

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

**COUNCIL CHAMBERS  
CITY HALL**

**MAY 1ST, 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. Johnston  
T. Shackelton  
M. Turvey  
D. Warden

**Officials**

W. Graves, City Clerk  
I. Andersen, Manager of Operations & Compliance  
M. Carroll, Valleyview Administrator  
W. Day, Director of Finance & City Treasurer  
G. Dart, Director, Human Resources  
S. Datars Bere, Director, Ontario Works  
J. Dewancker, Director, Environmental Services  
C. Fiddy, Water/Wastewater Supervisor  
J. McCoomb, Planner  
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**

Alderman Johnston declared a conflict of interest relating to Report ES-49-06 as his business is located adjacent to the proposed works. He refrained from all discussion and action relating to the matter.

Alderman Warden declared a conflict of interest relating to Report ES-49-06 as his son is employed by a business adjoining the proposed work. He refrained from all discussion and action relating to the matter.

**MINUTES**

Motion by Alderman Warden - Turvey:

THAT: The minutes of the meeting held on April 18th, 2006 be confirmed.

Carried.

**DEPUTATIONS**

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

Mr. Ian Seddon, Ian Seddon Planning Services, was in attendance and provided an overview of his planning report that he had submitted relating to the proposed planning amendments at 48 Stanley Street.

Mr. Seddon stated that he did not support the planning amendments.

Following Mr. Seddon's deputation, Mr. Laverne Kirkness, Planning Consultant, asked to speak on behalf of the owners of 48 Stanley Street.

Mayor Kohler stated that this was not a public planning meeting and the members denied the request of Mr. Kirkness to speak.

**COMMITTEE OF THE WHOLE**

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

Council resolved itself into Committee of the Whole.

**PLANNING AND DEVELOPMENT COMMITTEE** - Chairman H. Chapman

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Proposed Zoning Bylaw Amendment - Add a "pet grooming shop" as an additional permitted use  
-18 East Street - Appendix "A"

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Motion by Alderman Turvey - Shackelton:

THAT: Council receive Report PD-09-2006; and further;

THAT: Council authorize the preparation of a draft amendment to the City of St. Thomas Zoning  
By-law 50-88 to add "pet grooming shop" as an additional permitted use on lands known  
municipally as 18 East Street; and further,

THAT: A date for a public meeting be set for 6:20 p.m. on June 5th, 2006 in accordance with  
Ontario Regulation 199/96 as amended.

Carried.

Draft Plan of Subdivision File #34T-05507 - Former Kantor Farm, now Orchard Park - Block  
Development Plan - Doug Tarry Limited - Appendix "B"

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Motion by Alderman Johnston - Turvey:

THAT: Council receive Report PD-10-2006; and further,

THAT: Council approve in principle the proposed revised 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: A date for a second public meeting be set for 6:30 p.m. on June 5th, 2006 in accordance  
with Ontario Regulation 199/96 as amended.

Carried.

Proposed Zoning Bylaw Amendment - Permit a minimum 7 metre rear yard depth - Lots 12 - 21,  
Part of Lot 9, Concession 7 - Doug Tarry Limited - Appendix "C"

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Motion by Alderman Turvey - Barwick:

THAT: Council receive Report PD-11-2006; and further,

THAT: Zoning Bylaw Amendment Application - Doug. Tarry Limited - to permit a minimum 7  
metre rear yard depth and a maximum lot coverage of 40% on Lots 12 through 21 inclusive  
within Draft Plan of Subdivision File #34T-05507 as revised, which may be legally described as  
Part of Lot 9, Concession 7, Geographic Township of Yarmouth, now in the City of St. Thomas,  
County of Elgin.

Carried.

**Land Development - Part Lots 41 & 42 South of Bush Line**

The members inquired if the report from the Planning Department could be available for May  
15th and further if it would include projections regarding when sewers would be available for the  
area in question.

The Planner stated that staff would attempt to have a report prepared for May 15, 2006.

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Motion by Alderman Johnston - Shackelton:

THAT: The letter from Joe Ostojic requesting a building permit for lands on Bush Line be referred to the Planning Department for a report.

Carried.

Official Plan and Zoning By-Law Amendment - 4954 Sunset Road

Notice of a public meeting concerning a proposed official plan and zoning by-law amendment was received from the Municipality of Central Elgin to convert long cargo containers into mini storage units located at 4954 Sunset Road.

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

Intersection of First Avenue and Edward Street

Intersection of Edward Street and Burwell Road

Intersection of Wellington Street and Highview Avenue

**NEW BUSINESS**

Tender No. 06-607 - Truck Mounted Combination Jet Vacuum Machine - Contract Award  
Appendix "D"

The members discussed the timing of the receipt of the equipment once it was ordered and the potential of having the equipment include a locally made truck.

The Director of Finance & City Treasurer recommended that the tenders be reviewed and that they be brought back to Council.

Motion by Alderman Aarts - Mayor Kohler:

THAT: Council receive Report ES52-06; and further,

THAT: The tender submitted by Joe Johnson Equipment Inc., Bid "B", for a Truck Mounted Combination Jet Vacuum Machine for the purchase price of \$339,595.20 (plus GST) be accepted; and further,

THAT: An additional \$9,595.20 be allocated from Sewer Reserve, noting that only \$330,000. was allocated in the 2006 Capital Budget for this purchase; and further,

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

Motion Lost.

Motion by Mayor Kohler - Alderman Aarts:

THAT: Council receive Report ES52-06; and further,

THAT: Council accept Bid A from Joe Johnson Equipment in the amount of \$340,561.80 plus GST; and further,

THAT: A by-law be prepared to authorize this award; and further,

THAT: The budgeted balance above \$330,000.00 be allocated from the Sewer Reserve.

Prior to consideration of this motion, the members considered a motion to postpone the matter.

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

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Motion by Alderman Warden - Shackelton:

THAT: Council postpone Report ES52-06.

Carried.

2005 Albert Roberts Booster Station Compliance Report - Appendix "E"

Motion by Alderman Johnston - Chapman:

THAT: Council receive Report ES50-06 for information.

Carried.

New Park Proposal

Mayor Kohler recommended that a Committee be established to investigate the possibility of establishing a new park in the south end of the city in a partnership arrangement.

The members, by consensus, agreed to have staff meet to review this matter.

Pavement Markings

Alderman Barwick inquired when the pavements markings would be completed this year particularly in crosswalk areas at the west end of Talbot Street.

The Director, Environmental Services stated that he would review this matter to see if the work could be done earlier this year.

Road and Sidewalk Reserve Fund

Alderman Shackelton inquired if staff could develop a report, which would define the financial needs required to manage the roads and sidewalk infrastructure with the view of possibly establishing a reserve fund, such as the water and sewer reserves.

The Director, Environmental Services stated that there was a need to develop a sustainable funding mechanism from tax-funded revenues to manage the road and sidewalks.

The members, by consensus, directed staff to prepare a report to review this matter.

**BUSINESS CONCLUDED**

**PERSONNEL AND LABOUR RELATIONS COMMITTEE** - Chairman D. Warden

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Council Remuneration - Appendix "F"

Motion by Alderman Chapman - Aarts:

THAT: Council receive Report HR-05-06 as information.

Carried.

Motion by Alderman Turvey - Aarts:

THAT: That "except for election" year be removed from the Council stipend by-law; and further,

THAT: The by-law be amended accordingly.

Carried.

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

**BUSINESS CONCLUDED**

**FINANCE AND ADMINISTRATION COMMITTEE** - Chairman C. Barwick

**UNFINISHED BUSINESS**

Corporate Credit Cards

Alderman Warden informed the members that the first meeting of the Corporate Purchase Card Review Committee had taken place.

Junior B Stars Hockey Club - 2006-2007 Facility Rental Permit

Summer Meeting Schedule - Appendix "G"

Motion by Alderman Shackelton - Chapman:

THAT: Council receive Report CC-24-06 as information; and further,

THAT: The Regular Council Meetings for the summer be scheduled for Monday, July 17th and Monday, August 21st, 2006; and further,

THAT: These meetings be scheduled to commence at 5:00 p.m.

Carried.

Dennis Road Infrastructure - Appendix "H"

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

Motion by Alderman Chapman - Aarts:

THAT: Council receive Report TR-25-06; and further,

THAT: Council authorize a drawdown from the Working Reserve in the amount of \$1.45 million to finance Dennis Road Construction - Phase I Underground Servicing and Road base work; and further,

THAT: One-hundred percent of the proceeds from the sale of industrial land in the Highbury Industrial Park be credited to the City's Working Reserve.

**Recorded Vote**

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

Carried.

Redevelopment of Horton Street Market - Appendix "I"

Motion by Alderman Shackelton - Chapman:

THAT: Report TR-25-06 be received; and further,

THAT: Council authorize a drawdown from the Capital Reserve in the amount of \$56,000 to fund the cost of repairs to the Horton Market; and further,

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THAT: Council approve an expenditure of \$5,000 for the wages of a Market Manager for the 2006 Market season; it being noted that this unbudgeted expenditure will be reported in the June 30, 2006 Current Budget Monitoring Report.

Carried.

**NEW BUSINESS**

Award of Tender No. 06-611 for Two New Ice Resurfacers - Appendix "J"

Motion by Alderman Shackelton - Turvey:

THAT: Report TR-24-06 be received; and further,

THAT: Council accept the tender submitted by Resurface Corporation for the purchase of one Ice Resurfacer for Memorial Arena at a total price of \$71,754.25, including taxes and trade-in, as approved in the 2006 part one capital budget and the lease of one Ice Resurfacer for the St. Thomas Community Centre for a period of three years for a total monthly cost of \$1,725.00, including taxes; it being noted that \$1,500 per month will be funded by the Greenlane Community Trust Fund, a third party corporate sponsor.

Carried.

Questions on Ballot for Municipal Election

The members discussed the placement of questions on the ballot relating to the size of council.

The City Clerk stated that in order for the outcome of a question to be binding, a minimum of 50% of the eligible voters would have to vote and that 50% of the votes cast would be needed to support the outcome.

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

Motion by Mayor Kohler - Alderman Turvey:

THAT: Council consider a by-law to increase or reduce the number of members of Council by one or that it remain the same.

THAT: A public meeting regarding this matter be held on May 15th, 2006 at 7:00 p.m. in the Council Chambers.

**Recorded Vote**

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

Motion Lost.

Pinafore Park Lands and D & B Developments

Motion by Alderman Warden - Turvey:

THAT: Council receive Report MB-01-06 relating to D & B Developments and Pinafore Park.

Carried.

Motion by Alderman Chapman - Turvey:

THAT: Council establish a Committee comprised of the following Council members to work with staff and D & B Developments to negotiate principles for the development of a condominium site adjacent to Pinafore Park:

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Alderman Aarts  
Warden

Carried.

Building Needs Assessment

Alderman Shackelton inquired if municipal building needs assessments could be completed in order to determine future financing needs.

The Director of Finance & City Treasurer stated that assessment studies were underway relating to the City Hall, the Seniors' Centre and to the Memorial Arena.

Valleyview

Alderman Aarts commended the Valleyview Administrator, the Valleyview staff and all of the volunteers who had worked hard to make the move to the new facility successful.

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

Parks Pavilion Renaming and Walk of Fame

Early Learning Centre

**NEW BUSINESS**

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

Captain Dennis A. Redman No.2 Fire Station

Request for "No Standing" Zone - Forest Park Walkway

Intersection of Redan Street and Woodworth Avenue - Appendix "K"

Motion by Alderman Turvey - Chapman:

THAT: Report ES27-06 regarding the intersection of Redan Street and Woodworth Avenue be received for information; and,

THAT: Updated traffic count information be collected on Redan Street, during the 2006 Fall Data Collection Program, for future operational review; and further,

THAT: A report be brought back to Council.

Carried.

**NEW BUSINESS**

Temporary Road Closure CPR Crossing Rebuild Talbot Street between First Ave and Burwell St  
Appendix "L"

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The members discussed how long the road closure would last and if appropriate signage relating to businesses would be in place.

The Director, Environmental Services stated that the work would take 2 to 3 days, that there

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would be ads in the newspaper, and that the project would not isolate any property.

Motion by Alderman Barwick - Turvey:

THAT: Council receive Report ES49-06; and further,

THAT: Council approve the temporary road closure of Talbot Street between First Avenue and Burwell Road for a two day period during the months of July and August (to be confirmed), to permit Canadian Pacific Railway, in conjunction with the City, to rehabilitate the railway road crossing in this section of the road; and further,

THAT: Council approve the proposed detour as shown on the map attached to Report ES49-06.

Carried.

Dunkirk Drive - Meehan Street to Churchill Crescent - No Parking Zone Requirement - Access For Emergency Services - Appendix "M"

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Motion by Alderman Turvey - Chapman:

THAT: Report ES26-06 regarding no parking zone requirements on Dunkirk Drive be received for information; and further,

THAT: Traffic By-Law 45-89 Schedule II (No Parking Zones) be amended as to implement a No Parking Anytime restriction on the north and east sides of Dunkirk Drive from Meehan Street to Churchill Crescent.

Carried.

Intersection of Manor Road and Chestnut Street

Alderman Barwick inquired if a four way stop could be investigated for the intersection of Manor Road and Chestnut Street.

The Director, Environmental Services stated that the warrants would be reviewed and that a report would be brought back to Council.

Outstanding Reports

Chairman Shackelton stated that he would like to see all outstanding reports brought back to Council by October.

**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

REDEVELOPMENT OF HORTON STREET MARKET - W. Day

ALMA COLLEGE - Management Board

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

SCHOOL AREA REVIEW PROCEDURES - FOR ELEMENTARY SCHOOL CHILDREN -  
D. White

**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 - 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**

The Fourth Report of the Site Plan Control Committee - Appendix "N"

Motion by Alderman Turvey - Aarts:

THAT: Clauses 1, 2 and 3 of the Fourth Report of the Site Plan Control Committee be adopted.

Carried.

**PETITIONS AND COMMUNICATIONS**

Seniors' Month - Proclamation - June 2006

Motion by Alderman Johnston - Shackelton:

THAT: The Council of the Corporation of the City of St. Thomas proclaim the month of June 2006 as "Seniors' Month" in the City of St. Thomas.

Carried.

St. Thomas REACT Inc. - Proclamation & Flag Raising - May 2006

Motion by Alderman Shackelton - Chapman:

THAT: The Council of the Corporation of the City of St. Thomas proclaim the month of May 2006, as "REACT" month in the City of St. Thomas; and,

THAT: The REACT flag be flown at City Hall for the week of May 15th to 22nd, 2006.

Carried.

Ontario Association of Fire Chiefs - Conference & Educational Seminars May 6th to 8th, 2006

A letter was received from Lee Grant, Ontario Association of Fire Chiefs, inviting Council, senior municipal officials and Fire Chiefs to participate in the Educational Seminars for politicians being held in Toronto from May 6th to May 8th, 2006.

Seniors' Games

Alderman Barwick informed the members that the District 31 Seniors' Games would be held on June 14, 2006 at the Seniors' Centre.

**UNFINISHED BUSINESS**

"Solid Pension - Secure Future" - C.A.W. Local 1001

City of St. Thomas 125th Anniversary

Motion by Alderman Shackelton - Chapman:

THAT: Council appoint a Committee comprised of the following members to plan celebrations relating to the City's 125th Anniversary.

Alderman Shackelton  
Warden  
Chapman

Carried.

Minimum Maintenance Standards for Heritage Properties

**NEW BUSINESS**

**BY-LAWS**

Motion by Alderman Warden - 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 1st day of May, 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 1412651 Ontario Limited. (Legends Tavern - lease of 0.742 acres of City owned land)
3. 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 Fer-Pal Construction Limited. (2006 Annual Watermain Rehabilitation - \$814,825.33)
4. A by-law to adopt Official Plan Amendment No. 61. (Business office for interior design consulting and retail home furnishings and giftware boutique - 48 Stanley Street – Elgin Financial Corporation)
5. A by-law to amend By-Law 50-88, being Zoning By-Law for the City of St. Thomas (Permit business office for interior design consulting and retail home furnishings and giftware boutique - 48 Stanley Street - Elgin Financial Corporation)
6. A by-law to authorize a mutual release between the City and Mrs. Kokoruds relating to the opening of Britton Drive as a public street.

Carried.

**First and Second Readings**

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

Motion by Alderman Warden - 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 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**

A request was made that by-law number 4 be dealt with by recorded vote.

Motion by Alderman Warden - Turvey:

THAT: The following by-law be received and adopted, the same be read a third time, engrossed, signed by the Mayor and Clerk, sealed and numbered.

4. A by-law to adopt Official Plan Amendment No. 61. (Business office for interior design consulting and retail home furnishings and giftware boutique - 48 Stanley Street – Elgin Financial Corporation) (B/L 50-2006)

**Recorded Vote**

Yeas

Nays

Mayor Kohler

Alderman B. Aarts

H. Chapman

C. Barwick

T. Johnston

T. Shackelton

M. Turvey

D. Warden

Carried.

A request was made that By-Law number 5 be dealt with by recorded vote.

Motion by Alderman Warden - Turvey:

THAT: The following by-law be received and adopted, the same be read a third time, engrossed, signed by the Mayor and Clerk, sealed and numbered.

5. A by-law to amend By-Law 50-88, being Zoning By-Law for the City of St. Thomas (Permit business office for interior design consulting and retail home furnishings and giftware boutique - 48 Stanley Street - Elgin Financial Corporation) (B/L 51-2006)

**Recorded Vote**

Yeas

Nays

Mayor Kohler

Alderman B. Aarts

H. Chapman

C. Barwick

T. Johnston

T. Shackelton

M. Turvey

D. Warden

Carried.

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Motion by Alderman Warden - 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.

1. A by-law to confirm the proceedings of the Council meeting held on the 1st day of May, 2006. (B/L 47-2006)

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 1412651 Ontario Limited. (Legends Tavern - lease of 0.742 acres of City owned land) (B/L 48-2006) (A/G 21-2006)

3. 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 Fer-Pal Construction Limited. (2006 Annual Watermain Rehabilitation - \$814,825.33) (B/L 49-2006) (CON 2-2006)

6. A by-law to authorize a mutual release between the City and Mrs. Kokoruds relating to the opening of Britton Drive as a public street. (B/L 52-2006)

Carried.

**PUBLIC NOTICE**

**NOTICES OF MOTION**

**CLOSED SESSION**

Motion by Alderman Shackelton - Johnston:

THAT: This meeting be closed to deal with a proposed or pending disposition of land by the municipality and advice that is subject to solicitor-client privilege.

Carried.

**OPEN SESSION**

Motion by Alderman Johnston - Barwick:

THAT: We do now rise from Closed Session. (6:10 p.m.)

Carried.

**ADJOURNMENT**

Motion by Alderman Johnston - Turvey:

THAT: We do now adjourn. (8:40 p.m.)

Carried.