

A G E N D A

THE SIXTH 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 FEBRUARY 14TH, 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 meeting held on February 7th, 2005.

DEPUTATIONS

Kettle Creek Conservation Authority - 2005 Budget

Mr. Bryan Hall, General Manager, Kettle Creek Conservation Authority, will be in attendance to discuss the 2005 KCCA Levy Appointment. **Material attached.**

A notice was received from Naomi Delaney, Finance Services Supervisor, Kettle Creek Conservation Authority, of a meeting being held on Wednesday, February 23, 2005 at 5:30 p.m. at the St. Thomas Golf & Country Club to approve the 2005 budget of the Kettle Creek Conservation Authority. **Page 5**

Serenity House Hospice

Ms. Linda Corriveau, Project Coordinator, Serenity House Hospice, will be in attendance to request a donation of land, support for a residential hospice and permission to hold a fundraising event at Pinafore Park during the Canada Day celebrations. **Material attached.**

By-Law 89-2004 - To establish smoke free public places and workplaces in the City of St. Thomas

Mr. Craig Wilson, Manager, Manx Arms, will be in attendance to discuss By-Law 89-2004, being a by-law to establish smoke free public places and workplaces in the City of St. Thomas.

COMMITTEE OF THE WHOLE

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

PERSONNEL AND LABOUR RELATIONS COMMITTEE – Chairman D. Warden

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

FINANCE AND ADMINISTRATION COMMITTEE – Chairman C. Barwick

UNFINISHED BUSINESS

NEW BUSINESS

COMMUNITY AND SOCIAL SERVICES COMMITTEE – Chairman B. Aarts

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

PROTECTIVE SERVICES & TRANSPORTATION COMMITTEE – Chairman T. Shackelton

UNFINISHED BUSINESS

By-Law 89-2004 - Smoking By-Law

Report CC-05-05 of the City Clerk. Pages **6 to 13**

NEW BUSINESS

BUSINESS CONCLUDED

PLANNING AND DEVELOPMENT COMMITTEE – Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

Draft Plan of Subdivision File #34T-04508 - Wyndfield Phase IV - Block 4 Development Area 76 lots for single detached dwellings - Springwater Developments Inc.

Report PD-03-2005 of the Planning Director. Pages **14 to 16**

Draft Plan of Subdivision File #34T-04509- Lake Margaret Estates Phase VI - 41 lots for single detached dwellings - Doug Tarry Limited

Report PD-04-2005 of the Planning Director. Pages **17 to 19**

Draft Plan of Subdivision/Condominium File #34CDM-04504 - Dalewood Crossings Development Area - Vacant Land Condominium - Block 46, Plan 11M-145

Report PD-05-2005 of the Planning Director. Pages **20, 21**

Proposed Zoning By-Law Amendment - Youth Recreation Centre - 15 Hiawatha Street - Bob and Jennifer Rasmussen

Report PD-06-2005 of the Planner. Pages 22, 23

CIP Financial Incentive Applications - Timeframe Extensions to Complete CIP Projects

Report PD-07-2005 of the Development Officer. Pages 24, 25

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE – Chairman M. Turvey

UNFINISHED BUSINESS

NEW BUSINESS

Malakoff Reconstruction - Tender Results

Report ES12-05 of the Manager of Engineering. Pages 26, 27

BUSINESS CONCLUDED

REPORTS PENDING

PARKING – HIGH STREET, SOUTH OF CHESTNUT STREET – M. Sture

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 – M. Sture

POWER CENTRE TRAFFIC CONTROL – M. Sture

CIVIL MARRIAGES SOLEMNIZATION – W. Graves

POOL EXPENSES – W. Day

DRIVEWAY RECONSTRUCTION – MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES – J. Dewancker

HIRING POLICIES – G. Dart

PROCLAMATIONS – W. Graves

COUNCIL

Council will reconvene into regular session.

REPORT OF COMMITTEE OF THE WHOLE

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

Planning and Development Committee – Chairman H. Chapman

Environmental Services Committee – Chairman M. Turvey

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 COMMUNICATONS

Mrs. St. Thomas 2004/2005

A letter has been received from Chris Kirkpatrick Ellacott, Mrs. St. Thomas 2005, requesting 100 City pins for the Mrs. Canada Pageant International 2005 being held in London from March 17th to 20th, 2005.

UNFINISHED BUSINESS

Deputy Mayor Position

Report TF-01-05 of the Mayor's Task Force to be considered on February 21, 2005.

NEW BUSINESS

BY-LAWS

First, Second and Third Reading

1. A by-law to confirm the proceedings of the Council meeting held on the 14th day of February, 2005 .
2. A by-law to authorize a contract with Canadian Water Services. (Replacement of water meters - \$127,333.00)
3. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain Agreement between the Corporation of the City of St. Thomas and Her Majesty the Queen in Right of Ontario, as represented by the Chair of the Management Board of Cabinet. (Justice Building lease - January 1, 2004 to December 31, 2008)
4. A by-law to authorize the authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain Agreement between the Corporation of the City of St. Thomas and Kevin David Adams and Lori Ann Adams. (property taxes)

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION


A resolution to close the meeting will be presented to deal with a proposed or pending disposition of land by the municipality.

OPEN SESSION

ADJOURNMENT

CLOSING PRAYER

www.kettlecreekconservation.on.ca




44015 Ferguson Line
St. Thomas, ON
N5P 3T3

Tel: 519-631-1270
Fax: 519-631-5026

Member Municipalities:

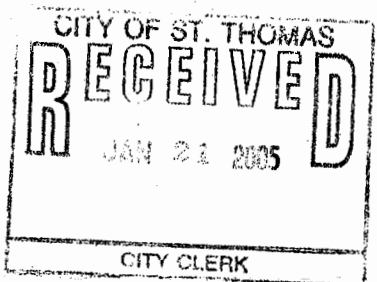
Central Elgin
City of London
City of St. Thomas
Middlesex Centre
Thames Centre
Malahide Township
Southwold Township

Member of

Conservation ONTARIO
Natural Champions

January 21, 2005

BY COURIER

Mr. Wendell Graves
Clerk, City of St. Thomas
City Hall, 545 Talbot Street
P.O. Box 520
St. Thomas, Ontario
N5P 3V7



Dear Sir:

Subject: Notice of Meeting for Conservation Authority Levy Approval

In accordance with provisions of the Conservation Authorities Act and regulations made governing the approval of Conservation Authority levies, notice is hereby given to all member municipalities of a meeting to approve the 2005 budget of the Kettle Creek Conservation Authority.

The meeting will take place at the St. Thomas Golf & Country Club on Wednesday, February 23, 2005 from 5:30 p.m. to 7:30 p.m. At the meeting, the proposed KCCA budget and enclosed levy apportionment will be subject to resolution according to the provincial regulations governing approval of 'non-matching' municipal levies and of Conservation Authority budgets.

In the interim and to reduce our borrowing costs, we would appreciate your provision of one-half of the total levy apportioned to your municipality in 2005, at your earliest opportunity.

Council is encouraged to communicate their questions and position regarding all levies to their representatives. Questions on any matter are also welcomed by the undersigned.

Yours truly,

Naomi Delaney

Naomi Delaney
Financial Services Supervisor

REFERRED TO	
W. DAY	<i>mlh</i>
FOR	
DIRECTION	<input checked="" type="checkbox"/>
REPORT OR COMMENT	<input type="checkbox"/>
INFORMATION	<input checked="" type="checkbox"/>
FROM <i>M. KONEFAL</i>	



-6-

Corporation of the
City of St. Thomas

Report No.
CC-05-05

File No.

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

Date
February 7, 2005

Department: City Clerks Department

Attachments
REPORT CC-17-04
REPORT CC-18-04

Prepared By: W. Graves, City Clerk

Subject: Smoking By-Law

Recommendations

That By-Law 89-2004 be amended, to include, under signage requirements, that signs in conformity with the Tobacco Control Act shall be permitted signs

That subject to a funding allocation from the Health Unit, Council authorize staff to arrange for a short term contract with an independent security / enforcement agency to assist the City in the enforcement of the Smoking By-Law and further that the contract be reviewed by Council by May 31, 2005

That personnel from the Health Unit be named in a By-law to assist in compliance checks regarding the Smoking By-law.

Background

On May 17, 2004 Council passed By-Law 89-2004 defining March 1, 2005 as the date when workplaces and public places within St. Thomas are to be smoke free.

In anticipation of the March 1st timeline a number of tasks have taken place:

1. An information package has been developed and mailed to every business within the City notifying them of the Smoke Free By-law and its requirements. The package was distributed the 1st week of January.
2. During the month of January a notice has been inserted into the St. Thomas Energy Billings and sent to all St. Thomas Energy customers informing them about the By-Law.
3. Regular meetings have been held with City and Health Unit Officials to plan for the implementation of the By-Law.

As the implementation date approaches the following items need to be addressed:

1. The Health Unit has requested where signs are currently in place under the Tobacco Control Act regulating smoking that these signs be recognized within the By-Law so a business owner does not have to have 2 sets of signs.
2. A very important factor with regard to the Smoking By-law is the actual enforcement of the By-Law. The enforcement of the By-law has been identified in previous reports to Council. Reports CC-17-04 and Report CC-18-04 are attached for your information.

Council is aware this By-Law applies to all public places and work places in the City. As such, the initial enforcement requirements could be very demanding and it will be important to be prepared.

It is proposed the By-law will be monitored and enforced on a "Complaint Basis" not unlike other By-laws.

Having said this, the City needs to be prepared to respond to the complaints if the By-law is to be effective.

Crucial to the implementation of this By-law will be an ongoing monitoring program aimed at addressing issues as they arise.

As mentioned previously, several meetings have been held with some of the discussion focused on a strategy to address the complaints. The outcome of those meetings is a process whereby our existing By-law staff would manage the By-law during the normal working hours in addition to their existing duties.

After normal hours and on weekends when complaints arise the use of additional enforcement personnel is deemed to be necessary. While addressing this, staff have considered mechanisms which would be effective, financially manageable and very flexible.

In order to accommodate this, various scenarios have been reviewed including; adding the responsibility onto existing staff, hiring a contract position or entering into a contract for service with an outside enforcement agency.

With the number of personnel available, the ability to be very flexible and the fact that the City would be billed on a "as required / as used basis", utilizing a contract service to compliment our staff is seen as being the most effective resource.

Any use of a contracted service would be tied to normal call out procedures as established by the City.

While the total cost to enforce this By-law will be included in the 2005 Operating Budget, it is anticipated that approximately \$8000 should be budgeted in the 1st 3 months the By-law comes into force. Although not confirmed, the Health Unit has applied for and is anticipating approval of funds under the Ontario Tobacco Strategy Fund a portion of which (\$8000) have been identified to assist the City in the enforcement of its By-Law. Approval of the funds is expected within the next couple of weeks.

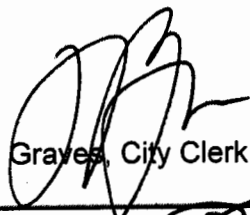
At such point in time when funds are no longer available from the Health Unit, and contingent upon the results of the 2005 operating budget, the ongoing enforcement costs and service levels will need to be reviewed.


- 3. The Health Unit is making itself available on a limited basis to undertake compliance checks of businesses and workplaces.
- 4. The City awaits confirmation of the approval of the short form wording from the Province so tickets can be issues. In the absence of the approval, Part 3 Notices to Appear in Court will be issued.
- 5. Regular meetings will continue and the implementation of the By-law will be monitored on a regular basis.

Alternatives

- 1. Utilize existing staff to respond to complaints after hours and on the weekends.
- 2. Receive complaints and have enforcement staff follow-up during the normal working hours only.
- 3. Hire additional staff on a contract basis.

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.

CC-17-04

File No.

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

Date
29 March 2004

Department: City Clerk's

Attachment

Prepared By: Peter J. Leack, City Clerk

Subject: Smoking in Public Places and Work Places

Recommendation:

That: City Council refer the draft by-law to the City Solicitor for review.

Origin: Resolution of City Council passed on January 5, 2004.

Analysis:

Staff was authorized to draft a by-law to regulate smoking in public places and work places in the City of St. Thomas, to take effect June 1st, 2004.

The draft by-law was prepared and presented to City Council on February 16th, 2004, at which time a resolution was passed to schedule a public meeting to provide stakeholders with an opportunity to submit written and/or verbal presentations.

Notice of the public hearing was placed in the St. Thomas Times-Journal on February 25th, February 28th, and March 6th, 2004 and March 6th, 2004 and in the Elgin County Market on March 5th, 2004.

If the draft by-law is to be considered further, a number of issues need to be addressed based on concerns expressed at the public meeting relating to: the effective date of the by-law; exemptions for long term care facilities, live theatre, outdoor patios, private clubs, bingo halls; existing designated smoking areas for employees; and wording changes.

Enforcement:

It was clearly indicated that enforcement of the by-law from the beginning is necessary in order to obtain compliance.

The Elgin-St. Thomas Health Unit has stated in its submission that it would **not** be responsible for the day-to-day enforcement of the by-law; however, would like to have inspectors appointed nonetheless. A number of enforcement issues and comments on the draft by-law were included in the submission.

Police Chief Lynch has advised that enforcement of a smoking by-law is not a primary responsibility of Police Services.

It would appear that City Council will be responsible for enforcement.

Solicitor's Review

The City Solicitor should review the final version of the by-law, prior to adoption by City Council.

Alternatives:

1. Refer the draft by-law to the City Solicitor for review.
2. Amend the draft by-law to reflect changes as suggested above.

Financial Considerations:

We have been advised that the Municipality of Chatham-Kent has contracted enforcement services at an annual cost of \$130,000.00.

The estimated cost for the City of St. Thomas to provide similar enforcement is \$60,000.00 to \$70,000.00.

Respectfully submitted,



P. J. Leack
City Clerk

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



Corporation of the
City of St. Thomas

Report No.

CC 18-04

File No.

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

Date
April 27, 2004

Department: City Clerks Office

Attachment

Prepared By: Richard Beachey, Deputy City Clerk

Subject: Report on enforcement of Smoking By-law and related staffing matters

Recommendation:

That the City engage a contract by-law law enforcement officer for a period of 1 year to assist with education and enforcement of the new smoking by-law in the City of St. Thomas at an estimated cost of between \$51,150.00 and \$63,940.00; and

That the City prepare an educational package in a form suitable for delivery to business in the City of St. Thomas at a estimated cost of \$8,000.00

Origin:

City By-law Enforcement services is moving forward with plans on the basis that City Council will proceed with the passage of a new smoking by-law which will require proactive enforcement from the date of passage

Analysis:

There has been considerable interest in the possible costs of enforcing this new by-law and this report will attempt to clarify the matter for the members by attempting to provide an analysis of the advantages and disadvantages and costs and benefits of each of the possibilities.

Essentially as I see it there are three basic models that Council may chose for enforcement.

That is:

1. Have no enforcement at all, or a reflection of current enforcement which sees the Health Unit responding to individual complaints, with City By-law Enforcement providing assistance as required Monday through Friday from 8:00 a.m. to 4:30 p.m. with police enforcement outside of these hours.
2. Have enforcement undertaken through the use of an outside contract, which will specify the needs and requirements of the City.
3. Have enforcement undertaken in house with additional staffing provided through a contract employee.

An examination of what some other municipalities do and their respective costs is in order to provide the members with some perspective from other communities.

City of Woodstock - City did not hire additional staff. The City by-law is worded that Board of Health, By-law Officers and the City police can enforce the by-law. The Board of Health in conjunction with the City, prepared an education package. Board of Health employees hand delivered brochures to all food industries and commercial businesses. City staff mailed the packages to all of the industries in town. There has been little extra enforcement. The Costs of the brochures in total was approx \$8000 with the City paying half. To date no charges have been laid. Members have been provided with a copy of the package from Woodstock for their review.

City of Stratford - City did not hire additional staff. The City already had two by-law enforcement officers that enforced by-laws (not animal control or dedicated parking) in Stratford. These positions are bargaining unit positions and they did not require another officer. However, for the next few months the two by-law officers on staff will be performing substantial amounts of overtime during the weekends for educational and enforcement purposes. I would also anticipate that there would be overtime incurred during the weeknights as needs dictate. There were no amounts mentioned, but the O/T contemplated would be \$1,500.00 per

-13

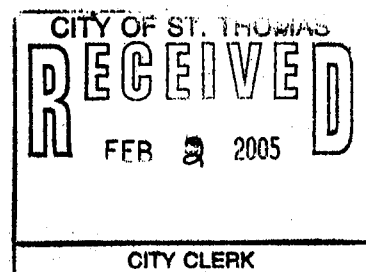


**elgin
st.thomas
health unit**

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

January 27, 2005



Mr. Wendell Graves
City Clerk
Corporation of the City of St. Thomas
545 Talbot Street
St. Thomas, ON, N5P 3V7

Dear Mr. Graves:

Wendell,

RE: Tobacco Control Act Signage and St. Thomas By-law Signage

As Kathy Daniel discussed in a meeting with you on January 18, 2005, the signs required for compliance with St. Thomas By-Law #89-2004 do not meet the size criteria of the Ontario Tobacco Control Act.

In the spirit of cooperation and to reduce any confusion that may arise among proprietors of public places, the Elgin St. Thomas Health Unit will recognize either City of St. Thomas by-law signs or Tobacco Control Act signs as acceptable where no smoking signs are required by the Tobacco Control Act.

Sincerely

Cynthia St. John
Chief Administrative Officer

CSJ:ke

weekend (based on what we pay our own by-law officers). For three months this would be about \$18,000.00. Stratford Police Services has also agreed to assist the by-law officers by going into bars, restaurants, etc. on an as required basis.

Mun. of Chatham-Kent

Lee Holling, who appeared at the public meeting to describe the Chatham Kent experience, explained that the Municipality hired a separate contracting firm to assist with education and enforcement. This firm, SOS, has been hired by Chatham Kent at a cost of \$4,790 every two weeks. This charge provides Chatham Kent with two officers 35 hours per week and the hours are variable. Additionally, the municipality provides a desk, computer and a telephone line for officer use. At \$5,000 per two week period as an estimated charge, this works out to \$130,000 per year.

Models of Enforcement

1. Have no enforcement at all, or a reflection of current enforcement which sees the Health Unit responding to individual complaints, with City By-law Enforcement providing assistance as required.

It is the opinion of the writer, that while this model will clearly be the most cost efficient and thus have a clear advantage, the addressing of public complaints will not be met. The Health Unit has made it clear that they will not be enforcing the new by-law on a day to day basis. Likewise, the Police have indicated that Policing resources would be more appropriately used on traditional activity. Members should note that no by-law enforcement traditionally occurs after 4:30 p.m. as work after this time triggers overtime per the collective agreement.

2. Have enforcement undertaken through the use of an outside contract which will specify the needs and requirements of the City.

Utilizing this method will provide the City with a very effective type of trained enforcement essentially on a 24 hour per day, 7 day per week basis. Another advantage, will be that as enforcement gradually changes from proactive based (primarily educational and seeking out infractions) to reactive based (responding to complaints), the cost will be much reduced (likely after a one year period). However, the offset will be an initial estimated cost of \$60,000.00 per year. As previously noted, currently in Chatham-Kent the cost is about \$130,000.00 per year for full time coverage by two employees of a contracted firm. Extrapolating to our needs, it can be suggested that one contract officer could cover the City at a cost of perhaps \$60,000.00 per year. In speaking to Lee Holling about the Chatham-Kent experience using this method, he expressed some concern about the amount of staff turnover that has occurred with the contracted firm.

3. Have enforcement undertaken in house with additional staffing provided through a contract employee.

Utilizing this method will also provide the City with a very effective type of enforcement certainly through weekday hours and on an as required basis through overtime after regular working hours. By using a contract employee for a suggested one year period, there will be no obligation for having someone on a permanent basis and the City will be able to have flexibility to continue the contract as required. Estimated costs, based on current collective agreement wording, at a By-law II level would be about \$54,000.00 including an allowance for 320 hours of overtime per year. There may be a vehicle required, but every attempt will be made initially to schedule requirements within the current fleet.

Interestingly enough, current temporary employees in the by-law service have expressed an interest in a position as a contract smoking enforcement officer, should Council decide on this model. I mention this because of what I potentially see to be the highly stressed nature of the job.

In all cases it is suggested that an educational package be prepared and made available to all businesses in the City of St. Thomas. I believe the Woodstock cost of \$8,000.00 to be reasonable for the purposes of St. Thomas.

-12-

Members should note very clearly that there is no allocation for funding enforcement or education within the current budget.

Financial Considerations:

Utilizing the various models:

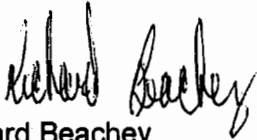
1. Educational materials estimated at \$8,000.00.
2. Estimated at approximately \$60,000 per year plus educational materials estimated at \$8,000.00.
3. Estimated at approximately \$51,150.00 to \$63,940.00 per year plus educational materials estimated at \$8,000.00.

Alternatives:

The Committee may:

1. Have no enforcement, or a reflection of current enforcement.
2. Engage outside contract enforcement.
3. Undertake enforcement in house with additional staffing provided through a contract employee.

Respectfully submitted,



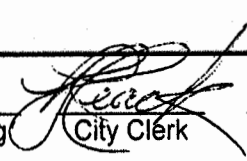
Richard Beachey
Deputy City Clerk

Reviewed By:

Treasury

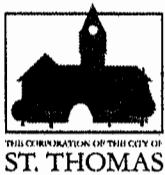
Env Services

Planning


City Clerk

HR

Other



The Corporation of the City of St. Thomas

Report No.: PD-03-2005

File No.: 34T-04508

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

Date: February 4th, 2005

Subject: Draft Plan of Subdivision, Application by Springwater Developments Inc., File 34T-04508 -
Block 4 Development Area - Wyndfield Phase IV - 76 lots for single detached dwellings.

Department: Planning Department
Prepared by: P J C Keenan - Planning Director

Attachments:
- draft plan (reduced)

RECOMMENDATION:

That Council approve the Draft Plan of Subdivision File # 34T-04508 (Residential Plan of Subdivision) of lands owned by **Springwater Developments Inc.** which lands are legally described as Block 63, Registered Plan 11M-125 and Part of Block 32, Registered Plan 11M-110, City of St. Thomas, County of Elgin, subject to the standard draft plan conditions including the requirement for the developer to enter into a subdivision agreement with the Corporation of the City of St. Thomas with respect to the provision of municipal services, financial, administrative and other related matters.

Council, on December 6, 2004, approved in principle the application by Springwater Developments Inc. for approval of a proposed draft Plan of Subdivision, File # 34T-04508, located in the south west quadrant of the Block 4 Development Area, east of Fairview Avenue and South of Southgate Parkway. (Report PD-51-2004)

The proposed Plan which is legally described as Block 63, Registered Plan 11M-125 and Part of Block 32, Registered Plan 11M-110, City of St. Thomas, County of Elgin provides for the development of a total of 76 residential lots for single-detached dwellings on three separate parcels of land. Two parcels of land are located north and south of the extension of Southgate Parkway easterly to the City Boundary. Each parcel fronts on Southgate Parkway and provides for the development of 7 lots. These lots are shown as Lots 63-76 inclusive on the draft plan. The third parcel is a larger parcel of land located in the southeast quadrant of the Block 4 Development Area abutting Southdale Line on the south and the City Boundary on the east. This parcel provides for the development of 62 lots. Within this parcel Penhale Avenue will be extended southerly to intersect with Southdale Line and two new cul-de-sacs (streets A&B) are proposed running in an easterly direction from Penhale Avenue. A reduced copy of the draft Plan is attached.

The location of the proposed subdivision and its relationship to the surrounding area is shown on the location plan.

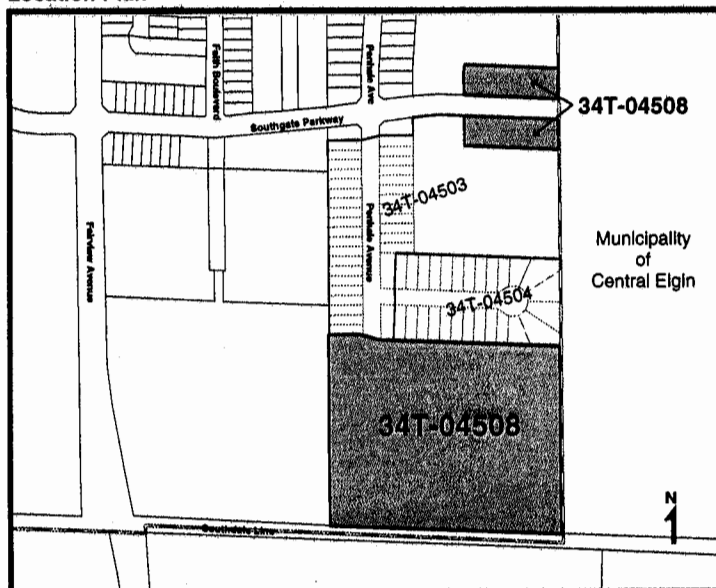
Council's approval in principle was given subject to the following conditions:

- a final staff report following the review of comments/recommendations received from agencies and City departments upon completion of the circulation of the draft plan,
- confirmation by the Director, Environmental Services that there is sufficient uncommitted reserve treatment capacity in the sanitary sewerage system to service the proposed development;
- the developer entering a subdivision agreement satisfactory to the City of St. Thomas with respect to the provision of municipal services, financial, administrative and other related matters.

Draft Plan Circulation and Review:

The external circulation of the draft plan of subdivision has now been completed and a public meeting on the proposed subdivision was held on January 10th, 2005. Staff have completed their review of the proposed Subdivision and have reviewed the comments received from the public and other agencies. Municipal staff,

Location Plan



-15-

outside agencies and utilities have indicated their approval of the draft plan application and have identified their conditions to final approval to ensure development proceeds in accordance with their standards and approved Municipal standards. The comments received, where required, will be incorporated into the draft plan conditions and will provide the basis for the development of the subdivision agreement.

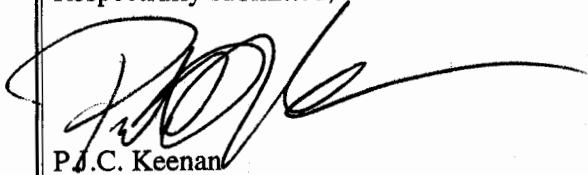
The Department of Environmental Services has confirmed that the proposed Draft Plan of Subdivision, meets municipal servicing standards and advises that pursuant to recommendation #2 of Report TR-34-97, the estimated sewage flows to be generated from the development of the lands can be treated by the City's Water Pollution Control Plant.

The plan conforms to the Official Plan and the proposed lot layout complies with Zoning By-law 50-88.

Conditional Approval:

All of the conditions of approval in principle imposed by Council and the policies of the Corporation have been satisfactorily addressed through the draft Plan of Subdivision submission and circulation process. Staff are recommending draft plan approval of File # 34T-04508 subject to the standard draft plan conditions and the requirement for a subdivision development agreement with the Corporation respecting the provision of municipal services, financial, administrative and other related matters.

Respectfully submitted,



P.J.C. Keenan
Director of Planning

Reviewed By:

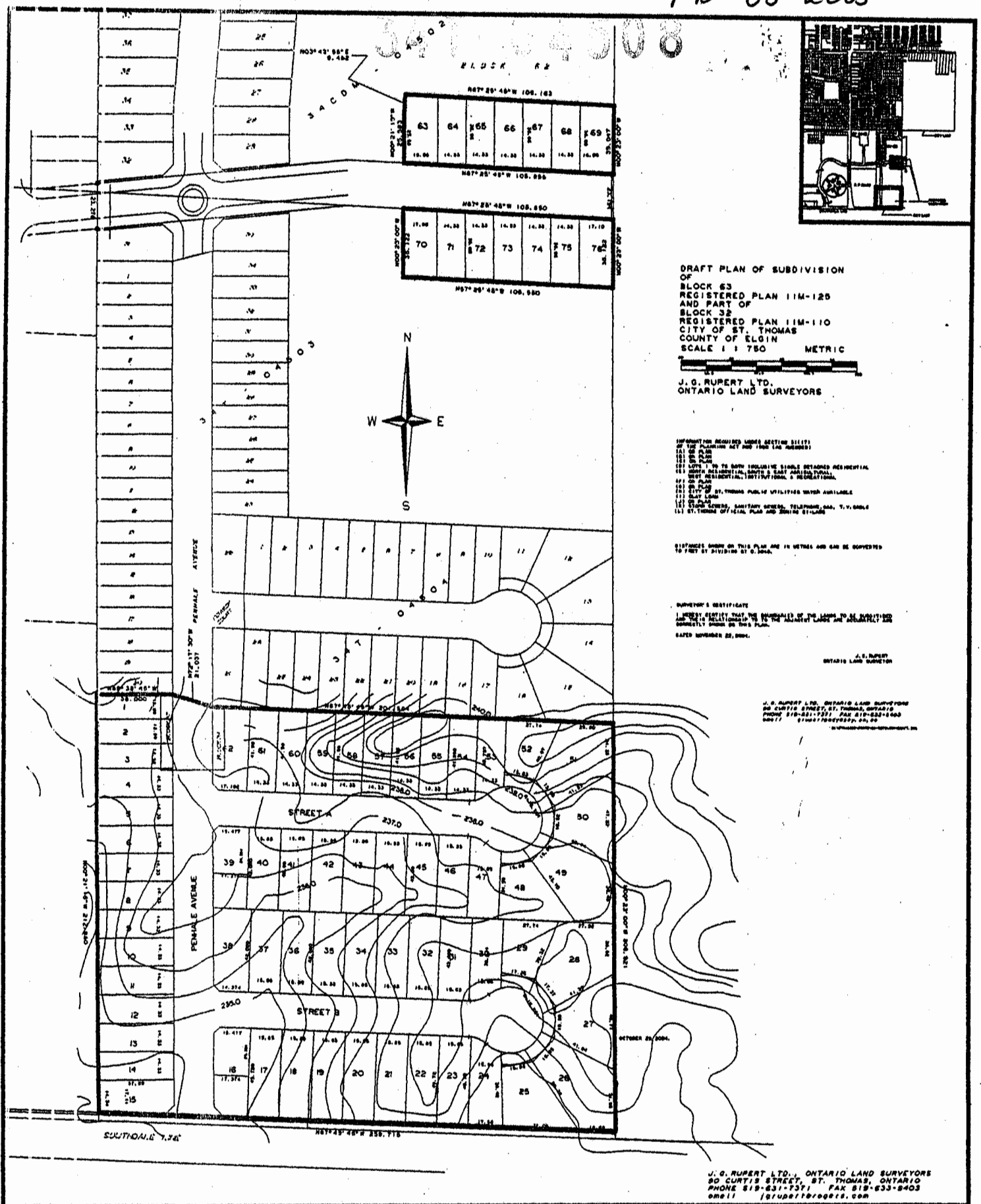
Env. Services

Treasury

City Clerk

Other

PD-03-2005



J. G. RUPERT LTD., ONTARIO LAND SURVEYORS
90 CURTIS STREET, ST. THOMAS, ONTARIO
PHONE 519-631-7371 FAX 519-633-8403
emell jgrupert@rogers.com

STRACAPARTS\04-199\OPTIONAL.PPS



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

Report No.: PD-04-2005

File No.: 34T-04509

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

Date: February 4th, 2005

Subject: Application by Doug Tarry Limited, Draft Plan of Subdivision, File 34T-04509 Lake
Margaret Estates Phase VI - 41 Lots for single detached dwellings.

Department: Planning Department
Prepared by: P J C Keenan - Planning Director

Attachments:
- draft plan (reduced)

RECOMMENDATION:

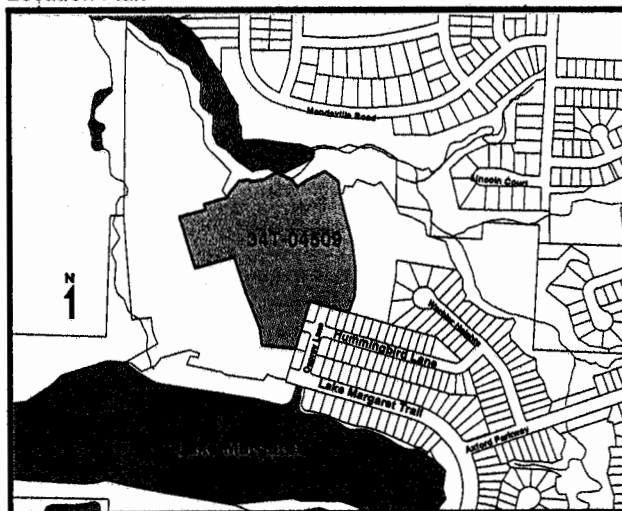
That Council approve the Draft Plan of Subdivision File # 34T-04509 (Residential Plan of Subdivision) of lands owned by **Doug Tarry Limited** which lands are legally described as being Block 38, Registered Plan 11M-144 and Part of Block 6, Registered Plan 11M-105, City of St. Thomas, County of Elgin, subject to the standard draft plan conditions including the requirement for the developer to enter into a subdivision agreement with the Corporation of the City of St. Thomas with respect to the provision of municipal services, financial, administrative and other related matters.

On December 6, 2004, Council approved in principle the application by Doug Tarry Limited for approval of a proposed draft Plan of Subdivision, File # 34T-04509. Located north of Lake Margaret, the proposed Plan will provide for the development of 41 lots for single-detached dwellings units and several blocks of land for stormwater management purposes, future residential development and pedestrian walkways. (Report PD-52-2004)

All of the proposed lots within the plan will have frontage on the north easterly extension of Hummingbird Lane. A second short street stub (Street A) is provided for future access to future phases of development to the north. A reduced copy of the draft plan is attached.

The lands are legally described as being Block 38, Registered Plan 11M-144 and Part of Block 6, Registered Plan 11M-105, City of St. Thomas, County of Elgin. The location of the proposed subdivision and its relationship to the surrounding residential uses is shown on the location plan.

Location Plan



Council's approval in principle was given subject to the following conditions:

- a final staff report following the review of comments/recommendations received from agencies and City departments upon completion of the circulation of the draft plan,
- confirmation by the Director, Environmental Services that there is sufficient uncommitted reserve treatment capacity in the sanitary sewerage system to service the proposed development;
- the developer entering a subdivision agreement satisfactory to the City of St. Thomas with respect to the provision of municipal services, financial, administrative and other related matters.

Draft Plan Circulation and Review:

The external circulation of the draft plan of subdivision has now been completed and a public meeting on the proposed subdivision was held on January 10th, 2005. Staff have completed their review of the proposed Subdivision and have reviewed the comments received from the public and other agencies. Municipal staff, outside agencies and utilities have indicated their approval of the draft plan application and have identified their conditions to final approval to ensure development proceeds in accordance with their standards and approved Municipal standards. The comments received, where required, will be incorporated into the draft plan conditions and will provide the basis for the development of the subdivision agreement.

The Department of Environmental Services has confirmed that the proposed Draft Plan of Subdivision, meets municipal servicing standards and advises that pursuant to recommendation #2 of Report TR-34-97, the estimated sewage flows to be generated from the development of the lands can be treated by the City's Water Pollution

Control Plant.

-18-

The plan conforms to the Official Plan and the proposed lot layout complies with Zoning By-law 50-88.

Conditional Approval:

All of the conditions of approval in principle imposed by Council and the policies of the Corporation have been satisfactorily addressed through the draft Plan of Subdivision submission and circulation process. Staff are recommending draft plan approval of File # 34T-04509 subject to the standard draft plan conditions and the requirement for a subdivision development agreement with the Corporation respecting the provision of municipal services, financial, administrative and other related matters.

Respectfully submitted,



P.J.C. Keenan
Director of Planning

Reviewed By:

Env. Services

Treasury

City Clerk

Other

-19-

PD-04-2005

INFORMATION REQUIRED UNDER SECTION 5(12)
OF THE PLANNING ACT RSO 1990

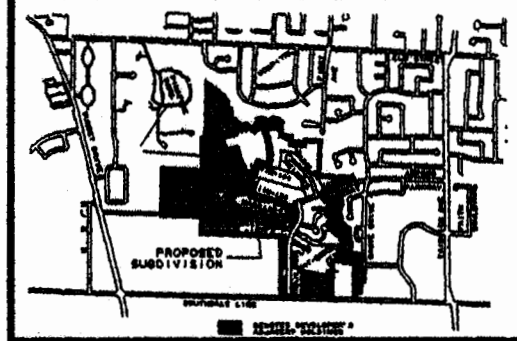
- (A) ON PLAN
- (B) ON PLAN
- (C) ON PLAN
- (D) LOTS 1 TO 41 BOTH INCLUSIVE SINGLE DETACHED RESIDENTIAL
BLOCK 42 STORM WATER MANAGEMENT POND
BLOCKS 43 & 44 FUTURE RESIDENTIAL DEVELOPMENT
BLOCKS 45 & 46 PUBLIC LANDWAYS
- (E) NORTH RESIDENTIAL & CONSERVATION (BLOCK 17 11M-105)
EAST RESIDENTIAL
SOUTH RESIDENTIAL
WEST FUTURE RESIDENTIAL
- (F) ON PLAN
- (G) ON PLAN
- (H) CITY OF ST. THOMAS PUBLIC UTILITIES WATER AVAILABLE
- (I) CLAY LOAM
- (J) ON PLAN
- (K) STORM SEWERS, SANITARY SEWERS, TELEPHONE, GAS, T.V. CABLE
- (L) ST. THOMAS OFFICIAL PLAN AND ZONING BY-LAWS

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 0.3048.

DRAFT PLAN OF SUBDIVISION
OF
BLOCK 38
REGISTERED PLAN 11M-144
AND PART OF
BLOCK 6
REGISTERED PLAN 11M-105
CITY OF ST. THOMAS
COUNTY OF ELGIN
SCALE 1 : 750 METRIC



J. G. RUPERT LTD.
ONTARIO LAND SURVEYORS



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED
AND THEIR RELATIONSHIP TO TO THE ADJACENT LANDS ARE ACCURATELY AND
CORRECTLY SHOWN ON THIS PLAN.

DATED NOVEMBER 25, 2004.

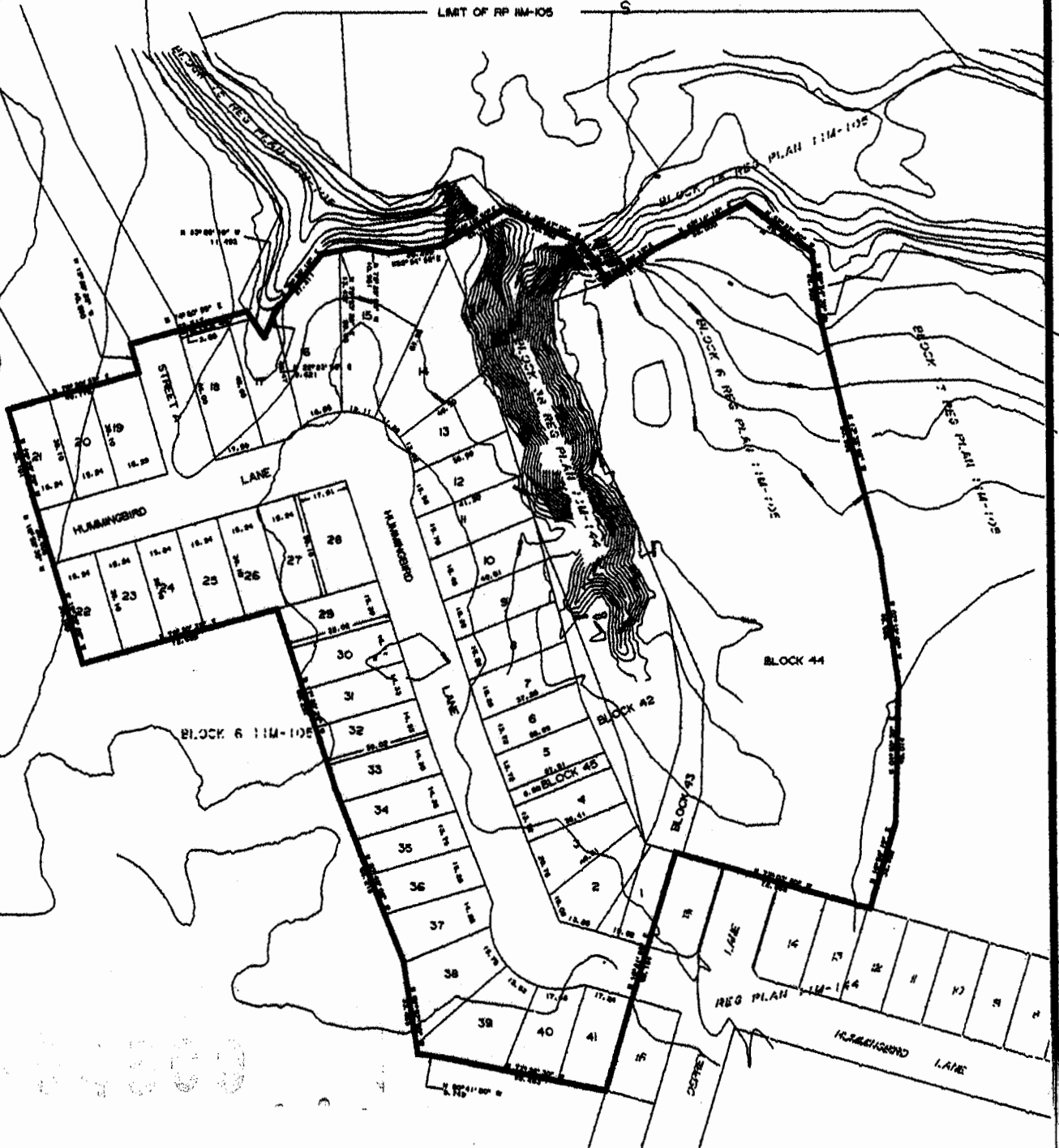
J. G. RUPERT
ONTARIO LAND SURVEYOR



BLOCK 6 11M-105

PINAFORE LAKE
LOT 5 CONCESSION 7

LMT OF RP 11M-105



341-04303



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

Report No.: PD-05-2005

File No.: 34CDM-04504

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

Date: February 4th, 2005

Subject: Application by Inn Services Inc., Dalewood Crossings Development Area, for approval of a
Vacant Land Condominium, Block 46, Registered Plan 11M-145

Department: Planning Department
Prepared by: P J C Keenan - Planning Director

Attachments:
- draft plan of condominium(reduced)

RECOMMENDATION:

That Council approve the Draft Plan of Subdivision/Condominium File #34CDM-04504, being an application for approval of a declaration and description for a proposed Vacant Land Condominium on lands owned by Inn Services Inc., which lands are legally described as Block 46 Registered Plan 11M-145 in the City of St. Thomas, County of Elgin, subject to the standard draft plan conditions including the requirement for the developer to enter into a subdivision agreement with the Corporation of the City of St. Thomas with respect to the provision of municipal services, financial, administrative and other related matters.

ANALYSIS:

Inn Services Inc. has made application for subdivision/condominium approval pursuant to Section 51 of the Planning Act RSO 1990, as amended for the purpose of registering a declaration and description for a Vacant Land Condominium Corporation on the lands described above. The application is being made pursuant to the requirements of the Condominium Act, 1998, Section 9(3)(a). A reduced copy of the draft plan of condominium is attached.

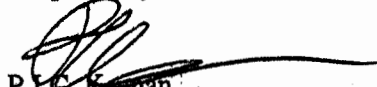
The proposed development is located within Phase IV of the Dalewood Landing Development and consists of 22 detached dwelling units proposed to be in Condominium ownership. Access to the development is from Havenridge Court. (see location plan)

In order for the applicant to meet the requirements of the Condominium Act for registration of the declaration and description required to create a Condominium Corporation, the applicant must first obtain an approval under the subdivision provisions of the Planning Act Sections 51, 51.1 and 51.2. The requirement for approval under the Planning Act is to ensure that Municipal interests with respect to the installation of services, security for the same, compliance with zoning and site plan considerations are adequately addressed and the interest of the municipality and the ultimate purchaser are protected. The standard requirements of the Planning Act requiring the Municipality to provide public notice and hold a public meeting however, do not apply to the approval of a Condominium registration.

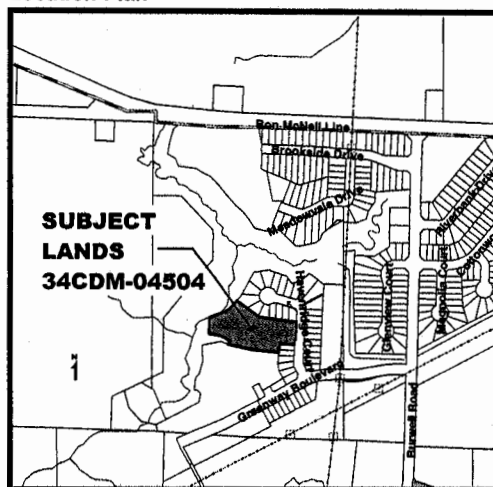
The requirements of the Municipality relating to the development will be satisfied through a standard subdivision agreement authorized through the Planning Act. The principle consideration for approval of the registration of a Condominium project is to ensure that all necessary services to support the development are either in place at the time the Condominium Corporation is registered or alternatively that the subdivision agreement is in place with sufficient security posted by the developer to ensure the services and facilities required to support the development will be completed at no expense to the Municipality or the future Condominium unit owners.

This project has received site plan approval (Application SPC 13-04) and the property was rezoned to permit the 22 unit development (Report PD-26-2004). The site has been serviced and construction of detached dwellings is in progress. A standard development agreement is being recommended as a condition of approval to ensure all services and facilities proposed for this development are either completed or alternatively sufficient security is in place with the Municipality to ensure their completion.

Respectfully submitted,


P.J.C. Keenan
Director of Planning

Location Plan







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

Report No.: PD-06-2005

File No.: ST2-01-05

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

Date: February 4th, 2005

Subject: Zoning Bylaw Amendment Application - "The Backyard" (Bob & Jennifer Rasmussen) - to permit a youth recreation centre to provide facilities for youth social activities and dancing on lands located at 15 Hiawatha Street.

Department: Planning Department
Prepared by: J McCoomb - Planner

Attachments:

RECOMMENDATION:

1. That the application by "The Backyard" (Bob & Jennifer Rasmussen) for an amendment to the St. Thomas Zoning By-law 50-88 be received and that direction be given to prepare a site specific draft amendment to the Zoning By-law to permit a youth recreation centre for youth social activities and dancing on lands located at 15 Hiawatha Street.
2. That a date for a public meeting be set in accordance with Ontario Regulation 199/96, as amended.
(*Recommended Date: March 14th, 2005 @ 6:45 p.m.*)

ANALYSIS:

Location:

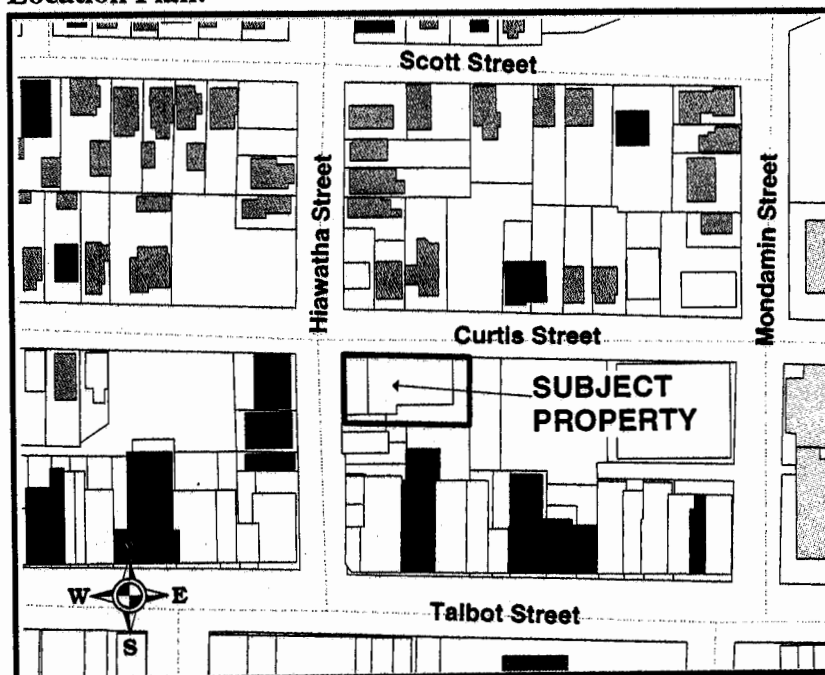
The subject property is located on the southeast corner of the intersection of Hiawatha Street and Curtis Street. The subject property has a total site area of approximately 958.5m². It currently contains a billiards hall (The Hustler Billiards) in the easterly part of the building, municipally known as 112 Curtis Street. The youth recreation centre that is the subject of this application is proposed to be located in the currently vacant west side of the building, which was formerly the home of Barlyn's "Coffee Tree Café" restaurant. The location of the property is shown on the Location Plan.

The site is legally described as Plan 37, Part Lot 12, Part Lot 13, E/S Hiawatha Street, S/S Curtis Street. It is described municipally as 15 Hiawatha Street.

Proposal:

The applicants operate a youth recreation centre at 389 Talbot Street ("The Backyard") that provides social activities and a venue for dancing for youth in St. Thomas and surrounding area. The target age group for the proposed use is 10- 18 years old. In addition to dancing, social activities including movie nights, fund-raising events and community related events are conducted. A snack bar to provide soft drinks, chips, chocolate bars, etc. is also operated accessory to the youth recreation centre. The applicants are proposing to relocate the youth recreation centre from its current location on Talbot Street to the subject property.

Location Plan:



23-

Official Plan Policies:

The subject property is located within the Talbot Central designation of the St. Thomas Official Plan. The policies of the Official Plan permit the intensive concentration of pedestrian-oriented retail businesses in conjunction with office and public administration facilities as the predominant use of land. Permitted uses include retail commercial, eating establishments, hotel, motel, office, personal service shops, and high density residential uses. Public utilities, institutional uses, public administration buildings, parkettes and walkways are also permitted, subject to the policies of the Plan.

In my opinion, the nature of the proposed use is not incompatible with existing uses and conforms to the policies of the Official Plan for the Talbot Central area. In my opinion an amendment to the Zoning By-law permitting a youth recreation centre for youth social activities and dancing as an additional use on this site would comply with the intent of the Official Plan.

Zoning By-law:

The subject property is currently located within the Downtown Talbot Central Commercial Zone (C2) of St. Thomas Zoning By-law 50-88. The C2 zone permits retail store, business office, personal service shop, restaurant, hotel, repair and custom workshop, dry cleaning pick-up station, institution, theatre, recreation centre, newspaper publishing business, private club, bakery, uses accessory to the foregoing, and residential purposes. An amendment to the Zoning By-law is required to permit the proposed youth recreation centre for youth social activities and dancing as an additional permitted use.

Respectfully submitted,



Jim McCoomb
Planner

Reviewed By:

Env. Services

Treasury

City Clerk

Other



Corporation of the
City of St. Thomas

-24-

Report No.

PD-07-2005

File No.

41(A)-2002-CIP

Directed to:

Chairman Heather Chapman and Members of the
Planning Committee of Council

Date

January 31, 2005

Department:

Planning Department

Attachments

Prepared By:

Aleksandra Pajak
Development Officer

Subject:

CIP Financial Incentive Applications: Timeframe Extensions to Complete CIP Projects

RECOMMENDATION:

1. That Report No. PD-07-2005 be received by Council and further that the following project completion timeframe extensions be approved:

- ☐ CIP Application 2003-001: 384-390 Talbot Street, extended to February 28, 2005.
- ☐ CIP Application 2003-004: 443 Talbot Street, extended to March 31, 2005.
- ☐ CIP Application 2004-018: 441 Talbot Street, extended to September 23, 2005.

REPORT

The following report provides information on three CIP applications requiring timeframe extensions to successfully complete the CIP assisted projects.

BACKGROUND

In recent months it has been demonstrated by some CIP applicants that the established timeframes to complete the CIP assisted projects, will not be sufficient for their improvements. In total, three applicants have approached the City to ask for extensions to their timeframes in order to complete the projects.

The three applications were re-evaluated by the Development Officer and presented in front of the Urban Design Committee, which acted as a sounding board and provided their recommendation. All three applications were re-evaluated and decided upon based on their individual cases.

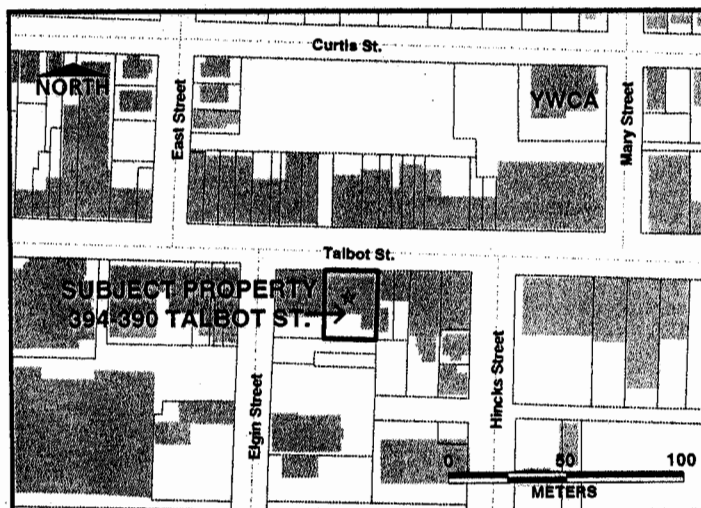
With the concurrence of the Urban Design Committee, the following CIP Applications are considered and recommended for extensions:

- ☐ 2003-001: 384-390 Talbot Street,
- ☐ 2003-004: 443 Talbot Street
- ☐ 2004-018: 441 Talbot Street

The following is a summary of the individual extensions:

☐ **CIP Application 2003-001: 384-390 Talbot Street**

The applicant has been working under a Building Permit since September 2003; however missed his completion deadline, which was established for September 24th, 2004. A meeting with the applicant was arranged in order to assess the progress of the project and to establish further steps. Although this project is almost complete and the applicant has made significant progress, the applicant explained to staff that he ran out of time and has assured the Planning Department that the residential rehabilitation would be completed by mid-February, 2005. The applicant is rehabilitating 6 apartment units, of which 4 are being assisted with CIP funds.



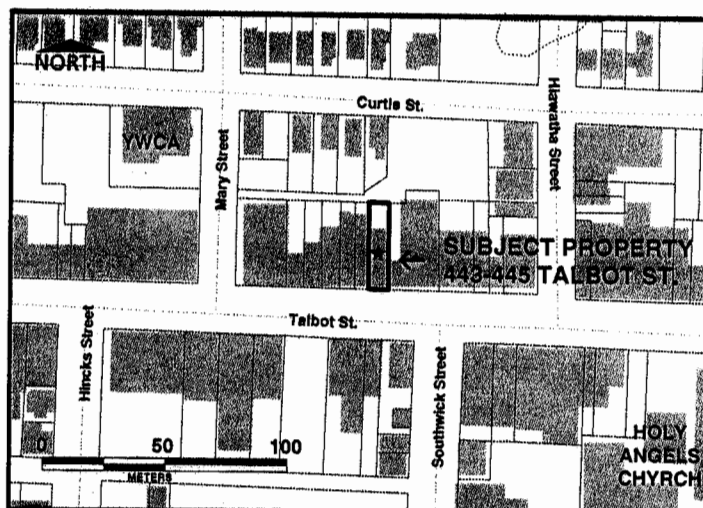
Old Timeframe: September 24, 2004
New Timeframe: February 28, 2005

-25-

❑ **CIP Application 2003-004: 443 Talbot Street**

The applicant approached the City for an extension to complete his project one month prior to his January 31st, 2005 deadline. The applicant explained to staff that due to his unfamiliarity with the Building Permit application process, he has run into unforeseen building code issues that are holding up the projects progress. The applicant is continually working towards completion and has asked the City for a sixty-day extension in order to complete the project. The applicant is rehabilitating 3 apartments units, which are all being assisted with CIP funds.

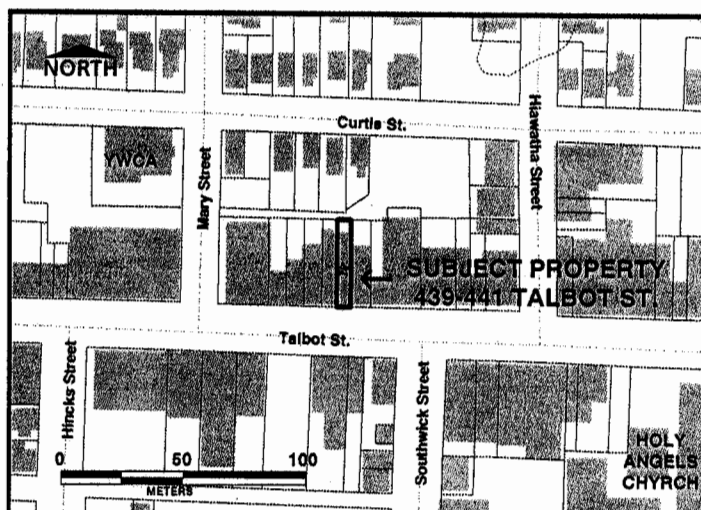
Old Timeframe: January 31, 2005
New Timeframe: March 31, 2005



❑ **CIP Application 2004-018: 441 Talbot Street**

After receiving a notice from the City reminding the applicant of his March 23, 2005 deadline, the applicant approached the City expressing his concern of not being able to complete his project on time. The applicant has been having difficulties with obtaining his Building Permit due to not being able to hire out a contractor, as they are very busy. The applicant is rehabilitating one residential unit under the CIP residential program.

Old Timeframe: March 23rd, 2005.
New Timeframe: September 23rd, 2005



All three applications are continuing to move forward with their CIP projects and are expected to complete their improvements within the next 6 months.

Respectfully,


Aleksandra (Ola) Pajak
Development Officer

Reviewed
By:

Treasury

Env
Services

Planning

City Clerk

HR


Other



Corporation of the
City of St. Thomas

Report No.

ES12-05

File No.

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

Date

Feb 8, 2005

Department: Environmental Services Department

Attachment

Prepared By: Peter Hegler, Manager of Engineering

Subject: Malakoff Reconstruction Tender Results

RECOMMENDATIONS:

That the tender as submitted by Omega Contractors in the amount of \$1,484,257.99 be accepted; and,
That the Contractor be authorized to proceed with the contract; and,
That the Mayor and Clerk be authorized to sign the agreement; and,
That the original budgeted amounts be revised to reflect the changes in the funding sources.

BACKGROUND:

The old sanitary sewer along Malakoff Street is a combined sanitary/storm sewer and several sections require repair or replacement. In addition, the sewers should be separated to reduce the frequency of flooding in the sanitary sewer and to reduce wet weather flows at the Water Pollution Control Plant.

The reconstruction of Malakoff Street has been under consideration for several years and the design work that was authorized in 2002 was completed in conjunction with the design work for Balaclava Street in 2003. The construction work could not proceed until a storm sewer was constructed along Balaclava Street to provide for a proper storm outlet. The reconstruction of Balaclava Street in 2004 provided for the required storm outlet for the new storm sewer to be installed along Malakoff Street.

An open house Public Information Centre (PIC) was held on Wednesday, December 1, 2004 at Balaclava Street Public School. Five (5) City of St. Thomas Environmental Services staff and twelve (12) registered attendees attended the Public Information meeting.

There were 7 submissions by the public, most of which were concerns with the existing trees, tree removals and replacements by new ones. The Parks Department staff is reviewing the tree issues and trees will be replaced only where necessary. Trees that have alignment conflicts with infrastructure or are unhealthy are to be replaced. Other concerns included that existing water and sewer services are accurately located, changes in curb design, additional catch basins to drain the properties, one sidewalk instead of the existing two and replacement with cobblestone instead of asphalt. Staff will address the requests or concerns raised by the residents.

FINANCIAL CONSIDERATIONS:

Tenders were called the first week of January and it closed on Tuesday February 1, 2005. A total of 15 bidders picked up documents and 7 submitted bids. The Tenders were checked for errors and omissions and the bids were corrected where necessary. The submissions were in order complete with the requested documentation (deposits, Insurance, WSIB, etc.) except for one Contractor who did not sign either the Agreement to Bond or the Statutory Declaration. The corrected bid results are as follows:

BIDDER	TENDERED PRICE
Omega Contracting Limited	\$ 1,484,257.99
969774 Ontario Limited	\$ 1,581,069.57
Terra Infrastructure	\$ 1,586,000.43
Blue Con Construction	\$ 1,602,210.08
Miracle Construction	\$ 1,629,655.61
LT Inc.	\$ 1,751,068.16
L82 Construction	\$ 1,787,290.97

The approved amount from the 2005 budget was \$ 2,220,000 and the budget versus bid amount for each phase is summarized below. The estimated total costs for engineering and inspection including a

contingency is being budgeted at \$200,000 and is prorated between each phase as shown. Such contingency will permit a refund of the surplus funds to be made to the respective reserve funds immediately rather than at project closeout. There is also an estimated amount of \$ 30,000 for hydro pole relocation added to the Road Costs in the Inspection and Surplus/Deficit column.

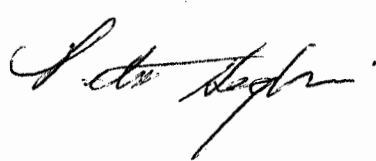
PROJECT PHASE	BUDGET AMOUNT	BID AMOUNT	INSPECTION	Surplus/Deficit
Water Rate	\$ 580,000	\$ 397,492.76	\$ 53,560	(\$ 128,947.24)
Sanitary Sewer Rate	\$ 990,000	\$ 664,505.64	\$ 89,540	(\$ 235,954.36)
Storm Sewer Rate	\$ 450,000	\$ 227,214.34	\$ 37,360	(\$ 135,425.66)
Roads (Tax Rate)	\$ 200,000	\$ 145,045.25	\$ 49,540	(\$ 5,414.75)
TOTAL	\$2,220,000	\$1,484,257.99	\$230,000	(\$ 505,742.01)

RECOMMENDATIONS:

Since the bid amounts for each phase of the work are less than the budget amounts, it is recommended that the Contract be awarded to Omega Contractors in the amount of \$ 1,484,257.99 and the Contractor be authorized to proceed with the work. It is also recommended that the original budgeted amounts be revised to reflect the changes in the funding sources as follows

- 1) Roads (tax) \$ 194,585.25
- 2) Water Reserves \$ 451,052.76
- 3) Sanitary reserves \$ 754,045.64
- 4) Storm reserves \$ 314,574.34

Respectfully Submitted:



Peter Hegler,
Manager of Engineering

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other