

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

**COUNCIL CHAMBERS
CITY HALL**

MARCH 6TH, 2006

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. Shackelton
 M. Turvey
 D. Warden

Absent

Alderman T. Johnston

Officials

W. Graves, City Clerk
I. Andersen, Manager of Operations & Compliance
M. Carroll, Valleyview Administrator
B. Clement, Manager of Engineering
G. Dart, Director, Human Resources
W. Day, Director of Finance & City Treasurer
J. Dewancker, Director, Environmental Services
C. Hinatsu, Director, Ontario Works
P. Keenan, Planning Director
J. McCoomb, Planner
R. Wheeler, Economic Development Manager
D. White, Supervisor of Roads & Transportation

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 Aarts - Turvey:

THAT: The minutes of the meeting held on February 20th, 2006 be confirmed.

Carried.

DEPUTATIONS

Thames Valley Children’s Centre - Grant Request

Mr. Doug Nicholson, Mr. Bill Pettipas, and Miss Alysia MacKillop representing the Thames Valley Children’s Centre Campaign Committee were in attendance and made a presentation regarding the expansion and enhancement of the Centre and to request Council to consider making a contribution towards the capital campaign.

The members thanked the deputation for their presentation. The matter would be considered later in the meeting.

Official Plan and Zoning By-Law Amendment - 48 Stanley Street

Mr. William Herold provided the members with an overview of the history and assessment for the property at 48 Stanley Street. Mr. Laverne Kirkness, Kirkness Consulting Inc., was in attendance to discuss a land use planning analysis for 48 Stanley Street. Additionally, Mr. Phil Cassis, a neighbor, provided comments supporting the proposal.

The Mayor thanked the deputation for their information and stated the matter would be considered later in the meeting.

CITY CLERK_____CONFIRMED_____MAYOR

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

Official Plan and Zoning By-Law Amendment - Part Lots 14, 16 & 17, Plan 192 - 48 Stanley Street - Elgin Financial Corporation and The Eclectic Company - Appendix "A"

Mr. J. McCoomb, Planner, was in attendance to highlight the staff report relating to this matter and to state that staff did not support this amendment.

Motion by Alderman Turvey - Shackelton:

THAT: The application by Elgin Financial Corporation and The Eclectic Company for an amendment to the St. Thomas Official Plan and St. Thomas Zoning By-law 50-88 be received; and further,

THAT: Direction be given to prepare a site specific draft amendment to the Official Plan and the Zoning By-law to permit an interior design business office and retail boutique on lands at 48 Stanley Street and legally described as Part Lots 14, 16 & 17, Plan 192, City of St. Thomas, County of Elgin; and further,

THAT: A date for a public meeting be set for 6:45 p.m. on April 3rd, 2006 in accordance with Ontario Regulation 198/96 and 199/96 as amended.

Carried.

Zoning By-law Amendment - Removal of Holding Zone Symbol - Blocks 9, 10, 22 & 23, Registered Plan 11M-98 - Inn Services Inc. - Appendix "B"

Motion by Alderman Aarts - Turvey:

THAT: The application by Inn Services Inc. for an amendment to the City of St. Thomas Zoning By-law 50-88 to remove the holding symbol from Blocks 9, 10, 22 & 23, Registered Plan 11M-98, City of St. Thomas, County of Elgin, be approved; and further,

THAT: Direction be given to prepare the necessary amending by-law for Council approval and the notice of Council's intention to pass a by-law to remove the holding symbol be given pursuant to Ontario Regulation 199/96.

Carried.

Municipality of Central Elgin - Zoning By-Law Amendment - 42009 McBain Line

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to reduce the lot coverage on the subject property from 40% to 15% at 42009 McBain Line.

Municipality of Central Elgin - Notice of the Passing of a Zoning By-Law Amendment - Part Lots 2 & 3 and Part of Road Allowance, Concession 2

Notice was received from the Municipality of Central Elgin regarding the passing of Zoning By-law No. 822 on February 13th, 2006 to permit the proposed new residential dwelling and to establish the limits of development on the lot at Part Lots 2 & 3 and Part of Road Allowance, Concession 2.

BUSINESS CONCLUDED

CITY CLERK _____ CONFIRMED _____ MAYOR _____

ENVIRONMENTAL SERVICES COMMITTEE - Chairman M. Turvey

UNFINISHED BUSINESS

Street Rebuilding and Resurfacing - Appendix "C"

The members discussed the information contained in Report ES23-06 and by consensus, directed that the Environmental Services Department provide a priority ranking of the streets that are being considered for road resurfacing.

Motion by Alderman Warden - Shackelton:

THAT: Council receive Report ES23-06; and further,

THAT: The current City of St. Thomas roadway resurfacing needs and the capital forecast for road reconstruction during the period of 2006-2012 be received as information.

Carried.

NEW BUSINESS

Dennis Road Infrastructure Costs - Appendix "D"

The members discussed Report ES06-06 including the relationship of this project as compared to the implementation of the East Side sewer works.

The members directed, by consensus, that the costs, reflecting base road works only, and drawings, for Dennis Road be considered as part of the part two capital budget considerations.

Tender No. 06-601 - Valve Actuator with Trailer - Contract Award - Appendix "E"

Motion by Alderman Warden - Shackelton:

THAT: The tender submitted by Wachs Canada Ltd., for a Valve Actuator with Trailer for the purchase price of \$71,104.50 (including taxes) be accepted; and further,

THAT: A by-law be prepared to authorize this tender award.

Carried.

West Nile Virus - 2006 Larvicide Program - Appendix "F"

Motion by Alderman Aarts - Warden:

THAT: Report ES20-06 be approved by Council and received for information; and further,

THAT: Council support and endorse the application for permits by the Elgin St. Thomas Health Unit for the application of pesticides within the West Nile Virus programs by sending a letter to that effect; and further,

THAT: Staff as requested by the Health Unit be given the authority to retain the services of a pest control contractor through the Health Unit for mosquito control as required.

Carried.

Water Needs and Financial Study Update - Project Team Membership - Appendix "G"

Motion by Alderman Shackelton - Warden:

THAT: Council receive Report ES24-06; and further,

THAT: The following members of Council be appointed to participate on the study team of the Water Needs and Financial Study Update:

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Alderman Warden, Alderman Turvey, and Alderman Johnston,

AND FURTHER THAT: The Municipality of Central Elgin and the Township of Southwold be contacted to confirm their membership on the project study team.

Carried.

East Side Study

Alderman Barwick inquired about the status of the East Side Study Area and the ongoing concern of area businesses to have access to sewers. Further he inquired if there was a mechanism to amend existing by-laws so building permits could be issued to allow for use of septic systems.

The Director, Environmental Services stated that a public consultation process is required and that discussions with the Municipality of Central Elgin regarding cost sharing were needed.

Alderman Turvey stated that she had had discussions with a businesses owner in the area and that he stated he would prefer at this time to wait until discussions took place between the City and Central Elgin prior to making any further plans.

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

Kettle Creek Conservation Authority - 2006 Budget

Notice was received from Naomi Delaney, Financial Services Supervisor, Kettle Creek Conservation Authority, of the 2006 levy of the Authority and requesting payment of 2006 levy.

The members discussed the approved increase in the levy at the annual meeting of the Kettle Creek Conservation Authority and the fact that it reflected costs associated with source water protection monitoring.

The members, by consensus, directed that a letter be sent to the Province and to the Kettle Creek Conservation Authority stating concerns that the cost associated with source water protection should not be borne through local tax levies.

Motion by Mayor Kohler - Alderman Turvey:

THAT: Council rescind the February 6, 2006 motion relating to the payment of one-half of the Kettle Creek Conservation Authority's 2005 levy.

Carried.

Motion by Alderman Aarts - Shackelton:

THAT: Council pay to the Kettle Creek Conservation Authority 4/12ths of the 2006 levy in April and then pay 1/12th payment each month beginning on the 1st of May.

Carried.

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Corporate Credit Cards - Appendix "H"

The members discussed Report TR 06-06 and requested that further information be provided relating to: the use of the credit cards by a designate of the card holder; an understanding of how discipline would take place regarding wrongful use of the cards; the use of the credit cards by corporations such as the St. Thomas Economic Development Corporation; and, an outline of rules and guidelines relating to the use of the credit cards.

Motion by Alderman Aarts - Chapman:

THAT: Council approve the Purchase Card Policy and Procedures Manual effective March 2006, as presented in Report TR-06-06

Prior to the members voting on this motion, the following motion for postponement was made.

Motion by Alderman Shackelton - Mayor Kohler:

THAT: Report TR 06-06 be postponed until further review by staff.

Carried.

South Block Development Charges

NEW BUSINESS

2005 Audit - Appendix "I"

Motion by Alderman Warden - Chapman:

THAT: Council receive, for information purposes, the communications as presented in Report TR 05-06 in connection with the external audit of the 2005 financial statements for the City.

Carried.

2006 Communities in Bloom International Competition - Grant Request

A letter was received from Ross Tucker, Chairman, St. Thomas Communities in Bloom Committee, requesting a \$25,000.00 grant from the City in support of the 2006 Communities in Bloom International Competition.

Motion by Alderman Warden - Turvey:

THAT: The request for a grant by the St. Thomas Communities in Bloom Committee for the 2006 Communities in Bloom International Competition be referred to the 2006 budget.

Carried.

Downtown Development Board - 2006 Budget

A letter was received from Mark Cosens, Chairman, Downtown Development Board, requesting approval for a levy of \$116,000.

The members discussed concerns that they had received from members within the Downtown Development Board area about the limited opportunities they have to participate in the approval of matters at the general meeting of the Downtown Development Board. Further, the members discussed the importance for the members of the Downtown Development Board area to participate in the Board's activities throughout the entire year.

The City Clerk stated that there may be some opportunities to review the existing by-law of the Downtown Development Board and to revise it in relationship to the Municipal Act.

Motion by Alderman Turvey - Chapman:

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THAT: Council authorize the 2006 budget and levy increase of the Downtown development Board.

Prior to the members voting on this motion, the following motion of postponement was made:

Motion by Alderman Warden - Shackelton:

THAT: Council postpone the passing of the Downtown Development Board's 2006 budget for a period of 30 days in order to allow for a review of the by-law relating to the Downtown Development Board.

Carried.

Expenses Incident to the Discharge of Duties as Members of Council - Appendix "J"

Motion by Alderman Shackelton - Aarts:

THAT: Council authorize that the provisions of Section 283 of the Municipal Act relating to the expenses of council members in the discharge of their duties, continue to apply to this council and its local boards; and further,

THAT: One-third of the remuneration paid to the elected members of council and their local boards be considered as expenses incident to the discharge of their duties as members of council or local boards.

Carried.

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE - Chairman B. Aarts

UNFINISHED BUSINESS

NEW BUSINESS

Lions Park Capital Project - Appendix "K"

Motion by Alderman Warden - Shackelton:

THAT: Council authorize the execution of an Amending Agreement with the Lions Club of St. Thomas for a 5-year interest-free loan of \$60,000.00 to facilitate capital improvements in Lions Park; it being noted that the total project cost is estimated at \$120,000.00; and further,

THAT: Council authorize administration to prepare a joint City/Lions Club application to the Trillium Foundation for funding; it being noted that any funding secured would be utilized to enhance the planned capital improvements at the Lions Park.

Carried.

Tender Award - Window Treatments and Quilted Bedspreads for Valleyview Home for the Aged
Appendix "L"

Motion by Alderman Chapman - Shackelton:

THAT: Council accept the Tender submitted by Waterloo Bedding Co. in the amount of \$86,007.83 (including taxes) for Window Treatments and Quilted Bedspreads for Valleyview Home for the Aged.

Carried.

St. Thomas Stars Junior B Hockey Club

Alderman Turvey inquired if the members would deal with the financial information that had

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been received by the St. Thomas Junior B Hockey Club.

The members stated that this matter should be dealt with at the next meeting.

YWCA Free Ice Time for Local Schools

The Director of Finance & City Treasurer stated that at one time there had been a reciprocal agreement in place with the school board for free ice use in return for use of gyms in the schools and that this agreement was no longer in place and that it had been rescinded when the Thames Valley District School Board was created.

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 provided an overview regarding the process that had been taken with regard to the financing and construction of the Captain Dennis A. Redman No. 2 Fire Station.

Alderman Turvey expressed concern about the process and the cost per square foot for the project.

Request for "No Standing" Zone - Forest Park Walkway

Intersection of Redan Street and Woodworth Avenue

NEW BUSINESS

School Area Review Procedures - For Elementary School Children - Appendix "M"

Motion by Alderman Turvey - Chapman:

THAT: Report ES 22-06 regarding School Area Review Procedures For Elementary School Children be received for information; and,

THAT: Council approve the recommended School Area Review Procedures included in Report ES 22-06; and,

THAT: A report be brought back to Council in the fall of 2006 with recommendations following the completion of the School Area Reviews.

Carried

BUSINESS CONCLUDED

REPORTS PENDING

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

FOREST AVENUE SIDEWALK - J. Dewancker

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YWCA - FREE ICE TIME FOR LOCAL SCHOOLS - D. Morgan

NO PARKING SIGNAGE - MILLER STREET - J. Dewancker

REDEVELOPMENT OF HORTON STREET MARKET - W. Day

ALMA COLLEGE - Management Board

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 Warden - 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

Preserve National Child Care Program - Resolution

Motion by Alderman Shackelton - Barwick:

THAT: Council support the National Child Care Program.

Carried.

Youth Science Month - March 2006

Motion by Alderman Warden - Chapman:

THAT: The Council of the Corporation of the City of St. Thomas proclaim the month of March as “Youth Science Month” in the City of St. Thomas.

Carried.

St. Joseph’s Catholic High School - 6th Annual Track and Field Meet - Request for City Pins

Motion by Alderman Warden - Aarts:

THAT: Council provide 200 St. Thomas city pins to the St. Joseph’s Catholic High School for the school's 6th Annual Track and Field Meet to be held on May 24th, 2006 in St. Thomas.

Carried.

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Invitation to Membership in Federation of Canadian Municipalities

An invitation was received from James Knight, Chief Executive Officer, Federation of Canadian Municipalities, for the City of St. Thomas to become a member of the Federation.

The members took no action regarding this matter.

Union Gas - Operations Manager

A letter was received from J. Wes Armstrong, Union Gas Ltd., introducing himself as the new Operations Manager for the London/Sarnia area.

16th Annual Elgin-St. Thomas Municipal Association Meeting and Banquet

Members were invited to attend the 16th Annual Elgin-St. Thomas Municipal Association meeting and banquet to be held on Wednesday, April 5th, 2006 at the St. Thomas Community Centre, St. Thomas. Tickets are \$25.00 per person and are available in the City Clerk's department until March 20th, 2006.

UNFINISHED BUSINESS

“Solid Pension - Secure Future” - C.A.W. Local 1001

Request for Letter of Tolerance - Fence Encroachment onto Road Boulevard Area - 10 Pol Court

NEW BUSINESS

CASO Railway Environment Due Diligence Review - Proposed Sale to City of St. Thomas

Motion by Alderman Turvey - Chapman:

THAT: The members authorize that the motion passed in closed session on February 20, 2006 relating to the CASO lands be brought forward into open session for information.

Carried.

The City Clerk read the following motion;

Motion by Alderman Aarts - Chapman:

THAT: The Memorandum of Understanding in respect to the proposed sale of Canada Southern Railway Lands to the City of St. Thomas attached to Report ES17-06 be approved; and further,

THAT: The Mayor and Clerk be authorized to sign this Memorandum; and further,

THAT: The invoice for legal services by Willms and Shier, Environmental Lawyers, in the amount of \$12,274.28 be approved.

Recorded Vote

Yeas

Mayor Kohler

Alderman B. Aarts

H. Chapman

C. Barwick

T. Shackelton

M. Turvey

Nays

Alderman T. Johnston

D. Warden

Carried.

Thames Valley Children's Centre - Grant Request

Motion by Alderman Aarts - Barwick:

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THAT: The request for a grant by the Thames Valley Children's Centre for the expansion and enhancement of the Centre be referred to the 2006 budget.

Carried.

Request for City Pins

Motion by Alderman Chapman - Shackelton:

THAT: Council provide Mrs. Harries with 150 City pins.

Carried.

City Procedures

Alderman Turvey stated that she had been asked by several people about issues that were taking place at City Hall.

Alderman Turvey provided comments about information that appeared in the St. Thomas Times Journal and the use of tax dollars that had been spent on recent harassment investigations.

Alderman Barwick requested the Mayor to rule on a point of order stating that Alderman Turvey was out of order speaking to these matters.

Mayor Kohler permitted Alderman Turvey to continue.

Alderman Turvey asked Alderman Warden for clarification that he did not participate in the second investigation.

Alderman Warden stated that he had responded through his lawyer.

Alderman Turvey provided comment on city procedures and the role of staff.

Alderman Warden expressed concern that a precedent had been set with Alderman Turvey's comments.

Honours and Awards Banquet

Alderman Chapman informed the community that applications were being received for the annual Honours and Awards Banquet.

Horton Street Market

Alderman Chapman reminded the members about the meeting regarding the Horton Street Market to be held on Tuesday, March 7th, 2006.

City of St. Thomas 125th Anniversary

Alderman Chapman stated that she had been approached by members in the community about celebrating the City's 125th Anniversary and requested that this matter be discussed at the next meeting.

City of St. Thomas Web Site

Alderman Chapman inquired if the City's Web site could include a search engine.

BY-LAWS

Motion by Alderman Chapman - Aarts:

THAT: Leave be granted to bring in the following by-laws:

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1. A by-law to confirm the proceedings of the Council meeting held on the 6th day of March, 2006.

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 The St. Thomas Lions Club. (amending agreement - \$60,000 loan - Improvements at Lions Park)

Carried.

First and Second Readings

Motion by Alderman Chapman - 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.

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 Chapman - 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. A by-law to confirm the proceedings of the Council meeting held on the 6th day of March, 2006. (B/L 22-2006)

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 The St. Thomas Lions Club. (amending agreement - \$60,000 loan - Improvements at Lions Park) (B/L 23-2006) (A/G 11-2006)

Carried.

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION

Motion by Alderman Chapman - Shackelton:

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

Carried.

OPEN SESSION

Motion by Alderman Shackelton - Chapman:

THAT: We do now rise from Closed Session. (6:51 p.m.)

Carried.

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ADJOURNMENT

Motion by Alderman Chapman - Aarts:

THAT: We do now adjourn. (10:54 p.m.)

Carried.