

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

**COUNCIL CHAMBERS  
CITY HALL**

**NOVEMBER 21ST, 2005**

5:00 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  
I. Andersen, Manager of Operations & Compliance  
D. White, Supervisor of Roads and Transportation  
G. Dart, Director, Human Resources  
R. Wheeler, Economic Development Manager  
R. Barber, Fire Chief  
C. Hinatsu, Ontario Works Director  
O. Jensen, Deputy Fire Chief  
G. Hodgson, Constable, St. Thomas Police Department  
J. Sanders, City Solicitor

**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**

Nil.

**MINUTES**

Motion by Alderman Turvey - Aarts:

THAT: The minutes of the meeting held on November 14th, 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**

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

East Side Area Services

**NEW BUSINESS**

**BUSINESS CONCLUDED**

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

**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**

**Federal Gas Tax Revenues - Municipal Funding Agreement - Appendix "A"**

Motion by Alderman Johnston - Shackelton:

THAT: Council adopt a by-law authorizing the Mayor and Clerk to execute a Municipal Funding Agreement with the Association of Municipalities of Ontario for the transfer of Federal gas tax revenues to the City; and further,

THAT: Council establish a Federal Gas Tax Reserve.

Carried.

**St. Thomas-Elgin Public Art Centre - 2006 Grant Request**

A letter was received from Debra Seabrook-Page, Executive Director/Curator, St. Thomas-Elgin Public Art Centre, requesting a grant of \$70,000.00 for the 2006 year.

Motion by Alderman Shackelton - Aarts:

THAT: The grant request of the St. Thomas-Elgin Public Art Centre be referred to the 2006 Budget deliberations.

Carried.

**Parking Revenue - Request for Donation**

A letter was received from Jennie Christian, District Manager, Huron Oxford, Perth & Elgin Counties, Easter Seal Society, requesting that the City donate its parking revenues for December 2nd, 2005 to the Easter Seal Society.

Council members took no action at this time.

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**Ontario Works Report for the months of August, September and October 2005 - Appendix "B"**

Motion by Mayor Kohler - Alderman Chapman:

THAT: Report CR-05-16 of the Director of Ontario Works for the months of August, September and October be received and filed for information.

Carried.

St. Thomas Community Centre

Alderman Johnston inquired about the status of deficiencies at the St. Thomas Community Centre.

Alderman Aarts stated that a tour of the facility had taken place and that while he hadn't seen a list of deficiencies yet he would ensure all the work was complete.

Alderman Warden inquired about the status of the capital fundraising campaign.

The Director of Finance & City Treasurer stated that the target amount of \$350,000 to be turned over to the City for 2005 was close to being met.

The members discussed having the Capital Fundraising Committee provide a report to Council.

Alderman Aarts stated that he would make that request.

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

Captain Dennis A. Redman No. 2 Fire Station

Alderman Shackelton requested that Alderman Aarts take the Chair as he wanted to provide comments relating to the Captain Dennis A. Redman No. 2 Fire Station.

Alderman Shackelton provided an overview of the process of how the project was developed including the selection of land, discussions about financing the project without impacting the tax rate and how the actual cost of the project was arrived at.

The members thanked Alderman Shackelton for his overview.

The members expressed concern that the actual cost was \$600,000 higher than the original estimate.

Following his comments, Alderman Shackelton assumed the Chair.

Elmina Street and Oak Street Intersection

**NEW BUSINESS**

Police Services Report

Constable Glenn Hodgson was in attendance and presented the Police Services Report for the month of October 2005.

Update to Parking Lot Permit Policy - Appendix "C"

Motion by Alderman Turvey - Chapman:

THAT: The update to the City of St. Thomas Parking Lot Permit Policy as outlined in Report ES104-05 of the Supervisor of Roads & Transportation be approved; and,

THAT: All City of St. Thomas staff be required to follow the Parking Lot Permit Policy and assist Environmental Services with the proper issuance of the daily parking lot permits; and,

THAT: The policy remains effective with a full implementation by January 2, 2006.

Carried.

Revision to Overnight Parking Permit Policy - Appendix “D”

Motion by Alderman Aarts - Johnston:

THAT: The recommended amendments to the City’s Overnight Parking Permit Policy as outlined in Report ES103-05 of the Supervisor of Roads & Transportation be approved; and,

THAT: The amended policy be effective immediately.

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

DRIVEWAY RECONSTRUCTION - MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES - J. Dewancker

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

COMMUNITY SAFETY ZONE REVIEW - D White

DENNIS ROAD INFRASTRUCTURE COSTS - 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 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**

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

Mutual Boundary Adjustment

The members received a letter from Mrs. G. Johnston, 18 Woodland Road, stating her concern about the pending mutual boundary adjustment and the provision of fire and police services.

The members took no action.

**UNFINISHED BUSINESS**

Recognition of John Street - 2005 Year of the Veteran

**NEW BUSINESS**

Physician Recruitment

The General Manager of the St. Thomas Economic Development Corporation was in attendance and introduced Doctor Kellie Scott to Council stating that Dr. Scott had been successfully recruited to open a practice in St. Thomas through the joint efforts of the Mayor's Task Force, the St. Thomas Chamber of Commerce and the St. Thomas-Elgin General Hospital Physician Recruitment Program.

The Mayor welcomed Doctor Scott to the city and thanked her for coming to St. Thomas.

Workplace Discrimination and Harassment

The members discussed a matter relating to the City's Workplace Discrimination and Harassment Policy regarding Alderman Warden.

Alderman Warden expressed concern that he was advised not to be present at a closed session of Council relating to the matter.

The Director of Human Resources stated that he did not recall advising Alderman Warden not to attend but his recollection was advice from the City's Solicitor indicating that Alderman Warden may be in a conflict of interest.

Mr. Sanders, City Solicitor, was in attendance and stated that Alderman Warden did not have a conflict of interest and he further commented that Council had to ensure that all employees were free from harassment and discrimination.

Mr. Sanders stated that abuse of power was a form of harassment.

Mr. Sanders stated that Council was limited in any sanctions that could be imposed against a Council member.

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

Motion by Alderman Turvey - Aarts:

THAT: As a result of an investigation into a contravention of the City's Workplace Discrimination and Harassment Policy that Council has determined that Alderman Dave Warden did use his position as a Member of Council to undermine, sabotage, otherwise interfere with or negatively influence a City Employee;

WHEREAS Council has determined that Alderman Warden's actions were not initiated or conducted for the betterment of the City of St. Thomas;

AND WHEREAS Council considers workplace harassment as a serious employment issue;

NOW THEREFORE, Council desires to take the following action:

THAT: Alderman Warden undertake training relating to the Municipal Freedom of Information and Protection of Privacy Act and the City's Discrimination and Harassment Policy.

**Recorded Vote**

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

Carried.

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

Motion by Alderman Turvey - Aarts:

THAT: Alderman Warden be removed as the Chairman of the Personnel and Labour Relations Committee.

**Recorded Vote**

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

Motion Lost.

**Distribution and Use of Confidential Information**

The members inquired how this investigation would take place.

The Director of Human Resources stated that while he didn’t feel this would be a lengthy process, an outside party would be used to conduct the investigation.

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

Motion by Alderman Turvey - Shackelton:

THAT: Council direct the Director of Human Resources to undertake an investigation into the distribution and use of confidential information including information protected under the Municipal Freedom of Information and Protection of Privacy Act, as recommended in the investigation report of Wootton Regan.

**Recorded Vote**

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

Carried.

**CASO Station**

Alderman Aarts commended the “Save Our Station” project, as efforts are underway to protect the CASO station.

**Christmas Care**

Mayor Kohler advised the members and the community that the location of Christmas Care has

been changed to the former Weatherhead Building on Inkerman Street.

Fantasy of Lights

Mayor Kohler reminded the members and the community about the launch of the Festival of Lights this Friday at 6:30 p.m. at Pinafore Park.

Sports Spectacular

Alderman Johnston stated that tickets are available for the annual Sports Spectacular event.

Shop Local

Alderman Warden commended the Iron Horse Festival for the Christmas lights and encouraged the members and the community to shop local this Christmas.

**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 21st day of November, 2005.
2. A by-law to authorize the Mayor and Clerk to execute and affix the seal of the Corporation to a certain contract between the Corporation of the City of St. Thomas and 1123491 Ontario Inc. o/a United Contracting (London). (Sunset Drive, Chester Street to Elm Street Road Settlement Repair - \$101,155.66)
3. 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 63, Plan 11M-125, Block 35, 37 & 38, Plan 11M-146 and Part Block 32, Plan 11M-110 - Springwater Developments)
4. A by-law to amend By-Law 50-88, being the Zoning By-Law for the City of St. Thomas. (Pet Grooming Shop - 17 Manitoba 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 The Association of Municipalities of Ontario. (Municipal Funding Agreement - Transfer of Federal Gas Tax Revenues)
6. A by-law to authorize the execution of an agreement with the Corporation of the Municipality of Central Elgin respecting the restructuring of the municipal boundary and to authorize the submission of a restructuring proposal and report to the Minister of Municipal Affairs and Housing.
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 Dr. Kellie Dawn Scott. (family medicine practice)
8. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain contract between the Corporation of the City of St. Thomas and Graceview Enterprises. (Captain Dennis A. Redman No. 2 Fire Station - \$1,608,000.00 plus g.s.t.)

Carried.

**First and Second Readings**

Motion by Alderman Johnston - Shackelton:

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

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 B. Aarts 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:

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 21st day of November, 2005. (B/L 153-2005)
2. A by-law to authorize the Mayor and Clerk to execute and affix the seal of the Corporation to a certain contract between the Corporation of the City of St. Thomas and 1123491 Ontario Inc. o/a United Contracting (London). (Sunset Drive, Chester Street to Elm Street Road Settlement Repair - \$101,155.66) (B/L 154-2005) (CON 11-2005)
3. 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 63, Plan 11M-125, Block 35, 37 & 38, Plan 11M-146 and Part Block 32, Plan 11M-110 - Springwater Developments) (B/L 155-2005)
4. A by-law to amend By-Law 50-88, being the Zoning By-Law for the City of St. Thomas. (Pet Grooming Shop - 17 Manitoba Street) (B/L 156-2005)
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 The Association of Municipalities of Ontario. (Municipal Funding Agreement - Transfer of Federal Gas Tax Revenues) (B/L 157-2005) (A/G 60-2005)
6. A by-law to authorize the execution of an agreement with the Corporation of the Municipality of Central Elgin respecting the restructuring of the municipal boundary and to authorize the submission of a restructuring proposal and report to the Minister of Municipal Affairs and Housing. (B/L 158-2005) (A/G 61-2005)
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 Dr. Kellie Dawn Scott. (family medicine practice) (B/L 159-2005) (A/G 62-2005)
8. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain contract between the Corporation of the City of St. Thomas and Graceview Enterprises. (Captain Dennis A. Redman No. 2 Fire Station - \$1,608,000.00 plus g.s.t.) (B/L 160-2005) (CON 12-2005)

Carried.

### **PUBLIC NOTICE**

### **NOTICES OF MOTION**

### **CLOSED SESSION**

Alderman Warden was not in attendance during the closed session.

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

The 47th meeting of the 125<sup>th</sup> Council - 9

Motion by Alderman Johnston - Aarts:

THAT: This meeting be closed to deal with a labour relations matter and a personal matter about an identifiable individual.

Carried.

**OPEN SESSION**

Motion by Alderman Chapman - Shackelton:

THAT: We do now rise from Closed Session. (6:41 P.M.)

Carried.

**ADJOURNMENT**

Motion by Alderman Johnston - Aarts:

THAT: We do now adjourn. (8:29 P.M.)

Carried.