe Limited for an amendment to the City of St. Thomas Zoning By-law 50-88 to remove the holding symbol from Blocks 6, 8, and 9, Registered Plan 11M-130, City of St. Thomas be approved; and,

THAT: Direction be given to prepare the necessary amending by-law for Council approval and the notice of Council's intention to pass a by-law to remove the holding symbol be given pursuant to Ontario Regulation 199/96, as amended.

Carried.

Zoning By-Law Amendment - Removal of Holding Zone Symbol - Blocks 22-27 and 29, 11M-110 and Block 35, Plan 11M-113 - Joe Ostojic & Son Ltd. - Appendix "H"

Motion by Alderman Shackelton - Turvey:

THAT: The application by Joe Ostojic & Son Ltd. for an amendment to the City of St. Thomas Zoning By-law 50-88 to remove the holding symbol from Blocks 22 – 27 and Block 29, Registered Plan 11M-110 and from Part of Block 35 on Registered Plan 11M-113, City of St. Thomas be approved; and,

THAT: Direction be given to prepare the necessary amending by-law for Council approval and the notice of Council's intention to pass a by-law to remove the holding symbol be given pursuant to Ontario Regulation 199/96, as amended.

Carried.

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE – Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS

2005 Annual Sidewalk and Road Resurfacing Program - Appendix "I"

Alderman Turvey asked the Chairman of Finance about the possibility of putting \$150,000 back into the budget for these works.

Alderman Barwick responded that the City had not heard back from its request relating to Federal funding but that he would bring back the information once it was known and that the \$150,000 should go back in the budget if possible.

Motion by Alderman Aarts - Johnston:

THAT: The proposed list of sidewalk replacement and road resurfacing projects as identified in Report ES-29-05 be approved for construction in 2005, subject to the tender pricing being within the approved capital budget.

Carried.

Green Lane Landfill Optimization Environmental Assessment – Draft Assessment Report
Appendix "J"

Motion by Mayor Kohler - Alderman Shackelton:

THAT: The City of St. Thomas comments in respect to the Draft Environmental Assessment Report for the Optimization of the Green Lane Landfill as outlined in Report ES-34-05 be approved and be forwarded to the proponent, St. Thomas Sanitary Collection Services Limited and the Consultant, Conestoga Rovers and Associates, for inclusion in the final EA Report.

Carried.

CITY CLERK _____ CONFIRMED _____ MAYOR _____

The 17th meeting of the 125th Council - 5

2004 City of St. Thomas Waste Diversion Rates - Appendix "K"

Motion by Alderman Aarts - Chapman:

THAT: Report ES-37-05 of the Director, Environmental Services on the Solid Waste Management Diversion Rates be received for information.

Carried.

City of St. Thomas Salt Management Plan - Appendix "L"

Motion by Mayor Kohler - Alderman Shackelton:

THAT: The Salt Management Plan as developed by City staff be received and accepted in principle.

Carried.

Inter-Municipal Water Agreement between the City of St. Thomas and the Municipality of Central Elgin – Proposal for Mediation Services

Motion by Alderman Aarts - Shackelton:

THAT: The proposal of March 13, 2005 by Mr. John L. Martin, for mediation services and the preparation of an inter-municipal water agreement between the City of St. Thomas and the Municipality of Central Elgin be accepted; and,

THAT: The cost of this water work be budgeted at \$25,000; and,

THAT: The cost for the mediation service be shared equally between both municipalities.

Carried.

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

NEW BUSINESS

BUSINESS CONCLUDED

PROTECTIVE SERVICES & TRANSPORTATION COMMITTEE - Chairman T. Shackelton

UNFINISHED BUSINESS

CITY CLERK _____ CONFIRMED _____ MAYOR

The 17th meeting of the 125th Council - 6

Sauve Avenue – Parking Restriction - Appendix "L"

Alderman Johnston stated that the parking restrictions should be in place only until 9:00 p.m. rather than midnight because the playing fields do not have lights.

Council, by consensus, concurred.

Motion by Alderman Johnston - Warden:

THAT: Traffic By-law 45-89 be amended to restrict parking on the east and north sides of Sauve Avenue from Bill Martyn Parkway to Schreyer Drive from 6:00 p.m. to 9:00 p.m., Monday to Friday, and 8:00 a.m. to 9:00 p.m. on Saturday and Sunday - May 1st to September 30th each year.

Carried.

NEW BUSINESS

St. Thomas Local Road System - Possible Parking Restrictions - Appendix "M"

Motion by Alderman Warden - Aarts:

THAT: Report ES-35-05 be received as information; and,

THAT: The Ontario Fire Code and Building Code requirement for emergency vehicles along the City's local standards roadway system be applied on a site specific and as needed basis.

Carried.

Highway 3 Reconstruction Project - St. Thomas to Aylmer - Appendix "N"

Motion by Alderman Mayor Kohler - Alderman Chapman:

THAT: The City of St. Thomas designate the road sections as outlined in Report ES-41-05 as Construction Zones to permit the Ministry of Transportation to proceed with the reconstruction of Highway 3 between the City of St. Thomas and the Town of Aylmer.

Carried.

Definition of Pedestrian - Traffic By-law - Appendix "O"

Motion by Alderman Turvey - Aarts:

THAT: The Traffic By-law be amended to include the following definition:

“Pedestrian” includes a person with a physical disability requiring a personal mobility device and a child in a baby carriage; and,

THAT: This definition be applied to all municipal by-laws in the City of St. Thomas.

Carried.

Power Centre Traffic Control - Appendix "P"

Motion by Alderman Chapman - Turvey:

THAT: Report ES-33-05 of the Supervisor, Roads & Transportation be received for information.

Carried.

West Nile Virus – Notice of Increased Activity

Motion by Alderman Aarts - Turvey:

CITY CLERK_____CONFIRMED_____MAYOR

The 17th meeting of the 125th Council - 7

THAT: The correspondence received from The Elgin - St. Thomas Health Unit regarding the West Nile Virus larvacide program be directed to the Environmental Services Department.

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

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 Shackelton - 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

Railway Nostalgia Days - May 7th and 8th, 2005 - Proclamation

Motion by Alderman Johnston - Aarts:

CITY CLERK _____ CONFIRMED _____ MAYOR

The 17th meeting of the 125th Council - 8

THAT: The Council of the Corporation of the City of St. Thomas proclaim May 7th and 8th, 2005 as Railway Nostalgia Days in the City of St. Thomas.

Carried.

Railway Heritage Days - August 27th & 28th 2005 - Proclamation

Motion by Alderman Shackelton - Chapman:

THAT: The Council of the Corporation of the City of St. Thomas proclaim August 27th and 28th, 2005 as Railway Heritage Days in the City of St. Thomas.

Carried.

Tag Day - St. Thomas Jumbo Jets Swim Team

Motion by Alderman Warden - Shackelton:

THAT: Council authorize the conducting of Tag Days by the St. Thomas Jumbo Jets Swim Team on April 22nd & 23rd, 2005.

Carried.

Card of Thanks

A card of thanks had been received from Alderman Warden and family during their recent bereavement.

Community Policing Partnership Program

Motion by Alderman Warden - Turvey:

THAT: The Corporation of the City of St. Thomas authorizes an Agreement with the Ministry of Community Safety and Correctional Services and the Police Services Board for the continuation of the Community Policing Partnerships.

Carried.

UNFINISHED BUSINESS

Deputy Mayor Position

A motion was presented to create the position of Deputy Mayor and there was no one to second the motion.

There was no further discussion by the members.

NEW BUSINESS

City Council Appointments

Alderman Shackelton asked if this matter could be dealt with under Council's Procedural By-Law.

The City Clerk responded that Section 4 of the Procedural By-law provided flexibility for Council to make appointments at any time it deemed necessary or appropriate.

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

Motion by Alderman Warden - Johnston:

THAT: The Current Finance Chairman, Alderman Cliff Barwick, maintain this position for the remainder of this Council's term.

CITY CLERK_____CONFIRMED_____MAYOR

Recorded Vote

Yeas

Alderman C. Barwick
T. Johnston
D. Warden

Nays

Mayor J. Kohler
Alderman B. Aarts
H. Chapman
T. Shackelton
M. Turvey

Motion lost.

Girl Guides of Canada Annual Dinner

Motion by Alderman Johnston - Shackelton:

THAT: Council provide 100 City of St. Thomas Pins for the Annual Dinner of the Girl Guides of Canada to be held on April 7, 2005 at Grace United Church.

Carried.

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 4th day of April 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, Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services, and the St. Thomas Police Services Board. (Community Policing Partnerships Program)

Carried.

First and Second Readings

Motion by Alderman Aarts - Turvey:

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 H. Chapman 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 Aarts - Turvey:

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 4th day of April 2005. (B/L 50-2005)

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, Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services, and the St. Thomas Police Services Board. (Community Policing Partnerships Program) (B/L 51-2005) (A/G 13-2005)

Carried.

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION

Motion by Alderman Johnston - Aarts:

THAT: This meeting be closed to deal with a matter of potential litigation affecting the municipality and a personal matter about an identifiable individual.

Carried.

ADJOURNMENT

Motion by Alderman Johnston - Turvey:

THAT: We do now rise and adjourn. (8:17 P.M.)

Carried