

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

**COUNCIL CHAMBERS
CITY HALL**

SEPTEMBER 18TH, 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
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
F. Lattanzio, Community Centres & Property Manager
D. Morgan, Manager of Culture and Recreation
R. Tucker, Parks Supervisor
Constable G. Hodgson, St. Thomas Police Department

THE LORD'S PRAYER

DISCLOSURES OF INTEREST

Alderman Johnston declared a conflict of interest relating to the matter of Elgin Court School as his son attends the school. He refrained from all discussion and comment regarding the matter.

MINUTES

Motion by Alderman Warden - Chapman:

THAT: The minutes of the meeting held on September 11th, 2006 be confirmed.

Carried.

DEPUTATIONS

Police Services Report

Constable Glenn Hodgson of the St. Thomas Police Department was in attendance to present the Police Services Report for the month of August 2006.

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

Application for Planning Act Approval to Convert Ownership of Existing 118 Apartment Rental Development to a Condominium Corporation - 104 Confederation Drive - 1525038 Ontario Inc.
Appendix "A"

The members inquired if the conversion of apartments to condominiums would adversely impact the number of apartments available in the city.

The Planning Director stated that in the past ten years no new apartments had been created and that the impact of converting apartments to condominiums was not known at this point in time.

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Mr. Michael Lake, representing the applicant, was in attendance and stated that the motivating factors for converting apartments to condominiums included the cost of realty taxes, creating a market for investors, and the ability to finance individual units.

Motion by Alderman Turvey - Mayor Kohler:

THAT: Report PD-23-2006 be received for information; and further,

THAT: The application by 1525038 Ontario Inc. for a Plan of Condominium comprised of 118 dwelling units located on Block E, Part Block D, Registered Plan 298, File 34CDM-05501, 104 Confederation Drive, receive draft approval pursuant to Section 51 of the Planning Act, RSO 1990, as amended, subject to the conditions outlined in Report PD-23-2006.

Carried.

Application for Planning Act Approval to Convert Ownership of Existing 48 Apartment Rental Development to a Condominium Corporation - 20 Dunkirk Drive - D & B Developments

Appendix "B"

Motion by Alderman Warden - Turvey:

THAT: Report PD-24-2006 be received for information; and further,

THAT: The application by D & B Developments for a Plan of Condominium comprised of 48 dwelling units located on Lots 57 and 58, Plan 235, Lots 2, 3, 4 & 5 and Pt Lots 1 & 5 Block 40, Plan 65, File 34CDM-06501, 20 Dunkirk Drive, receive draft approval pursuant to Section 51 of the Planning Act, RSO 1990, as amended, subject to the conditions outlined in Report PD-24-2006.

Carried.

Orchard Park Subdivision Street Names - Phase 1 - Appendix "C"

The members discussed the fact that a prescribed list of potential street names had been developed and approved by Council and they directed staff to provide this list to developers for consideration in future developments.

Motion by Alderman Johnston - Turvey:

THAT: Report CC-47-06 relating to Orchard Park Subdivision, be received for information; and further,

THAT: The following street names be approved:

Street A - Peach Tree Boulevard

Street B - Cherry Blossom Lane

Street C - Pear Tree Avenue

Carried.

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

CITY CLERK _____ CONFIRMED _____ MAYOR _____

Request for Proposal Award - No. R06-08-347 - Design, Contract Documents, Contract Inspection, and Administration - CASO/Talbot Street Rehabilitation Project - Appendix "D"

Motion by Alderman Warden - Chapman:

THAT: Report ES103-06 be received for information; and further,

THAT: Council accept the proposal submission of Earth Tech Canada Inc. in the amount of \$75,200 plus GST for design, contract documents, inspection and contract administration of the CASO/Talbot Street Rehabilitation project; and further,

THAT: The source of funding be the Provincial Move Ontario allocation for the City of St. Thomas; and further,

THAT: A by-law be prepared to authorize the execution of a Consulting Services agreement between Earth Tech Canada and the City of St. Thomas.

Carried.

Class Environmental Assessment - Twinning of Primary Water Transmission Main - Elgin Area Primary Water Supply System - Correspondence

A notice of study commencement was received from Delcan Corporation and Lake Huron & Elgin Area Primary Water Supply Systems.

The members discussed the fact that it would be very important to understand the source of funding should a twinning of the transmission pipeline be considered.

Request for "Wear the Gear" Sign Placement - Elgin-St. Thomas Health Unit - Correspondence

Motion by Alderman Aarts - Mayor Kohler:

THAT: Council authorize the City of St-Thomas to install "Wear The Gear" signs, donated by the Elgin St. Thomas Health Unit, at Waterworks Park, Pinafore Park and the Skateboard Park.

Carried.

Proposed Playground Development - Feasibility Analysis of Proposed Public/Private Partnership between City of St. Thomas and Faith Baptist Church

Mayor Kohler stated that this initiative was a great opportunity to provide a park area in a section of the city where the city took a payment in lieu of parkland when the area was developed.

Motion by Mayor Kohler - Alderman Aarts:

THAT: Report ES104-06 be received for information; and further,

THAT: Council direct staff to negotiate a City partnership arrangement with Faith Baptist Church for the development of a playground facility based on the principles of an agreement as outlined in this report and/or as directed by Council; and further,

THAT: The purchase by the City of a 3m wide parcel of land for walkway purposes between Penhale Avenue and the proposed playground facility be pursued as outlined in this report; and further,

THAT: The Capital cost of the proposed playground facility be considered as a priority item in the City's 2007 Capital Budget submission; and further,

THAT: A draft agreement for the development and maintenance of the proposed playground be prepared for report back to Council.

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

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

Motion by Alderman Barwick - Johnston:

THAT: Report ES104-06 be deferred to the 2007 Capital Budget discussion.

Recorded Vote

Yeas

Alderman B. Aarts
C. Barwick
H. Chapman
T. Johnston
T. Shackelton
D. Warden

Nays

Mayor Kohler
Alderman M. Turvey

Carried.

Sanitary Sewer System - 1212 and 1214 Talbot Street

The members discussed the fact that the businesses at 1212 Talbot Street and 1214 Talbot Street continue to experience problems with their septic systems.

The Director, Environmental Services stated that the design of a sanitary sewer for the area was currently underway and that the design would be completed by the end of the year.

The Director, Environment Services stated that any consideration of an interim solution would require the property owner to pay for proper consulting engineering costs.

The members stated that the onus for costs would rest with the property owner should an interim sewer be considered.

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

Motion by Alderman Warden - Johnston:

THAT: Council permit the businesses at 1212 Talbot Street and 1214 Talbot Street to install a gravity feed sewer through the backyard area at the property owners' cost; and further,

THAT: When the sanitary sewer is connected along Talbot Street, the property owner will be responsible for those costs as well.

Recorded Vote

Yeas

Mayor Kohler
Alderman B. Aarts
C. Barwick
H. Chapman
T. Johnston
T. Shackelton
M. Turvey
D. Warden

Nays

Carried.

BUSINESS CONCLUDED

PERSONNEL AND LABOUR RELATIONS COMMITTEE - Chairman D. Warden

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

CITY CLERK _____ CONFIRMED _____ MAYOR

FINANCE AND ADMINISTRATION COMMITTEE - Chairman C. Barwick

Alderman Aarts chaired the Finance and Administration Committee.

UNFINISHED BUSINESS

Cash Advances & Expenses Reimbursement Report

St. Thomas Consolidated Courthouse Project - Police Facilities

Council and Mayor Expense Report

The Director of Finance and City Treasurer advised the members that he had been in contact with municipalities included in the SOMA partnership and that they would not be providing comparative expense reports at this time.

The members, by consensus, directed that the Director of Finance and City Treasurer continue to prepare the Council and Mayor Expense report for the period of January 1, 2006 to August 31, 2006.

NEW BUSINESS

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE - Chairman B. Aarts

UNFINISHED BUSINESS

Parks Pavilion Renaming

Walk of Fame

St. Thomas Community Centre - Deficiency List

St. Thomas Community Centre - Cost Analysis for Events

St. Thomas Community Centre Capital Campaign

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

The members discussed the fact that a menu was being developed, which would identify costs associated with hosting a major event at the St. Thomas Community Centre or Memorial Arena.

The members inquired about the status of deficiencies at the St. Thomas Community Centre.

The Property Manager stated that final payment of \$55,000 had not been made to Norlon Builders and further that Norlon Builders were in the process of dealing with the outstanding deficiencies.

The members stated that the cost of the railing should also include the cost to have them painted.

Motion by Alderman Chapman - Turvey:

THAT: Council receive Report TR 55-06 relating to the Community Centre Security Rails and Special Events Update 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 \$7,200.00; and further,

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THAT: The funding be accounted for in the September budget update; and further,

THAT: The cost of the rails be added to the event checklist and paid for through charge/rental costs at future events.

Carried.

NEW BUSINESS

BUSINESS CONCLUDED

PROTECTIVE SERVICES & TRANSPORTATION COMMITTEE - Chairman T. Shackelton

UNFINISHED BUSINESS

Wellington Street/Stokes Road Intersection - Pedestrian Signal

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

Transit System and CASO Station

NEW BUSINESS

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 Shackelton - Chapman:

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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

Elgin Court Public School - Crosswalk & Signage Request

Motion by Alderman Shackelton - Turvey:

THAT: Council direct the Environmental Services Department to investigate the possibility of installing a crosswalk on Holland Street in the vicinity of St. Mark's United Church.

Carried.

Waste Reduction Week - October 16 - 22, 2006 - Proclamation

Motion by Alderman Chapman - Shackelton:

THAT: The Council of the Corporation of the City of St. Thomas proclaim October 16th to 22nd, 2006 as "Waste Reduction Week" in the City of St. Thomas.

Carried.

Open Doors and International Day of Older Persons - October 1st, 2006 - Proclamation

Motion by Alderman Aarts - Warden:

THAT: The Council of the Corporation of the City of St. Thomas proclaim October 1st, 2006 as "Open Doors and International Day of Older Persons" in the City of St. Thomas.

Carried.

UNFINISHED BUSINESS

Minimum Maintenance Standards for Heritage Properties

NEW BUSINESS

City of St. Thomas 125th Anniversary Celebration

Alderman Warden commended the Committee and staff who had planned the 125th Anniversary Celebration stating that the event was a good day.

Communities in Bloom

Alderman Turvey advised the members that the Mayor would be attending the Communities in Bloom Awards event in Brandon, Manitoba.

Elmdale Public School

Mayor Kohler advised the members that a letter of support, submitted by Linda Stevenson, relating to Elmdale Public School, would be considered at the next Council meeting

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 18th day of September, 2006.
2. A by-law to amend By-Law 50-88, being Zoning By-Law for the City of St. Thomas. (Removal of Holding Zone Symbol - Part Block 9, Concession 7 - Doug. Tarry Limited - 34T-05507).
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 Calloway REIT (St. Thomas Inc.). (SPC 06-06 - 1063 Talbot St. - Building 'H' - Wendy's Restaurant)
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 Bible Baptist Church (SPC 10-06 - 320 Highbury Avenue - Print Shop)
5. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (No Parking Zones - West side of Pullen Avenue from Aldborough Avenue to Elm Street and North side of Erie Street from Smith Avenue to First Avenue)

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 T. Johnston 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 18th day of September, 2006. (B/L 117-2006)
2. A by-law to amend By-Law 50-88, being Zoning By-Law for the City of St. Thomas. (Removal of Holding Zone Symbol - Part Block 9, Concession 7 - Doug. Tarry Limited - 34T-05507). (B/L 118-2006)
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 Calloway REIT (St. Thomas Inc.). (SPC 06-06 - 1063 Talbot St. - Building 'H' - Wendy's Restaurant) (B/L 119-2006) (A/G 43-2006)
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 Bible Baptist Church (SPC 10-06 - 320 Highbury Avenue - Print Shop) (B/L 120-2006) (A/G 44-2006)
5. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (No Parking Zones - West side of Pullen Avenue from Aldborough Avenue to Elm Street and North side of Erie Street from Smith Avenue to First Avenue) (B/L 121-2006)

CITY CLERK_____CONFIRMED_____MAYOR

Carried.

PUBLIC NOTICE

NOTICES OF MOTION

Management Board Reduction in Size

A notice of motion was received from Alderman Cliff Barwick requesting that the new council (2006-2010) review the Management Board structure.

CLOSED SESSION

Motion by Alderman Johnston - Shackelton:

THAT: This meeting be closed to deal with labour relations matters and a proposed or pending acquisition of land by the municipality.

Carried.

OPEN SESSION

Motion by Alderman Aarts - Chapman:

THAT: We do now rise from Closed Session. (6:15 p.m.)

Carried.

ADJOURNMENT

Motion by Alderman Johnston - Warden:

THAT: We do now adjourn. (8:39 p.m.)

Carried.