

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

COUNCIL CHAMBERS
CITY HALL

MAY 2ND, 2005

7:00 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, Director of Finance & City Treasurer
J. Dewancker, Director, Environmental Services
R. Tucker, Parks Manager
G. Dart, Director, Human Resources
P. Keenan, Planning Director
R. Beachey, Deputy City Clerk

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 request by St. Joseph’s High School for City pins as his daughter attends school there. He refrained from all discussion and action regarding this matter.

Alderman Johnston declared a conflict of interest in the appointment of Mr. Steve Gibson to prosecute offences under the Smoking By-law as Alderman Johnston has a business relationship with Mr. Gibson. He refrained from all discussion and action regarding this matter.

MINUTES

Motion by Alderman Aarts - Johnston:

THAT: The minutes of the meeting held on April 18th, 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

Proposed Heritage Designation of Pinafore Park - Appendix “A”

Motion by Alderman Turvey - Johnston:

CITY CLERK_____CONFIRMED_____MAYOR

The 21st meeting of the 125th Council - 2

THAT: A notice of intent to designate under the Ontario Heritage Act, be given regarding the parcel of land and buildings denoted as Pinafore Park owned by the Corporation of the City of St. Thomas.

Carried.

Draft Plan of Subdivision File #34T-05501 - Block 4 Development Area - 9 lots for Single Detached Dwellings - Doug Tarry Ltd. - Appendix "B"

Motion by Alderman Shackelton - Turvey:

THAT: Council approve the Draft Plan of Subdivision File # 34T-05501 (Residential Plan of Subdivision) of lands owned by Doug Tarry Limited which lands are legally described as Blocks 24 & 26, Registered Plan, 11M-143, Part of Block 38, Registered Plan 11M-113, and Part of Block 18, 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.

Zoning By-Law Amendment - Removal of Holding Zone Symbol - Block 38, Registered Plan 11M-144, and Part of Block 6 Registered Plan 11M-105 - Doug Tarry Limited - Appendix "C"

Motion by Mayor Kohler - Alderman Warden:

THAT: The application by Doug Tarry Limited for an amendment to the City of St. Thomas Zoning By-Law 50-88 to remove the holding symbol from Block 38, Registered Plan 11M-144, and Part of Block 6 Registered Plan 11M-105, City of St. Thomas, be approved; and further

THAT: Direction be given to prepare the necessary amending by-law for Council approval; and

THAT: The notice of Council's intention to pass a by-law to remove the holding symbol be given pursuant to Ontario Regulation 199/96.

Carried.

Zoning By-Law Amendment - Add "clinic" as an additional permitted use within the Downtown Commercial Zones (C1, C2, C3) - Appendix "D"

Motion by Alderman Turvey - Shackelton:

THAT: Council authorize the preparation of a draft amendment to the City of St. Thomas Zoning By-Law 50-88 to add "clinic" as an additional permitted use within the Downtown West (C1), Downtown Central (C2), and the Downtown East (C3) Commercial Zones; and

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

Carried.

Municipality of Central Elgin – Proposed Zoning By-Law Amendment - 4683 Sunset Road

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit the proposed rural-residential use and to establish the limits of development on the lot at 4683 Sunset Road.

Municipality of Central Elgin – Proposed Zoning By-Law Amendment - 114 Cowan Line

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit the proposed new residential dwelling and to establish the limits of development on the lot at 114 Cowan Line.

CITY CLERK _____ CONFIRMED _____ MAYOR _____

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE – Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS

Municipality of Central Elgin - Request for Connection to Municipal Water Supply -
Appendix “E”

Motion by Mayor Kohler - Alderman Chapman:

THAT: City Council permit the connection of properties located in Central Elgin along the south side of Southdale Line from Sunset Drive to Lake Margaret Trail to the City’s water distribution system provided that the following conditions are complied with;

- All work is completed in accordance with City of St. Thomas construction standards.
- The total cost of the work is undertaken and borne by the property owners.
- City inspection charges for the water service installations is borne by the property owners.
- The City receives the applicable ‘water distribution’ development charge as outlined in the Southside Development Charges By-Law.
- All permits and fees required for this work, including permits from the Municipality of Central Elgin, are obtained and paid for by the property owners involved.
- The Municipality of Central Elgin provides the City of St. Thomas a minimum of one-week notification prior to the start of construction.
- The property owners agree to comply with the City’s Water By-law 44-2000, which includes the installation of a water meter and the payment of all applicable fees.

Carried.

Trails and Parks Master Plan - Consultant Selection - Appendix “F”

Alderman Aarts asks if the recommendation reflects the lowest and most qualified tender.

Alderman Turvey states that this is not the lowest tender but certainly the most qualified.

The Director, Environmental Services states that the tendered ranges are identified in the report.

Motion by Alderman Johnston - Warden:

THAT: The firm of Cosburn Giberson Landscape Architects in association with the firm of Monteith and Brown Planning Consultants be retained to complete the Trails and Parks Master Plan for the City of St. Thomas at a total cost of \$49,190.00 (excluding GST); and,

THAT: The City enter into a consulting services agreement with Cosburn Giberson Landscape Architects 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

FINANCE AND ADMINISTRATION COMMITTEE - Chairman C. Barwick

UNFINISHED BUSINESS

NEW BUSINESS

Development Charges - Charcomp Property - 105 Edward Street - Appendix "G"

Motion by Alderman Johnston - Shackelton:

THAT: Council confirm the development charges associated with the Charcomp property at 105 Edward Street, as indicated in Report TR 20-05.

Carried.

St. Thomas - Elgin Community Centre Complex/Twin Pad Arena

Alderman Warden inquired about the status of the long term financing for the Community Centre and the funds being raised by the capital campaign.

The Director of Finance & City Treasurer stated that the financing would take place in July or August and by that time the City would have a good indication of capital funds that have been committed.

Mayor Kohler stated that it is his understanding that the funds committed through the capital campaign would be serviced through the working reserve.

Alderman Warden inquired about advertising dollars and if they would be applied against the capital project or operational costs.

The Director of Finance & Treasurer stated that the Capital Campaign has established naming rights for funding raised through the capital campaign.

Alderman Aarts stated that rink board advertising would be separate from the capital campaign.

Alderman Barwick stated that the rates for advertising would have to come to Council for approval.

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE - Chairman B. Aarts

UNFINISHED BUSINESS

Request for Staff - Child Care Supervisor

NEW BUSINESS

BUSINESS CONCLUDED

PROTECTIVE SERVICES & TRANSPORTATION COMMITTEE - Chairman T. Shackelton

UNFINISHED BUSINESS

Speed Limits - Sandymount Hill Areas - Speed Zone

NEW BUSINESS

Fire Co-ordinator for Elgin County - Appendix "H"

Motion by Alderman Turvey - Aarts:

THAT: St. Thomas Council concur with the appointment, by the Fire Marshall's Office, on May 1, 2005, of Chief Robert Barber as Fire Co-ordinator for Elgin County.

Carried.

CITY CLERK_____CONFIRMED_____MAYOR

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 - Supervisor Roads & Transportation

DRIVEWAY RECONSTRUCTION - MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES - J. Dewancker

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 Aarts - Shackelton:

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

St. Joseph's Catholic High School - 5th Annual Track and Field Meet - Request for City Pins

Motion by Alderman Johnston - Turvey:

THAT: The Corporation of the City of St. Thomas authorize 150 pins to St. Joseph's Catholic High School for the 5th Annual Track and Field Meet being held on May 25th, 2005.

Carried.

St. Thomas REACT Inc. - Proclamation & Flag Raising - May 2005

Motion by Alderman Aarts - Chapman:

CITY CLERK_____CONFIRMED_____MAYOR

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THAT: The Council of the Corporation of the City of St. Thomas proclaim the month of May 2005, as “REACT” month in the City of St. Thomas; and,

THAT: Their flag be flown at City Hall for the week of May 1st to 7th, 2005.

Carried.

Child Find Ontario - Proclamation - May 2005

Motion by Alderman Shackelton - Johnston:

THAT: The Council of the Corporation of the City of St. Thomas proclaim the month of May 2005, as “Green Ribbon of Hope Month” in the City of St. Thomas.

Carried.

Motion by Alderman Aarts - Chapman:

THAT: The Council of the Corporation of the City of St. Thomas proclaim May 25th, 2005 as “National Missing Children’s Day” in the City of St. Thomas.

Carried.

St. Thomas Block Parent Program Conference - Invitation to Banquet and Request for City Pins

Motion by Alderman Chapman - Turvey:

THAT: The Corporation of the City of St. Thomas authorize 125 pins to the St. Thomas Block Parent Program for the St. Thomas Block Parent Program Conference being held from May 4th to 6th, 2005 at Stoneridge Inn.

Carried.

UNFINISHED BUSINESS

NEW BUSINESS

McDonald’s Restaurants - 955 Talbot Street - Pylon Sign - Relief from By-Law 8-60
Appendix “I”

Alderman Turvey inquired about this matter stating that she would like more information and specifics regarding the sign.

The Director of Planning stated that the sign location has been approved on the site plan.

The Director, Environmental Services stated that the sign being proposed is the same size as the sign that was previously on the site.

Mayor Kohler stated in the future, a staff report should accompany these types of requests.

Motion by Alderman Johnston - Shackelton:

THAT: We authorize relief from Section 2A (c) of By-Law 8-60, to permit one (1) pylon sign with an area of 440 square feet. The sign is to be placed at the southeast corner of the Talbot Street property alongside the entrance.

Carried.

Elgin Area Primary Water Supply System - 2004 Compliance Report

The members were advised that a copy of the Elgin Area Primary Water Supply System - 2004 Compliance Report is available in the City Clerk's Department.

CITY CLERK_____CONFIRMED_____MAYOR

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Elgin - St. Thomas Tourist Association

Alderman Warden commended the Tourist Association for the recent tourist guide to Elgin County that has been produced.

St. Thomas Chamber of Commerce Free Enterprise Awards Night

Alderman Warden commends the Chamber of Commerce for the very successful awards night.

Elgin County Railway Museum – Railway Nostalgia Weekend

Alderman Warden reminded Council and the community about the open house at the Railway Museum this weekend.

City Web Site

Alderman Warden inquired if the Management Board minutes could be posted on the web site.

Mayor Kohler stated that the Management Board deals with many confidential administrative matters. Further, reports and information from the Management Board come to Council through various reports.

Parking Enforcement Around Schools

Alderman Warden inquired about the enforcement of parking around schools.

Alderman Shackelton stated that this is an ongoing concern, that the schools are trying to address it through their newsletters and further that this is an ongoing education process.

2005 Canadian Men's Fastball Championships

Alderman Warden commented that the fastball championship is only 4 months away that that it will be a great opportunity for the city.

Tag Days - Special Events Committee

Alderman Shackelton inquired about the position of the Special Events Committee relating to Tag Days.

Alderman Warden stated that the Committee reviewed Tag Days and would be prepared to approve them following Council's decision regarding the pending proclamations report.

Community Clean-up

Alderman Chapman commended everyone who attended to assist in the community clean-up on Saturday, April 30th.

Girl Guide Cookie Campaign

Alderman Chapman thanked the community for their support of the Girl Guide Cookie Campaign.

BY-LAWS

Motion by Alderman Aarts - Barwick:

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 2nd day of May, 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 and the Incorporated Synod of Huron Diocese. (SPC-25-04 - 81 Wellington Street - wheelchair accessible entrance at church)

3. A by-law to authorize a contract with Fer-Pal Construction Ltd. (Annual Watermain Rehabilitation - \$1,265,098.46)

4. A by-law to amend By-Law 50-88, being the Zoning By-Law for the City of St. Thomas. (Removal of holding zone provision - 289 and 295 Wellington Street - Transfer from Loblaws to Home Hardware)

Carried.

First and Second Readings

Motion by Alderman Aarts - Barwick:

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 M. 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 Aarts - Barwick:

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 2nd day of May, 2005. (B/L 59-2005)

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 and the Incorporated Synod of Huron Diocese. (SPC-25-04 - 81 Wellington Street - wheelchair accessible entrance at church) (B/L 60/2005) (A/G 18-2005)

3. A by-law to authorize a contract with Fer-Pal Construction Ltd. (Annual Watermain Rehabilitation - \$1,265,098.46) (B/L 61-2005) (CON 6-2005)

4. A by-law to amend By-Law 50-88, being the Zoning By-Law for the City of St. Thomas. (Removal of holding zone provision - 289 and 295 Wellington Street - Transfer from Loblaw to Home Hardware) (B/L 62-2005)

Carried.

PUBLIC NOTICE

Addition of Council (Alderman) Position

A public meeting is scheduled for 6:45 p.m. on Monday, May 9, 2005 in accordance with the Municipal Act, for the addition of a new Council (Alderman) position.

NOTICES OF MOTION

CITY CLERK _____ CONFIRMED _____ MAYOR _____

CLOSED SESSION

Motion by Alderman Johnston - Warden:

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.

OPEN SESSION

Motion by Alderman Warden - Johnston:

THAT: We do now rise from Closed Session at 8:51 P.M.

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 Warden - Shackelton:

THAT: Council authorize Mr. Steve Gibson to prosecute offences, on behalf of the City, relating to By-law 89-2004, a by-law to establish smoke free public places and workplaces.

Carried.

ADJOURNMENT

Motion by Alderman Barwick - Aarts:

THAT: We do now adjourn. (8:54 P.M.)

Carried.

