

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

**COUNCIL CHAMBERS  
CITY HALL**

**SEPTEMBER 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. Johnston  
    T. Shackelton  
    M. Turvey  
    D. Warden

Officials

W. Graves, City Clerk  
W. Day, Director of Finance & City Treasurer  
J. Dewancker, Director, Environmental Services  
I. Andersen, Manager of Operations & Compliance  
R. Tucker, Parks Manager  
R. Barber, Fire Chief  
D. White, Supervisor of Roads & Transportation

**THE LORD’S PRAYER**

**DISCLOSURES OF INTEREST**

Nil.

**MINUTES**

Motion by Alderman Shackelton - Aarts:

THAT: The minutes of the meeting held on August 15th, 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 File #34T-05506, Block 4 Development Area - 34 lots for Single Detached Dwellings - Doug Tarry Limited and Walter Ostojic & Son Limited - Appendix “A”

Motion by Alderman Turvey - Johnston:

THAT: Council approve in principle the proposed Draft Plan of Subdivision File#34T-05506 (Residential Plan of Subdivision) of lands owned by Doug Tarry Limited and Walter Ostojic & Son Limited, which lands are legally described as all of Blocks 10, 11, 12 & 13 and part of Blocks 9 & 14, Registered Plan 11M-110, 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,

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- 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 6:45 p.m. on October 3rd, 2005 in accordance with Ontario Regulation 196/96, as amended.

Carried.

Draft Plan of Subdivision File #34T-05507 - Former Kantor Farm - 58 Lots for Single Detached Dwellings and 15 Lots for Semi-Detached Dwellings - Doug Tarry Limited - Appendix "B"

Motion by Alderman Shackelton - Turvey:

THAT: Council approve in principle the proposed Draft Plan of Subdivision File#34T-05507 (Residential Plan of Subdivision) of lands owned by Doug Tarry Limited, which lands are legally described as Part of Lot 9, 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,
- 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 6:20 p.m. on October 3rd, 2005 in accordance with Ontario Regulation 196/96, as amended.

Carried.

Zoning By-Law Amendment - 11 Metre Lot Frontage on Lots 28 to 31, 33 to 36, 40 to 44, 54 to 59 and 65 within Draft Plan of Subdivision File# 34T-05507 - Doug Tarry Limited - Appendix "C"

Motion by Alderman Turvey - Warden:

THAT: The application by Doug Tarry Limited for an amendment to the 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 11 metre lot frontage on Lot 28, 29, 30, 31, 33, 34, 35, 36, 40, 41, 42, 43, 44, 54, 55, 56, 57, 58, 59 and 65 on land within Draft Plan of Subdivision 34T-05507 which is legally described as Part of Lot 9, Concession 7, Geographic Township of Yarmouth, City of Elgin, County of Elgin; and,

THAT: A date for a public meeting be set for 6:30 p.m. on October 3rd, 2005 in accordance with Ontario Regulation 196/96, as amended.

Carried.

Municipality of Central Elgin - Proposed Zoning By-Law Amendment - Dexter 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 on Dexter Line, East of East Road.

**BUSINESS CONCLUDED**

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

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

**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**

**Canada-Ontario Municipal Rural Infrastructure Fund - Intake Two - Appendix "D"**

Motion by Alderman Shackelton - Turvey:

THAT: Council establish the Wellington Street - First Avenue to Fairview Avenue Watermain, Sanitary Sewer and Storm Sewer Replacement project as the Corporation's highest priority project for funding under the Canada-Ontario Municipal Rural Infrastructure Fund program and Intake Two eligibility criteria; and,

THAT: Council direct administration to prepare the necessary documentation and make application for financial assistance to the Canada-Ontario Municipal Rural Infrastructure Fund program for Wellington Street project in advance of the September 30, 2005 application deadline.

Carried.

**June 30, 2005 Current Budget Monitoring Report - Appendix "E"**

Alderman Warden stated that in relationship to the projected surplus, two employee contracts, still need to be settled.

Motion by Alderman Aarts - Johnston:

THAT: Council approve the June 30, 2005 Current Budget Monitoring Report as attached to Report TR 38-05 of the Director of Finance & City Treasurer.

Carried.

**South Block Area Development Charges - Appendix "F"**

Motion by Alderman Turvey - Chapman:

THAT: Council approve the Capital Project listing set out in Tables 4-5 through 4-8 of the Area Specific Development Charge Background Study for the South Block area, dated August 2005, subject to annual review during the capital budget process; and,

THAT: The Area Specific South Block Development Charge Study, dated August 2005, be received and approved; and,

THAT: Council confirm no further public meeting is required; and,

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THAT: Council enact a by-law, adopting the recommended rates and policies provided within the Area Specific South Block Development Charges Background Study; and,

THAT: The Corporation of the City of St. Thomas and the South Block Area developers enter into a delayed payment agreement, with the provision to settle the difference between the interim development charges and the final development charges upon subsequent completion of the engineering and Development Charges Background Studies and adoption of the associated development charges.

Carried.

Lands of Dalewood Area Development Charges - Appendix "G"

Motion by Mayor Kohler - Alderman Aarts:

THAT: Council approve the capital project listing set out in Tables 4-5 through 4-8 of the Area Specific Development Charge Background Study for the Lands of Dalewood area, dated August 2005, subject to annual review during the capital budget process; and,

THAT: The Area Specific Lands of Dalewood Development Charge Study, dated August 2005, be received and approved; and,

THAT: Council confirm no further public meeting is required; and,

THAT: Council enact a by-law, adopting the recommended rates and policies provided within the Area Specific Lands of Dalewood Development Charges Background Study.

Carried.

Fleet Replacement Needs - 2005/2006 - Appendix "H"

Alderman Shackelton inquired if there were funds in the reserve to cover these expenditures.

The Director of Finance & City Treasurer stated that there were funds in the reserve account.

Motion by Alderman Turvey - Johnston:

THAT: Report ES80-05 of the Supervisor of Roads & Transportation be received for information; and,

THAT: A tender be developed for 6 similar replacement vehicles from the 22 vehicles listed in the 2006 Environment Services Capital Needs list; and,

THAT: A report be brought back to Council for approval of the successful bidder with the funding source being the vehicle/equipment reserve account.

Carried.

2007 Canadian National Weightlifting Championship - Grant Request - Appendix "I"

Motion by Alderman Warden - Shackelton:

THAT: The grant request in the amount of \$5,000.00 by the Canadian National Weightlifting Championship, be referred to the 2006 Budget for consideration.

Carried.

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

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Request for Staff - Child Care Supervisor

Douglas J. Tarry Sports Complex and Burwell Park

**NEW BUSINESS**

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

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

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**NEW BUSINESS**

Station Street - Parking Restriction - Appendix "J"

Motion by Alderman Barwick - Chapman:

THAT: Traffic By-Law 45-89 be amended to restrict parking on the west side of Station Street from Kains Street to Meda Street.

Carried.

Aldborough Avenue from Airey Avenue to Sparta Street - Parking Restrictions - Appendix "K"

Motion by Alderman Johnston - Turvey:

THAT: Traffic By-Law 45-89 be amended to restrict parking on the east and south sides of Aldborough Avenue from Airey Avenue to Sparta Street (west intersection); and,

THAT: Vehicle speed and volume be monitored on Aldborough Avenue from Airey Avenue to Sparta Street (west intersection) during the 2006 data collection program; and,

THAT: The City of St. Thomas Police Service be requested to provide enforcement of the speed limit on Aldborough Avenue.

Carried.

Updated Report - Temporary Road Closures for Canadian Pacific Railway Road Crossing Rebuilds  
Appendix "L"

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Alderman Turvey inquired about where the City's share of funds would be coming from to pay for the City's portion of these costs.

The Director, Environmental Services stated that the funds had been identified in an earlier report and that the source of funding was not the annual funds which were budgeted for rail crossing maintenance.

Motion by Alderman Turvey - Mayor Kohler:

THAT: The temporary road closures of South Edgeware Road - Harwill Road to Progress Drive; Edward Street - Burwell Road to Gaylord Road; Burwell Road - Talbot Street to Edward Street; and Highbury Avenue - Edgeware Line to Ron McNeil Line be approved at these locations to permit Canadian Pacific Railway, in conjunction with the City of St. Thomas, to rehabilitate the CP railway road crossings; and,

THAT: The proposed detours as shown on the map attached to Report ES66-05 be approved and be in effect for the duration of the subject railway road crossing works.

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 - D. White

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 Turvey - Aarts:

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**

Big Brothers Big Sisters Month - September - Proclamation - Street Closure

Motion by Alderman Warden - Aarts:

THAT: The Council of the Corporation of the City of St. Thomas proclaim September 2005 as “Big Brothers Big Sisters month” in the City of St. Thomas; and,

THAT: Centre Street between Hincks Street and Southwick Street be closed on Friday September 23rd, 2005 between 5:00 p.m. and 8: 30 p.m. for a Big Brothers / Big Sisters street hockey event subject to any conditions of the special events committee.

Carried.

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The Royal Canadian Legion - Legion Week Sept 18 to 24, 2005 - Proclamation and Flag Raising

Motion by Alderman Warden - Shackelton:

THAT: The Council of the Corporation of the City of St. Thomas proclaim September 18 to 24, 2005 as “Legion Week” in the City of St. Thomas; and,

THAT: Their flag be flown at City Hall for the week of September 18 to 24, 2005.

Carried.

Heritage Community Recognition Program

A letter was received from the Honourable Lincoln M. Alexander, Chairman, Ontario Heritage Foundation, inviting Council to participate in the Heritage Community Recognition Program 2005. The deadline for nominations is October 18, 2005.

Canadian Citizenship Week - Proclamation - October 17th to 23rd 2005

Motion by Alderman Aarts - Shackelton:

THAT: The Council of the Corporation of the City of St. Thomas proclaim October 17th to 23rd 2005 as “Canada’s Citizenship Week” in the City of St. Thomas.

Carried.

Canadian Cancer Society - Pink Ribbon Campaign - Tag Day

Motion by Alderman Johnston - Warden:

THAT: We authorize the conducting of a Pink Ribbon Campaign Tag Day by the Canadian Cancer Society Elgin Middlesex Unit on October 7th and 8th, 2005 in the City of St. Thomas.

Carried.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Mayor’s Correspondence

Alderman Barwick rose on a point of order and addressed Council regarding his concerns about the Mayor’s comments at the last council meeting and recent correspondence that had been sent out from the Mayor’s Office, which included reference to meetings involving St. Thomas Energy.

Alderman Barwick expressed concern about the motivation behind comments in recent faxed information and requested an apology from the Mayor. Further, Alderman Barwick expressed concern about meetings taking place in the Mayor’s Office involving a few Council members prior to regular Council meetings.

Alderman Turvey stated that meetings in the Mayor’s Office were open to all Council members.

Mayor Kohler stated he was concerned about the lack of some facts and further that perhaps Council members’ fax machines should be checked to ensure information is getting through as he had confirmation of faxes being received.

Mayor Kohler stated that information sent to the press had not been used in its entirety as the press reserved the right to edit according to space available.

Alderman Johnston expressed concern that the e-mail and faxes that had been sent out from the Mayor’s Office had affected his credibility and his business.

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Mayor Kohler stated that this was the last time he would entertain discussion on this matter and that he wanted Council to work together. Mayor Kohler proposed possible dates for a strategic planning session including October 1<sup>st</sup>, 22<sup>nd</sup> or 29<sup>th</sup>.

Alderman Warden commended Mayor Kohler for suggesting dates for a strategic session and stated it would be important for Council to sit down and iron out its differences prior to the strategic session.

Alderman Warden suggested that Council consider meeting without staff present.

Alderman Aarts stated it was time for Council to move forward.

Committee Chair Selection

Alderman Johnston stated that in bringing this motion forward he was not seeking chairmanship of a committee. Alderman Johnston stated it was very important to have the Chairmen in place so that the Chairmen could get orientated to the Departments and so that the tax dollars could be stretched as far as possible in 2006.

Alderman Turvey stated that Council members were not in place to do the work of department heads.

Alderman Aarts inquired if this motion was intended to deal only with a one-time change in the appointment of the Chairman.

Alderman Johnston stated that he did not want to change the Procedural By-law and that this was intended to be a one-time change.

Alderman Shackelton expressed concern that the Procedural By-law would be in violation.

Mayor Kohler stated that the Procedural By-Law belonged to Council and that he saw no problem in making the exception.

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

Motion by Alderman Johnston - Warden:

THAT: The chair of committees be selected at the second meeting of Council in September.

**Recorded Vote**

Yeas

Mayor Kohler

Alderman B. Aarts

C. Barwick

H. Chapman

T. Johnston

M. Turvey

D. Warden

Nays

Alderman T. Shackelton

Carried.

Canadian Idol Aaron Walpole

Alderman Aarts commended Aaron Walpole on his continued success in the Canadian Idol Competition and encouraged the community to support him.

Canadian Fastball Championships

Alderman Aarts congratulated the St. Thomas Evergreen Centennials for winning the competition.

Alderman Warden complimented all of the organizers and volunteers that made the tournament a success.

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Girl Guides of Canada

Alderman Chapman stated that she had the opportunity to present certificates to Girl Guide Leaders and that registration for the new season was coming up.

St. Thomas Energy Billings

Alderman Warden asked if the members who sit on St. Thomas Energy could check into the timing of monthly billings as seniors and people receiving government cheques were receiving their bills before the end of the month and were being assessed late fees because their cheques had not arrived yet.

**BY-LAWS**

Motion by Alderman Johnston - 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 September, 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, Penhale Farms Limited, and Robert J. Gowman. (Assignment of lease - St. Thomas Municipal Airport - Part 6, Reference Plan 11R-1602)
3. A by-law to appoint a Municipal Law Enforcement Officer. (Michael Russell)
4. A by-law to establish development charges for the Corporation of the City of St. Thomas. (South Block Area)
5. A by-law to establish development charges for the Corporation of the City of St. Thomas. (Lands of Dalewood)
6. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (Parking Restrictions on Aldborough Avenue and Station Street)
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 Murphy and Murphy Architect Inc. (Architectural Services for the Design and Construction of Fire Department Substation No. 2)

Carried.

**First and Second Readings**

Motion by Alderman Johnston - 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 D. Warden 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 Johnston - Shackelton:

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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 September, 2005. (B/L 117-2005)
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, Penhale Farms Limited, and Robert J. Gowman. (Assignment of lease - St. Thomas Municipal Airport - Part 6, Reference Plan 11R-1602) (B/L 118-2005) (A/G 42-2005)
3. A by-law to appoint a Municipal Law Enforcement Officer. (Michael Russell) (B/L 119-2005)
4. A by-law to establish development charges for the Corporation of the City of St. Thomas. (South Block Area) (B/L 120-2005)
5. A by-law to establish development charges for the Corporation of the City of St. Thomas. (Lands of Dalewood) (B/L 121-2005)
6. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (Parking Restrictions on Aldborough Avenue and Station Street) (B/L 122-2005)
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 Murphy and Murphy Architect Inc. (Architectural Services for the Design and Construction of Fire Department Substation No. 2) (B/L 123-2005) (A/G 43-2005)

Carried.

**PUBLIC NOTICE**

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

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The members were advised that a public meeting concerning a proposed zoning by-law amendment for 17 Manitoba Street, originally scheduled for September 12th, 2005 at 6:45 P.M. has been postponed. A revised notice of public meeting providing the rescheduled date of public meeting will be published in the St. Thomas Times Journal on a date still to be confirmed.

**NOTICES OF MOTION**

**CLOSED SESSION**

**OPEN SESSION**

**ADJOURNMENT**

Prior to the adjournment Council rose for a moment's silence to honour Mr. Don Rice who had passed away. Mr. Rice had been a 25-year veteran of the Public Works Department.

Motion by Alderman Johnston - Aarts:

THAT: We do now adjourn. (8:16 P.M.)

Carried.

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