

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

**COUNCIL CHAMBERS  
CITY HALL**

**SEPTEMBER 5TH, 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 (arrive: 7:00 pm)  
D. Warden

**Officials**

W. Graves, City Clerk  
I. Andersen, Manager of Operations & Compliance  
G. Dart, Director, Human Resources  
S. Datars Bere, Director Ontario Works  
W. Day, Director of Finance & City Treasurer  
J. Dewancker, Director, Environmental Services  
P. Keenan, Director, Planning  
D. White, Supervisor, Roads and 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 Shackelton - Johnston:

THAT: The minutes of the meeting held on August 21st, 2006 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**

Proposed Heritage Designation of Waterworks Park - Appendix "A"

Alderman Turvey inquired about what would happen if upgrades were required for the buildings at Waterworks Parks, should it receive heritage designation.

Chairman Chapman stated that the intent of the designation was the same as the designation at Pinafore Park and that upgrades could be done.

Motion by Alderman Shackelton - Turvey:

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

The 28th meeting of the 126<sup>th</sup> Council - 2

THAT: A notice of intent to designate under the Ontario Heritage Act, be given regarding the parcel of land and buildings denoted as Waterworks Park, 2 South Edgeware Road and owned by the Corporation of the City of St. Thomas.

Carried.

Zoning By-Law Amendment - Day Nursery and Private School as Additional Permitted Use - Block 1, Plan 11M-98 - Early Learning Centre - Appendix "B"

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Motion by Alderman Warden - Mayor Kohler:

THAT: The application by St. Thomas Psychiatric Hospital Day Care Centre for an amendment to the City of St. Thomas Zoning By-law 50-88 be received; and further,

THAT: Council authorize the preparation of a draft amendment to the City of St. Thomas Zoning By-law 50-88 to add a day nursery and private school as an additional permitted use on lands located at the southeast corner of Ron McNeil Line and Burwell Road, which may be legally described as Block 1, Plan 11M-98, City of St. Thomas, County of Elgin; and further,

THAT: A date for a public meeting be set for 6:40 p.m. on October 2, 2006 in accordance with Ontario Regulation 199/96, as amended.

Carried.

Zoning By-Law Amendment - Convenience Store as Additional Permitted Use - 245 South Edgeware Road - Mike Hutchinson Properties - Appendix "C"

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Motion by Alderman Turvey - Aarts:

THAT: The application by Mike Hutchinson Properties for an amendment to the City of St. Thomas Zoning By-law 50-88 be received; and further,

THAT: Council authorize the preparation of a draft amendment to the City of St. Thomas Zoning By-law 50-88 to add a convenience store as an additional permitted use on lands located at 245 South Edgeware Road, which may be legally described as Part of Lot 21 on Plan 287 also referred to as Part 3 on Reference Plan 11R-2877, City of St. Thomas, County of Elgin; and further,

THAT: A date for a public meeting be set for 6:50 p.m. on October 2, 2006 in accordance with Ontario Regulation 199/96, as amended.

Carried.

Zoning By-law Amendment - Removal of Holding Zone Symbol - Part of Lot 9, Concession 7 - Orchard Park Subdivision, Phase I - Doug Tarry Limited - Appendix "D"

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Motion by Alderman Johnston - Turvey:

THAT: Report PD-22-2006 be received for information; and further,

THAT: The application by Doug Tarry Limited for an amendment to the City of St. Thomas Zoning By-law 50-88 to remove the holding symbol from Part of Lot 9, Concession 7, Geographic Township of Yarmouth, City of St. Thomas, County of Elgin - Orchard Park Subdivision, Phase I, be approved; and further,

THAT: Council authorize the preparation of 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.

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

The 28th meeting of the 126<sup>th</sup> Council - 3

Municipality of Central Elgin - Zoning By-Law Amendment - 44583 Dexter Line

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit the expansion of the existing rural home occupation on the subject lands at 44583 Dexter Line.

Municipality of Central Elgin - Zoning By-Law Amendment - 46075 Fruit Ridge Line

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit the bed and breakfast use on the subject lands at 46075 Fruit Ridge Line.

Municipality of Central Elgin - Zoning By-Law Amendment - 42072 Sparta Line

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit a new residential dwelling and to establish the limits of development on the lot on the subject lands at 42072 Sparta Line.

Official Plan and Zoning By-Law Amendment - St. Thomas Municipal Airport - 44989 Talbot Line

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Notice of a public meeting concerning a proposed official plan and zoning by-law amendment was received from the Municipality of Central Elgin to incorporate updated Noise Exposure Forecast and Noise Exposure Project mapping and to implement the recommendations of the Master Plan relative to land uses within the St. Thomas Municipal Airport property located at 44989 Talbot Line.

Official Plan and Zoning By-Law Amendment - 4980 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 permit a campground and special shelters on the subject lands located at 4980 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

Road and Sidewalk Reserve Fund

**NEW BUSINESS**

Moore Street Reconstruction Project - Centre Street to Wellington Street - CN Rail Crossing  
Appendix "E"

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The members discussed a section of sidewalk and ramp that had been installed on Moore Street and inquired if any further work would be required in this area prior to the final coat of asphalt being applied. Further, the members inquired about the increased costs relating to the railway crossing.

The Director, Environmental Services stated that the sidewalk and railing had been constructed at the request of area residents.

The Director, Environmental Services stated that it was unusual for a provisional cost item, such as the road crossing at the railway, to increase as much as it did and he attributed it to increased material and labour costs.

Motion by Alderman Aarts - Shackelton:

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

THAT: Report ES 92-06 be received for information; and further,

THAT: The Moore Street reconstruction project (Centre Street to Wellington Street) be completed including the construction of surface asphalt on the roadway up to but not including the CN Rail crossing of Moore Street; and further,

THAT: CN Rail be requested to rebuild the railway crossing of Moore Street to permit the City of St. Thomas to complete the road surface works at this railway crossing location.

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**

Cash Advances & Expenses Reimbursement Report

St. Thomas Consolidated Courthouse Project - Police Facilities

St. Thomas Community Centre - Railings for Events - Appendix "F"

Mayor Kohler stated that if the City is going to promote the St. Thomas Community Centre for major events it should ensure a railing system is acquired.

The members expressed concern that the City seemed to be subsidizing major events at the St. Thomas Community Centre and that there was a need to establish a committee to review costs and revenues associated with major events at the St. Thomas Community Centre and at Memorial Arena. Further, the members stated that it would be important that all costs, including manpower and exact utility costs, be determined.

Motion by Alderman Chapman - Johnston:

THAT: Report TR 53-06 relating to security rails and special events at the St. Thomas Community Centre be received for information.

Carried.

Motion by Mayor Kohler - Alderman Turvey:

THAT: The City of St. Thomas acquire the security rails for use at Special Events at a cost of \$6185.52; and further,

THAT: The funding be accounted for in the September budget update.

Prior to the motion being dealt with, the following motion was presented.

Motion by Alderman Johnston - Chapman:

THAT: The motion to acquire the railing for the St. Thomas Community Centre be postponed.

Carried.

**NEW BUSINESS**

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

The 28th meeting of the 126<sup>th</sup> Council - 5

Mayor's Purchase Card Expenditure Approval - Appendix "G"

Motion by Alderman Shackelton - Chapman:

THAT: Report TR 51-06 be received; and further,

THAT: Council approve the Mayor's purchase card expenditures for July 2006.

Carried.

Canada-Ontario Municipal Rural Infrastructure Fund - Intake Three - Appendix "H"

Motion by Alderman Aarts - Mayor Kohler:

THAT: Report TR 52-06 be received; and further,

THAT: Council establish the Manitoba Street, Barwick Street and Edward Street infrastructure renewal project as the Corporation's highest priority project for funding under Intake Three of the Canada-Ontario Municipal Rural Infrastructure Fund program, and further,

THAT: Council direct administration to prepare the necessary documentation and make application for financial assistance to the Canada-Ontario Municipal Rural Infrastructure Fund program for the project in advance of the September 13, 2006 application deadline.

Carried.

The Sale Through Tender of Surplus Goods (Vehicles & Equipment) - Appendix "I"

Motion by Alderman Turvey - Aarts:

THAT: Council approve the sale, through the tendering process of surplus goods, being an estimated total value greater than \$3,000.00; and further,

THAT: Staff proceed with the tendering process of surplus goods as per Purchasing by-Law No. 53-2001 Surplus Goods Section 30c, Sealed bid by advertised public bid (and sold to the highest bidder).

Carried.

Memorial Arena - Painting

Alderman Shackelton inquired about the status of the painting and installation of roof vents, at Memorial Arena.

Chairman Barwick requested that the Manager of Facilities and Property confirm the status of the painting work.

Alderman Warden inquired about the final costs to deal with mold at Memorial Arena.

The Director of Finance and City Treasurer stated that a final cost was not available but that he was assured that the painting would be within budget.

Alderman Warden stated that a report should be prepared to define dehumidification needs for Memorial Arena.

The Director of Finance and City Treasurer stated that the building needs assessment that was currently underway would include dehumidification for Memorial Arena.

Council Member Expenses

Alderman Johnston inquired if a report could be prepared for the third meeting in September detailing expenses of Council members and the Mayor's expenses up to August 31, 2006.

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

The 28th meeting of the 126<sup>th</sup> Council - 6

The Director of Finance and City Treasurer stated that the report could be prepared for the first meeting in October.

Alderman Turvey requested that the report detailing the expenses.

**BUSINESS CONCLUDED**

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

At the request of Alderman Aarts, Alderman Barwick remained in the Chair for the Community and Social Services Committee.

**UNFINISHED BUSINESS**

Parks Pavilion Renaming

Walk of Fame

St. Thomas Community Centre - Deficiency List

St. Thomas Community Centre - Cost Analysis for Events

The members discussed the fact that the appropriate staff would need to be involved with this committee.

Motion by Alderman Johnston - Chapman:

THAT: A select committee be established to review the costs/rental fees associated with events at the City's St. Thomas Community Centre and Memorial Arena comprised of the following:

Alderman Aarts  
Mayor Kohler  
Alderman Turvey  
Alderman Barwick.

Carried.

St. Thomas Community Centre Capital Campaign

**NEW BUSINESS**

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

Intersection of Manor Road and Chestnut Street

Leash Free Dog Park

Intersection of Chant Street and Lawrence Avenue

Bus Services to 1063 Talbot Street and Shopping Complex near Elm Street and Wilson Avenue

Request for Four-way Stop Signs - Intersection of White Street and Elizabeth Street

**NEW BUSINESS**

No Parking Zone Signage Pullen Avenue - Access for Emergency Services - Appendix "J"

Motion by Alderman Turvey - Aarts:

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

THAT: Report ES 93-06 be received for information; and further,

THAT: Traffic By-Law 45-89 Schedule II (No Parking Zones) be amended to implement a No Parking Anytime restriction on the West side of Pullen Avenue from Aldborough Avenue to Elm Street.

Carried.

No Parking Zone Signage Erie Street - Access for Emergency Services - Appendix "K"

Motion by Alderman Chapman - Turvey:

THAT: Report ES 96-06 be received for information; and further,

THAT: Traffic By-Law 45-89 Schedule II (No Parking Zones) be amended to implement a No Parking Anytime restriction on the North side of Erie Street from Smith Avenue to First Avenue.

Carried.

Tree Lighting Ceremony - Mondamin Street Closure - Appendix "L"

Motion by Alderman Aarts - Chapman:

THAT: Report ES 94-06 be received for information; and further,

THAT: Mondamin Street be closed between Talbot Street and Curtis Street on Friday November 17th, 2006 between the hours of 5:00 p.m. and 8:00 p.m. to allow for the Tree Lighting Ceremony.

Carried.

Temporary Exemption to Animal Control By-Law 53-96 - Appendix "M"

Motion by Alderman Turvey - Warden:

THAT: Report CC 44-06 be received for information; and further,

THAT: A temporary exemption be granted to the Downtown Development Board from Section 10 of the Animal Control By-Law 53-96, as amended, to permit hayrides for the Annual Tree Lighting ceremony to be held Friday November 17th, 2006.

Carried.

Transit System and CASO Station

Alderman Turvey inquired if direction could be given to the Director, Environmental Services to review the potential of locating the passenger waiting room for the transit system to the CASO Station in light of the work of the Innovation Team and the current Request for Proposal process that is underway for the existing transit station.

The members discussed the fact that this investigation could be incorporated in the transit services master plan that is underway.

The Director, Environmental Services informed the members that proposals for the existing transit station were to be received in 10 days and that consideration would have to be given to see how this item could be included in a work plan.

The Committee, by consensus, directed the Director, Environmental Services to prepare a report for Council defining how an investigation into the potential relocation of the transit system waiting room to the CASO Station, given the current related work that is underway relating to the transit system, could be implemented.

Intersection of Wellington Street and Stokes Road

Mayor Kohler inquired if additional signage could be considered for the intersection of Wellington Street and Stokes Road warning motorists about pedestrians crossing the street given the fact that it will be some time before traffic lights are installed.

The Committee, by consensus, provided direction for staff to review additional signage at the intersection of Wellington Street and Stokes Road.

Intersection of Talbot Street and Fairview Avenue

Chairman Shackelton requested staff to investigate the timing of the traffic lights at the intersection of Talbot Street and Fairview Avenue as they relate to rush hour traffic.

**BUSINESS CONCLUDED**

**REPORTS PENDING**

ENVIRONMENTALLY SENSITIVE LAND USE - P. Keenan

REVIEW OF CITY BUS ROUTES - J. Dewancker

ALMA COLLEGE - Management Board

ROAD RESURFACING PROGRAM - BUDGET FORECASTS - 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 Johnston - 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**

St. Thomas Community Centre - Naming

A letter was received from Dorothy Currah, 202-130 Talbot Street, St. Thomas, requesting that Council recognize Timken's contributions to the City of St. Thomas by naming the St. Thomas Community Centre "Timken Place".

The members took no action regarding this matter.



Child Care Worker & Early Childhood Educator Appreciation Day - October 25th, 2006

Motion by Alderman Shackelton - Aarts:

THAT: The Council of the Corporation of the City of St. Thomas proclaim October 25<sup>th</sup>, 2006 as “Child Care Worker & Early Childhood Educator Appreciation Day” in the City of St. Thomas.

Carried.

Fetal Alcohol Spectrum Disorder Awareness Day - Proclamation - September 9th, 2006

Mr. Bob de le Penotiere was in attendance and provided the members with an overview of community families that were coming together to raise the awareness of fetal alcohol spectrum disorder.

Motion by Alderman Aarts - Barwick:

THAT: The Council of the Corporation of the City of St. Thomas proclaim September 9th, 2006 as “Fetal Alcohol Spectrum Disorder Awareness Day” in the City of St. Thomas; and further,

THAT: The City of St. Thomas ring the bells at City Hall at 9:09 a.m. in recognition of those who suffer the effects of alcohol and drug abuse before they were born.

Carried.

Thank You Letter

A letter was received from Father Rick Dales, Pastor, St. Anne’s Community Festival, thanking the Mayor and Members of Council for their generous donation to the Festival Auction.

**UNFINISHED BUSINESS**

Minimum Maintenance Standards for Heritage Properties

**NEW BUSINESS**

St. Thomas Evergreen Centennial Men's Fastball Team - Canadian Fastball Champions

Alderman Johnston commended the St. Thomas Evergreen Centennial Men’s Fastball Team for its recent victory at the Canadian Men’s Fastball Championship.

Art in the Park Festival - Pinafore Park

Alderman Turvey reminded the members and the community about the upcoming Art in the Park Festival this weekend at Pinafore Park.

St. Thomas Tomcats

Alderman Aarts commended the St. Thomas Tomcats for winning their recent bronze award.

**BY-LAWS**

Motion by Alderman Chapman - 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 5th day of September, 2006.
2. A by-law to amend By-Law 50-88, being the Zoning By-Law for the City of St. Thomas (11m lot frontages, maximum lot coverage of 40% & minimum 7m rear yards on certain lots - Subdivision File #34T-05507 – Doug. Tarry Ltd)

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 and Wellington Financial Facilitators Inc. (Subdivision File #34T-01006 - Hedges Court, Phase II).

Carried.

### **First and Second Readings**

Motion by Alderman Chapman - 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 Chapman - 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 5th day of September, 2006. (B/L 111-2006)

2. A by-law to amend By-Law 50-88, being the Zoning By-Law for the City of St. Thomas (11m lot frontages, maximum lot coverage of 40% & minimum 7m rear yards on certain lots - Subdivision File #34T-05507 – Doug. Tarry Ltd) (B/L 112-2006)

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 and Wellington Financial Facilitators Inc. (Subdivision File #34T-01006 - Hedges Court, Phase II). (B/L 113-2006) (A/G 41-2006)

Carried.

### **PUBLIC NOTICE**

### **NOTICES OF MOTION**

#### **Elmdale School**

A notice of motion was received from Mayor Jeff Kohler requesting that the Thames Valley District School Board classify Elmdale School as prohibitive to repair.

### **CLOSED SESSION**

Motion by Alderman Chapman - Johnston:

THAT: This meeting be closed to deal with a matter of potential litigation affecting the municipality.

Carried.

**OPEN SESSION**

Motion by Alderman Johnston - Chapman:

THAT: We do now rise from Closed Session. (6:05 p.m.)

Carried.

**ADJOURNMENT**

Motion by Alderman Johnston - Aarts:

THAT: We do now adjourn. (8:36 p.m.)

Carried.