

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

**COUNCIL CHAMBERS  
CITY HALL**

**JUNE 6TH, 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. Shackelton  
    M. Turvey  
    D. Warden

Absent

Alderman T. Johnston

Officials

W. Graves, City Clerk  
W. Day, Director of Finance & City Treasurer  
F. Lattanzio, Community Centres & Property Manager  
J. Dewancker, Director, Environmental Services  
I. Andersen, Manager of Operations & Compliance  
C. Hinatsu, Ontario Works Director  
R. Barber, Fire Chief  
P. Keenan, Planning Director  
R. Beachey, Deputy City Clerk  
M. Hoogstra, Purchasing Agent/Licensing Officer  
E. Sebestyen, Housing Administrator

**THE LORD'S PRAYER**

**DISCLOSURES OF INTEREST**

Alderman Warden declared a conflict of interest relating to the St. Thomas Seniors' Centre as he is employed with that organization. He refrained from all discussion and action regarding this matter.

**MINUTES**

Motion by Alderman Turvey - Aarts:

THAT: The minutes of the meetings held on May 16th, 2005 be confirmed.

Carried.

**DEPUTATIONS**

Downtown Development Board 2005 Budget

Mr. Stan Beleutz was in attendance to discuss the 2005 Downtown Development Board budget.

Mr. Beleutz thanked Council for the opportunity to speak to them and stated that a group of merchants were unable to resolve the differences they have with the Downtown Development Board.

Mr. Beleutz stated that a group of merchants feel the Downtown Development Board is spending funds in areas where it should not be and he suggested the budget should be redone.

Mr. Beleutz requested that Council not approve the budget by-law for the Downtown Development Board.

Alderman Barwick stated that he could not find a specific resolution from the Downtown Development Board's Annual Meeting, which adopts the proposed budget.

Mr. Mark Cosens, Chairman, Downtown Development Board, stated that the budget was approved at a regular board meeting, which occurred before the Annual Meeting.

Alderman Warden expressed concern regarding the fact that the budget had not been adopted by resolution at the Annual Meeting.

Alderman Warden inquired about who had voting rights on the Downtown Development Board.

CITY CLERK \_\_\_\_\_ CONFIRMED \_\_\_\_\_ MAYOR \_\_\_\_\_

The 26th meeting of the 125th Council - 2

Mr. Cosens stated that anyone who had been appointed by Council who was either a property owner or his/her designate, had voting rights.

Alderman Warden asked if everyone on the Downtown Development Board was eligible to vote.

Mr. Cosens stated that it had come to the Board's attention that one member had not been eligible.

Alderman Barwick asked if the member in question had moved or seconded the budget motion.

Mr. Cosens stated that the member had not.

Alderman Barwick stated that he would like to receive a copy of the specific minutes where the budget was approved.

**COMMITTEE OF THE WHOLE**

Council resolved itself into Committee of the Whole.

**PLANNING AND DEVELOPMENT COMMITTEE** - Chairman H. Chapman

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Request for Street Naming - Plan of Subdivision File #34T-04507

Motion by Alderman Turvey - Shackelton:

THAT: The street in Draft Plan of Subdivision File #34T-04507 be named "Kantor Court".

Carried.

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

Motion by Alderman Turvey - Aarts:

THAT: Report CC-21-05 be received by Council and further that the following project completion timeframe extensions be approved:

CIP Application 2003-004: 443 Talbot Street, residential project extended to December 31, 2005.

CIP Application 2004-016: 767 Talbot Street, residential project extended to May 14, 2006.

CIP Application 2004-016: 767 Talbot Street, facade project extended to July 26, 2006.

CIP Application 2004-017: 763-765 Talbot Street, facade project extended to July 26, 2006.

Carried.

Draft Plan of Subdivision File #34T-05502 - Doug Tarry Limited - Lake Margaret Development Area - Phase VII - 45 Lots for Single Detached Dwellings - Appendix "B"

Motion by Alderman Turvey - Mayor Kohler:

THAT: Council approve the Draft Plan of Subdivision File # 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 of Francis Street Registered Plan 27 and Part of Lot 5, Concession 7, Geographic Township of Yarmouth, 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.

CITY CLERK \_\_\_\_\_ CONFIRMED \_\_\_\_\_ MAYOR \_\_\_\_\_

Official Plan and Zoning By-Law Amendment - Residential Use as Additional Permitted Use -  
825 Talbot Street - Karas Group Ltd. - Appendix "C"

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Motion by Alderman Turvey - Shackelton:

THAT: Council approve the Draft Plan of Subdivision File # 34T-05504 (Residential Plan of Subdivision) of lands owned by Inn Services Inc. which lands are legally described Blocks 15 and 18, Registered Plan 11M-130, Blocks 48 and 51, Registered Plan 11M-145 and Part of Block 62, Registered Plan 60, 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-05504 - Inn Services Inc. - Dalewood Landing Development  
Area - Phase V - 56 Lots for Single Detached Dwellings - Appendix "D"

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Motion by Alderman Aarts - Turvey:

THAT: The application by Karas Group Inc. for amendments to the Official Plan of the City of St. Thomas and Zoning By-law 50-88 be received and that direction be given to prepare site specific draft amendments Council authorize the preparation of draft amendments to the Official Plan and Zoning By-Law 50-88 to permit residential use as an additional permitted use on lands located at 825 Talbot Street; and

THAT: A date for a public meeting be set for 4:45 p.m. on July 18th, 2005 in accordance with Ontario Regulation 198/96 and 199/96, as amended.

Carried.

**BUSINESS CONCLUDED**

**ENVIRONMENTAL SERVICES COMMITTEE** - Chairman M. Turvey

**UNFINISHED BUSINESS**

**NEW BUSINESS**

West Nile Virus Agreement Execution - Appendix "E"

Motion by Alderman Aarts - Warden:

THAT: Council approve the execution by the Mayor and Clerk of an agreement between Pestalto Environmental Products Inc. and the "Purchasers", the Elgin-St. Thomas Health Unit, the Town of Aylmer and the City of St. Thomas, for the purpose of providing a West Nile Virus mosquito larvaciding program in the City of St. Thomas; and

THAT: Council approve this unbudgeted expenditure and that it be included in the June 30 budget performance report.

Carried.

**BUSINESS CONCLUDED**

**PERSONNEL AND LABOUR RELATIONS COMMITTEE** - Chairman D. Warden

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Compliance Coordinator - Environmental Services Department - Appendix "F"

Motion by Alderman Turvey - Aarts:

THAT: The position of Compliance Coordinator in the Environmental Services Department as outlined in Report ES57-05 be approved; and

THAT: The position of Compliance Coordinator be filled.

Carried.

**BUSINESS CONCLUDED**

**FINANCE AND ADMINISTRATION COMMITTEE** - Chairman C. Barwick

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Downtown Development Board 2005 Budget

A letter was received from Mark Cosens, Chairman, Downtown Development Board, regarding the Board's 2005 budget.

Alderman Turvey stated that the by-law to adopt the BIA levy needed to be passed by Council tonight.

Alderman Chapman asked the City Clerk for clarification regarding the manner in which the Downtown Development Board had passed its budget.

The City Clerk referred Council to Section 205 of the Municipal Act, which states that the Downtown Development Board was required to discuss the budget with its membership and submit an approved budget to the municipality.

Provincial Offences Act - Revenue Sharing - Appendix "G"

Motion by Alderman Turvey - Shackelton:

THAT: Council adopt a by-law to authorize the Mayor and Clerk to execute an agreement with the County of Elgin regarding revenue sharing for outstanding Provincial Offences Act fines levied prior to March 1, 2001.

Carried.

2005 Property Tax Capping for Multi-residential, Commercial and Industrial Classes  
Appendix "H"

The Director of Finance & City Treasurer provided an overview of the property tax capping and he informed Council that the Province was allowing the capping to move from 5 percent to 10 percent, which would provide a higher degree of fairness and equity within the effected tax classes. Further, the Director of Finance & City Treasurer informed Council that this would not generate any new tax revenue.

Motion by Mayor Kohler - Alderman Turvey:

THAT: Council enact a by-law in accordance with Section 329.1 of the Municipal Act to increase the property tax cap on multi-residential, commercial and industrial classes from 5% to 10%; and further that the tax cap be removed on properties in such classes where the remaining tax cap is \$250 or less.

Carried.

Request for Proposal Award - Operation of Pro Shop - St. Thomas-Elgin Community Centre Complex/Twin Pad Arena - Appendix "I"

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Alderman Warden inquired about the amount of liability insurance being requested and how the value of the proposal was developed and further, what the original value of the skate sharpening machine was.

The Director of Finance & City Treasurer stated that the insurance would be \$2 million and the value of the award was submitted through a request for proposal process.

The members concurred that the skate sharpening machine had been purchased several years ago.

Motion by Mayor Kohler - Alderman Shackelton:

THAT: Council authorize the Mayor and Clerk to execute a three-year agreement with John Bustard c/o St. Thomas Sports Excellence and Exchange Inc. for the operation of the Pro Shop at the St. Thomas-Elgin Community Centre Complex/Twin Pad Arena in the amount of \$14,836.32 plus GST; and

THAT: Council authorize the sale of the City-owned skate-sharpening machine to John Bustard c/o St. Thomas Sports Excellence and Exchange Inc. in the amount of \$3,000.00 plus GST.

Carried.

Development Charges - Annual Legislated Reporting - Appendix "J"

Motion by Alderman Chapman - Shackelton:

THAT: Report TR-30-05 be received; and,

THAT: Schedules A, B & C be approved for submission to the Ministry of Municipal Affairs and Housing in accordance with Section 43(3) of Bill 98.

Carried.

St. Thomas Seniors' Centre - Repairs and Maintenance to Operable Walls - Appendix "K"

Alderman Shackelton stated that this request should be part of the budget of the St. Thomas Seniors' Centre and he felt it should not be before Council.

The Director of Finance & City Treasurer stated that this was the type of issue that the City had tried to avoid when developing the agreement with the St. Thomas Seniors' Centre. Although the expenditure would be over \$5000, it should be considered as major maintenance and not as capital.

Alderman Aarts commented that perhaps when components of the project were added together they would exceed \$5000.

Alderman Barwick stated that this was a grey area and that it was not an easy call; Further, some events could not be held because the doors were not working.

Alderman Turvey stated that the St. Thomas Seniors' Centre at one time, had established a reserve, but did not know if this was still the case.

Mayor Kohler expressed concern that this had come to Council and that if there was a grey area perhaps there was a need to sit down with the St. Thomas Seniors' Centre again.

Motion by Alderman Shackelton - Aarts:

THAT: Report TR-29-05 of the Director of Finance and City Treasurer be received for information.

Carried.

Forest Avenue Sidewalk - Appendix "L"

Mayor Kohler stated that he hoped this project could be done this year and that he could not support the motion.

Alderman Barwick stated that it was still early in the year and that there were several unbudgeted pressures that would have to be addressed. Alderman Barwick stated that perhaps this matter could be looked at in September.

Mayor Kohler inquired if the sidewalk could still be installed this year if the decision was made in September.

The Director, Environmental Services stated that the work could be done and that some preliminary work could begin immediately.

Mayor Kohler stated that based on this information he would be prepared to look at this project in September.

The Director of Finance & City Treasurer stated that he would be providing Council with a Capital Budget monitoring report, which would review the financial status of 2005 capital projects.

Motion by Alderman Turvey - Mayor Kohler:

THAT: Report ES-60-05 be postponed for consideration in September.

Carried.

Transfer of Third Avenue Extension Property and St. Thomas-Elgin Community Centre Complex/Twin Pad Arena Property to the City of St. Thomas - Appendix "M"

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Alderman Turvey thanked staff for all the effort they had committed to this project.

The Director, Environmental Services, stated that items 1 through 6 could be waived and that staff were working to have the principal consultant provide a letter certifying that all of the remedial work had been completed in accordance with the risk management plan.

Alderman Barwick inquired about the status of the charitable tax receipt.

The Director, Environmental Services stated that the Director of Finance & City Treasurer is in the process of collecting the information required to issue the tax receipt.

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

Motion by Alderman Turvey - Shackelton:

THAT: Upon review of the information contained in Report ES59-05 and with the concurrence by City Council, the City of St. Thomas confirm with 1106006 Ontario Limited and with 110603 Ontario Limited its satisfaction with the fulfillment of certain conditions and requirements of the City's February 11, 2004 land transfer agreement, the fulfillment of which is a prerequisite to the transfer of the St. Thomas-Elgin Community Centre Complex/Twin Pad Arena lands to the City.

**Recorded Vote**

Yeas

Nays

Mayor Kohler

Alderman B. Aarts

C. Barwick

H. Chapman

T. Shackelton

M. Turvey

D. Warden

Carried.

**BUSINESS CONCLUDED**

**COMMUNITY AND SOCIAL SERVICES COMMITTEE** - Chairman B. Aarts

**UNFINISHED BUSINESS**

Request for Staff - Child Care Supervisor

Douglas J. Tarry Sports Complex and Burwell Park

**NEW BUSINESS**

Municipal Housing Facilities By-law (Attachment 1) - Appendix "N"

The Director, Ontario Works stated that this report reflected the first step in the list of action items contained within the Affordable Housing Needs Study allowing municipalities to offer incentives to create affordable housing units.

Motion by Alderman Turvey - Chapman:

THAT: Council approve the passage of a Municipal Housing Facilities By-law (Attachment 1):

1. to enable the St. Thomas/Elgin Service Manager Area to participate in the Canada/Ontario Affordable Housing Program; and
2. to enable municipalities within the St. Thomas/Elgin Service Manager Area to offer incentives for the development of new affordable housing.

Carried.

**BUSINESS CONCLUDED**

**PROTECTIVE SERVICES & TRANSPORTATION COMMITTEE** - Chairman T. Shackelton

**UNFINISHED BUSINESS**

Speed Limits - Sandymount Hill Areas - Speed Zone

Burwell Road - Request for Stop Signs

**NEW BUSINESS**

Police Services - Annual Report

Motion by Alderman Warden - Chapman:

THAT: The Police Services Annual Report be received for information.

Carried.

Police Facility - Space Needs

A letter was received from Carole A. Watson, Chair, St. Thomas Police Services Board, regarding the space needs of the St. Thomas Police Services.

The City Clerk advised Council that a meeting date would be established to meet with the St. Thomas Police Services Board.

Pit Bull Ban Legislation - Appendix "O"

Motion by Alderman Turvey - Mayor Kohler:

THAT: Report CC-20-05 be received for information.

Carried.

Smoking By-law 89-2004 and Elgin-St. Thomas Health Unit Agreement - Appendix "P"

Motion by Alderman Turvey - Chapman:

THAT: Council extend the agreement with the St. Thomas-Elgin Health Unit relating to By-law 89-2004, being a By-law to prohibit smoking in workplaces and public places, until December 31, 2005 or until the funds are exhausted.

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 - 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



The 26th meeting of the 125th Council - 9

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**

The Fourth Report of the Site Plan Control Committee - Appendix "Q"

Motion by Alderman Chapman - Aarts:

THAT: Clauses 1,2 and 3 of the Fourth Report of the Site Plan Control Committee be adopted.

Carried.

**PETITIONS AND COMMUNICATIONS**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Thomas the Tank Engine - Elgin Railway Museum

Alderman Turvey reminded Council and the community about the visit by Thomas the Tank Engine on July 22nd, 24th, and July 29th to July 31st, 2005.

The Caring Cupboard - 3<sup>rd</sup> Annual Curbside Food Drive - June 13<sup>th</sup> - 17<sup>th</sup>, 2005

Mayor Kohler reminded Council and the community about the curbside collection of goods for the Caring Cupboard.

**BY-LAWS**

Motion by Alderman Aarts - Shackelton:

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 6th day of June, 2005.
2. A by-law to authorize maximum tax increases for certain commercial, industrial and multi-residential properties for the 2005 taxation year.
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, the Corporation of the County of Elgin, the Corporation of the Municipality of West Elgin, the Corporation of the Municipality of Dutton/Dunwich, the Corporation of the Township of Southwold, the Corporation of the Municipality of Central Elgin, the Corporation of the Township of Malahide, the Corporation of the Township of Bayham, the Corporation of the Town of Aylmer.  
(Provincial Offences Act - Revenue Sharing)
4. 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 Doug Tarry Limited.  
(Lake Margaret Station Condominiums - File #34CDM-04501 - 38 single detached dwelling units)
5. A by-law to provide for the adoption of the tax rates for the Business Improvement Area for 2005 and interest on payments of levies in default.
6. 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 - Block 38, Plan 11M-144 and Part Block 6, Plan 11M-105)

CITY CLERK\_\_\_\_\_CONFIRMED\_\_\_\_\_MAYOR

7. 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 Board of Health of the Elgin-St. Thomas Health Unit. (Enforcement of By-Law 89-2004 - extension of existing agreement)

8. A by-law to increase the size of the Council of the Corporation of the City of St. Thomas. (additional Alderman)

Carried.

**First and Second Readings**

Motion by Alderman Aarts - Shackelton:

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 Barwick 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 the following motion by recorded vote.

Motion by Alderman Aarts - Shackelton:

5. A by-law to provide for the adoption of the tax rates for the Business Improvement Area for 2005 and interest on payments of levies in default.

**Recorded Vote**

<u>Yeas</u>	<u>Nays</u>
Mayor Kohler	Alderman C. Barwick
Alderman B. Aarts	T. Shackelton
H. Chapman	D. Warden
M. Turvey	
D. Warden	

Carried.

By consensus, Council postponed reading of By-Law number 8 to increase the size of Council until June 20<sup>th</sup> when all of Council would be present.

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 - Shackelton:

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 6th day of June, 2005.

2. A by-law to authorize maximum tax increases for certain commercial, industrial and multi-residential properties for the 2005 taxation year.

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, the Corporation of the County of Elgin, the Corporation of the Municipality of West Elgin, the Corporation of the Municipality of Dutton/Dunwich, the Corporation of the Township of Southwold, the

Corporation of the Municipality of Central Elgin, the Corporation of the Township of Malahide, the Corporation of the Township of Bayham, the Corporation of the Town of Aylmer.  
(Provincial Offences Act - Revenue Sharing)

4. 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 Doug Tarry Limited. (Lake Margaret Station Condominiums - File #34CDM-04501 - 38 single detached dwelling units)

5. A by-law to provide for the adoption of the tax rates for the Business Improvement Area for 2005 and interest on payments of levies in default.

6. 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 - Block 38, Plan 11M-144 and Part Block 6, Plan 11M-105)

7. 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 Board of Health of the Elgin-St. Thomas Health Unit. (Enforcement of By-Law 89-2004 - extension of existing agreement)

Carried.

## **PUBLIC NOTICE**

## **NOTICES OF MOTION**

### **Councillor Title**

Alderman Chapman put forward the following Notice of Motion.

THAT: The title "Alderman" be changed to "Councillor" for the Corporation of the City of St. Thomas.

## **CLOSED SESSION**

## **OPEN SESSION**

## **ADJOURNMENT**

Motion by Alderman Chapman - Shackelton:

THAT: We do now adjourn. ( 8:44 P.M.)

Carried.