

## **AGENDA**

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

**COUNCIL CHAMBERS    6:00 P.M. CLOSED SESSION**  
**CITY HALL            7:00 P.M. REGULAR SESSION**

**APRIL 11TH, 2005**

#### **ROUTINE PROCEEDINGS AND GENERAL ORDERS OF THE DAY**

OPENING PRAYER

DISCLOSURES OF INTEREST

MINUTES

DEPUTATIONS

COMMITTEE OF THE WHOLE

REPORTS OF COMMITTEES

PETITIONS AND COMMUNICATIONS

UNFINISHED BUSINESS

NEW BUSINESS

BY-LAWS

PUBLIC NOTICE

NOTICES OF MOTION

ADJOURNMENT

CLOSING PRAYER

#### **THE LORD'S PRAYER**

Alderman T. Johnston

#### **DISCLOSURES OF INTEREST**

#### **MINUTES**

Confirmation of the minutes of the meetings held on April 4th, 2005.

#### **DEPUTATIONS**

#### **COMMITTEE OF THE WHOLE**

Council will resolve itself into Committee of the Whole to deal with the following business.

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

#### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

Provincial Innovation Team

Report CC-12-05 of the City Clerk. Pages

5 to 7

#### **BUSINESS CONCLUDED**

**ENVIRONMENTAL SERVICES COMMITTEE** – Chairman M. Turvey**UNFINISHED BUSINESS**Request for Letter of Tolerance - 170 South Edgeware Road - Fence and Gate Installation

Report ES45-05 of the Director, Environmental Services. Pages 8 to 11

**NEW BUSINESS**West Nile Virus

Report ES43-05 of the Manager of Operations and Compliance. Pages 12 to 19

**BUSINESS CONCLUDED****PERSONNEL AND LABOUR RELATIONS COMMITTEE** – Chairman D. Warden**UNFINISHED BUSINESS****NEW BUSINESS**Contract By-Law Enforcement Staff

Report CC-10-05 of the Deputy City Clerk. Pages 20 to 23

**BUSINESS CONCLUDED****FINANCE AND ADMINISTRATION COMMITTEE** – Chairman C. Barwick**UNFINISHED BUSINESS**Civil Marriages Solemnization

Report CC-13-05 of the City Clerk. Page 24

Summer Meeting Schedule

Report CC-14-05 of the City Clerk. Page 25

**NEW BUSINESS**Airport Drinking Water Supply - Award of Tender

Report ES38-05 of the Manager of Operations &amp; Compliance. Pages 26 &amp; 27

St. Joseph's Catholic High School - 5<sup>th</sup> Annual Track and Field Meet - Grant Request

A letter has been received from Karyn Phillips, St. Joseph's Catholic High School, requesting a grant in the form of a donation for the 5<sup>th</sup> Annual Track and Field Meet to be held on May 25<sup>th</sup>, 2005.

**BUSINESS CONCLUDED****COMMUNITY AND SOCIAL SERVICES COMMITTEE** – Chairman B. Aarts**UNFINISHED BUSINESS**Request for Staff - Child Care Supervisor**NEW BUSINESS**

**BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

Speed Limits - Wellington Road and Sandymount Hill Areas – Speed Zone

Report ES32-05 of the Supervisor Roads & Transportation. Pages

28 & 29

Community Safety Zone - Fairview Avenue

**NEW BUSINESS**

Tender for Community Transit Vehicle

Report ES42-05 of the Supervisor Roads & Transportation. Page

30

**BUSINESS CONCLUDED****REPORTS PENDING**

AMENDMENT TO BY-LAW 44-2000(REGULATION OF WATER SUPPLY IN THE CITY OF ST. THOMAS) - MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ST. THOMAS AND ST. THOMAS ENERGY INC. (PROVISION OF WATER METER READING/BILLING AND COLLECTION SERVICES) - J. Dewancker

ESDA SERVICING MASTER PLAN AND CLASS ENVIRONMENTAL ASSESSMENT - J. Dewancker

ENVIRONMENTALLY SENSITIVE LAND USE – P. Keenan

SAFETY ISSUES AND INTERSECTION CONCERNS – Supervisor Roads & Transportation

DRIVEWAY RECONSTRUCTION – MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES – J. Dewancker

**COUNCIL**

Council will reconvene 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

A resolution stating 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 will be presented.

**REPORTS OF COMMITTEES**

## **PETITIONS AND COMMUNICATIONS**

### **CEUDA - Canadian Border Patrol - Resolution**

A request has been received from Ron Moran, National President of the Customs Excise Union Douanes Accise(CEUDA), to endorse its resolution to the Canadian government to establish a Canadian Border Patrol. **Pages** 31 & 32

## **UNFINISHED BUSINESS**

### **Proclamations**

Report CC-11-05 of the City Clerk. **Pages** 33 to 35

## **NEW BUSINESS**

### **BY-LAWS**

#### **First, Second and Third Reading**

1. A by-law to confirm the proceedings of the Council meeting held on the 11<sup>th</sup> day of April 2005.
2. A by-law to appoint a Fire Chief for the City of St. Thomas. (Robert C. Barber)
3. A by-law to amend By-law 45-89, being the Traffic By-Law for the City of St. Thomas. (Definition of "Pedestrian")
4. A by-law to amend By-law 45-89, being the Traffic By-Law for the City of St. Thomas. (Speed Limit - 60km/hour - Wellington Road)
5. A by-law to amend By-law 45-89, being the Traffic By-Law for the City of St. Thomas. (No Parking Zones - East and North Sides of Sauve Avenue)

## **PUBLIC NOTICE**

## **NOTICES OF MOTION**

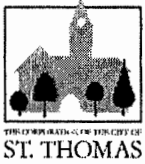
### **CLOSED SESSION**

A resolution to close the meeting will be presented to deal with a labour relations matter.

### **OPEN SESSION**

### **ADJOURNMENT**

### **CLOSING PRAYER**



Corporation of the  
**City of St. Thomas**

- 5 -

Report No.  
CC-12-05

File No.

**Directed to:** Chairman H. Chapman and Members of the Planning and Development Committee.

**Date**  
**April 4, 2005**

**Department:** City Clerks Department

Attachment  
Innovation Team Brief

**Prepared By:** W. Graves, City Clerk

**Subject:** Provincial Innovation Team

**Recommendation:**

That Report CC-12-05 be received for information.

**Background**

During the past couple of months staff have been dialoguing with staff from the Ministry of Municipal Affairs regarding a tool that can be made available to communities known as an "Innovation Team".

The definition of an Innovation Team is to assemble a team of experts, which can come from across North America and even internationally, to provide an evaluation of a community and its existing program and provide expert advice to the community.

Of note is the fact that the costs for the Innovation Team, if awarded to a community, are borne by the Province save and accept local contributions for accommodation while the Team is within the community which is usually for about 4 days.

As the City continues to move forward with the revitalization of its commercial core area preliminary discussions have been held with local stakeholders about the possibility of requesting an Innovation Team.

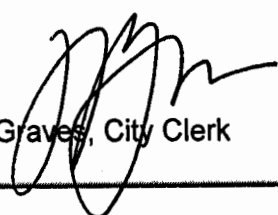
In considering an Innovation Team for St. Thomas, the primary concept would be to provide an evaluation of, and recommendations to, all stakeholders including the City as to how the heritage assets can continue to be strengthened and harnessed and used to further strengthen the core area.

While there is no question that the City has positioned itself to revitalize the core, the Innovation Team would be able to review all of the work that has been undertaken by the City and the individual stakeholder groups and provide creative, realistic recommendations that would further the good work that has begun.

Attached to this report is a brief which further defines the potential role of an Innovation Team within the City.

While no formal approval is required from Council at this time, following receipt of this report by Council, staff would continue to move through the process with Ministry staff and stakeholder groups and formally write to the Ministry to determine if an Innovation Team could be developed for the City.

Respectfully,

  
W. Graves, City Clerk

**Reviewed By:** Treasury Env Services Planning City Clerk Comm Services Other

## INNOVATION TEAM – ST. THOMAS 2005

### **Objective**

To develop a creative path which will:

- 1) harness the strengths of many stakeholder groups;
- 2) capitalize on the significance of our heritage and cultural assets;
- 3) provide a stimulus for economic renewal within the commercial core area all within the context of a realistic financial framework.

### **Background**

Within the commercial core area one can identify many existing assets as well as potential assets which add to the uniqueness of the area. In addition there are several dedicated groups who work to preserve and promote many aspects of the area.

Over time many significant reports have been completed including the City's Community Improvement Plan.

Assisting communities, the Province of Ontario, through the Ministry of Municipal Affairs, has developed a resource known as an Innovation Team whereby a team of experts is made available to local communities to review and provide guidance aimed at identifying where a community can be strengthened.

### **Barriers Encountered**

While there is a depth of knowledge relating to individual aspects of our heritage resources there has been no comprehensive coordination between these stakeholders to harness the community's heritage assets.

A significant challenge is to develop and articulate a financial strategy that will provide a platform for seeking investment opportunities and /or other funding options/sources. These identified financial sources would provide the initial capital required to implement projects and programs. A further long term sustainability strategy would have to be established for maintaining these unique initiatives.

A further challenge is to ensure a mechanism is put in place for the transfer of knowledge and skills regarding the preservation of the local heritage assets.

In order to be successful, our local stakeholders need access to first hand knowledge and expert advice from specialists and community leaders who have successfully overcome financial barriers and have developed their significant local heritage assets into fruitful economic engines. By having done so they have revitalized and re-energized their community renewal, specific to their downtown core.

### Role of Innovation Team

The focus of the Innovation Team will be to:

- Review our heritage / cultural / main street assets
- Provide an assessment and recommendations to our stakeholders as to how we can overcome our local challenges / barriers.
- Make recommendations as to how to create a living, working, educational program aimed at preserving our heritage assets
- Identify options for an economic stimulus to the commercial core area by utilizing these heritage assets to attract consumer traffic and increase business activity and opportunities.

### Possible Approach:

1. Review existing inventory of studies and relevant strategic documents
2. Complete an inventory of all assets within identified project area
3. Review priorities and identify synergies between the individual stakeholders
4. Review and qualify hierarchy of heritage and cultural assets in relationship to other provincial, national and North American assets
5. Identify success stories of other North American projects which used local heritage and cultural assets to be a catalyst for successful economic stimulus
6. Identify and recommend what assets have the potential to set St. Thomas apart
7. Identify untapped and underutilized resources and opportunities ie night life / entertainment
8. Develop an understanding and strategy of how to draw creative capital investment including capital for residential investment in the core area
9. From inception of this project investigate all opportunities to develop educational and training material
10. Develop an action plan of priorities identifying realistic timelines and resource requirements.
11. Identify potential sources of capital and funding programs to assist
12. Recommend a "Repackaged, branding strategy to promote the St. Thomas story

### Assets include

- Building stock, streetscape
- Equipment, property ie trains / artwork
- Intellectual knowledge of individuals
- People places – museums, art gallery, market

### Success Story as an Example

Corning New York (pop. Approx 12,000)

- Former hub of rail activity
- Home to glass industry
- Developed Corning Museum of Glass (International recognition) which is a working, living, educational tourist attraction linked to an educational entity (University)
- Spin off economic renewal in historic mainstreet area



Corporation of the

# City of St. Thomas

Report No.

ES45-05

File No.

170 South Edgeware Rd

Directed to:

Chairman Marie Turvey and Members of the Environmental Services Committee of Council

Date

April 5, 2005

Department:

Environmental Services Department

Attachment

Prepared By:

John Dewancker, Director, Environmental Services

Subject:

**Fence and Gate Installation – Letter of Tolerance 170 South Edgeware Road**

## **RECOMMENDATION**

That a Letter of Tolerance be issued for the existing encroachment of a fence onto the municipal road right-of-way at 170 South Edgeware Road subject to the conditions as outlined in report ES45-05.

## **ORIGIN**

Following the March 14, 2005, meeting of Council, at which Mr. Joseph Docherty appeared as a deputation on behalf of the owners of the property at 170 South Edgeware Road, Environmental Services Staff has met on March 24, 2005, with Mr. Docherty and Mr. Scott Vaughan, owner, to seek a solution to zoning by-law issue and encroachment issue that has been created as a result of the construction of a fence and gate in the front yard of the subject property.

## **ANALYSIS**

At the meeting of March 24, 2005, the following was tentatively resolved, subject to the approval by Council.

- The wrought iron gate/arch structure along the South Edgeware Road frontage of the subject property will be removed by the property owner.
- The height of balance of the wrought iron fence that has been installed along the side lot lines and along the street frontage of the front yard of the property is approximately 1m high (as a result of the curvature of the top railing, there are a few locations where such height marginally exceeds 1m) and complies with the intent of the zoning by-law. Therefore, the proposed removal of the entrance gate would obviate the need for the property owner to make a further application to the Committee of Adjustment for a minor variance to the zoning by-law in this regard.
- In respect to the encroachment of the balance of the wrought iron fence onto City property, it is recommended that Council approve the issuance by the City of a Letter of Tolerance with the explicit understanding that the City retains the legal right to use at any time in the future the part of the municipal road right-of-way of South Edgeware Road that is currently being encroached upon by the fence.

During 2002, the property owner previously received City approval to install a natural stone area for parking purposes within the front yard of the property and which partially encroached into the road boulevard area and he believed that the installation of a front yard fence would also be tolerated by the City.

The above reflects the essence of the review and discussion held on March 24, 2005, between staff, the property owner and representative and it is recommended that a Letter of Tolerance be issued for the current encroachment of the fence while the property owner has agreed to remove the entrance gate structure in the driveway and maintain a 1m fence height in compliance with the zoning by-law.

Respectfully submitted

John Dewancker, P.Eng., Director  
Environmental Services

Reviewed By:

Treasury

Env Services

Planning

City Clerk

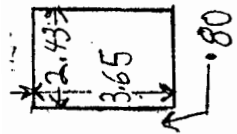
HR

Other

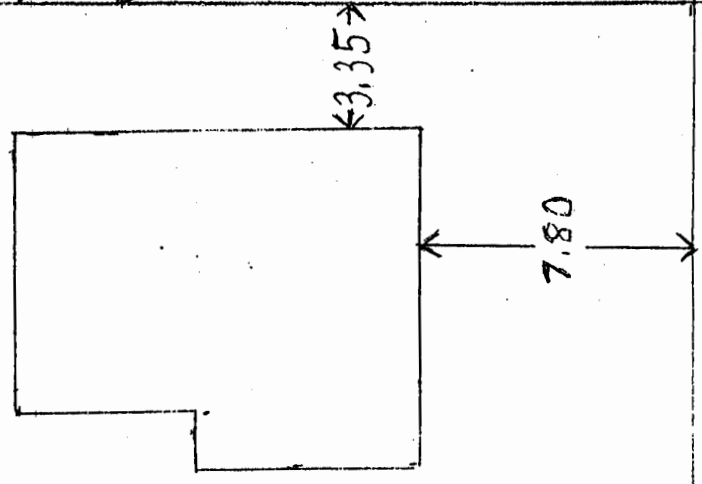
cc: Joseph Docherty, Owner Representative  
Scott Vaughan, 170 South Edgeware Road



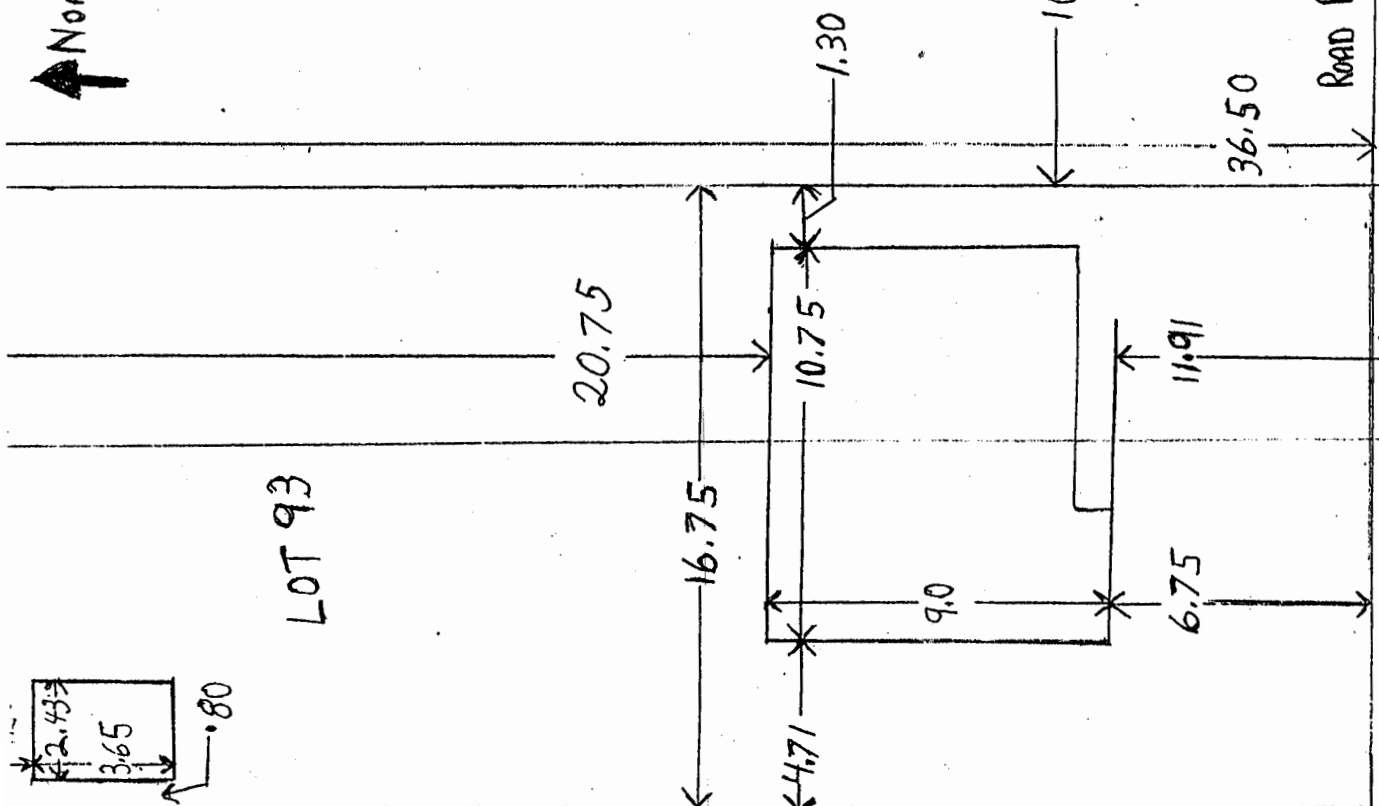
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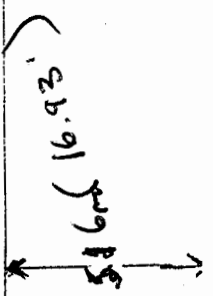
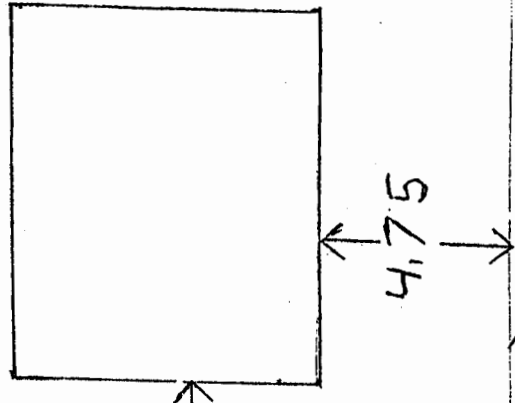
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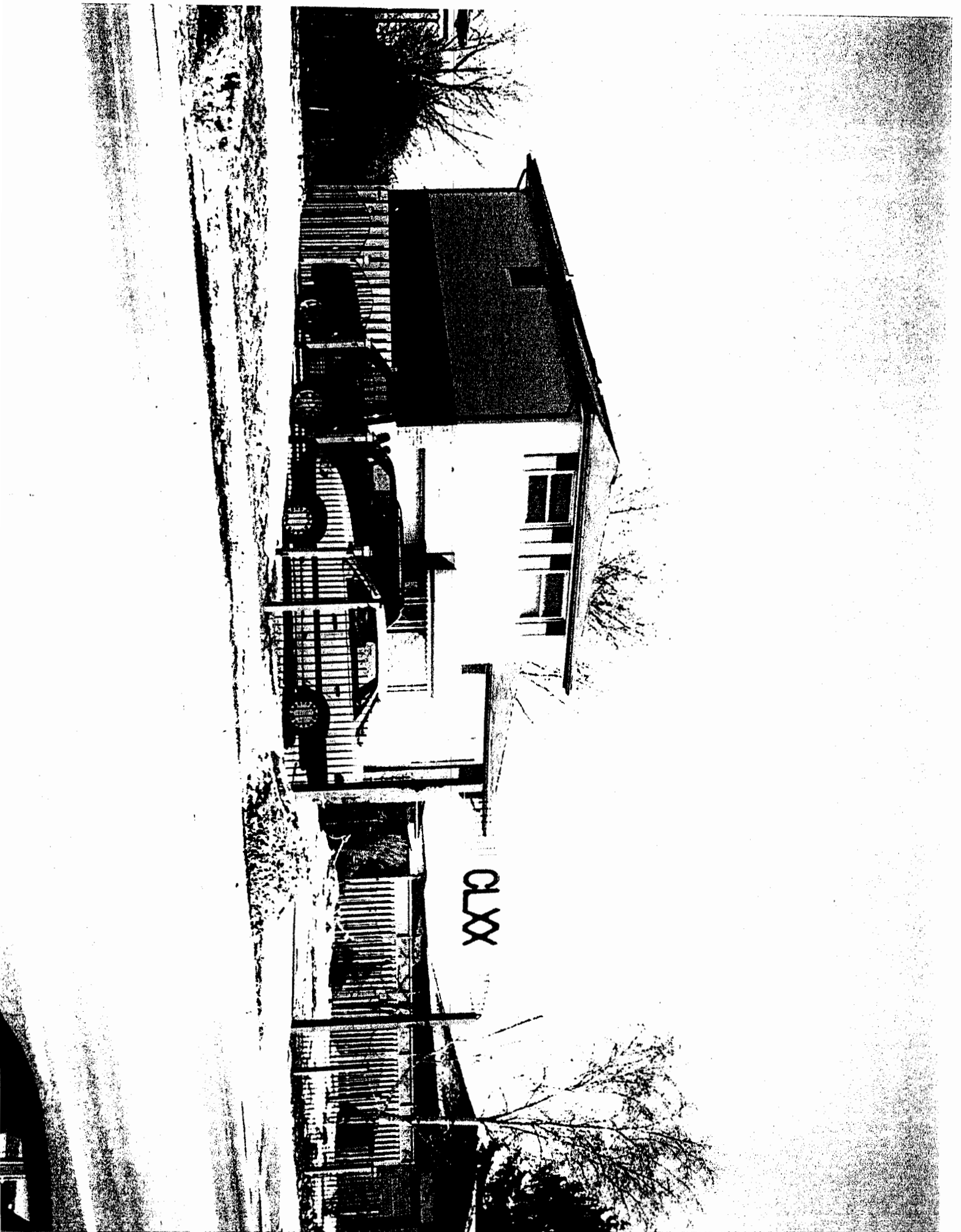


LOT 92



LOT 94





-11-

CITY OF ST. THOMAS

ENGINEERING DEPARTMENT

PERMIT FOR USE OF LANDS FOR PARKING IN RESIDENTIAL ZONES

ISSUED TO: SCOTT VAUGHAN & JOSÉE Desforges  
(Owner)  
633-1074

SITE LOCATION: 170 S. EDGEWALK

Type of Surface: Asphalt ☐ Concrete ☐ Specify: \_\_\_\_\_  
Interlock Stone ☐ Dust Free ☐

This permit is granted on the basis of the attached sketch of parking location and that the use of the lands will conform to Section 4.2.6 of the City's Zoning By-Law 50-88.

Curb Cut Required YES + SIDEWALK REPLACED FOR THE EXTRA 7' 1/2" FT  
Size of Opening Permitted 19' 6" Ft. July 11/02  
Issued By \_\_\_\_\_  
Date \_\_\_\_\_

Does not conform due to: \_\_\_\_\_

In consideration of this permit being granted to me I do hereby undertake and agree with the Corporation of the City of St. Thomas to indemnify and save harmless the said Corporation of the City of St. Thomas and or any of its Officers or servants from any and all damages, costs, charges and or expenses that they may be put to or may incur in defending themselves against any claim for damages or may pay by way of settlement of any such claims in case damages are sustained by reason of any work or operation done under the authority of this permit or otherwise connected therewith.

I agree to carry out all work in accordance to City specifications - all concrete shall conform to the City of St. Thomas Mix Design.

Josée Desforges  
APPLICANT



Corporation of the  
**City of St. Thomas**

Report No.

ES43-05

File No.

04-097-00

**Directed to:** Chairman Marie Turvey and Members of the Environmental Services Committee

**Date**

April 4, 2005

**Department:** Environmental Services

**Attachments**

Report PW81-05 03  
Health Unit Memorandum

**Prepared By:** Ivar Andersen, Manager of Operations and Compliance

**Subject:** West Nile Virus

**RECOMMENDATION**

It is recommended that:

1. This report be approved and received as information by Council.
2. Council support and endorse the application for permits by the Elgin St. Thomas Health Unit for the application of pesticides within the West Nile Virus programs by sending a letter to the Health Unit, in this regard.
3. That staff, as requested by the Health Unit, be given the authority to retain the services of a pest control contractor for mosquito control, as required.

**ORIGIN:**

The Elgin St. Thomas Health Unit has submitted a package of information to the City regarding the local West Nile Virus situation. Attached is the covering memorandum that accompanied this package. In this correspondence, the Health Unit is requesting that the City of St. Thomas conduct a larvicide program for the extermination of mosquitoes. The City has been identified "as a population of concern," because of the "size of the risk population along with the population density, warrants measures be taken to reduce the risk of the residents being exposed to the West Nile Virus."

**ANALYSIS:**

Ontario Regulation 199/03 requires that the medical officer of health determine whether action is required by a municipality to decrease the risk of West Nile Virus based upon a risk assessment. Where the medical officer of health has determined that action is required, he or she may give notice to the municipality which must be complied with. The action required may include a number of things such as public awareness campaigns, larviciding and adulticiding.

As indicated in the information package submitted by the Health Unit, one human case of West Nile Virus was detected in Elgin County in 2004 as well, the virus was detected in birds in the area. Regulation 199/03 considers this information a "trigger" which requires that a larvicide program be conducted to exterminate mosquitoes. The Health Unit has requested that St. Thomas retain the services of a licensed pest control company to complete such a larvicide program.

**FINANCIAL CONSIDERATIONS:**

In 2003, at the request of the Health Unit and with the approval of Council, this department submitted a provisional budget for West Nile Virus control. This provisional budget is attached to report PW81-03. This provisional budget included \$26,000 for larviciding, which should still be sufficient funding for this purpose in 2005 if only one treatment were made. If two larvicide applications are required, then the cost would be approximately \$50,000. Unfortunately, the City's 2005 Operating Budget, as in previous years, did not anticipate any expenditure requirement for the control of West Nile Virus. The City only very recently became aware of this request by the Health Unit well after the Operating Budget had been approved. The source of this additional funding, if the work is approved by Council, would be the Working Fund Reserve. It should be noted that if further "triggers" are detected later in the year, the Health Unit may request that the City take further action to control mosquitoes resulting in additional expenditures.

The City may recover up to 55% of the cost of this mosquito control from the Ministry of Health and Long Term Care. The Health Unit will be making the necessary application required to obtain this funding and will transfer any funding to the City as it is received.

Respectfully submitted,

Ivar Andersen, P.Eng.,  
Manager of Operations and Compliance

cc: Elgin St. Thomas Health Unit.

Reviewed  
By:

Treasury

Env Services

Planning

City Clerk

HR

Other



**elgin  
st.thomas  
health unit**

99 Edward Street  
St. Thomas, Ontario  
N5P 1Y8

Telephone: (519) 631-9900  
Toll Free Telephone: 1-800-922-0096  
Fax: (519) 633-0468  
www.elginhealth.on.ca

March 23, 2005

Wendell Graves  
City Clerk  
City of St. Thomas  
545 Talbot Street, PO Box 520  
St. Thomas ON N5P 3V7

Dear Wendell Graves:

**Re: Notice of Increased Activity for West Nile virus**

The Elgin St. Thomas Health Unit has reviewed the status of Elgin County municipalities along with the City of St. Thomas in relationship to *Regulation 199/03, Control of West Nile Virus*, made under the *Health Protection and Promotion Act*.

In 2004, one human case of West Nile virus involving an Elgin County resident was detected. WNV has been detected in birds in this area but not in adult or larval mosquitoes. The *West Nile Virus Surveillance Summary 2004* report is being mailed to each municipality.

This raises our level of concern and we must advance through our contingency plan which outlines that we must be prepared to larvicide and/or adulticide for mosquitoes when West Nile activity is recognized in our communities. Municipalities at this time are urged to retain the services of a pest control company that is licensed for mosquito extermination to conduct a larvicide program in each municipality. **It has been determined that the City of St. Thomas and the Town of Aylmer are populations of concern and are directed to conduct a larvaciding program in the 2005 season.** Health Unit staff are available to assist you in answering any questions you may have regarding this planning. Chemical and application costs related to larviciding and adulticiding remain the responsibility of the municipal authorities. The municipality may recover 55% of the cost of larviciding and adulticiding from the Ministry of Health and Long Term Care (MOHLTC). Health Units are the transfer agency for this cost sharing arrangement.

I am forwarding to the Ministry of the Environment a letter endorsing the application for permits for the application of pesticides within the West Nile virus programs. This will help expedite any application in that process. It is necessary for each municipality to forward to our office, a letter, supporting this endorsement, for inclusion with our notice to the Ministry of the Environment. Please forward this letter by April 21, 2005 to my attention.

The *Permit Applicant Guide for Municipalities and Health Units: Controlling Mosquito Larvae for Prevention and/or Control of West Nile Virus 2004* will be forwarded to each municipality to assist you in making your application to the Ministry of the Environment.

Under separate cover, each municipality is being asked to submit the proposed 2005 budget for West Nile virus activities. I ask that the budgets be submitted in an expeditious manner to allow for accurate flow of information to the Ministry of Health and Long Term Care.

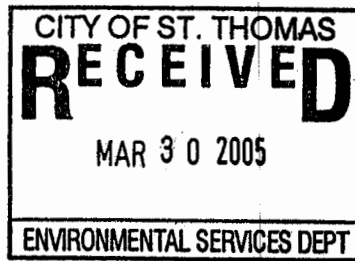
Through our actions and cooperation we can lessen the impact West Nile virus will have on the residents and visitors of Elgin County.

Thank you in advance.

Sincerely,

*Sharon Baker*

Dr. Sharon Baker  
Acting Medical Officer of Health



CITY OF ST. THOMAS  
**RECEIVED**  
MAR 24 2005  
ENVIRONMENTAL SERVICES

JD	CLERK	
IA	✓	
PH		
CF		
MG		
ET		
JR		
FILE	04-097	

**REFERRED TO**  
CITY COUNCIL  
W. DAY  
J. DEWANCKER

**FOR**

☐ DISCUSSION  
☐ REPLY OR COMMENT  
☒ INFORMATION  
**FROM** M. KONEFAL

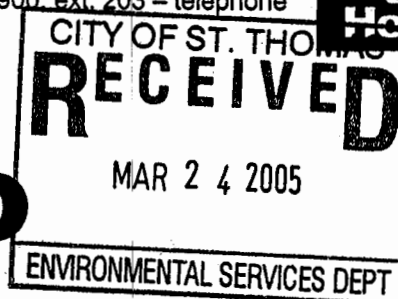
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99 Edward Street, St. Thomas, ON  
N5P 1Y8 (519) 631-9900 ext. 203 – telephone  
(519) 633-0468 – fax

**Elgin-St. Thomas  
Health Unit**

ENVIRONMENTAL  
SERVICES

# Memo



IA	✓	
PH		
CF		
MS		
RT		
JF		
FILE	04	097

**To:** City of St. Thomas and Town of Aylmer  
**From:** Laura McLachlin – Director, Health Protection Programs  
George Dawson – Manager, Health Protection Programs  
**Date:** March 23, 2005  
**Re:** 2005 West Nile virus Budgets (Deadline – March 30, 2005)

We have recently received correspondence from the Ministry of Health and Long Term Care regarding preliminary West Nile virus (WNV) Prevention and Control plans for 2005. The Ministry's final *2005 West Nile virus Preparedness and Prevention Plan* is expected to be released in the near future. At the local level we are being asked to submit our budget requests by March 31, 2005. These plans obviously affect development of your municipal budgets for 2005. You may recall the government announced \$100 million over 5 years for WNV prevention and control at 55 percent provincial funding. At this time, provincial budgets for 2005 are still under review and we cannot confirm the extent of the government's commitment for 2005.

In spite of the uncertainty of the provincial commitment of funds, our colleagues at the Public Health Branch of the Ministry of Health and Long Term Care recommend that we proceed with our planning based on results of the activities conducted in 2004. We know of some aspects of the program that are unlikely to change and some that have been changed. What has changed?

1. The geographical area served by the Elgin St. Thomas Health Unit has changed in status of the 'triggers' that would lead to larviciding and/or adulticiding. One human case was detected involving an Elgin County resident in 2004. WNV has been detected in birds in this area, but not in adult mosquitoes or larvae.

2. As per *triggers* outlined in Regulation 199/03, the City of St. Thomas and the Town of Aylmer are being asked to conduct a larvicide program for the extermination of mosquitoes. These municipalities have been identified as populations of concern. This means, the size of the at risk population along with the population density, warrants measures be taken to reduce the risk of the residents being exposed to the West Nile virus.

There is potential for more human cases of WNV in Elgin - St. Thomas in 2005. It would be prudent for the Health Unit and these municipalities to advance through our contingency plans and conduct a larvicide program by retaining the services of licensed pest control companies. Larviciding and adulticiding activities to control the spread of WNV remain the responsibility of the affected municipality.

In 2003 and 2004, you estimated your cost of larviciding and/or adulticiding if needed in your municipality. The Elgin St. Thomas Health Unit budget needs to include the cost of your municipality's activities in order to facilitate the flow of matched provincial dollars back to your municipality. In other words, we have an opportunity to apply for 55% of your needed funds.

These aspects of the West Nile virus Control Plans are not expected to change in 2005:

1. West Nile virus continues to threaten the health of the people of Ontario although the impact on residents of St. Thomas and Elgin County in 2005 cannot be predicted.
2. The Elgin St. Thomas Health Unit will remain responsible for WNV surveillance of infection in birds, adult mosquitoes, mosquito larvae and humans.
3. The Elgin St. Thomas Health Unit will continue to coordinate public education on WNV issues, both in conjunction with educational campaigns offered by the Ministry of Health and Long Term Care (MOHLTC) and our own locally targeted initiatives.
4. Regulation 199/03, Control of West Nile Virus, made under The Health Protection and Promotion Act (HPPA), enacted on May 15, 2003, remains in place. Section 2(1) of this act states: "Where the Medical Officer of Health has determined, based on local risk assessment, that action is required, he or she may give notice to the municipality of the required action".



5. A notice under Regulation 199/03 may require a municipality to undertake a number of actions, including; source reduction; surveillance; public awareness campaigns about personal protection; larviciding and adulticiding; and may specify the time within which the action shall be undertaken.
6. As per Regulation 199/03, a trigger to consider implementing a larviciding program is the presence of a *hot spot* of WNV infected mosquitoes, larvae, birds, mammals, or humans.
7. As per Regulation 199/03, an adulticiding program in a 3 km range around a *hot spot* would be considered where high-risk indicators are present. High-risk indicators include:
  - Increasing dead bird sightings
  - High mosquito infection rates
  - Abundant bridge vector populations
  - Increasing mammal (horse) cases
  - Proximity of mosquito breeding sites to human populations (especially large population centres)
  - Weather conditions that favour mosquito breeding.
8. Chemical and application costs related to larviciding and adulticiding remain the responsibility of the municipal authorities. The municipality may recover 55% of the cost of larviciding and adulticiding from the Ministry of Health and Long Term Care (MOHLTC). Health Units are the transfer agency for this cost sharing arrangement.
9. As last year, the MOHLTC will pay 100% of the retainer to have an adulticiding service available on standby. Once the contingency plan is activated by the local Medical Officer of Health, the contractor would clarify who is going to make the formal notification of adulticiding to the impacted community as required by the Ministry of Environment. The contractor would charge an hourly rate starting from the time of their physical departure from their home base until their physical return to the home base.
10. Surveillance activities related to laboratory analysis of adult mosquito speciation and viral testing is being independently tendered by Health Units in 2005, although costs will be reimbursed by the MOHLTC at 100%.
11. In 2004, the Elgin St. Thomas Health Unit conducted a local study of the use of ultrasonic mosquito larviciding equipment to determine the feasibility of this practice as a control measure on a broader scale in the future. This equipment is available for further study or use in 2005.



**In order to complete the Health Unit and municipal budgets for West Nile virus plans in 2005, we ask that you consider and complete the following activities.**

1. Review the estimates you submitted in 2003 and 2004 and adjust accordingly to accommodate for a larvicide program. A copy of your 2003 and 2004 submission is enclosed.
2. Consider if there are any other initiatives that your municipality would like to take advantage of the shared funding for. Samples of preparatory work that qualifies to be cost shared with the province include:
  - Mapping
  - Training of staff in general knowledge of vector control measures
  - Training of staff in actually applying larvicide or adulticides
  - Securing a supply of pesticide(s) and the application equipment/vehicles
  - Acquisition of licenses or permits (MOE) to apply larvicide or adulticides
  - Public notification requirements (print or broadcast materials)

**3. Forward your 2005 West Nile virus budget to the Health Unit by March 30, 2005**

Enclosed in this package you will find:

1. A copy of the budget submitted by your municipality in 2003 and 2004.
2. A blank template for your 2005 submission.
3. A copy of the Ontario Ministry of Environment April 2004 *Permit Application Guide for Municipalities and Health Units: Controlling Mosquito Larvae for Prevention and/or Control of West Nile virus*.
4. A copy of *Regulation 199/03*.
5. A summary of *Mosquito Control – Recovery of Costs Related to Ontario Regulation 199/03* that was originally released from Public Health Branch on June 25, 2003.
6. West Nile Virus Surveillance Summary: 2004, Elgin St. Thomas Health Unit.

If you have any questions concerning the attached budget or the process for our completion of the 2005 budget, please contact:

Laura McLachlin, Director, Health Protection – 631-9900, ext. 223  
George Dawson, Manager, Health Protection – 631-9900, ext. 210



Corporation of the  
**City of St. Thomas**

Report No.

PW 81-03

File No.

04-097-00

Directed to:

Mayor P. Ostojic and Members of  
Committee of the Whole

Date

July 25, 2003

Department:

Environmental Services

Prepared By:

Ivar Andersen, Manager of Operations and Compliance

Attachments

- Provisional West Nile  
Virus Budget

Subject:

West Nile Virus

**RECOMMENDATION**

That the attached provisional budget developed to assist in controlling the West Nile Virus be adopted, and funded from the Rate Stabilization Reserve when necessary, noting that this budget would only be required if control measures including larviciding and adulticiding are necessary by order of the Medical Officer of Health.

**Analysis:**

At the June 16, 2003 Council meeting, Elgin-St. Thomas Health Unit representatives gave an update on the West Nile Virus situation in Elgin County, including the City of St. Thomas and the Ministry of Health and Long Term Care announcement of Reg. 199/03. This information was previously shared at a stakeholders meeting held at the Health Unit, May 23, 2003. Subsequently, the Health Unit contacted the City and other Elgin County municipalities requesting that a provisional budget be developed to help control the mosquitoes which may carry the West Nile Virus, should such action be considered necessary. Attached is a copy of the provisional budget submitted by the City to the Health Unit. The Health Unit will combine this information with information submitted by the other Elgin County municipalities. A grant application for all the municipalities within the County will then be submitted to the provincial government. The grant, if approved, will pay for 50% of the City's cost. Note that the City would only undertake larviciding or adulticiding if notice is given by the Health Unit to do so. Such notice would only be given if certain criteria are met as specified in Ontario Regulation 199/03. The Health Unit has undertaken a surveillance program to determine when and if such notices are required. Based on last year's experience with West Nile Virus in this area, it is likely that the virus will be found this year. Depending on the criteria in Reg. 199/03 larviciding and/or adulticiding may be required.

**FINANCIAL CONSIDERATIONS**

Members should note that the City has made contributions to the Health Unit based on their requests as part of the annual budget process for West Nile Virus Activities (approximately \$25,000 since December 2002). These funds go towards public education, surveillance and other preparatory work regarding this virus, and do not include the actual act of "spraying or other treatment," if necessary, that would be the City's responsibility.

The estimated budget for spraying, etc., if found to be necessary, is \$42,500; after the grant, the City's share would be \$21,250. If these funds are found to be necessary, they would be taken from the Rate Stabilization Reserve. Funding a contingency of this nature is a good example of what this Reserve is really intended for.

Respectfully submitted,

Ivar Andersen, P.Eng.,  
Manager of Operations and Compliance

cc: Elgin-St. Thomas Health Unit.

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other

City of St.Thomas			
WNv Control Measures Estimated Costs - 2003			
Cost By Category		Cost by Activity	
Salaries/Benefits/Contracts	\$2,000.00	Planning	
Administration		Mapping	\$8,500.00
Mapping	\$8,500.00	Other Prep Work	\$2,000.00
Larval Surveillance		Larviciding	\$26,000.00
Larvaciding	\$26,000.00	Adulticiding	\$4,000.00
Adulticiding	\$4,000.00	Communication	\$2,000.00
Training/Conferences/Meetings		Other	
Equipment			
Materials and Supplies			
Mileage			
Public Education	\$2,000.00		
Total	\$42,500.00	Total	\$42,500.00

City of St.Thomas			
WNv Control Measures Estimated Costs - 2004			
Cost By Category		Cost by Activity	
Salaries/Benefits/Contracts	\$2,000.00	Planning	
Administration		Mapping	\$8,500.00
Mapping	\$8,500.00	Other Prep Work	\$2,000.00
Larval Surveillance		Larviciding	\$26,000.00
Larvaciding	\$26,000.00	Adulticiding	\$4,000.00
Adulticiding	\$4,000.00	Communication	\$2,000.00
Training/Conferences/Meetings		Other	
Equipment			
Materials and Supplies			
Mileage			
Public Education	\$2,000.00		
Total	\$42,500.00	Total	\$42,500.00



Corporation of the  
**City of St. Thomas**

-20-

**Report No.**

CC-10-05

**File No.**

**Directed to:**

Alderman D. Warden and Members of the Personnel and Labour Relations Committee

**Date**

March 30, 2005

**Department:**

Clerk's Department

**Attachments**

- Staffing Justification Form

- Report CC-43-04

**Prepared By:**

Richard Beachey, Deputy City Clerk

**Subject:**

Contract By-Law Enforcement Staff

**RECOMMENDATION**

That Council approve the hiring of a contract By-law Enforcement Officer I for a period of 28 weeks.

**ORIGIN**

In August 2004, the greatly increased level of activity in the by-law enforcement function was reported to Council with a suggestion that additional staff be hired for 2005.

**ANALYSIS**

At the time of the report consideration, a question was raised if a contract officer for a set period would suffice in meeting the needs of the residents. It is believed that a contract officer would meet the needs. In addition, the smoking by-law that has come into effect is expected to have an increased workload requirement.

**FINANCIAL CONSIDERATIONS**

The appropriate funding requirements have been placed in the budget. For the current year \$23,000 in part time wages was budgeted.

**ALTERNATIVES**

The Committee may:

1. Hire the contract By-law Enforcement Officer I.
2. Not hire the contract By-law Enforcement Officer I.

Respectfully,

Richard Beachey, Deputy City Clerk  
City Clerk's Department

**Reviewed By:**

Treasury

Env Services

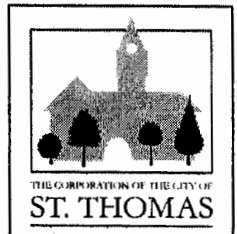
Planning

City Clerk

HR

Other

Corporation of the City of St. Thomas  
-21-  
**STAFFING JUSTIFICATION FORM**



JOB TITLE: By-Law Enforcement Officer I

DEPARTMENT: City Clerks

SECTION: By-Law Enforcement

☐ Full Time      ☐ Part Time      ☒ Casual

☐ Existing position      ☒ New Position      ☐ Alternate position

☒ Funding provided in budget cost centre: G 21-9-01-2-0000-3011

☐ No funding budgeted      ☐ Reappropriate form: G \_\_\_\_\_

Annual cost (Wages & Benefits) \$ 35,542

Current year cost impact (Wages & Benefits) \$ 19,138

*If more space is required for any response, please add additional sheet(s).*

1. When was this position created? (Approximate if unknown)

March 30, 2005

2. What were the reasons for creating this position?

As described in report (attached) CC-43-04. To maintain current service level, this temporary position is required

3. Are there Legislative or contractual obligations covering the staffing of this position?

No

4. Was alternate assignment of duties examined?

☐ Yes      ☒ No

If yes, where and why not appropriate?

If no, why not?

Increase in activity and statutory and service requirements of other positions in animal control and parking enforcement.

5. Can position be covered by other existing staff or by use of temporary staff?

Yes ☒ No ☐

If yes, by which position and for how long?

Temporary full time staff, 28 week contract.

If no, why not?

6. What is the potential opportunity for re-organizing and/or re-assigning duties to declare this or a subsequent position redundant?

- 22 -

If there is an unexpected decrease in the volume of calls for 2005, the position will not be required in 2006.

7. What are the consequences of not filling this vacancy?

- a. For a specified period of time?

Much reduced ability to meet the service demands of the public resulting in increased complaints about service response.

- b. Permanently?

Inability to meet workload requirements due to volume increase

8. Can this position be filled by a lower paid position?

[ ] Yes [x] No

If yes, please elaborate

If no, why not?

Position has been costed at the lowest bargaining unit rate available.

9. Recommended action:

That a By-law Enforcement Officer I position for a defined period of 28 weeks from April 18, 2005, be added to the staff complement of the by-law service function.

Richard Buckley  
Originator of request

March 30, 2005  
Date

J. J. M.  
Department Head

March 31/05  
Date

#### HUMAN RESOURCES REVIEW

[ ] Recommended for filling.

[ ] Not recommended for filling.

[X] Further information/review required  
(see comments)

#### COMMENTS:

see report #CC 10-05

W. Davis April 4/05

Director,  
Human Resources

Date



Corporation of the  
City of St. Thomas

Report No.

CC 43-04

File No.

Directed to: Alderman T. Shackelton and Members of the Protective Services and Transportation Committee

Date  
August 23, 2004

Department: Clerk's Department

Attachments

Prepared By: Richard Beachey, Deputy City Clerk

Subject: By-Law Activity

**RECOMMENDATION**

That report CC 43-04 in regards to the By-Law Activity be received as information.

**ANALYSIS**

So far the year 2004 has been an extremely busy one for the by-law service. So much so that in mentioning the suspected increased level of activity to City Clerk Peter Leack, a suggestion was made to apprise Council of the increase over last years level. The following analysis attempts to do so.

Briefly, to the point of writing this report, 339 complaints that are by-law related (animal control, parking, or general by-law matters) have been received. To this point last year 162 requests were made. This represents more than double last years requests.

This level of activity has been undertaken in the absence of 2/3 of the regularly employed full time staff. The one regular staff who has been present, has been complemented by temporary contract staff and the assumption of additional work by the one part time staff. It should also be noted that a few of these requests have resulted in very time intensive investigations leading to property cleanup. The extraordinary efforts of these staff are to be commended.

While it is recognized that a hiring freeze is in place for 2004, in light of this increased level of activity, and the potential of the enforcement of the new smoking by-law, effective March 1 of next year, consideration should be given to engaging additional staff in 2005.

By-Law Complaint Activity

	2003	2004
To date (August 23)	162	339
For Year	293	

Respectfully,

  
Richard Beachey, Deputy City Clerk  
City Clerk's Department

Reviewed By:

Treasury

Env Services

Planning

  
City Clerk

HR

Other



Corporation of the  
**City of St. Thomas**

- 24 -

Report No.  
CC-13-05

File No.

**Directed to:** Chairman C. Barwick and Members of the Finance and Administration Committee.

**Date**  
**April 4, 2005**

**Department:** City Clerks Department

**Prepared By:** W. Graves, City Clerk

**Subject:** Civil Marriages

**Recommendation**

That Council receive this report for information and that no further action be taken with regard to civil marriages at this time.

**Background**

In the fall of 2004 Ontario Regulation 285/04 came into effect which designated Municipal Clerks as a class of persons authorized to solemnize civil marriages in Ontario.

Some important aspects of this Regulation include:

1. The service of providing civil marriages is **optional** for municipalities.
2. Should a municipality opt to provide civil marriages it cannot refuse any marriage that is eligible by law.
3. The Clerk may delegate the powers to perform civil marriages to other persons.
4. Members of Council **cannot** receive the delegated authority.

Upon review it is evident that residents of St. Thomas already enjoy several options for non religious ceremonies.

Currently a list is available of individuals, and in one case a business, which will conduct custom, non religious weddings. This list is available at the Clerk's office.

Should Council wish to consider offering civil marriages there would be many issues to address including; who would arrange and perform the ceremonies, the time commitment required, location and scheduling, and the cost recovery fees. (Note: fees are for cost recovery only and not "for profit")

One of the most important aspects of providing civil marriages is that once a municipality opts to offer them, they cannot refuse and they must accommodate the request. Given the many other core work tasks, this could be problematic.

At this point in time, with many options currently available to residents of St. Thomas, the City should continue providing the general information relating to those individuals and businesses who have made it their business to conduct marriage ceremonies.

Respectfully,

W. Graves, City Clerk

**Reviewed By:** \_\_\_\_\_  
Treasury      Env Services      Planning      City Clerk      Comm Services      Other





Corporation of the  
**City of St. Thomas**

-25-

Report No.

CC-14-05

File No.

**Directed to:** Chairman C. Barwick and Members of the Finance and Administration Committee

**Date**  
**April 4, 2005**

**Department:** City Clerks Department

**Prepared By:** W. Graves, City Clerk

**Subject:** Summer Meeting Schedule

**Recommendation**

That the Regular Council Meetings for the summer be scheduled for Monday, July 18<sup>th</sup> and Monday, August 15<sup>th</sup>; and,

That these meetings be scheduled to commence at 5:00 p.m.

**Background**

Annually it has been the practice of Council to reduce the number of regularly scheduled meetings during the summer months to one meeting per month. In the past these meetings have begun at 5:00 p.m..

Of note is the ability to call special meetings at any time should they be warranted.

Identifying the summer schedule at this time will permit staff to organize work plans and reports and also allow Council and staff to effectively schedule holidays.

For your information the meetings in 2004 were scheduled on July 19<sup>th</sup> and August 16<sup>th</sup>.

Respectfully,

W. Graves, City Clerk

**Reviewed By:** Treasury Env Services Planning City Clerk Comm Services Other



Corporation of the  
**City of St. Thomas**

Report No.

ES38-05

File No.

08-264

Directed to: **Chairman, Cliff Barwick, and Members of the Finance and Administration Committee**

Date  
April ~~5~~ 5, 2005

Department: Environmental Services

Attachment

Prepared By: Ivar Andersen, Manager of Operations & Compliance

Subject: **Airport Drinking Water Supply – Award of Tender**

**Recommendation:**

It is recommended that;

1. The tender submitted by W. D. Excavating Ltd. in the amount of \$97,101.38, including GST, for the construction of the Airport Drinking Water Supply be accepted
2. The contractor be authorized to proceed with the work
3. The Mayor and City Clerk be authorized to sign the agreement
4. Council approve the change in scope of the work to incorporate enhanced fire protection and decommission the existing well system
5. The sources of funding as shown in this report be approved

**Origin:**

In December 2004, City Council approved a 2005 capital budget allowance of \$65,000 to construct the Airport Drinking Water Supply system to eliminate reliance on an existing well. The quality of the water produced by this well has on occasion not met provincial standards. This has resulted in the need to either upgrade the well or connect to the Aylmer Secondary Water Supply System to comply with drinking water regulations. In 2003, at the urgent request of the Fire Chief, the City installed a new fire hydrant on airport property and connected it to an existing watermain previously installed at the time of the secondary watermain construction. At that time, provision was made to install a drinking water system to service the airport at a future date.

**Analysis:**

Tenders for the Airport Drinking Water Supply contract were closed on March 24, 2005 and opened in public on the same date. Five bidders submitted tenders as follows:

Bidder	Tender Price	Corrected Tender Price
W.D. Excavating Ltd.	\$97,100.31	\$97,101.38
Van Bree Drainage and Bulldozing Ltd.	\$133,212.86	
G.W. Clarke Drainage Contractors Ltd.	\$136,809.92	
969774 Ontario Limited	\$144,834.23	
Aar-Con Excavating	\$154,563.00	

All arithmetical errors were automatically corrected by the Environmental Services Department. No other errors or omissions were found in the tenders submitted.

The original scope of the work included the connection of the existing airport buildings to the Aylmer Secondary Water Supply System. However, during the design phase, it became apparent that it would be advantageous to provide an enhanced fire protection service to the airport to improve the level of protection provided by the existing single hydrant by extending the existing main and installing additional hydrants. As well, it was decided that the existing well system would no longer be required and should be decommissioned. These changes resulted in additional items being added to the tender to accommodate the change in scope. The resulting increase in the cost of the work is approximately \$35,000.

**Financial Considerations:**

Following is a summary of the expenditures of the project along with the proposed source of funding:

**Expenditure**

Contract*	\$90,748.95 (excluding GST)
Design & Inspection	<u>\$9,251.05</u>
Total	\$100,000.00

**Funding**

2005 Capital Budget	\$65,000.00
Airport Capital acct #52-3-01-9-0303**	<u>\$35,000.00</u>
Total	\$100,000.00

\* The contract includes a contingency allowance of \$15,000

\*\* This amount is available from previous airport capital projects completed under budget.

Should Council decide not to proceed with the fire protection enhancements or the well

decommissioning, the resulting reduction in the tender price will allow the work to be constructed within the 2005 budget allocation of \$65,000.00.

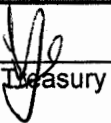
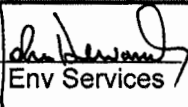
- 27 -

Respectfully Submitted,



Ivar Andersen, P. Eng., Manager of Operations & Compliance  
Environmental Services

Reviewed By:

  
Treasury  
Env Services

Planning

City Clerk

HR

Other



Corporation of the

# City of St. Thomas

-28-

Report No.

ES32-05

File No.

Directed to:

Chairman Terry Shackelton and Members of the Protective Services and Transportation Committee

Date  
March 21, 2005

Department:

Environmental Services

Attachment  
Location Map

Prepared By:

Mark Sture, Supervisor of Roads and Transportation

Subject:

Wellington Road – Speed Zone

## Recommendation:

Staff recommend that:

1. The traffic by-law 45-89 be amended to permit a posted speed zone of 60 km/h on Wellington Road between the City Limits and Sunset Drive.

## Report:

### Origin

On March 7, 2005, City Council directed Staff to review the potential for a reduction in the posted speed on Wellington Road between the north city limits and Sunset Drive.

### Analysis

Wellington Road is a two-lane roadway in the north-western quadrant of the City. It is a rural road with no development and has a posted speed zone of 80 km/h. Wellington Road passes through Central Elgin as it connects St. Thomas with London. North of the City limits the posted speed is 50 km/h through the Lynhurst area, and 80 km/h north of Highway 3. Wellington Road runs on a downgrade from Crescent Avenue to Sunset Drive. The intersection of Wellington Road and Sunset Drive is governed by traffic signal control.

Traffic volumes on Wellington Road were recorded to be in the range of 5,500 to 6,000 vehicles a day. Traffic volumes of Sunset Drive range from 8,000 to 10,500 depending on the section.

### Speed Limit

When establishing a speed limit the prevailing vehicle speed is an important factor. If speed zoning is to be effective, speed limits must be generally consistent with the speeds that motorists believe to be safe and reasonable.

Spot speed studies should be conducted to determine average, median, and 85<sup>th</sup> percentile speed. The criteria most generally used to determine the specific maximum speed limit from speed studies is the 85<sup>th</sup> percentile speed. The 85<sup>th</sup> percentile speed is the speed at which 85% of motorists are travelling at or under. Another criteria that is used in selecting a proper speed limit is the 15 km/h pace (the 15 km/h range in speeds with the highest number of observations), since the numerical limit should not be set at a value below the lower limit of the pace.

As noted above, the current speed limit of Wellington Road between Crescent Avenue and Sunset Drive is 80 km/h and is posted. Staff conducted a speed study on Wellington Road on March 11, 2005 at 1:45 p.m.. The speed of vehicles passing the survey site was recorded utilizing radar detection. The highest speed recorded was 94 km/h and the lowest speed was 54 km/h with an average travel speed of 74 km/h. The 85<sup>th</sup> percentile speed was recorded as 80 km/h.

Posting a speed zone below the 85<sup>th</sup> percentile speed does not necessarily result in compliance to the new limit, rather in most cases it generally results in greater non-compliance, unless there is frequent and consistent enforcement. Based on an 85<sup>th</sup> percentile speed, and given that the area is rural in nature with only one residential driveway, an appropriate speed limit for this area is 80 km/h. However, to provide continuity between the 50 km/h speed zones to the north and south of this stretch of roadway, a reduction to from 80 km/h to 60km/h may be appropriate. A discussion with the St. Thomas Police Service revealed no unusual concern with this posted speed reduction.

### Alternatives

Accept the report as written.

Keep the posted speed at 80 km/h.

Implement a different speed for this roadway.

Respectfully,

Mark Sture, Supervisor, Roads and Transportation  
Environmental Services

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other

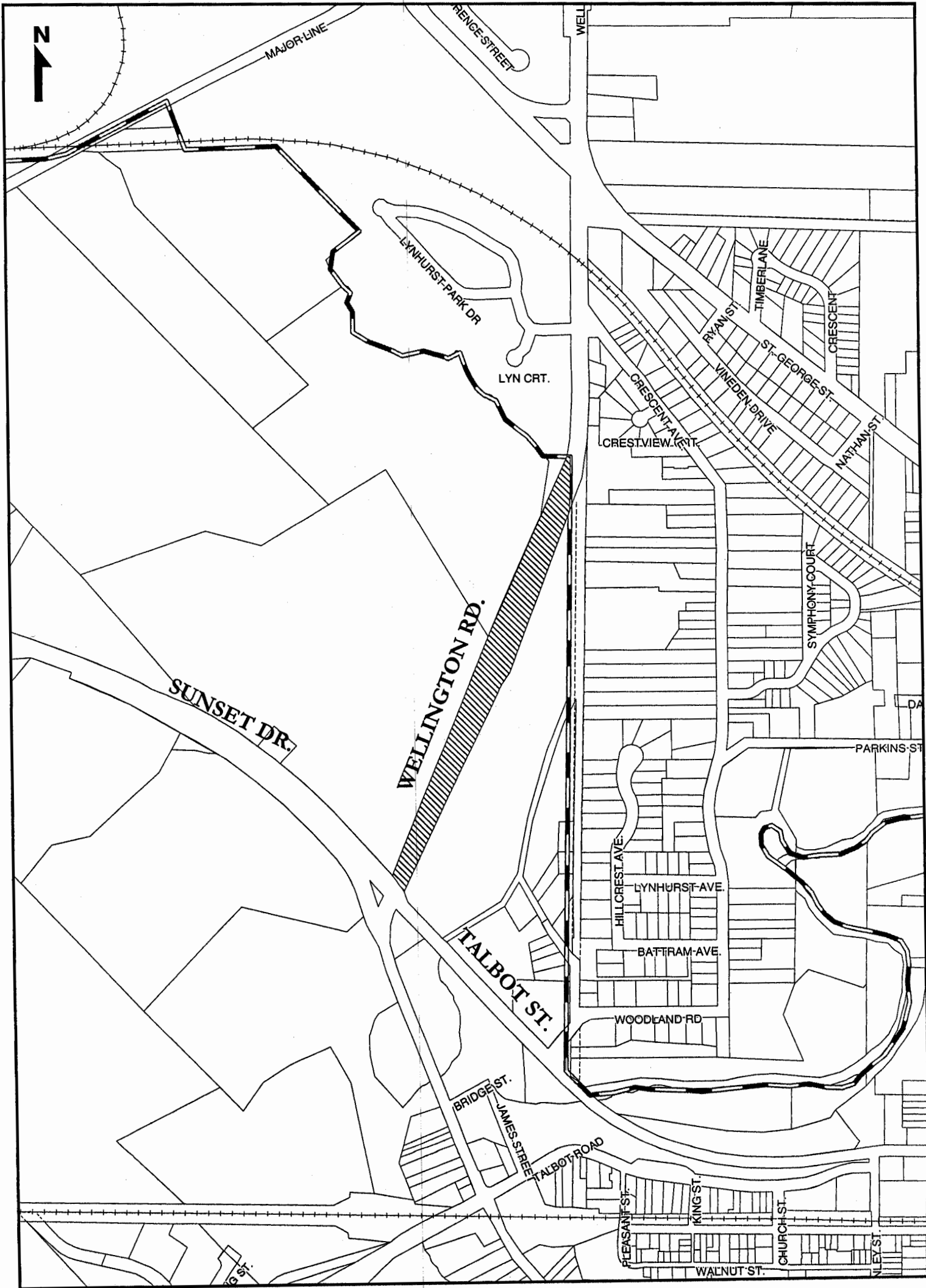
CITY OF ST. THOMAS  
PROPOSED 60km ZONE -29-  
Wellington Road - Talbot St. to City Limits



St. Thomas Municipal Boundry



Proposed 60 km Zone





Corporation of the

# City of St. Thomas

Report No.

ES42-05

File No.

05-052-08

**Directed to:** Chairman Terry Shackelton and Members of the Transportation and Protective Services Committee

**Date**  
April 11, 2005

**Department:** Environmental Services Department

**Attachment**

**Prepared By:** Mark Sture, Supervisor, Roads & Transportation

**Subject:** Tender for Community Transit Vehicle

## RECOMMENDATION

That staff be given permission to purchase one community transit vehicle from Crestline Coach Limited, Mississauga, Ontario for a total price of \$77,742.00 plus taxes.

## ORIGIN

At the February 7, 2005 Council meeting, staff were authorized to purchase two transit vehicles with funding coming from the Dedicated Gas Tax Funding and from the Provincial Transit Renewal Fund. A tender was issued for one bus – a 25-foot cutaway bus. The second bus – possibly a 30-foot bus will be tendered after the Ontario Transportation Expo in April, allowing staff the opportunity to review the new vehicles available.

Tenders were received from a number of companies. The companies and bid price are as follows:

- |                         |                                   |
|-------------------------|-----------------------------------|
| • Crestline Coach Ltd   | \$ 77,742.00                      |
| • MacNab Bus Sales      | \$ 80,800.00                      |
| • Overland Custom Coach | \$ 81,590.00                      |
| • Nova Bus              | \$383,938.86                      |
| • City View Bus & Truck | Invalid Bid (Inadequate bid bond) |

Staff reviewed all submissions to confirm conformance with the tender documents. Nova Bus provided a bid for a 40-foot low floor bus as opposed to the 25-foot cutaway as specified. Their submission, while interesting to keep on file, was not considered further.

The low three bidders were within \$4,000 of each other and were considered in depth. We currently have a bus from MacNab and Crestline in our fleet. Staff are satisfied with both buses.

Crestline, MacNab and Overland have all complied substantially with the tender documents. The Tender clauses where non-compliance was noted was in areas where the manufacturers provide subtle differences and not detrimental to the overall tender. All manufacturers are relatively local; Crestline is based in Mississauga, MacNab in Ingersoll and Overland in Thorndale, although, the bodies for all three are assembled in the United States.

Through recent acquisitions of new transit vehicles, and the addition of this vehicle, the average age of our fleet has evolved from one of the oldest in the Province to one of the newest. A result of this has been a reduction in vehicle maintenance costs.

The new vehicles, approved for purchase, this year are being purchased as an expansion to the fleet to accommodate potential growth in service in accordance with the guidelines outlined in the dedicated gas tax funding agreement. They are not replacement vehicles. Serious consideration has to be given to replacing the remaining vehicles that pre-date 1998, including two Orion II's, both Para-transit vehicles and the two 30-foot SOLO buses. All these vehicles have between 250,000 and 350,000 kilometres of wear on them.

## FINANCIAL CONSIDERATIONS

Funds for the tendered vehicle are coming from the Dedicated Gas Tax Funding and supported by the Ontario Transit Vehicle Renewal Program. Local property taxes are not being used to fund this vehicle.

The low bidder, Crestline Coach Limited has offered a vehicle that staff believes conforms substantially to the Tender.

Respectfully submitted

Mark Sture, Supervisor of Roads and Transportation  
Environmental Services

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



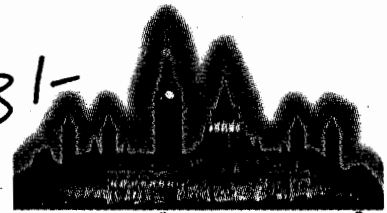


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**CEUDA** -31-  
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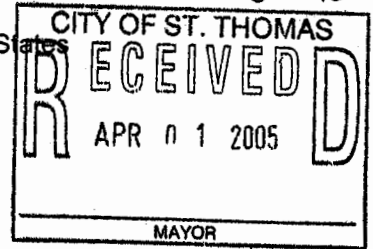
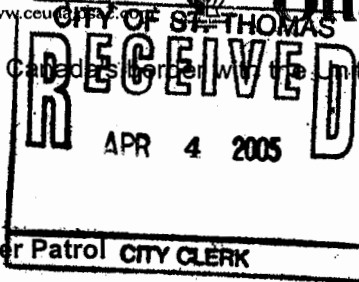
Convention - Congrès  
Ottawa Sep 30 - Oct 2

To: All municipalities, villages, towns, and cities along Canada's border with the United States

From: The Customs Excise Union Douanes Accise

Date: March 18, 2005

RE: Requesting Your Support for a Canadian Border Patrol CITY CLERK



The Customs Excise Union Douanes Accise (CEUDA) represents the more than 5,000 Customs Officers from coast to coast in Canada, which includes the uniformed Officers working on the front-lines, as well as the Investigation, Intelligence, and Trade Customs Officers.

CEUDA has recently launched a campaign that calls on our Federal Government to establish a Canadian Border Patrol. As you may know, Canada does not currently have such a Patrol.

Patrolling the border is a mandate our Federal Government has given to the RCMP but the RCMP Commissioner, Mr. Zaccardelli, recently declared during a Parliamentary Justice Committee proceeding that he is unable to deliver according to mandate. In fact, in late 2004, Mr. Zaccardelli decided to close nine RCMP Detachments stationed in Quebec communities along the Canada/U.S. border. Mayors of Quebec communities affected by the closures denounced the situation during the same Parliamentary Committee proceeding, citing public (North American) security, weapons smuggling and the Canadian cannabis trade as some of the major border problems. In spite of the mayors' interventions and a recommendation by the Justice Committee to keep these Detachments open, the closures nevertheless took place. A similar conflict took place in Ontario during the late 1990's when the RCMP closed Detachments in that Province.

Canadian law currently states that Customs Officers only have jurisdiction at ports of entry in Canada; they do not work along the border between ports-of-entry as does the US Border Patrol. While Canada's RCMP does play a role on International Border Enforcement Teams (IBETs), IBETs are *intelligence-driven*, not *field-driven*, which means Canada essentially dedicates no resources to act as its eyes and ears on the ground at the border. The timing for this request is of the essence since the Bill that formally creates and sets the mandate of the new Canada Border Services Agency (CBSA) is currently in Parliament and we feel confident about amending it to give the CBSA a broader mandate so that it becomes responsible for enforcing the border between points of entry – we believe that responsibility would need to be met by a Border Patrol.

The purpose of this letter is thus to solicit your interest and support as we plea for the creation of a Canadian Border Patrol. We see your interests as being obvious in this matter given the very direct impact on the safety and security of constituents in your jurisdiction.

The closure of RCMP Detachments along the border in Quebec has simply exacerbated what was already considered to be a border security crisis in Canada. Grow ops and the cannabis trade across our shared border are adding an additional layer of challenges to this crisis in that exporting cannabis is, or at least should be, as concerning for Canadians as it is for Americans who are working to impede its importation.

.../2

We've taken the liberty of attaching the following for your perusal:

- 1 A letter recently addressed to the President of the Canada Border Services Agency, in which we ask him to establish a Border Patrol in Canada, and in which we provide various arguments in support.
- 2 A news article that appeared in the *Montreal Gazette* on Saturday, March 5, 2005, in which Mr. David Price, former Liberal Member of Parliament in Canada, expresses serious concerns about the growing cannabis trade along our shared border with the U.S. and the security problems posed by this trade on both sides of the border.
- 3 An advanced draft of a presentation we are finalizing and plan on making to members of our House of Commons Justice Committee on March 22, 2005, which captures the essence of why a Canadian Border Patrol is needed.
- 4 A Resolution adopted unanimously by City Council of the City of Coaticook, Quebec, supporting our call for a Border Patrol.
- 5 Two draft Resolutions for your consideration.

While this letter and its attachments are being addressed to officials representing all communities in Canada along or near the border with the US, we are also reaching out to the Governors of all eleven States that touch the Canadian border, to Provincial Ministers of Municipal Affairs and Provincial Ministers of Public Safety and/or Security for all seven provinces that touch the US border, all Members of Legislative Assemblies in those seven Provinces, all Members of Parliament, and Police Associations. Your support is imperative to the success of this request.

**Should you be supportive of this initiative, we suggest that you please do the following, with the shortest delay possible – and preferably no later than March 31, 2005, if at all probable?**

1. **Adopt and forward a Resolution to our National Office supporting our call for a Border Patrol, using the attached as guidance. Forward this Resolution to our National Office in Ottawa by fax at (613) 723-7895, e-mail at [lupiene@psac.com](mailto:lupiene@psac.com), or mail at 1741 Woodward Dr., Ottawa, ON K2C 0P9.**
2. **Adopt and forward a Late Resolution to the Federation of Canadian Municipalities asking that during their June 2005 Convention FCM Delegates be asked to vote in favour or supporting our call for a Border Patrol. Forward this Resolution to Sylvie Delaquis, Executive Assistant, Resolutions Coordinator, at [sdelaquis@fcm.ca](mailto:sdelaquis@fcm.ca), or by fax at (613) 241-7440, or by mail at 24 Clarence St., Ottawa, ON K1N 5P3.**

We will bring all Resolutions received in our National Office to the immediate attention of Provincial Governments and the Government of Canada. Your support will go a long way to ensuring the Government of Canada does not casually dismiss our call.

While the safety of our members who work at Canadian ports-of-entry remains our primary concern and motivation, we are also seriously concerned about North American public security, about border security in general, and about the criminal element that shows complete and wanton disregard for borders and the law. We are however deeply motivated since our members constantly remind us of how much more can be done to ensure we have stronger border security.

Thank you in advance for your time and attention in this matter. We remain available to discuss this matter should you require additional information. We look forward to your response.

Sincerely,



Ron Moran  
National President

Copy: CEUDA National Board of Directors





Corporation of the  
City of St. Thomas

-33-

Report No.  
CC-11-05

File No.

Directed to: Mayor Jeff Kohler and Members of Council

Date  
April 1, 2005

Department: City Clerks Department

Attachment  
March 9 2005 Letter  
from Mr. John Sanders

Prepared By: W. Graves, City Clerk

Subject: Proclamations

**Recommendation:**

That Report CC-11-05 be received for information.

**Origin**

At the request of Council, the City's Solicitor has provided comments relating to the issuance of proclamations. Those comments are attached to this report.

**Background**

Last fall Council directed staff to provide a report (Report CC-56-04) detailing if Council could be selective in the issuance of proclamations. Further, Council requested information relating to proclamation activities and that was provided in January (Report CC-59-04).

The information now provided by the City's Solicitor affirms the previous reports provided to Council. Simply stated, if Council maintains its current practice of issuing proclamations, which are a "service of recognition", Council can and should not be selective.

Respectfully,

W. Graves, City Clerk

Reviewed By:

Treasury

Env Services

Planning

City Clerk

Comm Services

Other

# Sanders, Cline

Barriers and Solicitors -34-

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9 March, 2005

SENT BY FAX: 633-9019

Corporation of the City of St. Thomas  
 P.O. Box 520,  
 City Hall  
 St. Thomas  
 ON N5P 3V7

ATTENTION: Wendell Graves, City Clerk

Dear Mr. Graves:

## RE: Proclamations and other Civic Recognitions

In response to your letter of 19 January, 2005, I have taken the opportunity to review the Ontario Board of Inquiry Decisions arising from the most pertinent recent hearings under the Human Rights Code. In addition, I had the opportunity on 4 March, 2005, to hear presentations made by the 2 legal counsel who had represented the Ontario Human Rights Commission and the complainant in the case against the Corporation of the City of London in 1997. As you noted in your previous memoranda to council, it is now established law (as a result of the boards of inquiry and related decisions) that if a Municipality does issue proclamations these recognitions are considered a "service" and therefore fall within the scope of the Human Rights Code in relation to prohibited grounds of discrimination.

In considering what falls within the category of "services" referred to in Section 9 of the Code; the adjudicators have confirmed that the broadest and least restrictive definition is to be applied. Accordingly, the following excerpts have been quoted with approval:

"Services" means something of benefit provided by one "person" to another.

"Service" means any service or procedure that is provided to the public by a government agency or institution ... and includes all communications for the purpose.

"Services" include a "means of expression", and providing a "platform for expression".

Although the cases which have been adjudicated to date, each dealt with the issuance of formal proclamations, I found that the decisions also contained references to flag raisings and that the adjudicators have repeatedly used the expression "civic recognition" with the implication that this would include any form of public support or recognition in relation to a particular organization or public cause.

-2- -35-

It has been argued that because civic recognition of special days or endorsement of charitable campaigns are not required functions of Council, and are merely discretionary, not being prescribed by any law or civic duty, then proclamations or other civic recognitions should be beyond the reach of the Human Rights Code. However, the Boards of Inquiry have clearly decided that in a Municipality where civic recognitions of special days are available, they must be made available on a non-discriminatory basis in a fashion that is consistent with the Human Rights Code.

In my opinion, it is quite clear that this rationale would be extended to any form of ceremonial recognition, official endorsement or other "platform" for publicity regardless of the particular procedure or format that a council might devise as a means of extending support to community causes. Thus any practice which a council might develop to extend civic recognition or official endorsement will be viewed as a "service" and thus must be made available without any unlawful discrimination. (As noted in one of your memoranda, this is different from the issuing of licences or permits for promotions, parades, etc.)

It is noted that discrimination in its simplest terms has been defined as "treating one differently from another". This only becomes "unlawful" where the distinction in treatment is partly or entirely based on a ground prohibited by the Human Rights Code, namely, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.

Nothing prohibits lawful discrimination. Differential treatment can properly be exercised against making a proclamation or offering other civic recognition in support of groups where the distinction or refusal is based on "non-protected" grounds such as:

- the commercial nature of the organization, or
- a lack of sufficient connection with, or presence in, the local community.

However, it must be recognized that justifying a refusal decision could be complicated in situations where it could be said that more than one "grounds" exist in connection with a particular activity or group. Even if it was a "lawful" exercise of discrimination by council, the Municipality could be exposed to a human rights complaint, and some risk of an adverse decision, in the event that the nature of the organization or public cause could give rise to a perception that the differential treatment might possibly have been based in part on one of the prohibited grounds for discrimination.

The purpose of this letter is not to discourage or promote the granting of civic recognitions to community groups. Council must ultimately decide whether the community benefits of such supportive gestures outweigh the exposure to the above mentioned risks of legal liability which are inherent in the practice.

Yours faithfully,

SANDERS, CLINE

Per:

A. John Sanders

AJS:pje

TOTAL P.02