

## **AGENDA**

### **THE FIFTH 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 13TH, 2006**

#### **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 D. Warden

#### **DISCLOSURES OF INTEREST**

#### **MINUTES**

Confirmation of the minutes of the meetings held on February 2nd and February 6th, 2006.

#### **DEPUTATIONS**

##### **St. Thomas-Elgin General Hospital Foundation**

Ron Elliott, President and Allan Weatherall, Director of Development, St. Thomas Elgin General Hospital Foundation, will be in attendance with Paul Collins, President and CEO of the St. Thomas-Elgin General Hospital to update Council on the current and on-going work of the Foundation. **Material attached**

##### **St. Thomas Stars Hockey Club Inc.**

Dan Rose, Capital Management Group, will be in attendance to discuss a proposal to take over ownership & operation of the St. Thomas Stars Hockey Club Inc. **Page 6**

No Parking signage - Miller Street

Rose Gibson will be in attendance to discuss No Parking signage on the west side of Miller Street. Pages 7 + 8

**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**CIP Façade Loan - 648 Talbot Street

Report CC-10-06 of the City Clerk. Page 9

**BUSINESS CONCLUDED****ENVIRONMENTAL SERVICES COMMITTEE** - Chairman M. Turvey**UNFINISHED BUSINESS****NEW BUSINESS**Pinafore Park Services Building Contract Award

Report ES 14-06 of the Manager of Operations & Compliance. Pages 10 to 14

2006 Watermain Lining Program

Report ES 15-06 of the Manager of Operations & Compliance. Page 15

**BUSINESS CONCLUDED****PERSONNEL AND LABOUR RELATIONS COMMITTEE** - Chairman D. Warden**UNFINISHED BUSINESS****NEW BUSINESS****BUSINESS CONCLUDED****FINANCE AND ADMINISTRATION COMMITTEE** - Chairman C. Barwick**UNFINISHED BUSINESS**Corporate Credit Cards**NEW BUSINESS**Catfish Creek Conservation Authority - 2006 Preliminary Draft Budget

A letter has been received from Mr. Kim Smale, General Manager/Secretary-Treasurer, Catfish Creek Conservation Authority, regarding the 2006 Preliminary Draft Budget. Pages 16 to 23

**BUSINESS CONCLUDED****COMMUNITY AND SOCIAL SERVICES COMMITTEE** - Chairman B. Aarts

**UNFINISHED BUSINESS****NEW BUSINESS****BUSINESS CONCLUDED**

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

**UNFINISHED BUSINESS**

Elmina Street and Oak Street Intersection

Captain Dennis A. Redman No.2 Fire Station

Request for "No Standing" Zone - Forest Park Walkway

**NEW BUSINESS**

Extension of Deadline for Early Purchase of Dog Tags at Reduced Rate

Report CC-09-06 of the Deputy City Clerk. Page 24

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

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

ENVIRONMENTALLY SENSITIVE LAND USE - P. Keenan

DRIVEWAY RECONSTRUCTION - MAPLE STREET - J. Dewancker

REVIEW OF CITY BUS ROUTES - J. Dewancker

FOREST AVENUE SIDEWALK - J. Dewancker

YWCA - FREE ICE TIME FOR LOCAL SCHOOLS - D. Morgan

**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**

### **Alma College, 96 Moore Street - Application for Demolition Permit**

A letter has been received from Angus Walton, Chair, St. Thomas Municipal Heritage Committee regarding Alma College, 96 Moore Street. **Page 25**

## **PETITIONS AND COMMUNICATIONS**

### **Tag Day - Multiple Sclerosis Society of Canada**

A letter has been received from Cathy Armstrong, Client Services Coordinator, Multiple Sclerosis Society of Canada Elgin County Chapter, requesting a Tag Day for the distribution of carnations from May 11th to 14th, 2006.

### **St. Thomas Numismatic Society - April 21st to April 23rd, 2006 - City Pins**

A letter has been received from Tom Rogers, President, Ontario Numismatic Association, requesting 100 city pins for the St. Thomas Numismatic Society convention to be held from April 21st to April 23rd, 2006.

### **Redevelopment of Horton Street Market**

A letter has been received from Mark Cosens, Chairman, Downtown Development Board, regarding the Horton Street Market. **Pages 26 + 27**

### **Fanshawe College - Letter of Thanks**

A letter has been received from Howard W. Rundle, President, Fanshawe College, thanking The Corporation of the City of St. Thomas for the generous support of the St. Thomas/Elgin campus.

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

#### **Request for Letter of Tolerance - Fence Encroachment onto Road Boulevard Area - 10 Pol Court**

Report ES 16-06 of the Director Environmental Services. **Pages 28 to 40**

## **BY-LAWS**

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

1. A by-law to confirm the proceedings of the Council meeting held on the 13th day of February, 2006.
2. 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, Gordon Farquhar, and Edgar Perl. (Assignment of lease - St. Thomas Municipal Airport - Part 2, Reference Plan 11R-165)
3. A by-law to authorize an agreement with Gillian Martin. (Ansell's - 648 Talbot Street -\$20,000 loan - Community Improvement Plan)
4. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and Her Majesty the Queen in Right of Canada as represented by the Ministry of Health and Long Term Care. (Amend Service Agreement - Valleyview Home for the Aged - Diagnostic and Medical Equipment Funding)
5. A by-law to authorize a deed to Walter Hayhoe Enterprises Inc. (one foot reserve - Southerly 114.5 feet of Block 47, Plan 11M-99)

**PUBLIC NOTICE**

**NOTICES OF MOTION**

**CLOSED SESSION**

**OPEN SESSION**

**ADJOURNMENT**

**CLOSING PRAYER**



4 Southwick Street  
St. Thomas, ON N5R 3R6  
Tel: (519) 637-7777 (RRSP)  
Fax: (519) 637-2388

-6-



FEB 01 2006

February 1, 2006

City of St. Thomas

I am writing to request an opportunity to appear before City Council. The purpose of my appearance will be to put forth a proposal by myself & my partnership group to take over ownership & operation of the St. Thomas STARS Hockey Club Inc. We feel that going forward, it is in the best interest of the City of St. Thomas & the St. Thomas STARS that the hockey club be privately owned and managed and would like to negotiate the opportunity to do so. We would very much appreciate being able to present to City Council and hearing input from all parties involved.

We look forward to hearing from you.

Sincerely,

Dan Rose  
c/o Partnership Group to  
own & operated St. Thomas STARS



**Daniel G. Rose**  
Financial, Retirement  
& Estate Planning Services

4 Southwick Street  
St. Thomas, ON N5R 3R6  
Tel: (519) 637-7777 (RRSP)  
Fax: (519) 637-2388  
E-mail: [dancmg@execulink.com](mailto:dancmg@execulink.com)

769-00857(H) 4952596 cell

Performa Financial Group Limited  
Suite 900  
1245 Sherbrooke Street West  
Montreal, Quebec H3G 1G3

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Rose Gibson  
17 Miller St.  
St. Thomas ON  
N5P 3E6  
(519)631-9094

JAN 31 2006

Wednesday, January 25, 2006

FEB 01 2006

Mayor Jeff Kohler  
Council Members  
St. Thomas City Staff

**RE: Deputation to consider Miller St. to have parking only on the east**

Dear Sir/Madam

During a council meeting of October 8, 2002, St. Thomas Fire Chief Roy Lyons, at that time provided a propose letter, enforcement of parking be limited to one side (letter attach).

I'm asking council to consider the above proposal to allow the signage **No Parking** on the west side of Miller St. To ensure safe efficient fire and medical efforts are not hindered due to crowded parking.

**Miller St. (map attach)**

- **street width 18.23**
- **street length 150.43 running north from Redan St.**
- **ally throughway at the north end, running west onto Balaclava St (large trucks unable to use)**
- **fire hydrant located on the west side near north end of the street**

Please consider my above recommendation for the safety of my neighbors. I look forward to attending the earliest council meeting for further discussion on this matter.

Sincerely

*Rose Gibson*

Rose Gibson

REFERRED TO	
J. DEWANCKER	mk-
D. WHITE	
FOR	
DIRECTION	<input type="checkbox"/>
REPORT OR COMMENT	<input checked="" type="checkbox"/>
INFORMATION	<input type="checkbox"/>
FROM	M. KONEFAL



THE CORPORATION OF THE CITY OF  
**ST. THOMAS**  
Fire Department

305 Wellington Street  
St. Thomas, Ontario  
N5R 2T2

Telephone: (519) 631-0210  
Fax: (519) 631-0215

Date: October 8, 2002

Mr. John Roberts

Traffic Co-Coordinator

Dear John:

The St. Thomas Fire Department has been approached, by yourself, several times with concerns from citizens of St. Thomas about parking and no parking issues on city streets. We usually send out staff to check the streets for access, turn radius, as well as width of the roadway and the location of fire hydrants.

We would like to take this opportunity to propose a standard response for any request for parking concerns on any city street.

If any city street is 25 feet or less wide ( the fire code requires 19.5 feet for emergency vehicles) we would request that parking be prohibited on one side of that road, and the side with the fire hydrants be the prohibited side. This would give emergency vehicles un-restricted passage, room to operate at an emergency scene and not have to worry about the possibility of having the hydrants blocked by cars.

Hope this will assist with concerns for parking from any citizen in the future.

Yours in fire safety

Roy W. Lyons





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

Report No.  
CC-10-06

File No.

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

Date  
**February 7, 2006**

**Department:** City Clerks Department

Attachment

**Prepared By:** Wendell Graves, City Clerk

**Subject:** CIP Façade Loan-648 Talbot Street

**Recommendation**

That Council receive Report CC-10-06 as information and further;

That a By-law be prepared to authorize the execution of a Façade Loan Agreement with Gillian Martin, 648 Talbot Street.

**Background**

A CIP Application for façade improvements for 648 Talbot St., (Ansells) was received on July 19, 2005.

The applicant is intending to remove the existing aluminium facade and return the façade back to its original appearance.

The total estimate cost of the project is \$54,000.00. The value of the Façade Loan will be \$20,000.

This Application has been reviewed and approved by the Urban Design Committee.

On February 2, 2006 a Building Permit was issued for the project.

This project also qualifies for a Façade Grant (\$7,500.00) upon successful completion of the project.

Respectfully,

  
W. Graves, City Clerk

Reviewed By:

Treasury

Env Services

Planning

City Clerk

Comm Services

Other



Corporation of the

**City of St. Thomas**

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**Report No.**

ES 14-06

**File No.**

08-288

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

**Date**  
February 13, 2006

**Department:** Environmental Services

**Attachment**

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

- building layout plan  
- site plan

**Subject:** Pinafore Park Services Building Contract Award

**Recommendation:**

It is recommended that:

1. The Tender by Aveiro Constructors Limited for design build services required for the renovation and addition to the Pinafore Park Services building at a contract price of \$462,301 (incl., GST) be accepted subject to the Committee of Adjustment approval of a minor variance to the zoning by-law.
2. That the schedule of other project related items including site servicing upgrades and associated expenditures as outlined in this report be approved.
3. That a by-law be prepared to authorize the execution of the design build contract.

**Origin:**

During 2005, the Environmental Services Department retained the services of SPH Engineering Inc., to develop a proposal to develop a design build tender for the renovation and addition to the Pinafore Park Service Building. Council previously approved a master plan for the City Parks Service Facilities completed by Dillon Consulting in 2004. This master plan included as a high priority the work to upgrade the Pinafore Park Service building.

**Analysis:**

This project will complete the renovation and addition to the Pinafore Park Service building as outlined in the master plan. Other facilities outlined in the master plan including a new entrance & parking facility, the replacement of the greenhouse, an addition to the garage building, demolition of a storage building, and a permanent building at Waterworks Park will be completed at a later date. This project, including site servicing, has been submitted to the Municipal Heritage Committee, Municipal Accessibility Committee, Site Plan Control Committee and will be submitted to the Committee of Adjustment for a minor variance early this month. The Municipal Heritage Committee has no objection to the proposal. The Municipal Accessibility Committee made some recommendations which will be incorporated into the project. The Site Plan Control Committee approved the project subject to the approval of the minor variance and subject to the project meeting City specifications. The minor variance sought for the project is not thought to be a major hurdle to overcome and approval by the Committee of Adjustment is expected. Once approval is received from the Committee of Adjustment, there is a 20-day appeal period in which the public can object. The recommendation to award the contract is subject to approval of the minor variance by the Committee of Adjustment and subject to no objections being received within the 20-day appeal period.

Tenders were opened on January 19, 2006 and seven bidders made submissions as follows:

	Submitted Bid	Corrected Bid
Aveiro Constructors Inc.	\$462,301.00	no change
Norlon Builders Inc.	\$488,401.00	\$488,401.29
HIRA Inc.	\$533,074.00	\$529,904.70
Reid & Deleye	\$538,668.00	no change
SDI Builders Ltd.	\$587,611.53	\$589,361.53
Agri-Urban	\$590,405.00	\$590,398.38
The Cobrell Company	\$619,073.00	\$619,072.74

Five of the bids contained arithmetical errors which were automatically corrected by staff. Once the proposal submissions were checked for mandatory requirements and errors, a committee consisting of staff from Environmental Services, Facilities and Property, Purchasing and the Consultant reviewed and evaluated the proposal submissions.

Based on the scoring outcome the committee recommended the low bidder, Aveiro Constructors Inc. be awarded the contract. The City's consultant, SPH Engineering Inc., has had experience with this contractor and believes that the work can be completed as specified within the budgeted amount.

Members of Council may recall that this design-build tender format was successfully applied previously during 2000 for the building renovation and addition to the Public Works Service Centre at 100 Burwell Road.

Financial Considerations:

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Following is a summary of the expenditures of the project along with the proposed sources of funding;

Expenditure\*

Contract	\$434,642
SPH Engineering Inc (Design & Inspection)	\$25,000
STEI (electrical servicing)	\$30,320
Waterworks trailer**	\$10,000
Fuel Tanks & Other Related Appurtenances	<u>\$17,000</u>
Total Expenditures	\$516,962

Funding

2005 Capital Budget	\$363,000
2006 Capital Budget	<u>\$397,000</u>
Total Available Funding	\$760,000

Total funding available for remaining work\*\*\* \$243,038

The scope of the remaining work includes site servicing, grading, storm drainage, roadway and parking lot improvements in compliance with the approved site plan submission. A further report will be submitted to Council when this work is to be awarded.

The contract amount includes a contingency allowance of \$39,512.91.

\* The expenditure amounts do not include GST since this is rebated to the City.

\*\* A trailer has been purchased to temporarily house workers and material at Waterworks Park during the winter period.

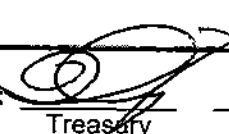
\*\*\* As noted, once this project is completed, there is still significant site servicing work to be completed. The remaining funding will be used to complete at least a portion of this work as outlined in the master plan. It is anticipated that a tender to complete the site servicing work, including storm sewers and parking lot, will be called later in the year with construction to start upon completion of the service building.

Respectfully Submitted,



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

Reviewed By:

  
Treasury

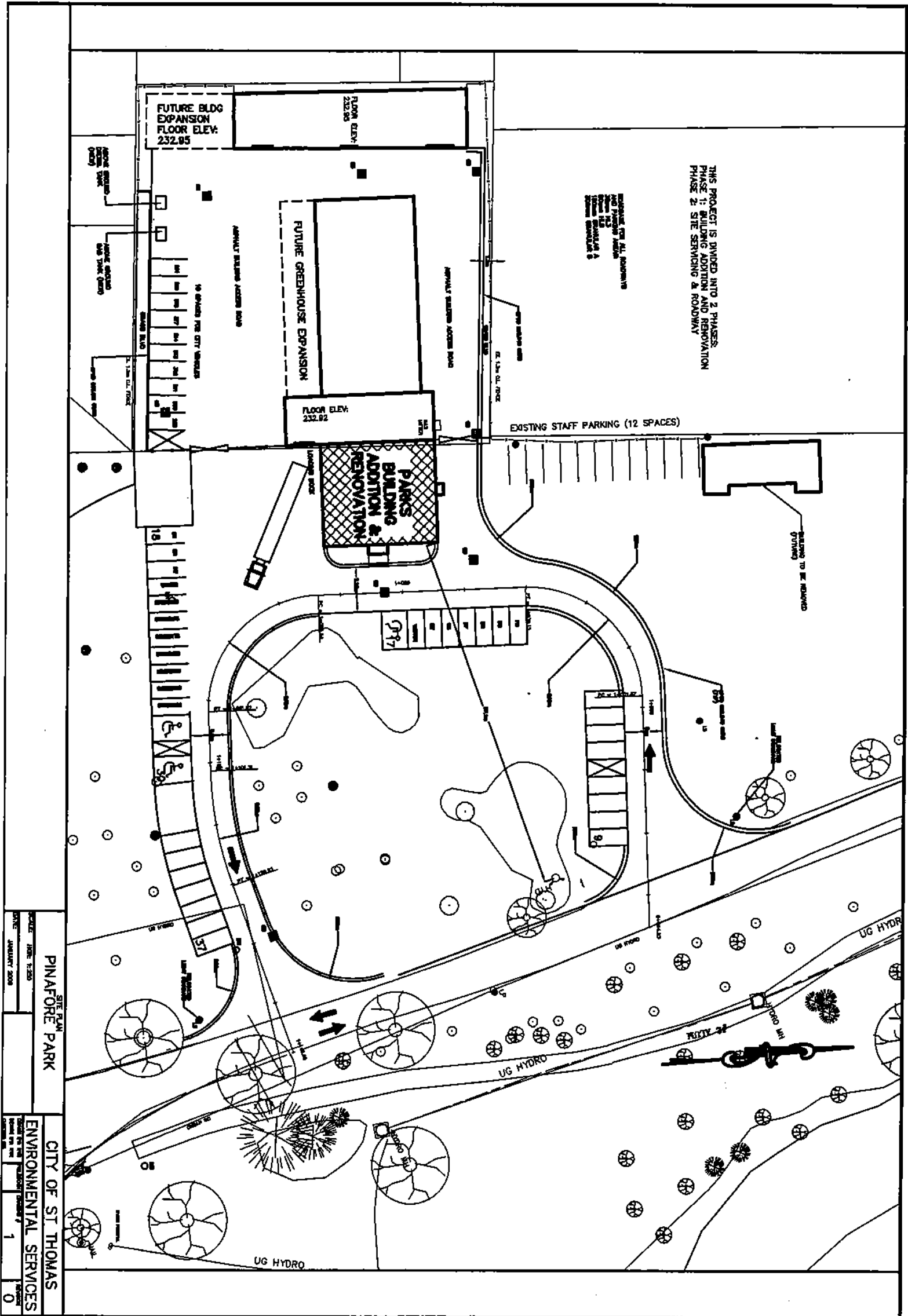
  
Env Services

Planning

City Clerk

HR

Other



THIS PROJECT IS DIVIDED INTO 2 PHASES:  
PHASE 1: BUILDING ADDITION AND RENOVATION  
PHASE 2: SITE SERVING & ROADWAY

REQUIRE FOR ALL ROADWAYS  
AND PARKING AREAS  
TO BE 10' L.V. D.I. ROAD  
WITH 10' L.V. D.I. ROAD  
AND 10' L.V. D.I. ROAD

EXISTING STAFF PARKING (12 SPACES)

FLOOR ELEV:  
232.82

FUTURE BLDG  
EXPANSION  
FLOOR ELEV:  
232.85

FUTURE GREENHOUSE EXPANSION

FLOOR ELEV:  
232.82

PARKS  
BUILDING  
ADDITION &  
RENOVATION

BUILDING TO BE REMOVED  
(OTHER)

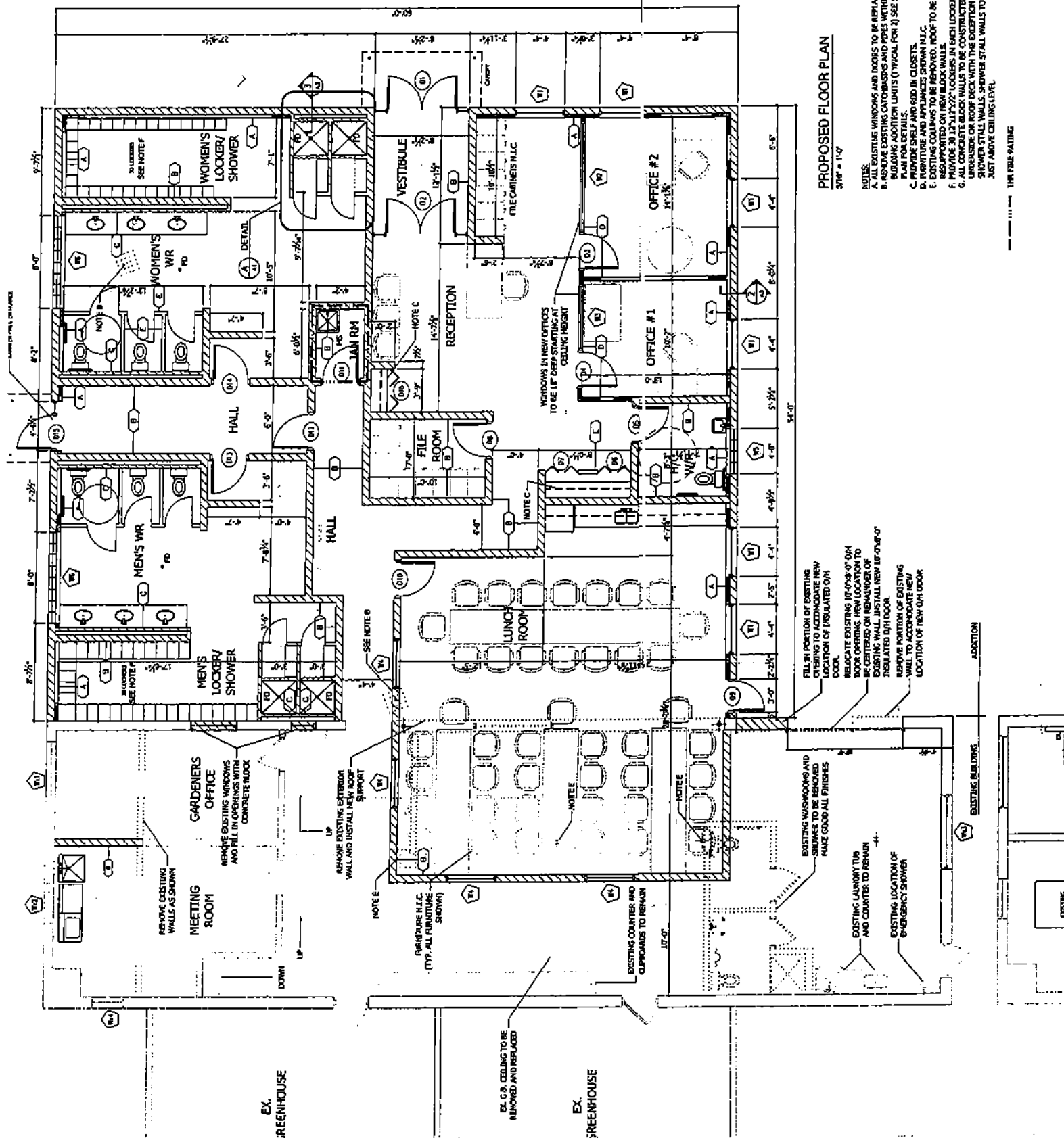
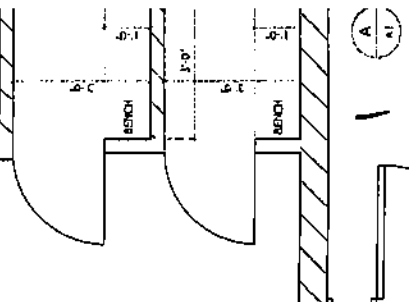
PINAFORE PARK

CITY OF ST THOMAS  
ENVIRONMENTAL SERVICES

DATE:	JUNE 15, 2000
DATE:	JANUARY 2000
REVISION:	1
REVISION:	0

**NOTE:**  
DIFFERENCES IN THE NETAL INVESTMENT FOR

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**PROPOSED FLOOR PLAN**  
3/16" = 1'-0"

**NOTES:**

- A. ALL EXISTING WINDOWS AND DOORS TO BE REPLACED.
- B. EXISTING EXTERIOR CATCHBASINS AND PIPES WITHIN NEW BUILDING ADDITION UNITS (TYPICAL FOR 2) SEE SITE PLAN FOR DETAILS.
- C. PROVIDE SHELVE AND BOD IN CLOSETS.
- D. MIRRORING AND APPLIANCES SHOWN N.I.C.
- E. EXISTING COLUMNS TO BE REMOVED, ROOF TO BE RESTRUCTURED ON NEW BLOCK WALLS.
- F. PROVIDE 30 1/2"X22" LOCKERS IN EACH LOCKER ROOM.
- G. ALL CONCRETE BLOCK WALLS TO BE CONSTRUCTED TO UNDERLIE ON ROOF DECK WITH THE EXCEPTION OF SHOWER STALL WALLS. SHOWER STALL WALLS TO TENDON 1" MIN ABOVE CEILING LEVEL.

## THE FIVE PLAYS

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City of St. Thomas  
Condition Assessment and Needs Analysis

Report attachment to  
report ES-97-04 July 7, 2004  
Final Report

Implementation Plan City of St. Thomas Parks Department Facility Improvement Plan		
		Gross Costs
<b>Year 1 Interim Plan (2004)</b>	Provide office, lunch and locker room facilities on site in portable trailer facilities at Pinafore Park. Waterworks Park will be equipped with a trailer for lunchroom facilities only.	\$1,000/mo. plus setup (2)
<b>Year 2 (2005)</b>	<p>The existing facility will be rehabilitated and expanded to include a new addition, entranceway and parking as shown in Figure 1.</p> <p>A new addition (approximately 3200ft<sup>2</sup>) is planned to be ready for occupancy in 2005. The new facility will be added to the east part of the existing greenhouse/workroom facility as shown in Figure 2. The new facility will include;</p> <ol style="list-style-type: none"> <li>1. Reception Area</li> <li>2. Three offices</li> <li>3. Male and female locker room facilities equipped with large lockers, washrooms and shower facilities sufficient to accommodate approximately 40 staff (total)</li> <li>4. Lunch room/meeting room for 40 people.</li> <li>5. Public Washroom.</li> <li>6. A new entranceway and parking area will be constructed to adequately service the facility.</li> <li>7. The upper garage should be demolished.</li> </ol> <p>The existing buildings (excluding the greenhouses) will undergo minimal renovations, for their planned use as the main working/planting room, storage room and furnace room.</p>	\$585,000 (3)
<b>Year 3 (2006)</b>	<ol style="list-style-type: none"> <li>1. The existing greenhouses will be demolished and replaced with aluminum framed, polycarbonate clad greenhouses.</li> <li>2. A new garage bay will be added to the existing service bays and water and sewer services will be installed in the service bays and throughout the service yard (subject to detailed engineering analysis of adjacent services). This will provide for adequate equipment washing and storm water drainage</li> </ol>	\$120,000 (4)  \$90,000 (5)
<b>Year 4 (2007)</b>	<p>The final phase of the plan will involve;</p> <ol style="list-style-type: none"> <li>1. The final paving of the new parking area and portions of the Pinafore Park service yard.</li> <li>2. The construction of a new permanent lunchroom/employee building and a small storage shed at Waterworks Park.</li> </ol>	\$50,000 (6)  \$40,000 (6)

See notes on page 26.



Corporation of the

**City of St. Thomas**

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Report No.

ES 15-06

File No.

08-324-00

Directed to: Alderman M. Turvey, Chairman, Environmental Services Committee

Date  
February 13, 2006

Department: Environmental Services

Attachment

Prepared By: Ivar Andersen, Manager of Operations & Compliance

Subject: 2006 Watermain Lining Program

**Recommendation:**

That the proposed included list of 2006 watermain lining projects be approved for construction, subject to the tender pricing being within the approved capital budget.

**Origin:**

In December, 2005, City Council approved a capital budget of \$800,000 to undertake the 2006 watermain lining program at various locations throughout the City. This report provides a list of the locations for this proposed work for the information and review of Council.

**Analysis:**

Following is the proposed replacement program for 2004:

**Cement Lining Projects**

Metcalfe Street	Talbot Street to Centre Street
Hincks Street	Talbot Street to Wellington Street
Southwick Street	Talbot Street to Wellington Street
Centre Street	Metcalfe Street to Southwick Street
Elizabeth Street	Hincks Street to Princess Avenue
Mitchell Street	Hincks Street to Princess Avenue

**Structural Lining Projects**

White Street	Centre Street to Mitchell Street
Woodland Road	Woodland Road to west end

It should be noted that the watermain lining program, because of the use of trenchless technology, does not involve reconstruction of the road and only includes a few road cuts. The locations for cement lining have been chosen to eliminate/reduce water quality issues and increase flow characteristics. Structural lining locations have been chosen to eliminate/reduce watermain breaks and avoid watermain reconstruction.

The proposed program is contingent on tender pricing. Modifications to the proposed program may be required to stay within the approved capital budget.

Respectfully Submitted,

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

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



# CATFISH CREEK CONSERVATION AUTHORITY

**Mission Statement:** "To communicate and deliver resource management services and programs in order to achieve social and ecological harmony for the watershed"

February 1, 2006

- 16 -

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

FEB 02 2006

Attention: Mr. Wendell Graves, Clerk

Dear Sir:

RE: 2006 Preliminary Draft Budget

Please find enclosed an Executive Summary of the Catfish Creek Conservation Authority's 2006 Preliminary Draft Budget and General Levy apportionment. Detailed copies of the full 16 page Budget document are available upon request.

Attached to the Draft Budget is a schedule indicating each municipality's apportionment based on updated CVA data received from the Ministry of Municipal Affairs and Housing. The City of St. Thomas's apportionment is 6.06% of the total Municipal General Levy.

The City of St. Thomas's total Levy for 2006 is \$9,028.00, including the Special Planning Levy.

The Draft Budget and Levy apportionment is being circulated to each municipality for the 30 day notice period in accordance with the Municipal Levy Regulation made under the Conservation Authorities Act. Each municipal representative on the CCA Board will be asked to vote on the Final Budget at the March Full Authority meeting.

If you have any questions concerning the attached information, please do not hesitate to contact our office at your convenience.

Yours truly,

Mr. Kim Smale,  
General Manager/Secretary-Treasurer

KS/sm  
Enclosures

cc: Mrs. Marie Turvey, Board Member

REFERRED TO	
W. O. AY	
T. JOHNSON	MMR
FOR	
DIRECTION	<input type="checkbox"/>
REVIEW COMMENT	<input type="checkbox"/>
INFORMATION	<input checked="" type="checkbox"/>
FROM M. KONEFAL	



Conservation  
ONTARIO

8079 Springwater Road, R.R. 5, Aylmer, Ont. N5H 2R4 (519) 773-9037

Fax: (519) 765-1489

E-mail: [admin@catfishcreek.ca](mailto:admin@catfishcreek.ca)

Website: [www.catfishcreek.ca](http://www.catfishcreek.ca)



# **CATFISH CREEK CONSERVATION AUTHORITY**

## **2006 Forecast Budget (January 30, 2006)**



## BUDGET NOTES

### CCCA Programs and Services: (Provincially Mandated)

- Flood Forecasting and Warning
- Flood and Erosion Control Structures
- Ice Management
- Hazard Prevention
- Watershed Management
- Technical Studies
- Corporate Services
- Generic Regulations
- Plan Input & Review

\* In order to fund these programs in the Budget, \$25,436.00 was allocated from previous year's surplus, and \$28,816.47 from projected surplus from the Springwater Conservation Area in 2006. Ninety percent of the 2006 General Levy has been applied against these provincially mandated programs and services.

### CCCA Programs and Services: (Other)

- Community Information/Education
- Reforestation (27,000 trees to be planted in 2006)
- Woodlot Management
- Soil Conservation
- Conservation Lands (65,000+ Annual Users)
- Protection of Environmentally Significant Lands
- Community Partnerships (Over 100 in 2005)
- Fish and Wildlife Habitat on Authority owned lands
- Source Protection Planning
- Low Water Response
- Surface and Groundwater Quality Monitoring

\* Ten percent of the 2006 General Levy has been applied against these non-mandated programs and services

### Special Programs and Projects: ( Non-Municipal Funded Projects in the 2005 and 2006 Budgets)

• Springwater Dam Stabilization Project	\$44,500.00
• Silver Creek Streamgauge Station Project	\$12,500.00
• Wetland Restoration and Invasive Species Management Project	\$4,535.00
• Source Protection Planning	\$95,725.00
• Fish Habitat Information Management Project	\$3,500.00
• OGS Groundwater Resource Inventory Project	\$118,466.00
• Calton Swamp Land Acquisition Project	\$60,000.00
• Springwater Environmental Education & Ecotourism Project	\$36,750.00
• Yarmouth Natural Heritage Area Wetland Project	\$100,000.00+

• YNHA Uplands Bird Habitat Project	\$3,000.00
• Watershed Management Plan	\$30,500.00
• Fish Habitat Management Plan	\$10,000.00
• Precipitation Gauge	\$7,500.00
• Job Creation Partnership Project	\$91,591.00
• East Elgin Natural Landscape Restoration Project	\$41,650.00

\* No municipal funding applied against these Special Programs and Projects. All funds raised through external sources such as foundations, environmental organizations, and other levels of government.

**Financial Facts:**

- General Levy proposed for 2006 totaling \$144,937.00 represents an overall increase of \$45,226.00 since 1995, or approximately 2.8% per year over that same period of time
- Over seven times the amount of General Levy in 2006 is being generated from other sources for programs and projects in the watershed
- General Levy comparisons with other neighbouring Conservation Authorities

<u>Year</u>	<u>Conservation Authority</u>	<u>Total Budget</u>	<u>Total Levy</u>	<u>% of Overall Budget</u>
2006	Long Point Region	\$ 3,008,566	\$ 611,975	20%
2006	Kettle Creek	\$ 1,500,000	\$ 500,000	33%
2006	Catfish Creek	\$ 1,013,795	\$ 144,937	14%

- Grants from the Ministry of Natural Resources for Provincially Mandated Programs have not increased since 1996
- \$28,816.00 of the projected 2006 revenue surplus from the Springwater Conservation Area will be applied to other program areas to offset expenditures
- 90% of the total 2006 General Levy has been applied against Provincially Mandated Programs
- Increases which the CCCA has no control over in the 2006 Budget:

• Vehicle Replacement	\$30,000.00
• Drinking Water Regulation Compliance	\$10,000.00
• Liability Insurance (25%)	\$8,000.00
• Property Taxes	\$500.00
• Minimum Wage Increase	\$1,500.00
• Utilities & Fuel (10%)	\$4,200.00
• Employees Compensation Adjustment	<u>\$17,875.00</u>
Estimated Total	\$72,075.00
Proposed Levy Increase	\$16,104.00

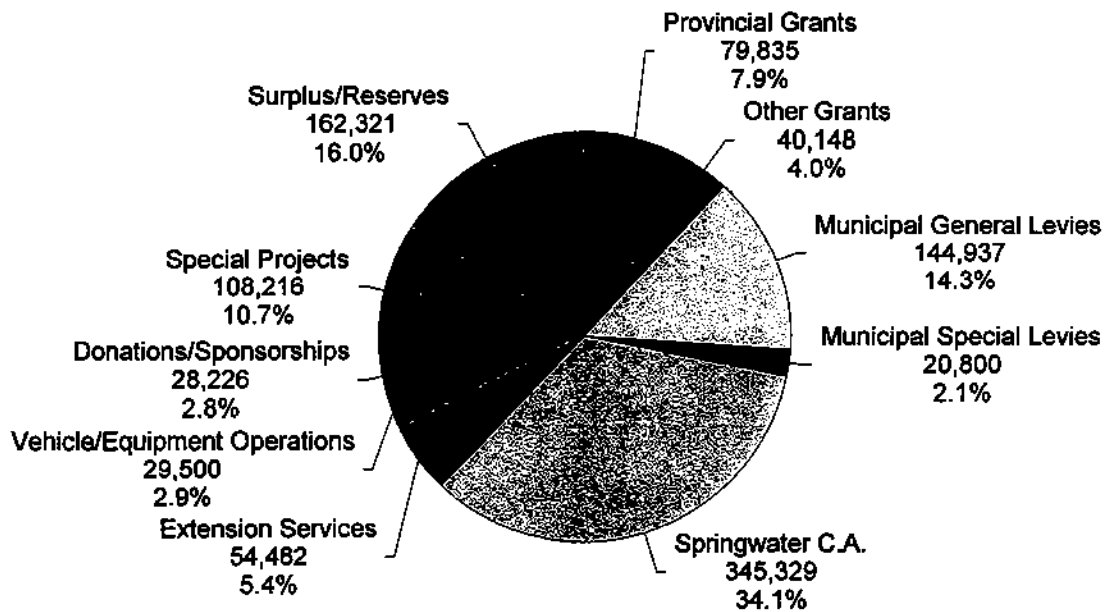
-20-

**CATFISH CREEK CONSERVATION AUTHORITY**  
**2006 DRAFT BUDGET - Last Revised January 30, 2006**  
**SUMMARY OF REVENUE AND EXPENDITURES**  
(with comparative amounts of 2005)

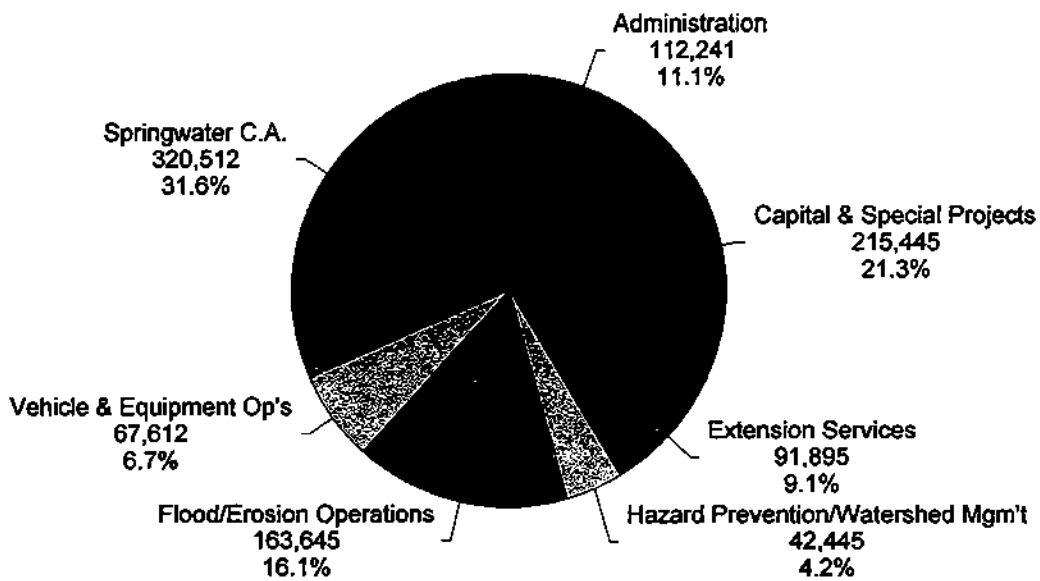
	Proposed 2006	2005 Actual	2005 Budget
<b>SUMMARY - REVENUE</b>			
Provincial Grants (Transfer Payments)	79,835.00	79,835.00	79,835.00
Other Provincial Grants	33,957.81	109,584.54	150,758.11
Non-Provincial Grants	6,190.00	0.00	0.00
Employment Program Grants	0.00	16,350.60	0.00
Municipal General Levies	144,937.00	128,832.90	128,832.90
Special Benefiting Levies	20,800.00	19,838.88	20,800.00
Donations/Sponsorships	28,226.49	119,141.70	101,000.00
Camp User Fees & Sales	323,200.00	327,021.47	316,000.00
Maple Syrup	22,128.65	25,009.64	23,500.00
Water Quality Programs	0.00	1,000.00	0.00
Special Projects	60,365.77	130,642.40	145,016.53
OPG Project	47,850.00	0.00	0.00
Other Revenue	83,981.46	97,986.02	86,271.77
Previous Year's Surplus	39,454.49	15,957.06	15,957.06
From (To) Reserves-Special Projects	45,269.29	-44,319.85	67,707.33
From (To) Reserves	77,597.47	-2,324.87	56,396.34
<b>TOTAL REVENUE</b>	<b>1,013,793.43</b>	<b>1,024,555.49</b>	<b>1,192,075.04</b>

<b>SUMMARY - EXPENDITURES</b>			
Administration	112,241.15	83,504.58	96,034.73
Flood Control Structures	15,698.96	52,745.27	57,598.39
Flood Forecasting & Warning	117,946.19	90,469.26	101,530.71
Ice Management	30,000.00	28,077.75	28,000.00
Plan Input & Review	21,864.84	19,187.17	19,666.16
Watershed Planning	10,021.27	8,129.11	9,012.91
Technical Studies	10,558.44	6,025.94	7,660.06
Information & Education	21,429.34	13,561.95	22,979.42
Other Conservation Lands	20,588.36	19,100.25	23,369.25
Tree Planting	53,460.15	24,184.34	42,549.68
Woodlot Management	11,004.26	3,037.89	7,269.40
Erosion Control	1,500.00	0.00	0.00
Fish & Wildlife Habitat	4,500.00	0.00	1,500.00
Water Quality Programs	43,101.83	67,177.49	50,191.38
Special Projects	100,221.65	205,083.82	240,360.58
Capital Projects	51,532.81	28,100.70	103,113.57
Vehicle & Equipment Op's	67,612.00	82,199.00	83,200.00
Maple Syrup	24,128.65	22,089.44	23,500.00
Springwater CA Operations	296,383.53	258,836.76	274,538.80
<b>TOTAL EXPENSES</b>	<b>1,013,793.43</b>	<b>1,011,510.72</b>	<b>1,192,075.04</b>

# **CATFISH CREEK CONSERVATION AUTHORITY** **2006 Forecast Budget** **Revenue Summary (\$1,013,793)**



# **CATFISH CREEK CONSERVATION AUTHORITY** **2006 Forecast Budget** **Expenditures Summary (\$1,013,793)**



CATFISH CREEK CONSERVATION  
2006 REVENUE SOURCES

PROGRAM	2006 BUDGET	PROV GRANTS	GENERAL LEVY	SPECIAL LEVY	OTH. PG GRANTS	NONPG GRANTS	SURPLUS	RESERVES	REVENUE	CONTRIBUTIONS	INDEBT	TOTAL
Administration	83,424.88	0.00	44,498.52		0.00	490.00	25,438.16	0.00	28,816.47		13,000.00	112,241.15
Flood Control Structures	15,698.96	7,849.48	7,849.48		0.00			0.00				15,698.96
Flood Forecasting & Warning	117,946.19	42,197.54	65,052.15					10,696.50				117,946.19
Ice Management	30,000.00	15,000.00		15,000.00								30,000.00
Plan Input	21,864.83	3,500.00	4,030.79	5,800.00							6,534.04	21,864.83
Watershed Planning	10,021.27	6,008.78	4,012.51									10,021.27
Technical Studies	10,558.44	5,279.22	5,279.22					0.00				10,558.44
Information & Education	21,429.34		8,061.02				8,468.32	0.00		1,900.00	3,000.00	21,429.34
Other Conservation Lands	20,588.36		1,000.00					6,213.36		5,500.00	7,875.00	20,588.36
Tree Planting	53,460.15						0.00	4,290.15		320.00	48,850.00	53,460.15
Woodlot Management	11,004.26							4,154.26			6,850.00	11,004.26
Erosion Control	1,500.00		0.00		800.00		0.00	700.00				1,500.00
Fish & Wildlife Habitat	4,500.00				500.00			1,000.00		3,000.00		4,500.00
Water Quality Programs	43,101.83				32,657.81	2,450.00	5,550.00	2,444.02			0.00	43,101.83
Special Projects	100,221.65							29,855.88		10,000.00	60,365.77	100,221.65
Capital Projects	51,532.80				0.00			33,803.91		3,506.49	14,222.41	51,532.81
Vehicle & Equipment Operations	67,612.00		5,153.32			3,250.00		29,708.68			29,500.00	67,612.00
Maple Syrup	24,128.65									2,000.00	22,128.65	24,128.65
Springwater CA Operations	325,200.00							0.00	-28,816.47	2,000.00	323,200.00	296,383.53
	1,013,769.43	79,395.00	144,557.00	56,310.00	32,157.81	6,160.00	30,653.26	172,059.76	0.00	26,226.49	67,655.97	1,013,769.43

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CATFISH CREEK CONSERVATION AUTHORITY

2006 MUNICIPAL GENERAL LEVY COMPARISON

Municipality	2005 CVA Apport. %	2005 General Levy	2005 Levy With New CVA	Change Due to New CVA	Proposed Increase	2006 General Levy	* 2006 Special Planning Levy	2006 Total Levy
Aylmer, Town of	28.86%	37,331.00	37,180.00	-151.00	4,848.00	41,828.00	600.00	42,428.00
Central Elgin, Municipality of	25.75%	32,947.00	33,172.00	225.00	4,146.00	37,318.00	1,500.00	38,818.00
Malahide, Township of	35.87%	46,488.00	46,341.00	-147.00	5,793.00	52,134.00	3,200.00	55,334.00
South-West Oxford, Township of	3.37%	4,331.00	4,337.00	6.00	542.00	4,879.00	250.00	5,129.00
St. Thomas, City of	6.08%	7,726.00	7,803.00	77.00	975.00	8,778.00	250.00	9,028.00
	100%	128,833.00	128,833.00	-0.00	16,104.00	144,937.00	5,800.00	150,737.00

\* Footnote:  
Levies partially support the costs of operating the provincially mandated responsibilities of municipal plan input and review. The Province moved to greatly reduce grants in 1996. The Special Planning Levy is calculated based on past, existing, and anticipated program activity. The municipality has the option of recovering this Special Planning Levy through application fees.

Data for Calculation of Sliding Scale of Grants and Levy for 2006

Municipality	% of Municipality in Watershed	Current Value Assessment (CVA) for Municipality	Current Value Assessment (CVA) in Watershed	CVA Based Apportionment Percentage
Aylmer, Town of	100%	420,760,687	420,760,687	28.86%
Central Elgin, Municipality of	40%	938,498,549	375,398,420	25.75%
Malahide, Township of	82%	639,542,320	524,424,702	35.87%
South-West Oxford, Township of	8%	613,493,505	49,079,480	3.37%
St. Thomas, City of	4%	2,207,717,033	88,308,681	6.08%
		4,820,012,094	1,457,972,971	100%

The apportionment figures are based on "Content of Assessment Breakdown by Class from 2004 Year-End Summary of Assessment for Tax" data provided by MPAC, and further modified by MNR in accordance with Ontario Regulation 670/00. Population data are also provided by MPAC and are reflective of the 2004 assessment roll for 2005 taxation.



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

-24-

Report No.

CC 09-06

File No.

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

**Date**  
February 7, 2006

**Department:** City Clerks Office

**Attachment**

**Prepared By:** Richard Beachey, Deputy City Clerk

**Subject:** Extension of deadline for early purchase of dog tags at reduced rate

**Recommendation:**

That the reduced rate for dog tag purchases be extended to March 31, 2006 from February 15, 2006.

**Origin:**

The Dog tag renewal forms, issued by Treasury, have been delayed for 2006.

**Analysis:**

As a result of the renewal notices not being sent out, concerns have been expressed about the lack of renewal notices. It is proposed that the deadline for the purchase of dog tags at the reduced rate be extended from February 15, 2006 to March 31, 2006. The difference in rate is \$5.00 less prior to February 15 being:

		Before Feb 15th	After Feb 15th
1st dog		\$25.00	\$30.00
	spayed/neutered	\$20.00	\$25.00
2nd dog		\$30.00	\$35.00

The total reduction in revenue would be impossible to quantify, because of the lack of renewal notices this year.

It is noted that this is the third consecutive year in which the renewal notices have not been sent out in time for the February 15th reduced rate.

**Alternatives:**

The Committee may:

1. Extend the reduced rate for dog tag purchases to March 31, 2006 from February 15, 2006.
2. Keep the existing deadline of February 15, 2006.

Respectfully submitted,

Richard Beachey  
Deputy City Clerk

Reviewed By: Treasury Env Services Planning City Clerk HR Other





Municipal  
Heritage  
Committee

MHC c/o  
The Corporation  
of the City  
of St. Thomas

P.O. Box 520  
St. Thomas, On  
N5P 3V7

Phone  
(519) 631-1680

Fax  
(519) 633-9019

"Preserving  
Our  
Community's  
Heritage"

- 25 -

February 8, 2006

Mayor J. Kohler and members of City Council  
The Corporation of the City of St. Thomas  
City Hall, P.O. Box 520  
St. Thomas, ON  
N5P 3V7

**Re: Alma College, 96 Moore Street – Application for Demolition Permit**

Mayor Kohler and Members of City Council:

Your Municipal Heritage Committee recommends as follows:

1. That the demolition permit applied for by Alma Heritage Estates relating to 96 Moore Street be denied.
2. That action be taken to protect and preserve the building under section 35.3 of the Ontario Heritage Act.
3. That Council and the Municipal Heritage Committee meet to ascertain the cost of item 2.
4. That Council actively involve the Province of Ontario to take action on preserving and restoring the College.

Thank you for your consideration of our request and allowing our Committee to be a partner in Alma College's restoration.

Respectfully submitted,

Angus Walton, Chair  
St. Thomas Municipal Heritage Committee

545 Talbot Street, P.O. Box 520, St. Thomas, Ontario N5P 3V7 • Tel. 519-633-5248 • Fax 519-633-9019

Wednesday, February 8, 2006

Mayor Jeff Kohler and Council  
The Corporation of the City of St. Thomas  
545 Talbot Street, P.O. Box 520  
St. Thomas, Ontario  
N5P 3V7

Re: Horton Farmers' Market

As you may be aware, our community Farmers' Market has fallen on hard times. There are very few vendors and consequently very few shoppers and the facility requires some refurbishments. Our organization would like to see the Horton Farmers' Market return to its glory days as a jewel of our community.

We propose that the City turn over the administration and management of the Market to the St. Thomas Downtown Development Board and we will operate it as a committee of our DDB. Our 8-10 person committee will be comprised of local citizens, market shoppers, business people, market vendors and a City representative. Frank Lattanzio, Manager of Facilities and Property is well acquainted with the Market and we respectfully request that he be the City representative on our Steering Committee.

There is a history of community groups successfully operating Farmers' Markets across Ontario. Some examples:

1. The Milton Chamber of Commerce operates the Milton Farmers' Market where 4-5 blocks of Main Street are closed on Saturday mornings and over 25 Saturdays, the Market has sales of over \$1.5 million. This represents an economic impact of almost \$5 million to the Town of Milton.
2. Sudbury, Metro Centre (Sudbury's BIA) operates the Sudbury Farmers' Market. What started as a seasonal Farmers' Market on an open-air city parking lot in 1988 grew into a May to December, three day a week indoor-outdoor Market in 1999, in refurbished CP Rail Sheds where the City, the province, and the Federal Government spent \$3 million. The City continues to "own" the Market, operated by the BIA.

3. Georgetown BIA operates a Saturday Market from May to October, on 2-3 closed off blocks of Main Street. Downtown merchants consider market days to be the busiest day of the week.

We believe that successful Farmers' Markets are community-driven and producer-based. Our Steering Committee would foster community partnerships with groups across our City and would make this a "people place". It will also be important that all vendors are bona-fide producers offering the bounties of our region.

You recently approved a grant to our DDB in the amount of \$10,000 to help us attempt to rejuvenate the Horton Farmers' Market and our study is now underway.

City By-Law No. 144-98 "to regulate the Public Market in the City of St. Thomas and to establish fees thereon" seems out-of-date and we further propose that we make recommendations to you to revise this By-Law.

Finally, it would be our goal that the Market operates on a break-even basis, at no expense to the City. One exception will be some initial capital expenditures to bring the facility up to reasonable/acceptable standards. That recommendation would be brought forward as part of our Consultant's report.

Farmers' Markets have enjoyed a wonderful renaissance across Ontario over the past decade where their numbers have doubled from 60 to 125. A recent Provincial economic impact study revealed that annual sales of Ontario's Markets exceed \$600 million, with an economic impact of \$2 billion. There are 1 million regular Farmers' Market shoppers across Ontario.

We want Horton Farmers' Market to be part of that success story.

We await your response.

Sincerely yours,



Mark Cosens  
Chairman



Corporation of the

# City of St. Thomas

-28-

Report No.

ES16-06

File No.

10 Pol Court

Directed to: Mayor Jeff Kohler and Members of City Council

Date

February 7, 2006

Department: Environmental Services

Prepared By: John Dewancker,  
Director

### Attachment

- City request of October 27/05 for removal of fence.
- November 28/05 renewal of City Request.
- December 1/05 request for letter of tolerance by Mr Crow of 10 Pol Court.
- December 9/05 complaint by Mr. Holden of 8 Pol Court and reply by Environmental Services Staff.
- December 12/05 e-message with respect to the need for background information to the request for a letter of tolerance (Ald. Turvey).
- December 12/05 extract of Council minutes regarding letter of tolerance request.
- December 13/05 by ms. Palka on behalf of Mr. Crow.
- Request of February 7/06 to the Environmental Services Staff with respect to any advice by staff to Mr. Crow.
- Report ES45-05 regarding a fence encroachment on boulevard issue at 170 South Edgeware Road.

Subject: 10 Pol Court – Request for letter of tolerance, RE: fence encroachment onto road boulevard area

### Recommendation:

- That report ES16-06 with background information relative to the existing fence encroachment on the road boulevard area at 10 Pol Court be received by Council for review in conjunction with the review of this matter at the Council meeting of February 12, 2006.

### Origin

At the council meeting of February 7, 2006, Members asked that the background information to the request by Mr. Crow for a letter of tolerance involving a fence encroachment onto the boulevard area of Pol Court be provided.

### Analysis

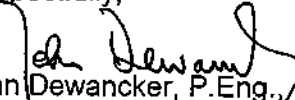
The following information is herewith being provided for the review by the Members:

- City request of October 27/05 for removal of fence
- November 28/05 renewal of City Request
- December 1/05 request for letter of tolerance by Mr Crow of 10 Pol Court
- December 9/05 complaint by Mr. Holden of 8 Pol Court and reply by Environmental Services Staff
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- Request of February 7/06 to the Environmental Services Staff with respect to any advice by staff to Mr. Crow
- Report ES45-05 regarding a fence encroachment on boulevard issue at 170 South Edgeware Road

In reply to the allegations involving the Environmental Services Staff, included in the attached letter of December 13, 2006, the building inspection staff previously did advise the property owner that the responsibility for locating structures, fences and buildings relative to existing property lines rests with the property owner. This practice has been maintained consistently in the past since the conveyance of any inaccuracies in this regard may lead to legal problems. Further, there was to the best of our knowledge, no confirmation by ES staff of the road boulevard width along 10 Pol Court.

In respect to a previous similar issue at 170 South Edgeware Road, involving a wrought iron fence and elaborate gate structure, ES staff acted on a similar complaint filed by a resident. In regard to that matter, the City approved the encroachment subject to the property owner removing the gate structure.

Respectfully,

  
John Dewancker, P.Eng.,  
Director, Environmental Services

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other

JOHN DEWANCKER, P.Eng.  
Director, Environmental Services &  
City Engineer

IVAR ANDERSEN, P.Eng.  
Manager of Operations & Compliance

BRIAN CLEMENT, M.A.Sc., P.Eng.  
Manager of Engineering



All correspondence  
to be addressed to:  
P.O. Box 520, City Hall Annex  
St. Thomas ON N5P 3V7

Tel: (519) 631-1680  
Fax: (519) 631-2130

October 27, 2005

Donna Laurretta Player  
10 Pol Court  
St Thomas, On  
N5R 5P9

Please be advised that the City of St Thomas has received a complaint regarding a fence which has been constructed on the front yard of your property, and partially onto city property. We have reviewed the survey and inspected the fence and have determined with certainty that the fence has encroached onto city property and request the removal of the fence from the encroachment. Your co-operation in this matter is appreciated, if you have any questions regarding this notice, please feel free to contact me.

Yours in service,



Jamie Yolkowskie  
Building Official  
Environmental Services Department  
631-1680, ext 4162

November 28, 2005

Donna Laurretta Player  
10 Pol Court,  
St Thomas, On  
N5R 5P9

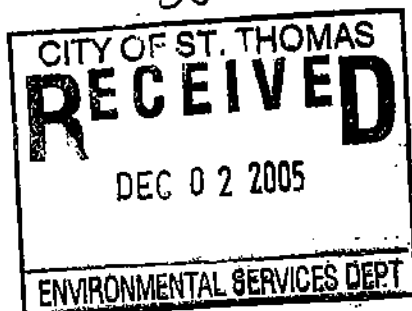
Your request for an extension to remove the portion of fence, which trespasses on the City road allowance, has been granted for an additional two weeks past the initial deadline of December 5<sup>th</sup> to December 19<sup>th</sup> 2005. If the fence has not been removed by December 19th, the City may exercise the right to remove said fence without any further notice to you, at your expense.

Yours in service,

Jamie Yolkowskie  
Building Official  
Environmental Services Department  
631-1680, ext 4162

cc: Mr. Jeff Kohler, Mayor of St Thomas  
cc: Mr. John Dewancker, Director, Environmental Services  
cc: Mr. Jim Foster, Chief Building Official

-30-



November 28, 2005

City Clerks Department  
PO Box 520  
545 Talbot St.  
St. Thomas, On  
N5P 3V7

City of St. Thomas  
Received

DEC 01 2005

City Clerk's Dept.

This letter is to request a letter of tolerance from City Council in regards to a fence erected at 10 Pol Court. We had called City Hall as to the By-laws for fences in our area and on two occasions we were advised that from the front of the house it could not be more than one meter high and had to be at least five feet from the curbs we put our fence up accordingly. We now are told that this is not the case and we have to remove the portion that is on city property. But no one can tell us how much. By our survey it looks to be about 12.5 feet. There are many circumstances that have brought us to this point from trying to solve many issues with bad neighbors to being misinformed by City Hall. Although it is very difficult to explain all circumstances in one letter we would like to have the opportunity to go into more detail and hopefully resolve this issue.

Thank you for taking the time to consider this issue

Ronald Crow  
10 Pol Court  
St. Thomas, On  
N5R 5P9

631-6575

(cell) 317-7344 - leave message

317-7344

REFERRED TO	
J. DEWANCKER	<input type="checkbox"/>
J. ANDERSEN	<input type="checkbox"/>
FOR	
DIRECTION	<input type="checkbox"/>
REPORT OR COMMENT	<input checked="" type="checkbox"/>
INFORMATION	<input type="checkbox"/>
FROM	M. KONEFAL

TO: Wendall Graves, City Clerk

It is recommended that the standard letter of tolerance not be granted for the above encroachment.

Yours truly

Ivar Andersen  
Manager of Operations and Compliance

LOT 175

PART 3

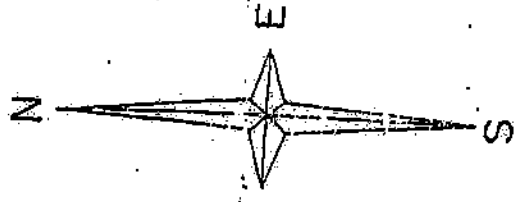
PLAN SHOWING RESIDENCE  
ON  
LOT 26  
REGISTERED PLAN M-  
CITY OF ST. THOMAS  
COUNTY BOFFELING  
SCALE 1"=40'  
1978

POL COURT

HIGHVIEW

Approx. 12' 5" Ht.  
Fence is 36" in height  
Approx 1" inside property line  
Stops 6 feet before  
Railroad curb

22 23 24 25 26 27 28 29 30



ST. THOMAS, CATSQUAUG, AUG. 10, 1978

ALL DOCUMENTS AND PLANS GRANTED BY THIS OFFICE  
BEAR THE ENDORSEMENT OF THE SURVEYOR  
AND HIS ASSIGNED SURVEYOR  
OR PLAN NOT BEARING THE SURVEYOR'S SEAL

This plan is for  
RECORD, MICHIGAN

32

*Robt*

J. G. Ruppert,  
Ontario Land Surveyor  
J. G. RUPPERT LTD.  
217-2810 L.L.C. SURVEYOR  
7E - 209 - 0 - 1

**Dewancker, John**

-32-

**From:** Dewancker, John  
**Sent:** Friday, December 09, 2005 4:56 PM  
**To:** 'Douglas Holden'  
**Cc:** Mayor Jeff Kohler; Graves, Wendell; Andersen, Ivar; Foster, Jim; Yolkowskie, Jamie  
**Subject:** RE: Fence on City Property- Location 10 Pol Court

Dear Mr Holden, The City's request to the property owner at 10 Pol Court for the removal of that part of the recently built side yard fence extension that is located on municipal road right-of-way has been confirmed and also has been reiterated. I wish to assure you that the City is fully aware of this matter through various other contacts that have been made recently ( City police, paralegal firm and a request to City Council for a letter of tolerance) and that the proper action will eventually be taken . Our Mr Jaimie Yolkowskie (631 1680 ext 4162) , By-law enforcement officer, is the person who is attending to your service request and he will follow up on this matter until it is resolved.

The City's response time and level of service in reply to letters, e-mail messages, telephone calls, meeting requests, report preparation etc typically well exceeds two working days as service requests are received through a variety of communication tools. I thank you for your renewed request and confirm that this matter is being pursued fully and as diligently as possible. YVT, John Dewancker, City Engineer

-----Original Message-----

**From:** Douglas Holden [mailto:deholden@skynet.ca]  
**Sent:** Friday, December 09, 2005 8:15 AM  
**To:** Dewancker, John  
**Subject:** Fence on City Property- Location 10 Pol Court

Hello Again Mr Dewancker

No reply to my email dated 7 December and no action to remove the extended fence would indicate the fence on City Property is to stay in spite of greatly touted City By-Law. I strongly object to this action and in doing so a number of questions come to mind to which I would like answered, if at all possible.

Will this be a precedent for residents to install Fencing and negotiate an exception ruling. Surely they will claim and expect the same treatment as being given in this instance.

What are the legal ramifications.I guess I will need a Lawyer.

Will the fence now be considered City Property. If not what jurisdiction is my neighbour being given.

Who do I deal with in case of damaged sustained to fence due to unclement icy and snowy conditions.

Am I being curtailed from using the west side of my driveway to clear snow on to city property. Does this apply to all residents on the south side of Pol Court, if not why not.

Your intended decision is given me problems not being experienced by other residents on the Pol Court. What little rights we have as a 80 plus Senior to a peaceful existence is being further compromised. This I strongly consider to be discriminatory.

Thank you listening to my tirade.

Regards  
Douglas Holden  
8 Pol Court

1

**Dewancker, John**

**From:** Dewancker, John  
**Sent:** Tuesday, February 07, 2006 10:07 AM  
**To:** Environmental Services  
**Cc:** Mayor Jeff Kohler  
**Subject:** 10 Pol Court - Advice by staff to Mr Crow

Attn ES staff : As a result of a protracted complaint issue, involving the construction of a wooden fence along the side lotline between the properties at 10 and 8 Pol Court, please confirm if, during the last 6 months, anyone of the ES staff has advised Mr Crow, property owner at 10 Pol Court, of the width of the roadway boulevard area of Pol Court along the lot frontage of the property at 10 Pol Court. Please confirm this am if any such confirmation was provided, as this information is needed as part of the preparation of a staff report to Council. Thank you for your expedient assistance in this regard. YT, John Dewancker



**CITY OF ST. THOMAS**

EXTRACT FROM THE COUNCIL MINUTES OF:

DECEMBER 12TH, 2005

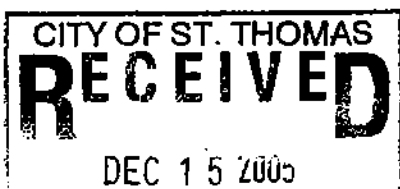
To: J. Dewancker, Director Environmental Services  
I. Andersen, Manager of Operations and Compliance  
J. Yolkowskie, Municipal By-Law Enforcement Environmental Services

RE: Request for Letter of Tolerance - 10 Pol Court *file*

THAT: A Letter of Tolerance be issued for the existing encroachment of a fence onto the municipal road right-of-way at 10 Pol Court.

Motion Lost.

Note: A Letter of Tolerance will not be issued for the fence encroachment onto City property.



*Cindy B. [Signature]*  
Administrative Clerk

Page 1 of 1

*10 Pol Court*

**Dewancker, John**

From: Andersen, Ivar  
Sent: Monday, December 12, 2005 10:10 AM  
To: Dewancker, John  
Subject: 10 Pol Crt - request for letter of tolerance

John, Marie Turvey gave me a call about this item on the agenda. She wanted to know the difference between this request and the request on South Edgeware. Following are some comments which I've received from Leon and Jamie who dealt with the 2 properties;

- South Edgeware - this area has a very large City owned boulevard fronting each property - the fence in question is located well behind the existing sidewalk (6' - 8') - the fence is not a physical barrier to neighbours
- Pol Crt - fence extends to 5' from curb - fence creates a problem for neighbour in that it is immediately adjacent to their driveway making it difficult to open car doors & remove snow

There do not appear to be City operational problems with either fence encroachment, however, the one on Pol Crt. does present a physical barrier to the neighbours next door.

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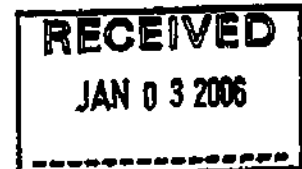
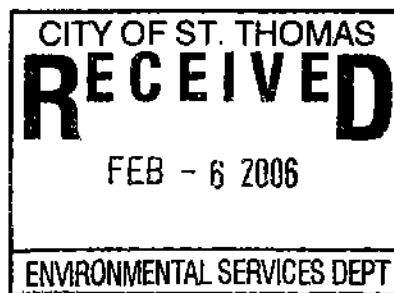
01/03/2006 09:19 519-631-9970

MAYOR'S OFFICE

PAGE 02/04

December 13, 2005

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



Attention: St. Thomas City Counsel

Reference: Application for Letter of Tolerance

You're Worship, Mr. Jeff Kohler and Members of City Council:

I am writing this letter to express my deepest disappointment with St. Thomas City Council. I was not present at the December 12, 2005 council meeting but I did watch it on Roger's channel 13.

My Step-Father Ronald Crow went before council to ask for a letter of tolerance. He was requesting that the fence that had been put up, in hopes to put an end to an ongoing battle, be allowed by the council to stay up. After sitting there patiently waiting to be given the chance to speak, when his time came not one of you could be bothered to look at the pictures that he had taken or asked any questions as to why the fence was put up in the first place. He had presented a problem to you that none of you were interested in fixing. I think that it was very unprofessional the way he was treated. He is a tax payer just like everyone else, he asked for your help and you turned him away. So, I ask you this, what is the point to having council meetings. I sat there and listened for 45 minutes as you attacked each other because someone had harassed someone else within City Hall. This was no ones business, as the one Alderman was trying to prove, yet apparently not realizing that he was making it a public issue. Another half an hour as you debated back and forth about weather or not to wait to name the new arena. Every one of you had something to say about that, a point to prove or a suggestion to make. But none of you could be bothered to help an honest hardworking tax payer; no one could give him a minute of your time. Sorry, that is not entirely truthful, there was one, and I believe his name was Alderman Johnson. I apologize if I am incorrect with his name. Anyways, he was quick to jump up and ask Environmental Services what their thoughts were.

Then we had to listen to someone from Environmental Services first deny the fact that both of my parents who were told on two different occasions that the fence only had to be 5 feet. Pretty much calling my parents liars. Well, others at Environmental Services have lied to my parents in the presence of the Mayor, Mr. Jeff Kohler. First they had agreed to mark out with paint where the fence had to be removed to.\* A letter then followed stating that they would not provide any assistance with this matter. Secondly, they were told, again in the presence of the Mayor, that there was a bylaw against their neighbours putting snow onto their property. They were told that every home owner is liable for their own precipitation control. "You call me right away" when this happens. Well pictures were sent and phone calls were made. A letter then followed informing them that there was no bylaw. But, not before they were notified by the St. Thomas City Police that there was no bylaw. They managed to let them know within a 24hr. period. Misinformation has poured out of Environmental Services. So, now I ask you to prove that my parents weren't misinformed from the very beginning. My parents have been waiting for a reply from when they were told that Environmental Services would look into if a snow fence or bushes could be put up in place of the fence. As of December 16, still no reply.

Everyone was going to vote that the letter of tolerance be approved until the City Clerk had mentioned that Environmental Services wanted to deny it. So, who makes the decisions at council meetings? Council or Environmental Services?

I would like to bring to your attention a copy of a past council meeting, see attached\*\*. It is in regards to a fence put up on city property, 170 South Edgeware. As mentioned in the minutes it looks as if they were misinformed as well by Environmental Services. Since the fence is still up, I am assuming that a letter of tolerance was approved. I don't see how you can allow one person to keep up their fence and make another take one down. Not to be offensive to anyone's taste but I feel that my parent's fence is a little more tasteful. In my opinion my parent's fence has visually increased both their property as well as the property to the east. It is not an eyesore and my parent have said that they would be more than willing to make any changes necessary if work needed to be done on Pol Court.

It is my understanding that someone has complained about the fence, this is why we are where we are today. I also know who it was that has complained about the fence. Without going into great detail on the on-going problem with these neighbours, I have to ask how it is any of their business what my parents do on their property. Do they led such dull lives that they need to be difficult and add more hardship to their surrounding neighbours. We have numerous neighbours that will testify to the naissance that they are. Witnesses that have seen that purposely throwing snow from their property as well as from the street onto my parent's property. They have even went as far as waving their hands, as to say I don't care what you are saying, get lost, when asked by my grandmother to stop dumping snow onto their property. They continued to shovel snow over the fence, totally disregarding anything that was said to them, while my grandmother stood there watching them.

As said before my parents were hoping that this fence would bring a peaceful solution to this on going problem. My parents are at a loss as to what their next move should be. Where can they turn to get the help they need. Well, I will tell what I have suggested to them. I suggested that they go to the editor of the St. Thomas Times Journal.

I think that this situation could have been rectified December 12, 2005.

I thank you for your time.



Nicole Palka  
nicole@hira.on.ca

\* If you need specific dates and times that letters were written, sent and received, or when telephone conversations had taken place and with whom, please contact Ronald Crow at (519) 631-6575.

\*\* Letter from 12<sup>th</sup> meeting of the 125<sup>th</sup> council-2(regarding letter of tolerance)



be reached by placing the no parking sign rather than the entire street.

Palm Street

Mr. John Allen was in attendance to state his concerns regarding the ravine area that had been used as a dumping site. Mr. Allen was concerned about the environmental contamination and also the fact that proper fencing is not in place. Further, Mr. Allen stated that posts were rotten and the corner was collapsing.

Downtown Development Board - 2005 Budget

Mr. Mark Cosens, Chairman of the Downtown Development Board was in attendance to request Council to approve the Board's 2005 Budget that includes a \$20,000 increase in the levy. Mr. Cosens stated that their budget had not increased since 1998 and further that the Board looked forward to honouring its commitment to the new Community Complex.

Alderman Warden inquired if the Board had unanimous approval from its members for the increase.

Mr. Cosens stated that the Board had advertised and had held a meeting relating to the proposed budget and that no one had objected.

Letter of Tolerance - 170 South Edgeware

Mr. Joseph Docherty was in attendance, representing the property owners requesting a Letter of Tolerance for a new fence that had been constructed. Mr. Docherty stated that the property owners had contacted Environmental Services in the spring of 2004 about the construction of the fence and that they understood the fence had to provide for clearance for snow plowing operations. In the fall the property owners received notification about the height of the fence and then discovered that the fence was built on the road allowance. Mr. Docherty stated that the property owners were prepared to provide a letter stating that they would be responsible for the removal of the fence in the future.

The Director of Environmental Services, Mr. Dewanker, stated that staff could not recommend a Letter of Tolerance because of the location of the fence in the right of way and also because this was a newly constructed fence. Mr. Dewanker was not aware that staff had been contacted.

Alderman Turvey recommended that Mr. Docherty and Engineering staff meet to see if a solution could be found.

COMMITTEE OF THE WHOLE

Council resolved itself into Committee of the Whole.

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

CIP Timeframe Extension to Complete CIP Project and CIP Financial Incentive Program Loan Agreement and Grant Agreement and Acknowledgement Form - Appendix "A"

Motion by Alderman Shackleton - Mayor Kohler

THAT: Report PD-12-2005 be received by Council as information; and,

THAT: CIP Application 2004-017, 763-765 Talbot Street timeframe be extended to August 18, 2005; and,

THAT: Council enter into a Loan Agreement and Grant Acknowledgement Agreement for the completed project relating to Application 2003-001, 384-390 Talbot Street.

Carried.



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

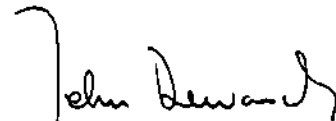
At the meeting of March 24, 2005, the following was tentatively resolved, subject to the approval by Council.

- 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

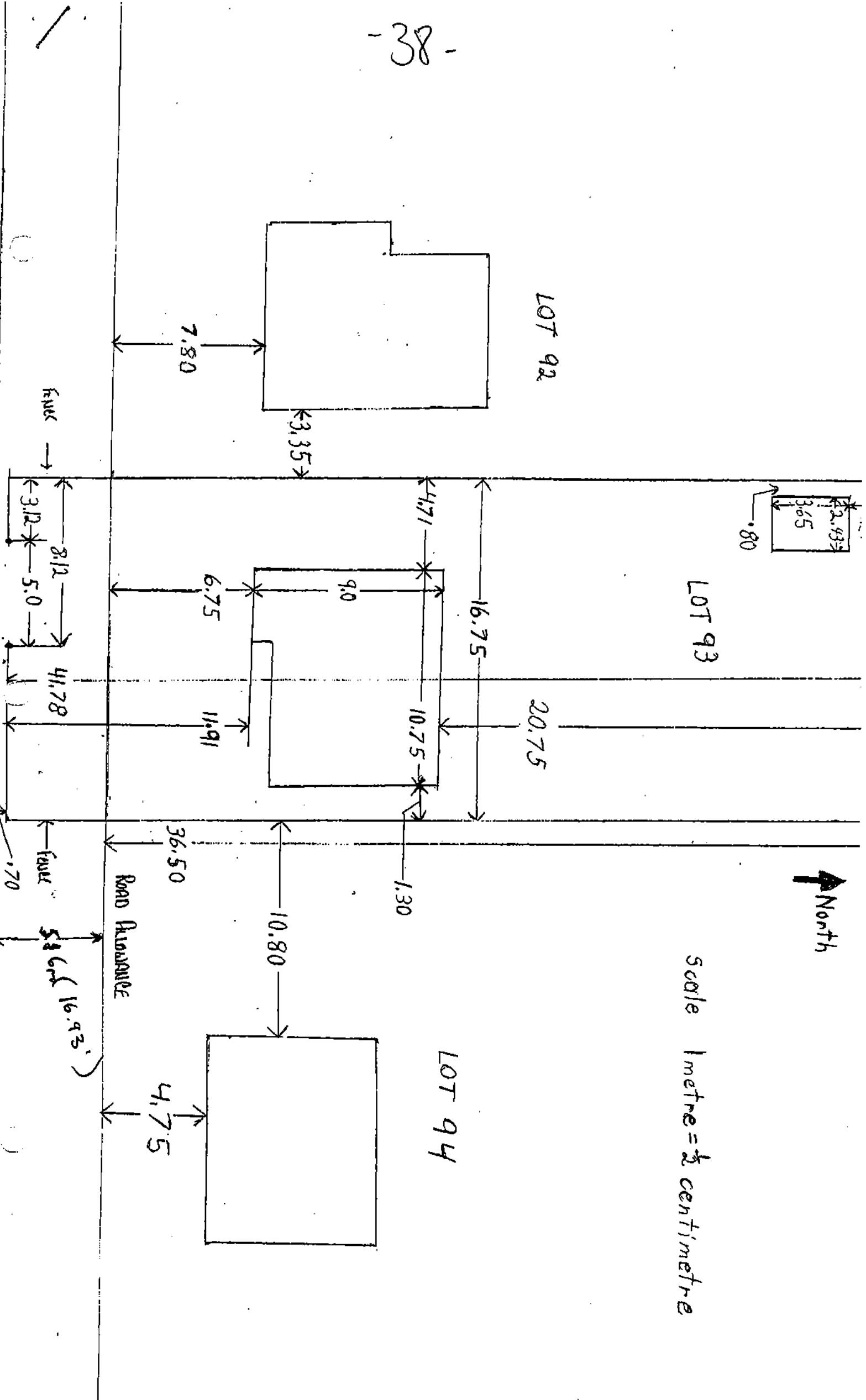
Planning

City Clerk

HR

Other

cc: Joseph Docherty, Owner Representative - faxed apr 6/05  
Scott Vaughan, 170 South Edgeware Road - mailed apr 6/05





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.

"LEFT SPECIFICATION"

Curb Cut Required

YES + SIDEWALK REPLACED FOR THE EXTRA 7' 1/2' FT

Size of Opening Permitted

19' 6" Ft.

Issued By

Date

[Signature]  
July 11/02

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