

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

**COUNCIL CHAMBERS  
CITY HALL**

**DECEMBER 5TH, 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  
I. Andersen, Manager of Operations & Compliance  
D. White, Supervisor of Roads & Transportation  
G. Dart, Director, Human Resources  
P. Keenan, Planning Director

**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 Shackelton declared a conflict of interest relating to a labour relations matter in Closed Session and also to By-Laws 7 and 8 as he is a member of CUPE. He refrained from all discussion regarding these matters.

Alderman Warden declared a conflict of interest relating to a matter discussed in closed session regarding a personal matter about an identifiable individual as he is employed at the St. Thomas Seniors' Centre. He refrained from all discussion regarding the matter.

**MINUTES**

Motion by Alderman Turvey - Shackelton:

THAT: The minutes of the meetings held on November 17th and 21st, 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**

CIP: Residential Loan Agreement: 23 East Street - Appendix "A"

Motion by Alderman Shackelton - Aarts:

THAT: Council receive Report CC-51-05 as information; and further,

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

THAT: The Mayor and Clerk be authorized to enter into a Residential Loan Agreement for the CIP Project relating to Application 2005-035: 23 East Street.

Carried.

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

East Side Area Services

**NEW BUSINESS**

Municipal Woodlot Management Program - Catfish Creek Conservation Authority

Alderman Turvey stated that under an agreement should any logging be done, there would be revenues coming back to the City.

Motion by Alderman Chapman - Johnston:

THAT: Council refer the Municipal Woodlot Management Program - Catfish Creek Conservation Authority to the Environmental Services Department for review and provide a report to Council.

Carried.

Winter Plowing - Contract Default - Appendix "B"

The Director of Environmental Services stated that quotes would be invited for this purchase. Additionally he stated that the costs to contract winter plowing were increasing and that there were fewer contractors available.

The members discussed the fact that at some point additional staffing may have to be considered perhaps in the form of permanent part-time employees.

Motion by Alderman Chapman - Aarts:

THAT: Report ES 107-05, in respect to the contract default by one of the City's winter maintenance contractors be received as information; and further,

THAT: The City negotiate with available contractors to obtain resources as needed to accommodate the Winter Maintenance Plan as outlined in Report ES 98-05 and approved by Council on November 7, 2005; and further,

THAT: The City expedite the purchase of a replacement vehicle for truck 238, a 1992 dump truck including plow and sander equipment.

Carried.

207/209 Ross Street - Clean up of Fire Damage Property

Motion by Alderman Aarts - Mayor Kohler:

THAT: Report ES106-05 in respect to the fire damaged building at the property of 207/209 Ross Street be received for information; and further,

THAT: The Environmental Services staff be directed to remove the debris on the property and level the property in order to render the property in a safe and tidy condition at an estimated cost of \$17,000.00; and further,

THAT: The Corporation of the City of St. Thomas recover this cost from the property owner and that such cost be collected in the same manner and with the same priorities as municipal real property taxes.

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**

**Exclusive Beverage Rights for St. Thomas Community Centre - Appendix “C”**

The Director of Finance & City Treasurer stated that the term of this agreement would coincide with the expiration of the existing agreement with the Coca-Cola Company at the Memorial Arena. At that time beverage rights for both facilities could be tendered together.

Motion by Alderman Turvey - Chapman:

THAT: Council authorize the Mayor and Clerk to execute a three-year agreement with The Pepsi Bottling Group (PBG), effective immediately, for exclusive beverage rights in the St. Thomas Community Centre.

Carried.

**Council Alternatives - Emergency Response Plan - Appendix “D”**

Motion by Alderman Aarts -Warden:

THAT: Council establish the following roster of Council members to serve as an alternate to the Mayor in 2006, in the event of a community emergency, should the Mayor not be available:

January	Alderman Aarts
February	Alderman Barwick
March	Alderman Chapman
April	Alderman Johnston
May	Alderman Shackelton
June	Alderman Turvey
July	Alderman Warden
August	Alderman Aarts
September	Alderman Barwick
October	Alderman Chapman
November	Alderman Johnston
December	Alderman Shackelton

Carried.

**Ice User Group Accounts**

Alderman Johnston inquired about the status of ice user accounts given the fact that they were approximately half-way though the season.

The 49th meeting of the 125<sup>th</sup> Council - 4

The Director of Finance & City Treasurer stated that with the exception of the St. Thomas Stars he believed the accounts were current.

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

Elmina Street and Oak Street Intersection

Captain Dennis A. Redman No. 2 Fire Station

Alderman Shackelton requested that this matter remain on unfinished business as a review of the contract information and approvals is taking place.

Alderman Turvey requested that monthly status reports be provided detailing the progress and costs of the project.

**NEW BUSINESS**

Transit Ridership Growth and Asset Management Plan - Appendix “E”

Mr. Chris Prentice, I.B.I. Group, was in attendance to present the Transit Ridership Growth and Asset Management Plan.

The members thanked Mr. Prentice for his presentation.

The members discussed the fact that the report had not been circulated to the Municipal Accessibility Committee for their review and input.

Motion by Mayor Kohler - Alderman Aarts:

THAT: The Transit Ridership Growth Strategy and Asset Management Plan be referred to the Municipal Accessibility Committee for comment prior to adoption by Council.

Carried.

By-Law 89-2004, A by-law to establish smoke free public places and workplaces  
Appendix “F”

Motion by Alderman Turvey - Chapman:

THAT: Council receive Report CC-50-05 relating to the City’s Smoking By-Law; and further,

THAT: Council enter into a new agreement with the Elgin-St. Thomas Health Unit for the provision of enforcement services for the By-Law; and further,

THAT: The By-Law identifying the names of the authorized enforcement personnel be amended to reflect current inspectors.

Carried.

**BUSINESS CONCLUDED**

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

**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 Aarts - 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**

Municipal Accessibility Plan - Appendix "G"

Alderman Shackelton expressed concerns about the fact that there was no staff member assigned to assist in the preparation of the plan and that the implications of the plan crossed many different departments.

The members discussed the fact that the Municipal Accessibility Plan was to be forwarded to the Ministry by December 31, 2005 and that there had not been a full staff review.

Further the members discussed the need to improve communications and staff liaison with the Municipal Accessibility Advisory Committee.

Alderman Shackelton stated that he was comfortable with the Municipal Accessibility Plan being forwarded to the Ministry.

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

## The 49th meeting of the 125<sup>th</sup> Council - 6

Motion by Alderman Warden - Turvey:

THAT: The Municipal Accessibility Action Plan November 2005, as attached to the Report of the Chairman of the Municipal Accessibility Advisory Committee, be received for information; and further,

THAT: The Municipal Accessibility Action Plan be referred to the Management Board for review with a report being provided back to Council; and further,

THAT: The Municipal Accessibility Action Plan be forwarded to the Ministry by December 31, 2005.

Carried.

### **PETITIONS AND COMMUNICATIONS**

#### Provincial Municipal Fiscal Gap - Resolution

Motion by Alderman Turvey - Warden:

THAT: Council support the resolution from the Town of Midland regarding the cost of programs downloaded to municipalities.

Carried.

#### 2006 Communities in Bloom International Competition

A letter was received from Ross Tucker, Chairman, St. Thomas Communities in Bloom Committee, requesting Council's support to participate in the 2006 Communities in Bloom International Competition.

The members discussed the fact that a budget allocation for Communities in Bloom would be considered as part of the 2006 budget deliberations.

Motion by Alderman Aarts - Turvey:

THAT: Council support the St. Thomas Communities in Bloom Committee's request to participate in the 2006 Communities in Bloom International Competition.

Carried.

### **UNFINISHED BUSINESS**

#### Recognition of John Street - 2005 Year of the Veteran

### **NEW BUSINESS**

#### Christmas Care

Alderman Barwick stated that the Christmas Care effort was located at the former Weatherhead Building and further that Christmas Care was in need of baby food and gifts for girls aged 8 to 12.

#### Hurricane Katrina Disaster Relief

Alderman Barwick stated that Mr. Stan Beleutz had received a telephone call, on the American Thanksgiving, from Mr. Bangs in the Gulf Port area thanking the citizens of St. Thomas for their assistance.

#### Ministry of Municipal Affairs and Housing Conference

Alderman Turvey provided the members with an overview of the conference that had been held and stated that a lot of very good information had been received.

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

Rogers Cable

Alderman Turvey thanked the volunteers at Rogers Cable for their services in televising the Council meetings.

Capitol Theatre

Alderman Aarts congratulated Mr. Mark Cosens for the work that has been done to restore the Capitol Theatre.

Winter Snow Maintenance

Alderman Shackelton informed the members that he had received a number of phone calls about the condition of the roads after the recent snowstorm and assured the members and the citizens that the roads were being addressed.

Santa Claus Parade

Alderman Warden commended the community for the excellent Santa Claus Parade.

Luncheon with Minister Peters

Alderman Warden reminded the members about the upcoming luncheon with Minister Peters to be held on Friday December 9<sup>th</sup> at the St. Anne's Centre.

Cleanliness of St. Thomas Community Centre

Alderman Warden expressed concern about the ongoing cleanliness of the St. Thomas Community Centre.

The Director of Finance & City Treasurer stated that he was aware of the concerns and that a report would be coming to Council in February regarding staffing levels.

**BY-LAWS**

Motion by Alderman Turvey - Aarts:

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 5th day of December, 2005.
2. A by-law to amend By-Law 50-88, being Zoning By-Law for the City of St. Thomas (Removal of holding zone provision - Blocks 22 & 27, Plan 11M-110 - #34T-05505)
3. A by-law to amend By-Law 50-88, being Zoning By-Law for the City of St. Thomas (Removal of holding zone provision - 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 - #34T-05502)
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 the Board of Health of the Elgin-St. Thomas Health Unit. (Enforcement of By-Law 89-2004)
5. A by-law to appoint Provincial Offences Officers under By-Law 89-2004.
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 James and Jane Daminoff. (23 East Street -\$7,500 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 Canadian Union of Public Employees and its Local 35 (Outside Workers). (Collective agreement - Local 35 - January 1st, 2005 - December 31st, 2007)

8. 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 Canadian Union of Public Employees and its Local 841. (Collective agreement - Local 841 - January 1st, 2005 - December 31st, 2007)

Carried.

### **First and Second Readings**

Motion by Alderman Turvey - Aarts:

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.

The Chairman recognized the fact that Alderman Shackelton had declared a conflict of interest relating to By-laws 7 and 8. Alderman Shackelton refrained from any discussion or action relating to these 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 Turvey - Aarts:

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. 1. A by-law to confirm the proceedings of the Council meeting held on the 5th day of December, 2005. (B/L 161-2005)

2. A by-law to amend By-Law 50-88, being Zoning By-Law for the City of St. Thomas (Removal of holding zone provision - Blocks 22 & 27, Plan 11M-110 - #34T-05505) (B/L 162-2005)

3. A by-law to amend By-Law 50-88, being Zoning By-Law for the City of St. Thomas (Removal of holding zone provision - 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 - #34T-05502) (B/L 163-2005)

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 and the Board of Health of the Elgin-St. Thomas Health Unit. (Enforcement of By-Law 89-2004) (B/L 164-2005) (A/G 63-2005)

5. A by-law to appoint Provincial Offences Officers under By-Law 89-2004. (B/L 165-2005)

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 James and Jane Daminoff. (23 East Street -\$7,500 loan - Community Improvement Plan) (B/L 166-2005) (A/G 64-2005)



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 Canadian Union of Public Employees and its Local 35 (Outside Workers). (Collective agreement - Local 35 - January 1st, 2005 - December 31st, 2007) (B/L 167-2005) (A/G 65-2005)

8. 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 Canadian Union of Public Employees and its Local 841. (Collective agreement - Local 841 - January 1st, 2005 - December 31st, 2007) (B/L 168-2005) (A/G 66-2005)

Carried.

## **PUBLIC NOTICE**

### **Fees/Charges for Wastewater Services - Water and Sewage Service Rates**

A public meeting will be held on January 16th, 2006 regarding a proposed by-law to increase sewage service rates and water rates.

## **NOTICES OF MOTION**

### **Naming of St. Thomas Community Centre**

A Notice of Motion was received from Alderman Johnston to name the St. Thomas Community Centre "The Timken Centre".

## **CLOSED SESSION**

Motion by Alderman Johnston - Turvey:

THAT: This meeting be closed to deal with labour relations matters; a personal matter about an identifiable individual; and a matter protected under the Municipal Freedom of Information and Protection of Privacy Act.

Carried.

## **OPEN SESSION**

Motion by Alderman Johnston - Aarts:

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

Carried.

## **ADJOURNMENT**

Motion by Alderman Johnston - Turvey:

THAT: We do now adjourn. (9:17 P.M.)

Carried.