

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

**COUNCIL CHAMBERS
CITY HALL**

DECEMBER 11TH, 2006

6:00 p.m. The meeting convened with His Worship, Mayor Cliff Barwick, presiding.

ATTENDANCE

Members

Mayor C. Barwick
Alderman B. Aarts
 L. Baldwin-Sands
 G. Campbell
 H. Chapman
 T. Johnston
 T. Shackelton
 D. Warden

Officials

W. Graves, City Clerk
I. Andersen, Manager of Operations & Compliance
R. Barber, Fire Chief
R. Beachey, Deputy 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, Planning Director
F. Lattanzio, Manager of Facilities & Property
J. McCoomb, Planner
R. Tucker, Parks Supervisor
D. White, Supervisor of Roads & Transportation

Others

John Sanders, Solicitor

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 Shackelton declared a conflict of interest relating to Clause 1 on the Site Plan Control Report as he is an employee of the Thames Valley District School Board. He refrained from all discussion and action relating to the matter.

Alderman Warden declared a conflict of interest relating to the property condition assessment of the Seniors' Centre as he is an employee of the Seniors' Centre. He refrained from all discussion and action relating to the matter.

Alderman Johnston declared a conflict of interest relating to the correspondence received and deputation of the Centennial Sports Club as he is a member of the Centennial Sports Club. He refrained from all discussion and action relating to the matter.

MINUTES

Motion by Alderman Warden - Shackelton:

THAT: The minutes of the meetings held on November 20th, 2006 and December 4th, 2006, be confirmed.

Carried.

DEPUTATIONS

Garbage Collection - Progress Drive Area

Peter Ostojic of Walter Ostojic & Sons Ltd. was in attendance to discuss garbage collection in the Progress Drive area.

Mr. Ostojic requested that the members consider providing the same level of garbage service to the Progress Drive business area as is provided to the rest of the City because the businesses on Progress Drive pay the same taxes.

CITY CLERK _____ CONFIRMED _____ MAYOR _____

The 3rd meeting of the 127th Council - 2

Further, Mr. Ostojic requested that the members review the garbage collection for multi-residential buildings stating that the level of service had changed at the end of 2005.

Mayor Barwick thanked Mr. Ostojic for his deputation and stated that the City would be having discussions with Green Lane Environmental Group about the City's contract with it.

St. Thomas and District Minor Baseball Association - Sauve Avenue Baseball Complex

Mr. Phil Ambrose, Fundraising Committee, St. Thomas and District Minor Baseball Association was in attendance and requested that the members to consider the Phase 2 development of the Sauve Avenue Baseball Complex within the 2007 Capital Budget. In addition, Mr. Ambrose requested that the members consider naming the Sauve Avenue Baseball Complex after the Centennial Sports Club.

Mayor Barwick thanked Mr. Ambrose for his deputation and stated that the matter would be referred to the Finance and Administration Committee.

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

Zoning By-Law Amendment Application - Day Nursery as Additional Permitted Use - Part of Block 56, Plan 11M-112 - Shawside Development Limited - Appendix "A"

Motion by Alderman Warden - Baldwin-Sands:

THAT: Report PD-28-2006 be received as information; and further,

THAT: The application by Shawside Development Limited for an amendment to Zoning By-law 50-88 be received; and further,

THAT: Staff be authorized to prepare a site specific draft amendments to the Zoning By-law to permit a day nursery use as an additional permitted use on lands at the corner of Sunset Drive and Shaw Valley Drive, which lands may be legally described as Part of Block 56, Plan 11M-112, City of St. Thomas, County of Elgin, also described as Part 2 on Plan 11R-8248; and further,

THAT: A date for a public meeting be set for 6:35 p.m. on January 8th, 2007 in accordance with Ontario Regulation 199/96, as amended.

Carried.

Zoning By-Law Amendment Application - Implement Further Additional Alternative Development Standards - Inn Services Inc. - Appendix "B"

Motion by Alderman Shackelton - Johnston:

THAT: Report PD-29-2006 be received as information; and further,

THAT: The application by Inn Services Inc. for an amendment to Zoning By-law 50-88 be received; and further,

THAT: Staff be authorized to prepare a site specific draft amendments to the Zoning By-law to implement further additional alternative development standards in accordance with the recommendations of the Report of the Alternative Development Standards Committee dated March 17, 2003 on certain lots with 11M frontage within Draft Plan of Subdivision 34T-06501, which lands may be legally described as Part of Lot 6, Range 2 North of Edgeware Road, Geographic Township of Yarmouth, now in the City of St. Thomas, County of Elgin; and further,

THAT: A date for a public meeting be set for 6:45 p.m. on January 8th, 2007 in accordance with Ontario Regulation 199/96, as amended.

Carried.

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE - Chairman T. Johnston

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

Water and Sewer Works Construction under Sections 391 and 400 of the Municipal Act
Appendix "C"

The members inquired about the City's history in applying the Local Improvement Act to other areas in the City, which were subsequently overruled by the Ontario Municipal Board.

The Director, Environmental Services stated that in a previous application of the Local Improvement Act, it had been proven that in fact local improvement charges had been applied some 85 years earlier and that they could not be applied again.

Motion by Alderman Chapman - Warden:

THAT: Report ES135-06 be received as information; and further,

THAT: Where City Council has determined that the capital cost of a water or a sewage project should be borne by the benefiting property owners, such project be initiated under Section 391 or Section 400 (OR 244/02) of the Municipal Act.

Carried.

Green Lane Environmental Group - Source Separation of Recyclables - Appendix "D"

Motion by Alderman Chapman - Campbell:

THAT: Report ES136-06 respecting the enhanced separation at source of the Blue Box recyclables requested by the Green Lane Environmental Group Limited Partnership be received as information; and further,

THAT: Report ES136-06 be circulated to the Green Lane Environmental Group as information.

Carried.

A letter was received from Ms. B. Turner, 27 Goldenrod Court, regarding the non-collection of blue box contents by Green Lane Environmental Group.

A letter was received from Ms. Deb Langley, 36 Neal Avenue, regarding the non-collection of blue box contents by Green Lane Environmental Group.

CASO Railway Crossing

Alderman Shackelton inquired about a concern of railway spikes sticking up at the intersections of Stanley Street and Centre Street and Moore Street and Centre Street.

The Director, Environmental Services stated that the matter would be investigated.

Green Lane Environmental - Recycling and Composting

Chairman Johnston commended the City residents for the diversion rates they had achieved in recycling.

Chairman Johnston stated that the compost was currently going to landfill as a new composting facility was being constructed and further that Mr. McCaig had apologized for the concerns relating to the blue box program and that information flyers would be sent out to City residents.

Mayor Barwick commented that there had been inconsistencies in the handling of the blue boxes and that a monitoring program would be implemented to address the concerns.

BUSINESS CONCLUDED

PERSONNEL AND LABOUR RELATIONS COMMITTEE - Chairman G. Campbell

UNFINISHED BUSINESS

NEW BUSINESS

2006 Vacation Carryover - Appendix "E"

Alderman Campbell stated that he was aware that there might be other problems with the vacation carry over and that this matter should be postponed until he had an opportunity to meet with the Director of Human Resources.

Motion by Alderman Campbell - Baldwin-Sands:

THAT: Report HR-15-06 be received; and further,

THAT: Council approve 2006 vacation carry-over in excess of the allowable days (10) outlined in the Non-Union By-Law 92-2006 into 2007 and that this is for one time only.

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

Motion by Alderman Campbell - Barwick:

THAT: Report HR-15-06 be postponed.

Carried.

BUSINESS CONCLUDED

FINANCE AND ADMINISTRATION COMMITTEE - Chairman T. Shackelton

UNFINISHED BUSINESS

CITY CLERK_____CONFIRMED_____MAYOR

Cash Advances & Expenses Reimbursement Report

St. Thomas Consolidated Courthouse Project - Police Facilities

Mayor and Council Expenses

St. Thomas-Elgin Public Art Centre - Grant Request - Appendix "F"

Motion by Alderman Warden - Chapman:

THAT: Report TR 65-06 be received for information.

Carried.

Motion by Alderman Chapman - Baldwin-Sands:

THAT: The funding report of the St. Thomas-Elgin Public Art Centre for \$20,000.00 be approved.

Carried.

Following the passing of the motion, the members discussed the fact that perhaps they should meet with the St. Thomas-Elgin Public Art Centre to fully understand why the funding was required.

Motion by Alderman Warden – Campbell:

THAT: The motion relating to the funding request for the St. Thomas-Elgin Public Art Centre be reconsidered.

Carried.

Motion by Mayor Barwick - Alderman Warden:

THAT: The funding request of the St. Thomas-Elgin Public Art Centre be postponed until a meeting is held with the Art Centre this Wednesday evening December 13, 2006, at 5:00 p.m.

Carried.

NEW BUSINESS

Proposed Playground Development - Faith Baptist Church - Appendix "G"

Motion by Alderman Chapman - Johnston:

THAT: Report TR 64-06 be received; and further,

THAT: Council approve a drawdown in the amount of \$23,000 from the Parkland Reserve Fund for the purpose of funding the purchase of land between Penhale Avenue and the proposed playground to be located in the Southgate Village subdivision.

Carried.

2006 Building Condition Assessments - Appendix "H"

A representative of the IRC Group was in attendance and provided a power point presentation of the condition assessment of City Hall, Memorial Arena and the Seniors' Centre.

The members commended the IRC Group for the work they had completed.

Motion by Alderman Aarts - Baldwin-Sands:

The 3rd meeting of the 127th Council - 6

THAT: Report TR-66-06 of the Manager of Facilities and Property relating to 2006 Building Condition Assessments be received as information.

Carried.

St. Thomas and District Minor Baseball Association - Grant Request

Motion by Alderman Warden - Baldwin-Sands:

THAT: The letter of the St. Thomas and District Minor Baseball Association dated December 5, 2006 be referred to the Treasury Department.

Carried.

BUSINESS CONCLUDED

COMMUNITY 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 D. Warden

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. 06-637 - Supply of L.E.D. Traffic Signal Components - Appendix "I"

The Director, Environmental Services stated that it is anticipated that this project would be completed within budget and further that it would be completed next spring.

Motion by Alderman Shackelton - Aarts:

THAT: Report ES131-06 be received for information; and further,

CITY CLERK_____CONFIRMED_____MAYOR

The 3rd meeting of the 127th Council - 7

THAT: Council accept the tender submitted by Electromega Limited in the amount of \$129,393.58 (including taxes) for the supply of the required L.E.D. signal modules, signal heads and pedestrian signal heads to convert all existing traffic signal installations to the latest L.E.D. standards; and further,

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

THAT: Council approve the tendering of the installation component of the L.E.D. project with the source of funding being the 2006 Capital Budget, Part 2.

Carried.

Update - School Area Review Procedures For Elementary School Children - Adult Crossing Guard Warrant Policy and Procedure - Appendix "J"

Motion by Mayor Barwick - Alderman Chapman:

THAT: Report ES132-06 and attached report ES22-06 be received for information; and further,

THAT: Council approve the recommended Adult Crossing Guard Justification Criteria, as included in Report ES132-06, which will be used during Step 4 of the School Area Review; and further,

THAT: A report be brought back to Council with recommendations, following the completion of Step 4 of the School Area Reviews.

Carried.

Tender Award 2007 Fire Rescue Pumper Truck - Appendix "K"

Motion by Alderman Aarts - Johnston:

THAT: Report FD05-06 be received for information; and further,

THAT: Council accept the tender submitted by E-One Carrier Emergency in the amount of \$459,650.00 for the purchase of one 2007 Fire Rescue Pumper Truck; and further,

THAT: The source of funding for the purchase be in the 2007 Vehicle Equipment and Replacement Reserve as approved by Council in Report FD02-06 as attached to Report FD02-06; and further,

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

Carried.

By-Law for Loitering - Appendix "L"

The members discussed the need to seek clarification within the proposed by-law to ensure that organized labour activities, such as strike actions, would not be prohibited from taking place.

The Deputy City Clerk stated that this matter would be reviewed.

Motion by Alderman Johnston - Shackelton:

THAT: Report CC 55-06 be received for information; and further,

THAT: The loitering by-law be forwarded to the City Solicitor for review and final wording.

Carried.

Community Access Improvement Concerns - Curb Cuts

Motion by Alderman Aarts - Shackelton:

CITY CLERK _____ CONFIRMED _____ MAYOR _____

The 3rd meeting of the 127th Council - 8

THAT: The correspondence received from Mr. Donald Shaw regarding Community Access Improvement Concerns and Curb Cuts be referred to the Environmental Services Department.

Carried.

BUSINESS CONCLUDED

SOCIAL SERVICES COMMITTEE - Chairman L. Baldwin-Sands

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

REPORTS PENDING

ENVIRONMENTALLY SENSITIVE LAND USE - P. Keenan

REVIEW OF CITY BUS ROUTES - J. Dewancker

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 T. Johnston

Personnel and Labour Relations Committee - Chairman G. Campbell

Finance and Administration Committee - Chairman T. Shackelton

Community Services Committee - Chairman B. Aarts

Protective Services and Transportation Committee - Chairman D. Warden

Social Services Committee - Chairman L. Baldwin-Sands

Motion by Alderman Shackelton - Baldwin-Sands:

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 First Report of the Site Plan Control Committee - Appendix "N"

The members requested that Clause 1 of the Site Plan Control Committee be dealt with separately to recognize the conflict of interest declared by Alderman Shackelton.

Motion by Alderman Chapman - Aarts:

THAT: Clause 1 of the First Report of the Site Plan Control Committee be adopted.

Carried.

CITY CLERK_____CONFIRMED_____MAYOR

Motion by Alderman Campbell - Warden:

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

Carried.

PETITIONS AND COMMUNICATIONS

2007 Volunteer Awards - Ontario Ministry of Citizenship and Immigration

A letter was received from Mr. Mike Colle, Minister, Ministry of Citizenship and Immigration, inviting participation in the following Ontario's volunteer recognition programs for 2007: The Ontario Volunteer Service Awards, The Outstanding Achievement Awards for Voluntarism in Ontario, and The Ontario Medal for Young Volunteers. The deadline for nominations is January 15th, 2007. The deadline for nominations for The Ontario Medal for Young Volunteers is January 26th, 2007.

Ontario Municipal Water Association - Resolution

A letter was received from Minister David Caplan, Ministry of Public Infrastructure Renewal, acknowledging receipt of Council's resolution about the Water Strategy Expert Panel's report.

Thank You Letter

A letter of thanks was received from Dan Pettit, retired employee, thanking the Mayor, Members of Council and Staff for the generous gift.

Acknowledgement of Mr. Bill Lindsay

Mayor Barwick commented that he had failed to recognize former Alderman Bill Lindsay during the Inaugural Session of Council and he commended Mr. Lindsay for the initial work that he had undertaken relating to the transit system.

Community Christmas Events

Alderman Chapman encouraged the members and the community to enjoy the "Miracle on 34th Street" being presented by the Elgin Theatre Guild and also to enjoy "A Christmas Carol" which is being presented at the Capitol Theatre.

Ministry of Municipal Affairs Annual Conference - London

Alderman Aarts reported on his attendance at the Ministry of Municipal Affairs Annual Conference in London on December 8, 2006.

Alderman Aarts stated that Minister Gerretsen stated that affordable housing and emergency services were priority issues.

UNFINISHED BUSINESS

Canadian Championship - Acknowledgment Signage

NEW BUSINESS

Alderman T. Johnston had previously put forward the following Notice of Motion.

Motion by Alderman Johnston - Chapman:

THAT: Council amend its Procedural By-Law 110-82 to reflect the functional responsibilities of the Community Services Committee and the Social Services Committee.

Carried.

BY-LAWS

Motion by Alderman Warden - Shackelton:

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 11th day of December, 2006.
2. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain agreement between the Corporation of the City of St. Thomas and Kanco-104 Confederation Ltd. (34CDM-05501 - 104 Confederation Drive - Conversion to Condominium Ownership)
3. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain contract with Erie Thames Services Corporation. (\$166,686.06 including taxes - Wellington Street/Stokes Road - Intersection Traffic Signal with Audible Pedestrian Assistance and Associated Civil Works)
4. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain contract with Direct Cash Management. (3 years with option to renew for 2 years - Automatic Teller Machines and Services - City Facilities)
5. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain contract with Tri-con Excavating Inc. (\$67,606.80 including gst - Pinafore Park Service Road)
6. A by-law to amend By-Law No. 110-82, being the a by-law to provide rules governing the order and proceedings of the Council of the Corporation of the City of St. Thomas, the conduct of its members, and the calling of meetings.

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 L. Baldwin-Sands was appointed Chairman of Council in Committee of the Whole and conducted the second reading of the by-laws.

During the reading of the by-laws the members inquired about who was responsible for the insurance as it related to the automatic teller machines.

The Director of Finance and City treasurer stated that the matter of the insurance would have to be investigated.

Motion by Mayor Barwick - Alderman Johnston:

THAT: Further consideration of By-law #4 be postponed.

On motion duly moved and seconded, the Chairman was ordered to report on the passing of the by-laws with the exception of By-law #4. The Chairman reported as ordered and the Mayor resumed the Chair.

Third Reading

Motion by Alderman Warden - Shackelton:

CITY CLERK_____CONFIRMED_____MAYOR

The 3rd meeting of the 127th Council - 11

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 11th day of December, 2006. (B/L 156-2006)
2. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain agreement between the Corporation of the City of St. Thomas and Kanco-104 Confederation Ltd. (34CDM-05501 - 104 Confederation Drive - Conversion to Condominium Ownership) (B/L 157-2006) (A/G 58-2006)
3. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain contract with Erie Thames Services Corporation. (\$166,686.06 including taxes - Wellington Street/Stokes Road - Intersection Traffic Signal with Audible Pedestrian Assistance and Associated Civil Works) (B/L 158-2006) (CON 11-2006)
4. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to certain contract with Tri-con Excavating Inc. (\$67,606.80 including gst - Pinafore Park Service Road) (B/L 159-2006) (CON 12-2006)
5. A by-law to amend By-Law No. 110-82, being the a by-law to provide rules governing the order and proceedings of the Council of the Corporation of the City of St. Thomas, the conduct of its members, and the calling of meetings. (B/L 160-2006)

Carried.

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION

Motion by Alderman Johnston - Aarts:

THAT: This meeting be closed to deal with a proposed or pending acquisition or disposition of land by the municipality or local board and a matter protected under the Municipal Freedom of Information and Protection of Privacy Act at 6:07 p.m.

Carried.

OPEN SESSION

Motion by Alderman Johnston - Campbell:

THAT: We do now rise from Closed Session. (6:40 p.m.)

Carried.

CLOSED SESSION

Motion by Alderman Warden - Chapman:

THAT: Council move into Closed Session at 8:55 p.m.

Carried.

OPEN SESSION

Motion by Alderman Johnston - Baldwin-Sands:

THAT: We do now rise from Closed Session. (9:25 p.m.)

CITY CLERK_____CONFIRMED_____MAYOR

Carried.

ADJOURNMENT

Motion by Alderman Campbell - Baldwin-Sands:

THAT: We do now adjourn. (9:26 p.m.)

Carried.