

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

**COUNCIL CHAMBERS
CITY HALL**

NOVEMBER 20TH, 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
R. Barber, Fire Chief
R. Beachey, Deputy City Clerk
M. Carroll, Valleyview Administrator
G. Dart, Director, Human Resources
S. Datars Bere, Director, Ontario Works
W. Day, Director of Finance & City Treasurer
J. Dewancker, Director, Environmental Services
O. Jensen, Deputy Fire Chief
R. Tucker, Parks Manager
D. White, Supervisor, Roads and Transportation
Constable T. Calvert, St. Thomas Police Department

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 - Turvey:

THAT: The minutes of the meeting held on October 16th, 2006 be confirmed.

Carried.

PRESENTATION

Canadian Brownfields Award - St. Thomas Timken Community Centre

Alderman B. Aarts presented to Council the Canadian Brownfields Award for the development of the St. Thomas Timken Community Centre that was received from the Canadian Urban Institute.

DEPUTATIONS

MedQuest 2006

Ms. Barb Murray, Mr. Bob Habkirk, and Mr. Jim Malik were in attendance to present a final report regarding MedQuest 2006.

Mr. Habkirk provided an overview of the 2006 MedQuest Camp and asked Council to consider a budget allocation of \$5000.00 for the 2007 MedQuest Camp.

Mr. Habkirk and Mr. Malik presented Ms. Murray with a token of appreciation for her work in the area of health recruitment in the St. Thomas-Elgin area.

CITY CLERK _____ CONFIRMED _____ MAYOR _____

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Cowan Park - Restrooms and Pavilion

Mr. Stan Beleutz and Mr. Bill Horn were in attendance to discuss the provision of restrooms and a pavilion at Cowan Park.

Mr. Horn asked Council to consider a budget allocation to partner with the Municipality of Central Elgin and the neighbourhood association in the construction of a pavilion and washrooms at Cowan Park.

Mayor Kohler thanked Mr. Beleutz and Mr. Horn for their deputation.

66 Regent Street Encroachment onto City Property - Complaint

Ms. Paula Polland, 62 Regent Street, was in attendance to discuss a complaint filed in January 2006 regarding an encroachment by 66 Regent Street onto City property.

Ms. Polland requested that a fence at 66 Regent Street be removed and that the City not consider entering into a lease with the property owner to use the land.

The Director, Environmental Services confirmed that a letter had been sent to the property owner on June 6th requesting that the fence be removed. Further, he stated that the City was working to bring a solution to this matter and that the original request to remove the fence was still in place.

Mayor Kohler thanked Ms. Polland for her deputation.

Request for Proposal - Engineering Design of Emergency Standby Power at the Water Pollution Control Plant

Mr. Mike Newbigging, President, Hydromantis, Inc. was in attendance to discuss the request for proposal for Emergency Stand By Power Design at the St. Thomas Water Pollution Control Plant.

Mr. Newbigging expressed concern over the City's policies relating to the receipt of tenders that were delivered by courier to the City in that the engineering firms had no control over the date of delivery once a package had left their office for delivery. He also expressed concern about the weighting of costs in the overall scoring of engineering proposals versus the weight given to the experience and expertise of consulting engineering firms.

Mayor Kohler thanked Mr. Newbigging for his deputation.

Police Services Report

Constable Tanya Calvert, of the St. Thomas Police Department, was in attendance to present the Police Services Report for the month of October 2006.

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

St. Thomas Innovation Team - Appendix "A"

Motion by Alderman Aarts - Turvey:

THAT: Council receive the St. Thomas Innovation Team Report for information.

CITY CLERK _____ CONFIRMED _____ MAYOR

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THAT: A letter of appreciation be sent to the Ministry of Agriculture, Food and Rural Affairs and to the Canadian Urban Institute for the resources they committed in the development of the Innovation Team project.

Carried.

Municipality of Central Elgin - Zoning By-Law Amendment - Intersection of Highbury Avenue and Ron McNeil Line

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit the erection of a billboard sign on the subject lands located on the northwest corner of the intersection of Highbury Avenue and Ron McNeil Line.

Municipality of Central Elgin - Zoning By-Law Amendment - 45515 Talbot Line

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit an apartment dwelling unit on the subject lands located at 45515 Talbot Line.

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

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

Green Lane Landfill Purchase by the City of Toronto - Status Report - Possible Waste Management Contract Extension

NEW BUSINESS

Pinafore Park Service Road Quotation Award - Appendix "B"

Motion by Alderman Shackelton - Mayor Kohler:

THAT: Report ES120-06 be received for information; and further,

THAT: The quotation submitted by Tri-con Excavating Inc. in the amount of \$67,606.80 including GST be accepted; and further,

THAT: A by-law be passed to authorize the City Clerk and Mayor to execute the contract.

Carried.

Water Meter Replacement Program - Request for Proposal - Tender Award - Appendix "C"

Motion by Alderman Chapman - Warden:

THAT: Report ES121-06 be received for information; and further,

THAT: The request for the proposal submitted by Canadian Water Services Ltd., for the replacement of water meters in the total amount of \$107,500.00 plus GST, be accepted; and further,

CITY CLERK _____ CONFIRMED _____ MAYOR _____

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THAT: A by-law be passed authorizing the City Clerk and Mayor to execute the contract.

Carried.

Greenlane Environmental Group - Source Separation of Recyclables - Appendix "D"

The members took no action regarding this matter.

Request for Proposal - Engineering Design of Emergency Standby Power at the Water Pollution Control Plant - Appendix "E"

The Director of Finance and City Treasurer stated that the tenders were being rejected due to the fact that a better process had been identified to undertake this project.

The members discussed the deputation of Mr. Newbingging and directed staff to review the policies relating to the tendering of projects.

Motion by Alderman Johnston - Barwick:

THAT: Report ES126-06 be received; and further,

THAT: The submission of the sole proposal for engineering design services for emergency stand-by power at the Water Pollution Control Plant be rejected; and further,

THAT: The preparation of a functional design with a cost estimate for the provision of stand-by power at the Water Pollution Control Plant be addressed by the impending update of the Water Pollution Control Plant Wastewater Management Master Plan.

Carried.

Release of Municipal Interest of a Portion of a Closed Municipal Road at the Rear of the Property at 56 Sunset Drive - Appendix "F"

Motion by Alderman Chapman - Barwick:

THAT: Report ES127-06 be received, and further,

THAT: The City of St. Thomas release any municipal interest in a portion of the property located at 56 Sunset Drive and situated within a closed road allowance at the rear of the property.

Carried.

Request for Proposal Award - No. R06-07-086 - Functional Design for the Woodworth Pumping Station - Appendix "G"

Motion by Alderman Shackelton - Mayor Kohler:

THAT: Report ES129-06 be received for information; and further,

THAT: Council accept the proposal submission of Stantec Consulting in the amount of \$25,300.00 plus GST for Functional Design for the Woodworth Pumping Station; and further,

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

Carried.

BUSINESS CONCLUDED

PERSONNEL AND LABOUR RELATIONS COMMITTEE - Chairman D. Warden

UNFINISHED BUSINESS

CITY CLERK_____CONFIRMED_____MAYOR

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

Mayor and Council Expenses

NEW BUSINESS

Provincial Gas Tax Revenues - Letter of Agreement - Appendix “H”

Motion by Alderman Shackelton - Warden:

THAT: Report TR 62-06 be received; and further,

THAT: Staff be authorized to prepare a by-law authorizing an agreement with the Province of Ontario for the transfer of provincial gas tax revenues to the City.

Carried.

September 30, 2006 Current Budget Monitoring Report - Appendix “I”

Alderman Turvey inquired if new assessment from 2006 building permit activity was included in the budget monitoring report.

The Director of Finance and City Treasurer stated that new assessment from 2006 would have to be balanced against commercial vacancies and also that any new assessment projections would have to take into account the timing in the year when the assessment would begin.

Motion by Alderman Warden - Turvey:

THAT: Council approve the September 30, 2006 current budget monitoring report.

Carried.

St. Thomas-Elgin Public Art Centre - Grant Request

A letter was received from David Bobier, Executive Director/Curator, St. Thomas-Elgin Public Art Centre, requesting that Council consider additional financial assistance for this year.

Alderman Turvey stated that this request should be supported and that the City’s funding of the Art Centre was below similar assistance provided in other communities.

Motion by Alderman Warden - Aarts:

THAT: The request of the St. Thomas-Elgin Public Art Centre for \$20,000.00 be referred to the Treasury Department.

Carried.

BUSINESS CONCLUDED

COMMUNITY AND SOCIAL SERVICES COMMITTEE - Chairman B. Aarts

UNFINISHED BUSINESS

Parks Pavilion Renaming

Walk of Fame

St. Thomas Timken Community Centre - Cost Analysis for Events

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

Transit System and CASO Station

Mondamin Street and Curtis Street

Transit Facility Improvement Options

NEW BUSINESS

Tender Award - No. 08-320 - Wellington Street/Stokes Road - Intersection Traffic Signal with Audible Pedestrian Assistance and Associated Civil Works - Appendix "J"

Mayor Kohler inquired if St. Thomas Energy had been requested to submit a tender for this work.

The Director, Environmental Services stated that the tender had been posted on the web site and that he did not know if St. Thomas Energy had been asked to submit a tender.

The Director, Environmental Services stated that the work would proceed as soon as possible and that it should be completed by April 2007.

Motion by Alderman Warden - Turvey:

THAT: Report ES122-06 be received for information; and further,

THAT: Council accept the tender submitted by Erie Thames Services Corporation in the amount of \$166,686.06 (including taxes); and further,

THAT: Council approve the sources of funding for this work as shown in Report ES122-06 noting that surplus Move Ontario funding, \$55,100, and that \$20,000 of unbudgeted capital levy identified in the September 30, 2006 budget monitoring report, is required to supplement the existing 2006 Capital Budget of \$125,000; and further,

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

Carried.

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St. Thomas Transit Services - Ridership Growth Strategy and Asset Management Plan - Review Committee Implementation Plan - Appendix "K"

Chairman Shackelton thanked the members of the Steering Committee who had assisted in this project. Further, he stated that the rolling stock needs were being addressed first and that additional routes, evening, and weekend services would be reviewed at a later date.

Motion by Alderman Aarts - Turvey:

THAT: Report ES123-06 be received for information; and further,

THAT: Council endorse the Ridership Growth and Asset Management Plan Review Committee Implementation Plan for 2007 and 2008 as contained in Report ES123-06.

Carried.

Airport Use Quarterly Report - July 1st to September 30th, 2006 - Appendix "L"

Motion by Alderman Warden - Chapman:

THAT: The Airport Use Quarterly Report for July 1st to September 30th, 2006 be received for information.

Carried.

Extension of Hours - Paratransit Buses - December 14, 2006

The Director, Environmental Services stated that the request of Ms. Snowsell and Mr. Briggs for Paratransit Service on December 14, 2006 could be accommodated.

Motion by Alderman Turvey - Warden:

THAT: The correspondence from Ms. Snowsell and Ms. Briggs, regarding the service of two Paratransit buses on Thursday December 14th, 2006 from 6:30 p.m. to 8:30 p.m., for viewing the Fantasy of Lights at Pinafore Park, and requesting similar service in the future, be referred to the Environmental Services Department.

Carried.

Elgin County Fire Dispatch Services

The Fire Chief stated that should this motion be approved, it would affect the fire dispatch contracts with all Elgin County municipalities and that it would invoke the 6-month termination clause within the agreements with the municipalities.

Motion by Alderman Johnston - Chapman:

THAT: Report FD04-06 be received for information; and further,

THAT: Council authorize the Fire Department to give notice of termination to all Elgin County Fire Departments currently under contract for Fire Dispatch Services with the St. Thomas Fire Department.

Recorded Vote

Yeas

Nays

Mayor Kohler

Alderman B. Aarts

C. Barwick

H. Chapman

T. Johnston

M. Turvey

T. Shackelton

D. Warden

Carried.

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 Warden - Shackelton:

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 Ninth Report of the Site Plan Control Committee - Appendix "M"

Motion by Alderman Turvey - Chapman:

THAT: Clauses 1, 2, 3 and 4 of the Ninth Report of the Site Plan Control Committee be adopted.

Carried.

PETITIONS AND COMMUNICATIONS

Canadian Union of Postal Workers - Resolution

Motion by Alderman Shackelton - Chapman:

THAT: The Council of the Corporation of the City of St. Thomas endorse the motion of the Canadian Union of Postal Workers.

Carried.

Ontario Good Roads Association and Rural Ontario Municipal Association - Combined Conference - February 25th to 28th, 2007

An invitation was received from Ontario Good Roads Association and Rural Ontario Municipal Association to attend the OGRA/ROMA Combined Conference being held from February 25th to 28th, 2007 in Toronto. The deadline for nominations for Long Service Awards is February 2nd, 2007.

Ontario Southwest Municipal Conference & Training Sessions - December 7th and 8th, 2006

An invitation was received from the Ministry of Municipal Affairs and Housing and the Association of Municipalities of Ontario to attend training sessions December 7th, 2006 and to attend the Ontario Southwest Municipal Conference being held December 8th, 2006 in London.

UNFINISHED BUSINESS

Minimum Maintenance Standards for Heritage Properties

Canadian Championship - Acknowledgment Signage

NEW BUSINESS

Cowan Park - Restroom and Pavilion

Motion by Alderman Aarts - Turvey:

THAT: The correspondence from Mr. Beleutz and Mr. Horn, regarding the provision of restrooms and a pavilion at Cowan Park, be referred to the Part 2 Capital Budget.

Carried.

Fantasy of Lights - Pinafore Park

Mayor Kohler reminded the members and the community about the opening of the Fantasy of Lights, which will take place on Friday, November 24th at 6:00 p.m.

Mayor Kohler and Alderman Turvey

The members expressed their appreciation for the dedication and time commitments made by Mayor Kohler and Alderman Turvey during their time on Council.

The City Clerk read a card of appreciation to Mayor Kohler for his support of the public schools in the city.

Mayor Kohler thanked the members and staff and he expressed appreciation for the many visits he was able to make to the public school children.

BY-LAWS

Motion by Alderman Warden - Shackelton:

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

CITY CLERK _____ CONFIRMED _____ MAYOR _____

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1. A by-law to confirm the proceedings of the Council meeting held on the 20th day of November, 2006.
2. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (No Parking, north side of Mandeville Road from Hepburn Avenue to First Avenue)
3. A by-law to appoint Municipal Law Enforcement Officers. (St. Thomas-Elgin General Hospital - Fire Route)
4. 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 Delcan Corporation. (\$59,448.40 including taxes - Intersection Capacity Analysis and Ten-Year Capital Improvement Plan Proposal)
5. 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 Earth Tech Canada Inc. (\$100,609.90 including taxes - Southdale Line Trunk Watermain, Penhale Avenue to Sunset Drive - Engineering Design, Tender Preparation, Construction Inspection and Contract Administration)
6. A by-law to assume certain lands as part of the public highway. (Sauve Avenue, Galbraith Court, Harrington Crescent)
7. A by-law to assume certain lands as part of the public highway. (Southdale Line, Beechwood Circle, Hickory Lane)
8. A by-law to designate Waterworks Park, 2 South Edgeware Road, as a property of cultural heritage value or interest.
9. 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 Aboutown Transit Inc. (St. Thomas Transit Agreement and Terminal Building Lease Extension)
10. A by-law to authorize the Mayor and Treasurer to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and Her Majesty in right of the Province of Ontario, represented by the Minister of Transportation of Ontario. (Provincial Gas Tax Revenues - Letter of Agreement)
11. 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 SPH Engineering Inc. (\$21,640.00 plus gst - design, contract documents, inspection and contract administration - Renovation of the Transit Terminal Building project)

Carried.

First and Second Readings

Motion by Alderman Warden - Shackelton:

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

Motion by Alderman Warden - Shackelton:

CITY CLERK_____CONFIRMED_____MAYOR

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 20th day of November, 2006. (B/L 145-2006)
2. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (No Parking, north side of Mandeville Road from Hepburn Avenue to First Avenue) (B/L 146-2006)
3. A by-law to appoint Municipal Law Enforcement Officers. (St. Thomas-Elgin General Hospital - Fire Route) (B/L 147-2006)
4. 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 Delcan Corporation. (\$59,448.40 including taxes - Intersection Capacity Analysis and Ten-Year Capital Improvement Plan Proposal) (B/L 148-2006) (CON 9-2006)
5. 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 Earth Tech Canada Inc. (\$100,609.90 including taxes - Southdale Line Trunk Watermain, Penhale Avenue to Sunset Drive - Engineering Design, Tender Preparation, Construction Inspection and Contract Administration) (B/L 149-2006) (CON 10-2006)
6. A by-law to assume certain lands as part of the public highway. (Sauve Avenue, Galbraith Court, Harrington Crescent) (B/L 150-2006)
7. A by-law to assume certain lands as part of the public highway. (Southdale Line, Beechwood Circle, Hickory Lane) (B/L 151-2006)
8. A by-law to designate Waterworks Park, 2 South Edgeware Road, as a property of cultural heritage value or interest. (B/L 152-2006)
9. 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 Aboutown Transit Inc. (St. Thomas Transit Agreement and Terminal Building Lease Extension) (B/L 153-2006) (A/G 55-2006)
10. A by-law to authorize the Mayor and Treasurer to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and Her Majesty in right of the Province of Ontario, represented by the Minister of Transportation of Ontario. (Provincial Gas Tax Revenues - Letter of Agreement) (B/L 154-2006) (A/G 56-2006)
11. 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 SPH Engineering Inc. (\$21,640.00 plus gst - design, contract documents, inspection and contract administration - Renovation of the Transit Terminal Building project) (B/L 155-2006) (A/G 57-2006)

Carried.

PUBLIC NOTICE

Water Rate By-Law and Sewage Service Rate By-law

A public meeting concerning a change to the water rate by-law and the sewage rate by-law will be held on December 18, 2006.

NOTICES OF MOTION

CLOSED SESSION

Motion by Alderman Johnston - Chapman:

CITY CLERK _____ CONFIRMED _____ MAYOR _____

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THAT: This meeting be closed to deal with a labour relations matter; a personal matter about an identifiable individual; and a proposed or pending acquisition of land.

Carried.

OPEN SESSION

Motion by Alderman Johnston - Chapman:

THAT: We do now rise from Closed Session. (6:37 p.m.)

Carried.

ADJOURNMENT

Motion by Alderman Johnston - Warden:

THAT: We do now adjourn. (8:46 p.m.)

Carried.

CITY CLERK_____CONFIRMED_____MAYOR