

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

ROOM # 309
COUNCIL CHAMBERS

AUGUST 15TH, 2005

5:00 p.m. The meeting convened with His Worship, Mayor Jeff Kohler, presiding.

ATTENDANCE

<u>Members</u>	<u>Officials</u>
Mayor J. Kohler	W. Graves, City Clerk
Alderman B. Aarts	F. Lattanzio, Community Centres & Property Manager
C. Barwick (Arr.6:25p.m.)	B. Clement, Manager Engineering
H. Chapman	R. Tucker, Parks Manager
T. Johnston	D. White, Supervisor Roads & Transportation
T. Shackelton	G. Dart, Director, Human Resources
M. Turvey	C. Hinatsu, Director, Ontario Works
D. Warden	R. Barber, Fire Chief
	M. Carroll, Valleyview Administrator
	R. Beachey, Deputy City Clerk
	J. McCoomb, Planner
	Constable J. Pallister

THE LORD’S PRAYER

CLOSED SESSION

The Closed Session was held in Committee Room #309 and the minutes are located at the end of Regular Open Council Business.

DISCLOSURES OF INTEREST

Alderman Johnston declared a conflict of interest relating to Report ES75-05, Intersection Control Issues, including By-law #4, and the request for a street closure on Warbler Heights, as he is a resident of Warbler Heights. He refrained from all discussion and action regarding these matters.

MINUTES

Prior to the confirmation of the minutes Mayor Kohler made a statement, relating to By-law #6, clarifying his position regarding the appointment of an Acting Mayor, which included selecting an individual based on demonstrated merit and cooperative teamwork.

Motion by Alderman Warden - Aarts:

THAT: The minutes of the meeting held on July 18th, 2005 be confirmed.

Carried.

DEPUTATIONS

St. Thomas Elgin Community Centre Complex/Twin Pad Arena Fundraising Committee

Mrs. Vaughan stated that it was a pleasure to announce the launch of the \$3 million dollar capital campaign. Mrs. Vaughan thanked the dedicated and enthusiastic volunteers.

Mrs. Vaughan announced that the funds raised to date were \$2,409,897.

Mayor Kohler, on behalf of Council, thanked the Campaign Committee for all of their work to date.

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

CITY CLERK_____CONFIRMED_____MAYOR

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

Zoning By-law Amendment - Pet Grooming Shop as Additional Permitted Use - 17 Manitoba Street - Howlett/Bishop - Appendix "A"

Motioned by Alderman Turvey - Shackelton:

THAT: Council authorize the preparation of a draft amendment to the Zoning By-Law 50-88 to add "Pet Grooming Shop" as an additional permitted use on lands located at 17 Manitoba Street; and,

THAT: A date for a public meeting be set for 6:45 p.m. on September 12th, 2005 in accordance with Ontario Regulation 199/96, as amended.

Carried.

CIP Financial Incentive Applications: CIP Residential Loan Agreement and CIP Façade Loan Agreement - Appendix "B"

Motion by Alderman Turvey - Aarts:

THAT: Report CC-32-05 be received by Council for information; and,

THAT: Council enter into a Residential Loan Agreement for the CIP project relating to Application 2004-023: 433-435 Talbot Street; and,

THAT: Council enter into a Façade Loan Agreement for the CIP project relating to Application 2005-030: 349 Talbot Street.

Carried.

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE - Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS

McKenzie Well Decommissioning - Appendix "C"

Motion by Alderman Johnston - Shackelton:

THAT: The McKenzie Well be decommissioned in 2006 at an estimated cost of \$35,000; and,

THAT: An allocation to complete this work be included in the 2006 capital budget.

Carried.

Private Sewage System Inspections and Approves - Part 8 of the Ontario Building Code - Appendix "D"

Motion by Mayor Kohler - Alderman Chapman:

THAT: The City of St. Thomas enter into an agreement with Elgin-St. Thomas Health Unit respecting the inspection of sewage systems under Part 8 of the Ontario Building Code (OBC) as outlined in Report ES78-05 of the Director Environmental Services; and,

The 30th meeting of the 125th Council - 3

THAT: The Mayor and the 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

Shaw Valley Country Club Subdivision - Phase II EMS Station Development - 31 Shaw Valley Drive - Intersection Traffic Signal at Shaw Valley Drive and Sunset Drive - Capital Project Submission - Appendix "E"

Alderman Aarts inquired if the County would be providing any funding for the traffic signals as a result of the ambulance station being located in the area.

Alderman Turvey stated that the traffic signals had been planned with the development and that the costs would be coming from the development charges.

Motion by Alderman Shackelton - Chapman:

THAT: The installation of a traffic signal and accessory works at the intersection of Shaw Valley Drive and Sunset Drive, as outlined in Report ES79-05 of the Director Environmental Services, be approved; and,

THAT: This intersection improvement work, estimated in the amount of \$150,000.00 be funded by the City's Development Charges Reserve Fund.

Carried.

St. Thomas Elgin Public Art Centre - Grant Request

Motion by Mayor Kohler - Alderman Shackelton:

THAT: Council approve a one-time funding grant of \$6,000.00 to the St. Thomas Elgin Public Art Centre for replacement of the center's roof.

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

CITY CLERK _____ CONFIRMED _____ MAYOR _____

NEW BUSINESS

Ontario Works Report for the months of June and July 2005 - Appendix “F”

Alderman Turvey inquired if the City was providing financial assistance for personal needs assistance.

The Director of Ontario Works stated that the personal assistance was being funded through different areas.

Alderman Chapman inquired about the Federal Provincial “Best Start” child program and if funding would be available for the entire 10 years.

The Director of Ontario Works stated that there will be no municipal financing required for the Best Start program.

Motion by Alderman Chapman - Turvey:

THAT: Report CR-05-14 of the Director, Ontario Works for the months of June and July 2005 be received for information.

Carried.

Monthly Report St. Thomas-Elgin Community Centre Complex/Twin Pad Arena - Appendix “G”

Mr. Lucas Smith was in attendance to provide an update stating that the project continues on schedule and on budget.

Mr. Smith indicated the ribbon cutting was set for September 16th, 2005 and the Grand Opening for October 20th, 2005.

Alderman Johnston stated he was glad to see that the City owned the property and inquired if the tax receipts would have any impact on the City’s budget and further, if the land was subject to land transfer tax.

Mayor Kohler stated that the tax receipts would have no impact on the City’s budget and further that the land was not subject to land transfer tax.

Motion by Alderman Turvey - Shackelton:

THAT: The July 2005 Monthly Report for the St. Thomas-Elgin Community Centre Complex/Twin Pad Arena be received for information.

Carried.

BUSINESS CONCLUDED

PROTECTIVE SERVICES & TRANSPORTATION COMMITTEE - Chairman T. Shackelton

UNFINISHED BUSINESS

Manor Road and Chestnut Street - Four Way Stop - Appendix “H”

Alderman Johnston inquired about the date that the traffic counts were taken.

The Supervisor of Roads and Transportation stated that the counts were taken on June 23rd.

Motion by Alderman Turvey - Chapman:

THAT: The Manor Road and Chestnut Street intersection be maintained with a 2-way stop control; and,

The 30th meeting of the 125th Council - 5

THAT: Future development in the area surrounding Manor Road and Chestnut Street be closely monitored for its effect on the intersection function.

Carried.

Request for Traffic Control - Fairview Avenue north of Southdale Line - Speed Limit/Safety Zone

NEW BUSINESS

Police Services Report

Constable J. Pallister was in attendance and presented the Police Services Report for the month of July 2005.

New Developments - Intersection Traffic Control Issues - Appendix "I"

Motion by Alderman Chapman - Aarts:

THAT: Traffic By-Law 45-89 be amended to permit the installation of Stop Sign control and Yield Sign control as identified in Report ES75-05 of the Supervisor of Roads and Transportation.

Carried.

Pit Bull Ban Legislation - Appendix "J"

Motion by Alderman Turvey - Johnston:

THAT: The City of St. Thomas Animal Control undertake active enforcement of Provincial Pit Bull Ban legislation, and;

THAT: The Animal Control Call Out Policy be amended to permit call outs for alleged Pit Bull or Pit Bull type dogs at large or contained.

Carried.

Quarantined and Seized Dogs and Cats - Appendix "K"

Motion by Alderman Warden - Aarts:

THAT: Report CC-31-05 be received for information and filed, and;

THAT: Council adopt the Dog or Cat quarantine procedures, as attached to Report CC-31-05 of the Deputy City Clerk.

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 - D. White

CITY CLERK _____ CONFIRMED _____ MAYOR

The 30th meeting of the 125th Council - 6

DRIVEWAY RECONSTRUCTION – MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES - J. Dewancker

FUTURE USE OF VALLEYVIEW PROPERTY - ELYSIAN STREET - E. Sebestyen

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

Child Care Worker & Early Childhood Educator Appreciation Day - October 26th, 2005

Motion by Alderman Shackelton - Aarts:

THAT: The Council of the Corporation of the City of St. Thomas proclaim October 26th, 2005 as “Child Care Worker & Early Childhood Educator Appreciation Day” in the City of St. Thomas.

Carried.

Downtown Development Board

Motion by Alderman Turvey - Chapman:

THAT: The Corporation of the City of St. Thomas grant permission to the Downtown Development Board to reproduce the image of the City of St. Thomas flag onto a banner for a government themed light post display.

Carried.

Warbler Heights Street Party

Motion by Alderman Aarts - Turvey:

THAT: North of 25 Warbler Heights be closed on Saturday August 27, 2005 between 5 - 11 p.m. and that the residents be allowed to hold a neighbourhood street party in the closed portion of the roadway; and,

CITY CLERK_____CONFIRMED_____MAYOR

The 30th meeting of the 125th Council - 7

THAT: The residents north of 25 Warbler Heights obtain necessary barricades and signs from the Works Department, erect the barricades in accordance with instructions from the Works Department and return the barricades to the Works Department after their street party; and,

THAT: A fire or emergency vehicle route be maintained through the road closure and be approximately equal to half the roadway width; and,

THAT: Emergency departments be notified: Police, Fire and EMS; and,

THAT: All affected residences be in agreement; and,

THAT: The City's noise by-law be in effect; and,

THAT: The intersection of Warbler Heights and Lake Margaret Trail remain open to traffic; and,

THAT: The usual certificate of public liability and property damage insurance with a covering limit of \$5,000,000.00 be provided, certifying that the City of St. Thomas has been named as an additional insured for this event only, and that it should be submitted to the City Clerk prior to the start of the event, unless it is determined by the City that the insurance is not required.

Carried.

Crabby Joe's Tap:Grill - 825 Talbot Street

An application to the Alcohol and Gaming Commission of Ontario was received from Crabby Joe's Tap:Grill for a liquor licence for both indoor and outdoor areas, in respect of Crabby Joe's Tap:Grill, at 825 Talbot Street, St. Thomas.

UNFINISHED BUSINESS

NEW BUSINESS

Reduction of Council (Alderman) Position

Alderman Shackelton stated that while he did not oppose the reduction in size of Council he was concerned about the ability of the members to deal with an increased workload.

Alderman Warden stated that he had considered the issue of tie votes with an even number of Council members and that this Council did not have many tied votes.

Alderman Aarts stated that he wanted to follow the recommendations of the McCarthy Tetrault Report, which included a recommendation for an uneven number of Council members.

Mayor Kohler stated he wanted to ensure that future Councils did not have to deal with a flawed system, in the future.

Alderman Barwick stated that he was concerned that a reduction in size of Council would mean only the wealthy or the retired could run for Council due to the time commitment that would be required.

Alderman Chapman stated that she could not support the motion because of the increased workload it would bring to the members.

Alderman Turvey stated that during the last election she stated she would support an odd number on Council and that she would support the motion.

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

Motion by Mayor Kohler - Alderman Aarts:

THAT: The size of Council be reduced by one Aldermanic position.

CITY CLERK_____CONFIRMED_____MAYOR

Recorded Vote

Yeas

Mayor Kohler
Alderman B. Aarts
M. Turvey

Nays

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

Motion Lost.

Fire Muster 2005 - St. Thomas Firefighters' Association - City Pins

Motion by Alderman Warden - Turvey:

THAT: Council provide 100 St. Thomas city pins to the St. Thomas Firefighters' Association for use at the upcoming Fire Muster.

Carried.

ALS Fundraising Weekend

Alderman Aarts commended Chief Bob Barber for the \$7500.00 that had been raised for ALS.

St. Thomas Tom Cats

Alderman Aarts reminded the community that the St. Thomas Tom Cats were in the finals and encouraged the community to support them.

2005 Canadian Fast Ball Championships

Alderman Warden reminded Council and the community that the 2005 Canadian Fast Ball Championships were only two weeks away.

Thomas the Tank Engine

Alderman Warden congratulated all of the organizers of the Thomas the Tank Engine event for all of their efforts.

Alderman Turvey stated that the organizers were very happy with the event and that many positive comments had been received from many visitors.

Mayor Kohler congratulated the Elgin County Railway Museum for the event.

Iron Horse Festival - August 25th to 28th, 2005

Alderman Shackelton reminded the community about the upcoming Iron Horse festival.

Alderman Chapman stated that the festival was still looking for volunteers.

St. Thomas Fire Muster - September 2nd, 3rd and 4th, 2005

Alderman Shackelton reminded the community about the upcoming Fire Muster at Pinafore Park.

Canadian Idol Aaron Walpole

Alderman Barwick encouraged the community to watch Canadian Idol and to vote for Aaron Walpole.

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 15th day of August, 2005.
2. A by-law to appoint Alderman Terry Shackelton as Acting Mayor from September 20th to 25th, 2005.
3. A by-law to appoint Municipal Law Enforcement Officers. (Charles Hunt, Leanne Evans)
4. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (Stop Signs and Yield Signs - New Subdivisions)
5. 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 Patti Mugford, Jodi Mugford, and Murray Mugford. (433-435 Talbot Street - \$20,000 loan - Community Improvement Plan)
6. 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 Lindmar Holdings Inc. (349 Talbot Street - \$9,500 loan - Community Improvement Plan)
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 for the Elgin St. Thomas Health Unit. (Termination of Sewage Inspection Agreement effective October 31, 2005)

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

Appointment of Acting Mayor - By-law # 2

Alderman Warden stated, in response to the Mayor's comments about the selection of an Acting Mayor, that opposing views on Council does not mean that members are not team players and further challenged the Mayor to work to bring the Council team together.

Mayor Kohler accepted the challenge to bring Council together and stated that a program was being designed for the fall.

Alderman Barwick expressed concern about one individual judging the merit of another.

Alderman Barwick stated that Council, and not the Mayor, appoints an Acting Mayor as per the by-law.

Mayor Kohler stated that Council had the right to establish a rotational process for the appointment of an Acting Mayor if it so chooses.

A request was made to deal with this by-law by recorded vote.

Motion by Alderman Aarts - Shackelton:

2. A by-law to appoint Alderman Terry Shackelton as Acting Mayor from September 20th to 25th, 2005.

CITY CLERK _____ CONFIRMED _____ MAYOR

Recorded Vote

Yeas

Mayor J. Kohler

Alderman B. Aarts

H. Chapman

T. Shackelton

M. Turvey

D. Warden

Nays

Alderman C. Barwick

T. Johnston

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 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 15th day of August, 2005. (B/L 110-2005)
2. A by-law to appoint Alderman Terry Shackelton as Acting Mayor from September 20th to 25th, 2005. (B/L 111-2005)
3. A by-law to appoint Municipal Law Enforcement Officers. (Charles Hunt, Leanne Evans) (B/L 112-2005)
4. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (Stop Signs and Yield Signs - New Subdivisions) (B/L 113-2005)
5. 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 Patti Mugford, Jodi Mugford, and Murray Mugford. (433-435 Talbot Street - \$20,000 loan - Community Improvement Plan) (B/L 114-2005) (A/G 39-2005)
6. 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 Lindmar Holdings Inc. (349 Talbot Street -\$9,500 loan - Community Improvement Plan) (B/L 115-2005)(A/G 40-2005)
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 for the Elgin St. Thomas Health Unit. (Termination of Sewage Inspection Agreement effective October 31, 2005) (B/L 116-2005) (A/G 41-2005)

Carried.

PUBLIC NOTICE

NOTICES OF MOTION

Committee Chair Selection

A Notice of Motion was received from Alderman Johnston to select the chair of committees at the second meeting of Council in September.

CLOSED SESSION

Motion by Alderman Johnston - Chapman:

CITY CLERK_____CONFIRMED_____MAYOR

The 30th meeting of the 125th Council - 11

THAT: This meeting be closed to deal with an employee negotiations matter; a labour relations matter; and a matter protected under the Municipal Freedom of Information and Protection of Privacy Act.

Carried.

OPEN SESSION

Motion by Alderman Aarts - Chapman:

THAT: We do now rise from Closed Session. (5:58 P.M.)

Carried.

ADJOURNMENT

Motion by Alderman Johnston - Turvey:

THAT: We do now adjourn. (7:42 P.M.)

Carried.