

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

**COUNCIL CHAMBERS
CITY HALL**

SEPTEMBER 19TH, 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
W. Day, Director of Finance & City Treasurer
J. Dewancker, Director, Environmental Services
G. Dart, Director, Human Resources
D. Arndt, Airport Superintendent
R. Barber, Fire Chief
P. Keenan, Director, Planning
M. Carroll, Valleyview Administrator
R. Beachey, Deputy City Clerk
D. White, Supervisor of Roads & Transportation
T. Sandham, Constable, St. Thomas Police Department

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 Johnston declared a conflict of interest relating to a matter in the closed session as it involved the same lawyer that Alderman Johnston uses.

Alderman Johnston declared a conflict of interest relating to Clause #1 of the Sixth Report of Site Plan Control Committee as Alderman Johnston has a business relationship with Box 'N' Lock.

Alderman Johnston refrained from all discussion and action regarding these matters.

MINUTES

Motion by Alderman Shackelton - Warden:

THAT: The minutes of the meeting held on September 12th, 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

CITY CLERK _____ CONFIRMED _____ MAYOR _____

The 36th meeting of the 125th Council - 2

Draft Plan of Subdivision File #34T-05505, Block 4 Development Area - 2 lots for Single Detached Dwellings & 18 Lots for Semi-Detached Dwellings - Doug Tarry Limited and Novi Construction Ltd. - Appendix "A"

Motion by Alderman Turvey - Shackelton:

THAT: Council approve the Draft Plan of Subdivision File# 34T-05505 (Residential Plan of Subdivision) of lands owned by Doug Tarry Ltd. and Novi Construction Ltd. which lands are legally described as part of Blocks 22 & 27, Registered Plan 11M-110, City of St. Thomas, County of Elgin, subject to the standard Municipal 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.

Municipality of Central Elgin - Notice of Public Hearing for Minor Variance - 45052 Talbot Line

Notice was received from the Municipality of Central Elgin of a public hearing concerning an application for a minor variance to permit a farm use on a reduced lot size of 8.71 hectares at 45052 Talbot Line.

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE - Chairman M. Turvey

Highbury Avenue Roadworks at Canadian Pacific Railway Crossing - Appendix "B"

Motion by Alderman Aarts - Chapman:

THAT: Highbury Avenue be repaved from 30 metres north to 30 metres south of the Canadian Pacific Railway Crossing located between Edgeware Line and Ron McNeil Line; and,

THAT: TCG Asphalt & Construction Inc. be retained to complete the work at an estimated cost of \$24,000.00; and,

THAT: The source of funding for this roadwork be the Horton Street Parking Lot Resurfacing Project, Capital Works Project #2004 70, noting that \$24,000.00 is available for this purpose.

Carried.

Airport Drinking Water Supply - Appendix "C"

Motion by Alderman Johnston - Mayor Kohler:

THAT: City Council confirm the tender submitted by W.D. Excavating Ltd. in the amount of \$97,101.38, including GST, for the construction of the Airport Drinking Water Supply be rejected due to an inability by the contractor to secure bonding; and,

THAT: The tender security deposit supplied by W.D. Excavating LTD. in the amount of \$6000.00 be retained by the City; and,

THAT: City staff be instructed to complete the work utilizing a combination of in-house resources and specialized contractors at an estimated cost of \$100,000.00; and,

THAT: The sources of funding as outlined in Report ES84-05 be approved.

Carried.

UNFINISHED BUSINESS

NEW BUSINESS

CITY CLERK _____ CONFIRMED _____ MAYOR _____

BUSINESS CONCLUDED

PERSONNEL AND LABOUR RELATIONS COMMITTEE - Chairman D. Warden

UNFINISHED BUSINESS

NEW BUSINESS

Authorized Requester Agreement - Ministry of Transportation - Appendix "D"

Motion by Alderman Chapman - Aarts:

THAT: Council authorize, by by-law, the Mayor and Clerk to sign and affix the corporate seal to the "Authorized Requester Agreement" with the Ontario Ministry of Transportation.

Carried.

BUSINESS CONCLUDED

FINANCE AND ADMINISTRATION COMMITTEE - Chairman C. Barwick

UNFINISHED BUSINESS

NEW BUSINESS

Liberatore - Parking Garage Lease Extension

Motion by Alderman Shackelton - Turvey:

THAT: Council enact a by-law to authorize the Mayor and Clerk to execute an agreement to extend the land lease by an additional twenty years for the Grand Central Station parking garage under the same terms and conditions of the existing lease.

Carried.

St. Thomas Cemetery Company - Replacement Furnace

Alderman Barwick presented a letter, which he had received from the St. Thomas Cemetery Company requesting funding from Council for a new furnace.

Motion by Mayor Kohler - Alderman Aarts:

THAT: Council authorize an expenditure of \$6000.00 for the St. Thomas Cemetery Company to be funded from the 2005 Budget for the replacement of a furnace.

Carried.

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE - Chairman B. Aarts

UNFINISHED BUSINESS

Douglas J. Tarry Sports Complex and Burwell Park

NEW BUSINESS

Valleyview Replacement - Monthly Report - Appendix "E"

The Valleyview Administrator stated that the schedule for substantial completion for Valleyview set for January 6, 2006 was on target.

The Valleyview Administrator informed Council that staff were working on moving plans.

The 36th meeting of the 125th Council - 4

Motion by Alderman Turvey - Chapman:

THAT: The Valleyview Replacement Report #VV-012-05 for the month ending July 31st, 2005 be received and filed as information.

Carried.

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

Alderman Aarts stated that the last 1,000 tickets were now gone and that there was a waiting list for tickets. Further, Alderman Aarts asked the community if anyone was not going to use their tickets to kindly return them to City Hall.

Alderman Barwick inquired if the grand opening information would be presented to Council when the plans had been finalized.

Alderman Aarts stated that the information would be distributed to Council.

Ice Use Deposit Policy

Alderman Johnston inquired if the ice use deposit policy was being implemented.

Alderman Aarts stated that he would check into this matter.

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

Alderman Johnston inquired about the status of the installation of safety netting in Rink A.

Alderman Aarts stated that the netting had been installed today.

Memorial Arena

Alderman Warden stated that he hoped funds would be placed in the 2006 budget for maintenance at the Memorial Arena.

Alderman Shackelton stated that painting could be coordinated when the ice was taken out.

Alderman Aarts stated that he would keep Council informed about the maintenance at Memorial Arena.

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

Safety Issues and Intersection Concerns - Consistency of Application - Appendix "F"

Alderman Johnston requested that a copy of this information be forwarded to Mr. Henderson.

The Director, Environmental Services stated that this would be done.

Alderman Shackelton commended staff for looking after this matter.

Motion by Alderman Turvey - Aarts:

THAT: Council approve the recommendations outlined in Report ES86-05 relating to Safety Issues and Intersection Concerns, of the Supervisor of Roads and Transportation.

Carried.

CITY CLERK _____ CONFIRMED _____ MAYOR _____

NEW BUSINESS

Police Services Report

Constable Travis Sandham was in attendance and presented the Police Services Report for the Month of August 2005.

Rogers Cable Communications - 911 Agreement - Appendix "G"

Motion by Mayor Kohler - Alderman Chapman:

THAT: Council enter into an agreement with Rogers Cable Communications for the provision of E911 Emergency Calling service; and further,

THAT: A by-law be prepared for Council authorizing the signing of the agreement by the Mayor and Clerk.

Carried.

Downtown Development Board - Request for Street Closure - Mondamin Street - Appendix "H"

Motion by Alderman Turvey - Aarts:

THAT: Mondamin Street be closed between Talbot Street and Curtis Street on Friday, November 18, 2005 between the hours of 5:00 p.m. and 8:00 p.m. to allow for the Tree Lighting Ceremony.

Carried.

Downtown Development Board - Request for Temporary Exemption from By-Law 53-96
Appendix "I"

Motion by Alderman Chapman - Aarts:

THAT: A temporary exemption be granted to the Downtown Development Board from Section 10 of Animal Control By-Law 53-96, as amended, to permit hayrides for the annual Tree Lighting Ceremony to be held on Friday, November 18, 2005.

Carried.

Fire Department Substation No. 2 - Appendix "J"

The Director of Planning informed Council that approval of the Site Plan for the new Fire Department Station No. 2 was subject to approval of minor variances and that the City would be following the same process to obtain minor variances as any private individual.

Motion by Mayor Kohler - Turvey:

THAT: Council authorize David Murphy of Murphy and Murphy Architect Inc. to act as agent for the municipality in respect to the application for the minor variances required for the Fire Department Substation on 235 Burwell Road.

Carried.

Hurricane Katrina Relief

Alderman Barwick informed Council and the community that donations were being received at the former Elgin County Market building for relief efforts relating to Hurricane Katrina.

St. Thomas Economic Development Corporation Request to Construct Dennis Road

Alderman Turvey stated that she was in receipt of a letter from the St. Thomas Economic Development Corporation requesting the City to construct Dennis Road in 2006.

Alderman Barwick stated that this would be referred to the 2006 Budget and that receipt of the letter should be acknowledged.

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

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 - Johnston:

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 Sixth Report of the Site Plan Control Committee - Appendix “K”

Motion by Alderman Aarts - Turvey:

THAT: Clause #1 of the Sixth Report of the Site Plan Control Committee be adopted.

Carried.

Motion by Alderman Warden - Turvey:

THAT: Clauses 2, 3, 4 & 5 of the Sixth Report of the Site Plan Control Committee be adopted.

Carried.

CITY CLERK_____CONFIRMED_____MAYOR

PETITIONS AND COMMUNICATIONS

Naming of Fire Department Substation No. 2 - 235 Burwell Road

A letter was received from Warren Scott, President, St. Thomas Professional Fire Fighters Association, requesting that the Fire Department Substation No. 2 be named, "Captain Dennis A. Redman No. 2 Fire Station".

Motion by Alderman Johnston - Shackelton:

THAT: The new Fire Department Substation No. 2 at 235 Burwell Road be named "Captain Dennis A. Redman No. 2 Fire Station".

Carried.

2005 Southwest Municipal Conference - November 18, 2005

An invitation was received from the Ministry of Municipal Affairs and Housing and the Association of Municipalities of Ontario to the 2005 Southwest Municipal Conference being held on November 18, 2005 in London.

Motion by Alderman Aarts - Turvey:

THAT: We authorize the following individuals to attend the 2005 Southwest Municipal Conference being held in London on November 18, 2005:

Alderman Aarts
Alderman Chapman
Alderman Turvey.

Carried.

Homecoming Victory Gala - Army, Navy and Air Force Veterans in Canada - City Pins

A letter was received from Deanne Gosselin, Homecoming Victory Gala Event Coordinator, Army, Navy and Air Force Veterans in Canada, requesting 450 city pins for the Homecoming Victory Gala to be held on November 5, 2005 at Beaver Hall, Wolseley Barracks, London.

Motion by Alderman Warden - Shackelton:

THAT: Council provide 450 St. Thomas city pins to the Army, Navy and Air Force Veterans in Canada for the Homecoming Victory Gala to be held on November 5, 2005 at Beaver Hall, Wolseley Barracks, London.

Carried.

Hospital Auxiliaries Association of Ontario Conference - October 19, 2005 - City Pins

A letter was received from Sandra Tanton, Chair, Conference Committee, Regional Mental Health Care-St. Thomas Volunteer Association, requesting 200 city pins for the conference to be held at the St. Thomas Seniors' Centre.

Motion by Alderman Warden - Shackelton:

THAT: Council provide 200 St. Thomas city pins to the Regional Mental Health Care-St. Thomas Volunteer Association for the Hospital Auxiliaries Association of Ontario Conference to be held on October 19, 2005.

Carried.

Ontario Games

An invitation to bid on Ontario’s Games had been received from Doug Rosser, Chair, Sport Alliance of Ontario.

The Director of Finance & City Treasurer informed Council that staff had looked at the information but that there were other high priorities to manage and that the bidding process involved a lot of staff time.

Motion by Alderman Aarts - Barwick:

THAT: The Corporation of the City of St. Thomas submit a letter of intent relating to the bid process for one 2008 Ontario Winter Games; and further,

THAT: Staff provide a report to Council with recommendations relating to a bid for the 2008 Ontario Winter Games; and further,

THAT: Staff provide a report to Council relating to bidding for the 2008 Summer Games for Youth, 2008 Ontario Senior Games Actifest, 2009 Ontario Senior Games Winterfest.

Motion Lost.

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

Alderman Barwick requested a reconsideration of the motion authorizing an additional \$86,000 in expenditures for the St. Thomas-Elgin Community Centre Complex/Twin Pad Arena in order to clarify that the funds were to be used for specific purposes.

Alderman Shackelton stated that he was of the opinion that the funds were to be used for specific purposes.

Mayor Kohler stated that while he understood the confusion, he could not support the reconsideration because it would leave a building that would not be complete and that the Committee needed some leeway.

Alderman Aarts stated that the Committee needed the \$86,000 to work with and that a listing of the prices would be forth coming to Council.

Alderman Johnston stated he could not support the motion because he did not support the original motion.

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

Motion by Alderman Barwick - Shackelton:

THAT: Council reconsider the motion to provide \$86,000. for over expenditures at the St. Thomas-Elgin Community Centre Complex/Twin Pad Arena.

Recorded Vote

Yeas

Alderman C. Barwick
H. Chapman
T. Shackelton

Nays

Mayor Kohler
Alderman B. Aarts
T. Johnston
M. Turvey
D. Warden

Motion Lost.

UNFINISHED BUSINESS

NEW BUSINESS

Council Meeting Dates

Motion by Alderman Warden - Turvey:

THAT: Council establish Council meeting dates for January 2006 as being January 9th, 16th, and 23rd, 2006.

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 19th 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 and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation. (Authorized Requester - Employee Driver's Licence)
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 and The Competitive Local Exchange Carrier. (Rogers Cable Communications - E9-1-1 Emergency Calling Service)
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, 1215094 Ontario Limited, 533629 Ontario Limited, The Equitable Trust Company and CIBC Mortgages Inc. (Lease Extension Agreement - Parking Garage - 294 Metcalfe Street)
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 715399 Ontario Limited (SPC 08-05 - 1103-1105 Talbot Street - commercial development)

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 C. Barwick 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.

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1. A by-law to confirm the proceedings of the Council meeting held on the 19th day of September, 2005. (B/L 126-2005)
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 Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation. (Authorized Requester - Employee Driver's Licence) (B/L 127-2005) (A/G 45-2005)
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 and The Competitive Local Exchange Carrier. (Rogers Cable Communications - E9-1-1 Emergency Calling Service) (B/L 128-2005) (A/G 45-2005)
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, 1215094 Ontario Limited, 533629 Ontario Limited, The Equitable Trust Company and CIBC Mortgages Inc. (Lease Extension Agreement - Parking Garage - 294 Metcalfe Street) (B/L 129-2005) (A/G 45-2005)
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 715399 Ontario Limited (SPC 08-05 - 1103-1105 Talbot Street - commercial development) (B/L 130-2005) (A/G 45-2005)

Carried.

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION

Motion by Alderman Johnston - Aarts:

THAT: This meeting be closed to deal with proposed or pending acquisition or disposition of land by the municipality.

Carried.

OPEN SESSION

Motion by Alderman Aarts - Chapman:

THAT: We do now rise from Closed Session. (6:37 P.M.)

Carried.

ADJOURNMENT

Motion by Alderman Johnston - Aarts:

THAT: We do now adjourn. (8:09 P.M.)

Carried.