

AGENDA

**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 FEBRUARY 20TH, 2006
CITY HALL 7:00 P.M. REGULAR SESSION

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 B. Aarts

DISCLOSURES OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on February 13th, 2006.

DEPUTATIONS

COMMITTEE OF THE WHOLE

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

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

NEW BUSINESS

Innovation Team

BUSINESS CONCLUDED**ENVIRONMENTAL SERVICES COMMITTEE** - Chairman M. Turvey**UNFINISHED BUSINESS****NEW BUSINESS**By-Law for the Collection and Removal of Garbage and RefuseReport CC-13-06 of the Deputy City Clerk. **Pages 8 to 13****BUSINESS CONCLUDED****PERSONNEL AND LABOUR RELATIONS COMMITTEE** - Chairman D. Warden**UNFINISHED BUSINESS****NEW BUSINESS**C.U.P.E. Local 841.4 Collective Agreement Renewal (Crossing Guards)Report HR-04-06 of the Director, Human Resources. **Page 14****BUSINESS CONCLUDED****FINANCE AND ADMINISTRATION COMMITTEE** - Chairman C. Barwick**UNFINISHED BUSINESS**Corporate Credit Cards**NEW BUSINESS**Provincial Gas Tax Revenues - Letter of AgreementReport TR 04-06 of the Director of Finance and City Treasurer. **Pages 15 to 18****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 IntersectionCaptain Dennis A. Redman No.2 Fire StationRequest for "No Standing" Zone - Forest Park WalkwayIntersection of Redan Street and Woodworth Avenue

NEW BUSINESS

Police Services Report

February 2006 Monthly Report - Captain Dennis A. Redman No. 2 Fire Station **Pages 19 to 22**

Animal Control Service 2005

Report CC 07-06 of the Deputy City Clerk. **Page 23**

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

NO PARKING SIGNAGE - MILLER STREET - J. Dewancker

REDEVELOPMENT OF HORTON STREET MARKET - W. Day

COUNCIL

Council will reconvene into regular session.

REPORT OF COMMITTEE OF THE WHOLE

Planning and Development Committee - Chairman H. Chapman

Environmental Services Committee - Chairman M. Turvey

Personnel and Labour Relations Committee - Chairman D. Warden

Finance and Administration Committee - Chairman C. Barwick

Community and Social Services Committee - Chairman B. Aarts

Protective Services and Transportation Committee - Chairman T. Shackelton

A resolution stating that the recommendations, directions and actions of Council in Committee of the Whole as recorded in the minutes of this date be confirmed, ratified and adopted will be presented.

REPORTS OF COMMITTEES

PETITIONS AND COMMUNICATIONS

Union Gas - Rates for 2007

A letter has been received from Bryan Goulden, Manager, Regulatory Applications, Union Gas, advising that a notice of application has been submitted to the Ontario Energy Board for an order to increase delivery rates of natural gas by 2.4% to 2.6%, as of Jan. 1, 2007.

Red Cross Month - Proclamation and Flag Raising - Month of March

A letter has been received from Suzanne Mezenberg, Canadian Red Cross Society St. Thomas-Elgin Branch, requesting that Council proclaim the month of March as “Red Cross Month” in the City of St. Thomas and that the Canadian Red Cross flag be flown at City Hall.

South Western Ontario District - Canadian Power and Sails Squadrons - City Pins

A letter has been received from Past Commander John Clifford, Canadian Power and Sails Squadrons, requesting 125 city pins for the annual general meeting of the Southwestern Ontario District of Canadian Power and Sail Squadrons to be held from April 21st to 23rd, 2006 in St. Thomas.

UNFINISHED BUSINESS

“Solid Pension - Secure Future” - C.A.W. Local 1001

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

NEW BUSINESS

BY-LAWS

First, Second and Third Reading

1. A by-law to confirm the proceedings of the Council meeting held on the 20th day of February, 2006.
2. A by-law to authorize the Mayor and Treasurer to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation for the Province (Provincial Gas Tax Revenues - Letter of Agreement)
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 The Canadian Union of Public Employees and its Local 35 (Outside Workers). (Collective agreement - Local 35 - January 1st, 2005 - December 31st, 2007)
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 Daniel King Funeral Home Ltd. (SPC 13-05 - 31 Elgin Street)

PUBLIC NOTICE

NOTICES OF MOTION

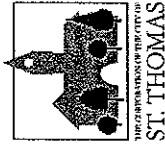
CLOSED SESSION

A resolution to close the meeting will be presented to deal with proposed or pending acquisition or disposition of land and a matter protected under the Municipal Freedom of Information and Protection of Privacy Act.

OPEN SESSION

ADJOURNMENT

CLOSING PRAYER



Corporation of the
City of St. Thomas

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Report No.

CC-12-06

File No.

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

Date

February 14, 2006

Department: City Clerks Department

Attachment

Prepared By: Wendell Graves, City Clerk

CC-12-05

Subject: Innovation Team

Recommendation:

THAT: Council receive Report CC-12-06 as information; and further,

THAT: The costs associated with the hosting of the Innovation Team be allocated within the 2006 Community Improvement Program Budget.

Background:

For almost one year staff have been working with the Province, Ministry of Agriculture and Rural Affairs, in the development of a project aimed at bringing a team of specialists to the City who would undertake the following:

1. Review all of the background reports which have been completed to date relating to the CASO Station and its potential value as an economic development stimulus within the commercial core area.
2. Meet with a wide variety of community stakeholders who have interest in the CASO Station and the downtown commercial core area
3. Develop a strategic "tangible" roster of recommendations which would see the potential of the CASO Station come to fruition.

It is important to note that except for the actual costs to accommodate the Innovation Team, this project is funded 100% by the Province. Further, in order to be as prepared as possible, the Province funded a report in the fall which consolidated previous studies which have been completed by the City and individual stakeholder groups.

As stated in the past, the individual members of the Innovation Team will be sourced from across North America and will be selected according to their expertise.

Members of the Innovation Team will be specialized in the following areas:

1. Heritage Restoration Economist / Analyst (Team Leader)
2. Heritage District Designer
3. Heritage Re Development Investment Specialist
4. Heritage Skills Development / Knowledge Transfer Expert
5. Report Writer

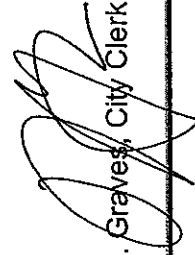
At this time, the Province has circulated a Request for Proposal Document to potential Team members with a submission date of February 21st.

It is anticipated that the actual Innovation Team could be in the City in late March or early April.

Costs associated to host the members of the Innovation Team would be approximately \$3000 for the week. Within the next numbers of weeks the Committee appointed by Council will be meeting to establish a detailed schedule for the Team when they are in the City.

An additional key objective of the Innovation Team's work will be to provide the basis for additional applications to the Province to access significant grant programs that are available such as the Rural Economic Development Fund.

Respectfully,


W. Graves, City Clerk

Reviewed By:

Treasury

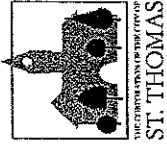
Env Services

Planning

City Clerk

Comm Services

Other



Corporation of the
City of St. Thomas

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Report No.

CC-12-05

File No.

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

Department: City Clerks Department

Prepared By: W. Graves, City Clerk

Subject: Provincial Innovation Team

Date

April 4, 2005

Attachment
Innovation Team Brief

Recommendation:

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

Background

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

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

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

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

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

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

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

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

Respectfully,

W. Graves, City Clerk

Reviewed By:

Treasury

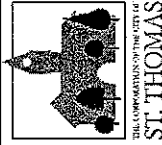
Env Services

Planning

City Clerk

Comm Services

Other



Corporation of the
City of St. Thomas

Report No.
CC 13-06
File No.

Directed to: Alderman M. Turvey and Members of the Environmental Services Committee

Date
February 15, 2006

Department: Clerk's Department

Attachments
- draft garbage by-law

Prepared By: Richard Beachey, Deputy City Clerk

Subject: By-Law for the Collection and Removal of Garbage and Refuse

Recommendation

That report CC 13-06 in regards to the By-Law for the Collection and Removal of Garbage and Refuse be received and;

That the updated garbage by-law be forwarded to the City Solicitor for approval.

Origin:

City By-law Enforcement Services has encountered problems with enforcing the current by-law, which dates from 1971. The current by-law has no stated statutory authority, no set fine, has English measurements and should be updated for this and to indicate the two bag limit and availability of bag tags.

Analysis

The public has become much more aware of the existence of this by-law which is intended, as a primary purpose, to address the improper disposal of waste on public property. It should be noted that this differs from the tidy lot by-law, which addresses waste on a private property. There is an interest by the public, where a violation has occurred to have these concerns addressed. A common violation is a rental property where a tenant has moved and placed furniture and other debris on a boulevard for pickup, which never occurs. While the current By-law does address this, as noted, it is unenforceable.

The updated by-law includes a statutory authority for the by-law, a set fine, has metric measurements, and has reference to the two bag limit and the availability of bag tags. The update also provides an authority to seek redress from the owner of the property from whence the waste originated either through recovery of cleanup costs and/or through charges.

In discussing the need to update this by-law, it was suggested that there be some reference to the recycling and composting services that have been brought into the City since the existing by-law was adopted. It is to be noted that this By-law is only intended to address an enforcement issue.

It is recognized that there are issues related to the current contract and with recycling and composting, and feel that these issues have to be addressed. However, given the scope of those discussions, a separate report is warranted.

Financial Considerations:

None that can be seen.

Alternatives:

The Committee may:

1. Proceed with the By-law.
2. Not proceed with the By-law.

Respectfully,

Richard Beachey, Deputy City Clerk
City Clerk's Department

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other

CITY OF ST. THOMAS

BY-LAW NO. ____-2006

To provide regulations governing the collection and removal of garbage ashes and other refuse in the City of St. Thomas

WHEREAS the provisions of the Municipal Act, S.O. 2001, Section 127 and 128,

permits the Council of any municipality to regulate refuse and debris and for prohibiting and regulating public nuisances.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS. ENACTS AS

FOLLOWS:

1.1. DEFINITIONS

In this By-law,

- 1.1.1 "Ashes" shall mean the residue of any household fuel after such fuel has been consumed by fire.
- 1.1.2 "Bag Tag" shall mean a purchased tag available from specific retail locations in the City of St. Thomas. A list of such retail locations shall be available from the Department of Environmental Services. Bag Tag cost shall be as established by agreement with the Collector.
- 1.1.3 "City" shall mean the City of St. Thomas
- 1.1.4 "Collector" shall mean any person or persons or corporation which has a contract with the Corporation for the collection and disposal of garbage;
- 1.1.5 "Director" shall mean the person appointed from time to time by the Council of the Corporation of the City of St. Thomas as "Director, Environmental Services and City Engineer" or his/her designated representative.
- 1.1.6 "Garbage" includes abandoned or discarded household waste, either animal or vegetable ; household rubbish; garden clippings; tree limbs and brush cut in lengths not exceeding four feet and tied securely in bundles; empty cartons, crates and packing cases packaged and securely tied in bundles not exceeding one point two (1.2) m. in length, width or height and not exceeding thirty four (34) kg. in weight.
- 1.1.7 "Hazardous Substance" means a substance which, because of its physical or chemical nature or because of the form in which it exists, may explode or become ignited easily and cause intense fires.
- 1.1.8 "Householder" means any Owner, lessee, tenant or occupant of premises.
- 1.1.9 "Public Property" means any property owned by any Federal, Provincial or Local government, including the City of St. Thomas.

2.1 General

- 2.1.1 Subject to Section 5.1, no person shall throw, place or deposit in any park or on any Public Property within the City, any garbage, dirt, filth, glass, handbills, paper or other rubbish or refuse or the carcass of any animal.
- 2.1.2 No person shall suffer or permit the accumulation upon any premises owned, leased, or occupied by him or under his control, of any garbage, litter, waste materials, animal or vegetable matter or any other matter or thing, which may endanger public health, life or property.

- 2.1.3 No person shall throw, place or deposit any garbage, litter, waste materials, animal or vegetable matter or any other matter or thing upon private property without the consent of the owner.

3.1 RECEPTACLES - CONTENTS

- 3.1.1 Every Householder shall provide and maintain in good repair sufficient receptacles to contain all ashes, garbage and other waste material produced in or emanating from his premises. Each such receptacle shall be of an appropriate design and material for use as a receptacle, and shall be provided with a lid at all times, shall have a capacity not exceeding point zero six (.06) cubic meters or thirty four (34) kg. and shall be provided with handles so designed that the said receptacle may be quickly and conveniently handled by one person.
- Notwithstanding the foregoing, plastic garbage bags may be used provided such bags shall be securely tied and the content thereof shall not exceed point zero six (.06) cubic meters in volume, or thirty four (34) kg. in weight.
- 3.1.2 Every Householder shall thoroughly drain all liquid from all kitchen and table waste and wrap it well in paper or other acceptable material and deposit such waste in receptacles used exclusively for garbage.
- 3.1.3 No person shall suffer or permit any hazardous substance to be deposited or placed in any receptacle for removal by the Collector.
- 3.1.4 No person shall pick over, interfere with, disturb, remove or scatter any ashes, garbage, waste materials, or any other article placed out for removal by the Collector, whether contained in receptacles or otherwise.
- 3.1.5 Notwithstanding any other provisions of this By-law, the owner or owners of any apartment house, row housing, town housing or other multiple dwelling, shall provide for the tenants thereof, a bin or other storage receptacle constructed so as to prevent the entrance of flies, rodents or other animals, and sufficient in size to contain the garbage of all tenants when stored in receptacles as described in section 3.1.1 of this By-law.

4.1 MANUFACTURING AND COMMERCIAL WASTES

- 4.1.1 The Collector is not required to collect any abandoned, condemned or rejected product, by-product, manufacturers or builders waste or the spoiled stock of any wholesale or retail dealer (hereinafter collectively called "trade waste").

The Collector agrees to dispose of not more than point three four (.34) cubic meters of trade waste brought by any person or corporation to any disposal site maintained by the Collector within the following periods in any week:

8:00 a.m. to 4:00 p.m. - Monday to Friday inclusive

8:00 a.m. to 12:00 Noon - Saturdays, Sundays and Legal Holidays excepted

No charge shall be made for such disposal but where the amount disposed of by any person or corporation in any week exceeds point three four (.34) cubic meters a fee approved by the Director but not less than the prevailing rate in the industry shall be payable by such person or corporation in respect to the amount in excess of point three four (.34) cubic meters.

5.1 COLLECTION REGULATIONS

- 5.1.1 Subject to 5.1.2 and 5.1.3 every Householder shall on the day in each week fixed for the collection of his garbage, place or caused to be placed adjacent to the traveled portion of the street on which his premises front not more than two receptacles which are to be emptied. Should the Householder place more than two receptacles, a Bag Tag must be affixed to each receptacle above two. Such receptacles shall be emptied by the Collector or his servants into his garbage truck and thereafter returned to the place where they were found. Such receptacles shall then be returned expeditiously by the Householder to the place where they are

normally kept.

5.1.2 Where any commercial area is served by an accessible lane or alley in the rear of the premises, the Collector or his servants shall collect all garbage placed adjacent to such alley in receptacles in accordance with Section 3.1.1.

5.1.3 Where prior to the enactment of this By-law, the Collector's servants have carried any Householder's receptacles from the place where they are normally kept to the Collector's truck and have thereafter returned the empty receptacles to such place, the Collector shall during the months of October to May inclusive in each year during the term of the contract continue this practice. The Director may from time to time designate further residences where such practice shall be established because of the health or infirm condition of the Householder but in no event shall the total number of residences where such practice is followed exceed twenty percent of the total number of residences in the City of St. Thomas.

5.1.4 Subject to the provisions of section 3.1.1, 5.1.1 and 5.1.2, the Collector shall collect and dispose of all garbage, ashes and other waste material from all separate schools, charitable institutions, churches, hospitals, private clubs, and all public buildings owned and operated by or on behalf of the City of St. Thomas, but if the number of receptacles at any such place exceed twelve (12), then, the Collector shall be entitled to such additional compensation as the Director may approve in respect to a number of receptacles in excess of twelve (12).

5.1.5 Additional collections may be made by the Collector who shall be paid by the Householder such additional compensation as the Director may approve.

5.1.6 No employee of the Collector shall enter any building, private dwelling, apartment house or tenement, ascend or descend any stairway or enter any elevator hoist or lift for the purpose of carrying out or returning thereto any receptacle. This section shall not preclude any agreement between the Collector and Householder for provision of such services, subject to indemnification of the City of St. Thomas from all costs, damages, claims, causes of actions, whatsoever arising there from.

5.1.7 No employee of the Collector shall demand or accept any gift, gratuity, payment or consideration whatsoever for services rendered save and except such wages arising from his employment with the said Collector.

5.1.8 Nothing in this by-law shall prohibit the Collector from collecting and disposing of any garbage, ashes and any other waste material at any time, exclusive of Sundays, subject to any by-law prohibiting or regulating the making of noise.

6. ADMINISTRATION AND ENFORCEMENT

6.1 When garbage is placed or accumulated in violation of this by-law and the garbage has originated from a property within the City of St. Thomas, the Director or designate person shall send Notice to the property Owner at the address shown on the last revised assessment roll or to the last known address. Such notice, in the form of an Order to Comply, shall detail the violation and allow the owner three working days of notice from time of receipt to correct the violation. Such notice shall be deemed received, if delivered other than by hand, five days after the date of the notice. A new notice shall be issued and served for each violation and further violations, even if of the same nature, shall require a new notice.

6.2 If the Owner of any property fails to comply with anything required to be done in accordance with this by-law, the City in addition to all other remedies, shall:

- (a) Have the right, to remove the garbage accordingly and, for this purpose with its servants and agents from time-to-time to enter in and upon the property.

- (b) Not be liable to compensate such owner or any other person having an interest in the property by reasons of any thing done by or on behalf of the City under provisions of this subsection: and
 - (c) Have the right to recover from the Owner of the property any amount expended by or on behalf of the City under the authority of this section and such amounts may be collected in like manner as Municipal taxes.
- 6.3 Any person who contravenes any of the provisions of this by-law and fails to comply with an Order to Comply is guilty of an offence and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000.00) as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter 33, or any successor thereof.
- 6.4 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

7.1 INCONSISTANT BY-LAWS REPEALED

7.1.1 By—Law No. 53-71 is hereby repealed.

READ a First and Second time this day of March, 2006.

READ a Third time and Finally passed this day of March, 2006.

Wendell Graves, City Clerk

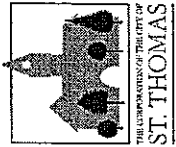
Jeff Kohler, Mayor

By-law No. - 2006
To provide regulations governing the collection
and removal of garbage ashes and other refuse in the City of St. Thomas

Part 1 Provincial Offences Act
Set Fine Schedule

Item	Short-form wording	Provision creating or defining offence	Set Fine (includes costs)
1.	Throw, place or deposit upon public property	2.1.1	\$155.00
2.	Accumulate upon any premise	2.1.2	\$155.00
3.	Throw, place or deposit upon private property	2.1.3	\$155.00
4.	Improper receptacle	3.1.1	\$155.00
5.	Disposal of Hazardous Substance	3.1.3	\$275.00
6.	Pick over garbage	3.1.4	\$155.00
7.	Disposal of additional receptacle without bag tag	5.1.1	\$155.00

NOTE: The general penalty provision for the offences listed above is found in Section 61 of the Provincial Offences Act, RSO 1990, c. P.33.



The Corporation of the
City of St. Thomas

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Report No.: HR-04-06

File No.:

Directed to:

Alderman Dave Warden and Members of the
Personnel & Labour Relations Committee

Date: February 9, 2006

Subject:

BY-LAW – CUPE, LOCAL 841.4, CROSSING GUARDS, CONTRACT

Department:

Human Resources

Attachment:

Prepared By: Graham Dart

Recommendation:

That Council approve the By-Law that authorizes the Mayor and City Clerk to sign and affix the Corporate Seal to the Collective Agreement expiring December 31, 2007, between the Corporation of the City of St. Thomas and the Canadian Union of Public Employees and its Local 841.4 (Crossing Guards).

Report:

Both parties have ratified the changes to the Collective Agreement and the document is now ready for signatures.

Council is requested to approve the By-Law.

Respectfully submitted

Graham Dart, AMCT, CMM III
Director, Human Resources

Reviewed by:

Treasury

Env. Services

Planning

City Clerk

Valleyview

Fire



Corporation of the
City of St. Thomas

-15-

Report No.

TR 04-06

File No.

Directed to:

Chairman Cliff Barwick and Members of the
Finance & Administration Committee

Date

February 13, 2006

Department: Treasury

Prepared By: William J. Day, City Treasurer

Attachment:

Letter of Agreement

Subject: Provincial Gas Tax Revenues – Letter of Agreement

Recommendation:

It is recommended that pursuant to report TR 04-06 Council adopt a by-law authorizing the Mayor and Treasurer to execute a Letter of Agreement with the Province of Ontario for the transfer of Provincial gas tax revenues to the City.

Report:

Background

Commencing in October 2004, the province provided 1 cent per litre of gas tax funds to municipalities operating public transit systems. Effective October 2005 the province is committed to providing 1.5 cents per litre. The province plans to provide 2 cents per litre of gas tax funds to municipalities commencing in October 2006.

A municipality receiving dedicated gas tax funds must ensure that all funds received are used exclusively towards the provision of public transportation service. Starting in 2005, gas tax revenues are to support increased municipal public transportation expenditures and are not to reduce or replace current levels of municipal public transportation funding.

Comments

Transfers received and projected under the Provincial Gas Tax distribution program are:

Year	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009 and thereafter
Amount	\$212,890	\$319,108	\$425,000	\$425,000	\$425,000

In order to initiate the flow of provincial gas tax funds to the City for 2005 - 2006, we are required to sign the attached "Letter of Agreement" with the province. Accordingly we will require the execution of a by-law authorizing the Mayor and Treasurer to enter into such an agreement.

Respectfully submitted,

W. J. Day
Director of Finance and City Treasurer



His Worship Jeff Kohler
Mayor

The City of St. Thomas
P.O. Box 520, 545 Talbot Street
St. Thomas, ON
N5P 3V7

Dear Mayor Kohler:

RE: Letter of Agreement between Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (the "Ministry") and the City of St. Thomas (the "Municipality") Related to Funding Provided by the Province of Ontario (the "Province") to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program (this "Letter of Agreement")

This Letter of Agreement sets out the terms and conditions for the use of dedicated gas tax funds by municipalities for public transportation.

As the Province desires to increase public transportation ridership to support the development of strong communities, the Ministry has created the Dedicated Gas Tax Funds for Public Transportation Program (the "program") under which and over time two (2) cents of the existing provincial gas tax will be provided to municipalities for public transportation expenditures.

Any funding to the Municipality by the Ministry will be provided in accordance with the terms and conditions set out in this Letter of Agreement and the Dedicated Gas Tax Funds for Public Transportation Program -- 2005/2006 Guidelines and Requirements (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which have been reviewed and are understood by the Municipality and are hereby incorporated by reference, the Ministry and the Municipality covenant and agree as follows:

1. To support increased public transportation ridership in the Municipality, and in recognition of the Municipality's need for predictable and sustainable funding to support investments in the renewal and expansion of public transportation systems, the Ministry agrees to provide funding to the Municipality under the program in the amount of \$319,108 in accordance with and subject to the terms set out in this Letter of Agreement and the guidelines and requirements, with \$159,554 payable on receipt of this signed letter of agreement and related authorizing municipal by-law, and quarterly payments thereafter beginning in May, 2006.
2. Despite Section 1, the Municipality understands and agrees that any amount payable under this Letter of Agreement may be subject, in the Minister's opinion, to adjustment to reflect final gas tax receipts and any other adjustments as set out in the guidelines and requirements.
3. If the Municipality is involved with other municipalities in jointly providing public transportation services, and the other municipalities have agreed to the Municipality collecting the dedicated gas tax funds on their behalf, the Municipality agrees that it shall provide, in compliance with the requirements set out in the guidelines and requirements, the applicable by-laws and legal agreement to the Ministry prior to the payment of any dedicated gas tax funds by the Ministry under this Letter of Agreement.
4. The Municipality agrees that the funds received under this Letter of Agreement are to be deposited by the Municipality in a dedicated gas tax funds reserve account, and are to be used only in accordance with the guidelines and requirements.
5. The Municipality agrees that it will adhere to the reporting and accountability measures set out in the guidelines and requirements, and shall provide all requested documents to the Ministry.
6. The Municipality understands and agrees that the funding provided under this Letter of Agreement represents the full extent of the Ministry's and Province's financial contribution under this Program and that no additional funds will be provided by either the Ministry or the Province for such purposes to the Municipality for the years 2005/2006.
7. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please secure the required signatures for the four enclosed copies of this Letter of Agreement and return two fully signed copies to the Transit Policy and Programs Office, 2nd Floor, Building B, 1201 Wilson Avenue, Downsview, ON, M3M 1J8 for the Ministry records.

Once the Ministry has received the signed copies together with a copy of the authorizing municipal by-law(s), the Ministry will make arrangements for the payment of the dedicated provincial gas tax funds to the Municipality.

Yours sincerely,



Harinder S. Takhar
Minister of Transportation

I have read and understand the terms of this Letter of Agreement, as set out above, and by signing below I am signifying the Municipality's consent to be bound by these terms.

The Corporation of the City of St. Thomas

Per: _____ Date: _____
Mayor

Per: _____ Date: _____
Chief Financial Officer/Treasurer

February 2006 Monthly Report
St. Thomas Fire Station No.2

To: R. Barber, Fire Chief
City of St. Thomas
545 Talbot Street
St. Thomas, ON
N5P 3V7

Project: Dennis A. Redman
No. 2 St. Thomas Fire Station
235 Burwell Road
St. Thomas, Ontario
N5P 4J7

Date: February 6, 2006

Report No: 2 Pages: MMA 3 pages

February 2006 Monthly Report

2.1 Project Summary

The Ribbon Cutting Ceremony has not yet been scheduled. The Grand Opening has not yet been scheduled.

The property transfer was completed by the Corporation of the City of St. Thomas.

Construction began approximately December 1, 2005. Site Fencing is in place. Site signage is in place. The trees and organic materials (grass, soils, etc.) have been removed from the site. Excavation for the Parking areas and Building has commenced. The footings and foundation walls have been completed.

Regular Site meetings are held at the Site (235 Burwell Road) starting Thursday December 8, 2005 and continue to be held every 2 weeks at 10:00am.

Update Feb. 3, 2006: Site meetings have changed from 10:00am to 1:00pm on the scheduled Thursdays in order for Fire Chief Bob Barber to attend regularly.

2.2 Meetings

Date	Description
October 19, 2005	Recommended Site Meeting
November 2, 2005	Tender Closing (part 1)
November 3, 2005	Tender Closing (part 2) – Tender Opening
November 4, 2005	Tender Review
November 14, 2005	City Council Meeting (Approval)
November 15, 2005	Contract Award
November 24, 2005	Post Bid Meeting
November 28, 2005	Final Permit Approval – Construction Begins
December 5, 2005	Finish Hardware Review with Owner
December 5, 2005	Site Meeting – General Construction Review
December 22, 2005	Site Meeting – General Construction Review
January 5, 2006	Site Meeting – General Construction Review
January 19, 2006	Site Meeting – General Construction Review
February 2, 2006	Site Meeting – General Construction Review

2.3 Budget

The project remains under budget at this time.

2.4 Schedule

Substantial Performance of the Project is scheduled for June 1, 2006. The original Tender date for Substantial Performance was scheduled for May 15, 2006 which was revised due to delay in award of Contract resulting from the original low Tender price being withdrawn because of calculating errors, the delay in receiving the Building Permit and the time required for Council to secure additional funding for the project. The Substantial performance date of June 1, 2005 is dependant on the conditions of the winter weather. The schedule will be updated once the building is water tight and concrete slab on grade are placed. (Draft schedule attached)

Update Feb. 3, 2006: Although Project remains 1 – 1 ½ weeks behind schedule due to unusually cold weather conditions during December, the Construction Schedule is currently progressing as per Schedule layout.

2.5 Design Issues

Issues arising during Construction discussed in Site Meetings include deletion of Wilkinson Waterbox , minor volume of soils removal for an area of footings for the foundation during excavations and other minor issues.

Update Feb. 3, 2006: During excavation there were additional organic subsoils encountered that were required to be removed for adequate bearing along the Northern most footing that runs East – West. Currently there are other excavation/ removals and imported granular issues that will required extra costs being incurred. These issues are to be clarified by the Contractor and are being investigated by the Civil Service Consultant and Geotechnical Consultant.

Update Feb. 3, 2006: As a preventative measure, a counter flashing (galvanized, pre-finished sheet metal) will be added to protect the roof membrane at the wall above the low roof that supports the high roof. The counter flashing is approximately 12 inches high and will run along the bottom of the high wall (above concrete coreslab) on each side of the Apparatus Bay, approximately 45 feet each side. The counter flashing was recommended by the General Contractor to prevent any damage done to the roof membrane at the locations described above and is concerned that if the membrane is left unprotected there is a potential for water infiltration if the membrane is breached. The Architect and the St. Thomas Fire Department are in agreement with the General Contractor.

2.6 Procurement

The First Progress Payment was made to Graceview Enterprises Inc. for December 2005. The majority of work performed was site work and concrete work for footing and foundations.

The Second Progress Payment will be made to Graceview Enterprises Inc. for January 2006. The majority of work performed was site work, foundations and concrete block.

To date there has been 1 Change Order processed (Credit for Wilkinson box). The Architect is waiting for quotations from General Contractor on remaining Contemplated Change Orders and Post Tender Addendum.

2.7 Construction Progress

Photos are being taken at every Site Meeting and periodically in between to monitor and record progress of Construction. Photos will be turned over to Owner at Project Completion.

As of December 8, 2005:

Site Fencing, utility locates, site stripping, partial granular placement to parking areas and building has been completed. Temporary hydro and phone line installation is underway. Reinforcing bars have been delivered to site. Excavation and footing placement along Gridline 6 & L has commenced. Insulated blankets are being placed to protect foundation and concrete from cold temperatures. Cash Allowances have been released for purchase order of various Cash Allowance items (Nederman Vehicle Exhaust, Communication Equipment, Finish Hardware, and Structural Testing).

As of December 22, 2005:

Concrete foundation to be 80% complete this week. Forming continuing along Grid 2 & A/B. Frost protection continues via use of insulated blankets. Existing well decommissioning is to be completed within the next 2 weeks. Block masonry to commence 1st week in January, 2006. Gas Service application has been completed for installation in 4-6 weeks.

As of January 5, 2006:

Concrete foundations are 100% complete. Back filling around foundation and footings completed. Masonry is on site and set to start. The old well has been decommissioned. Site servicing continues with the sanitary sewer line and water line being laid and the site services contractor is starting excavating and grading for the storm water system.

As of January 19, 2006:

Block masonry to bearing walls are 60% complete and work continues under tarped enclosures. Pre-cast roof slab delivery set for week of January 30. Storm line, catch basins and retention pond have been completed, water main to commence next week. Gas service installation to commence immediately thereafter.

As of February 2, 2006:

Block masonry bearing walls are complete. Underground plumbing is complete. Gas Service and Water Service will be installed, all other underground work is complete.

2.8 Issues and Risk Management

Unusually cold temperatures and extensive frost has slowed the concrete forming progress by several days.

Additional excavation was required during stripping and footing excavation along gridline 6 as witnessed by Atkinson, Davies (Structural Testing). A review of the soils report is required to determine the volume of materials.

Site Testing and inspections by Technicians and Engineers are being preformed as required.

2.9 February Priorities

Continue to process and review Shop Drawings by Contractor/ Consultant.

Continue with masonry work for interior (non load bearing) concrete block walls.

Install Gas and Water Service.

Concrete precast coreslab roof will be installed 2nd week in February.

Flat roof membrane to be installed at end of month -- weather permitting.

Concrete slab on grade to be installed in the Administration areas, Apparatus Bay concrete slab installation will be postponed until end of winter or otherwise stated by the Contractor.

Structural Steel to be fabricated and installed in Apparatus Bay -- steel deck and steel roof cladding for roof to follow once structure is complete.

Continue to progress with enclosing the building -- Roof & Walls

Copies to: Bob Barber
Mike Hoogstra

St. Thomas Fire Department 631-0215
St. Thomas Purchasing Dept. 633-9019

MURPHY & MURPHY ARCHITECT INC.

Bob Miller - Project Coordinator

General Contractors
Stratified Enterprises, Inc.

December 12, 2005

CONSTRUCTION SCHEDULE

Project:	CAPTAIN DENNIS A REDMAN NO2 FIRE STATION
Architect:	MURPHY & MURPHY ARCHITECTS INC.

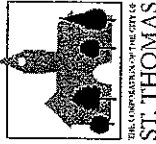
Architect

MURPHY & MURPHY ARCHITECTS INC.

Week Starting	November 2005	December	January 2006	February	March	April	May	June
7	14	21	28	5	12	19	26	3
Building Permit	Christmas / New Year							Backlog
Exc & Backfill	Building and Site Services							
WALKS / PAVEMENT	Walks, Pavement							
SOD / SEED								
CONCRETE	Foundation Form Work Scaffolding Apron floor Back and Stone Veneer							
MASONRY	Brig Walls In Walls Cavity Wall Back and Stone Veneer							
PRECAST CONCRETE	Precast Precast Precast							
STRUCT STEEL	Columns Beams for Precast Columns Beams for Precast							
STEEL DECK	Deck Deck							
MISC STEEL	Brackets, Or Metal, Bolts, Nuts Mesh Ceiling, Wane							
ROUGH WOOD	Roughwork							
EPDM ROOF	Flat roof Sloped roof							
HM DOORS / FRAMES	Door and Window							
WOOD DOORS	Wood Doors							
OVERHEAD DOORS	OH Doors							
ALUM WINDOWS	Windows, Curtain Wall Doors & In Glass							
STUCCO	Stucco							
DRYWL / ACOUSTIC	Framing & Drywall End							
FLOORING	Shower, CT floors, Carpet							
PAINTING	Total Partitions							
SPECIALTIES & FURNISHINGS	Total Partitions Fire Exit Display Rail Washroom Accessories Lockers Stand Off Display Protection Screen Shade Cloth							
MECHANICAL	Roof Curbs Grease Interpt Ductwork & Plumbing HVAC 1, 2 Modems Controls, Fuses, Balance							
ELECTRICAL	Electrical Rough-ins Transformers Generators Switches, Emittants, F/A							
Week Ending	November 2005	December	January 2006	February	March	April	May	June
7	14	21	28	5	12	19	26	3
5	12	19	26	3	10	17	24	31
2	9	16	23	30	6	13	20	27
31	7	14	21	28	4	11	18	25
30	6	13	20	27	3	10	17	24
29	5	12	19	26	2	9	16	23
28	4	11	18	25	1	8	15	22
27	3	10	17	24	31	28	25	22
26	2	9	16	23	30	27	24	21
25	1	8	15	22	29	26	23	20
24	31	7	14	21	28	25	22	19
23	30	6	13	20	27	24	21	18
22	29	5	12	19	26	23	20	17
21	28	4	11	18	25	22	19	16
20	27	3	10	17	24	21	18	15
19	26	2	9	16	23	20	17	14
18	25	1	8	15	22	19	16	13
17	24	31	7	14	21	18	15	12
16	23	30	6	13	20	17	14	11
15	22	29	5	12	19	16	13	10
14	21	28	4	11	18	15	12	9
13	20	27	3	10	17	14	11	8
12	19	26	2	9	16	13	10	7
11	18	25	1	8	15	12	9	6
10	17	24	31	7	14	11	8	5
9	16	23	30	6	13	10	7	4
8	15	22	29	5	12	9	6	3
7	14	21	28	4	11	8	5	2
6	13	20	27	3	10	7	4	1
5	12	19	26	2	9	6	3	0
4	11	18	25	1	8	5	2	0
3	10	17	24	31	28	25	22	19
2	9	16	23	30	27	24	21	18
1	8	15	22	29	26	23	20	17
0	7	14	21	28	25	22	19	16
0	6	13	20	27	24	21	18	15
0	5	12	19	26	23	20	17	14
0	4	11	18	25	22	19	16	13
0	3	10	17	24	21	18	15	

2.

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Corporation of the
City of St. Thomas

Report No.

CC 07-06

File No.

Directed to:

Alderman T. Shackleton and Members of the Protective
Services and Transportation Committee

Date

January 30, 2006

Department:

Clerk's Department

Attachments

Prepared By:

Richard Beachey, Deputy City Clerk

Subject:

Animal Control Service 2005

RECOMMENDATION

That report CC 07-06 in regards to the operation of the Animal Control Service during 2005 be received as information.

ANALYSIS

The year 2005 was another very busy year for the City's Animal Control Service. Animals were admitted at the Animal Control Centre throughout the year. It was particularly busy in mid November when the service had over 20 cats at one time. There was also two occasions during the year when the number of dogs held at the pound at one time exceeded twelve. Overall, the volume of the impounded animals increased for dogs and decreased for cats from 2004. The actual volume was: Dogs - (2003) 293, (2004) 399, (2005) 427; Cats - (2003) 218, (2004) 440, (2005) 366. The increased volume has made call in assistance necessary. Ninety four formal telephone complaints were written up as well as numerous telephone enquires and concerns were addressed by the animal control staff. Serious dog bites were investigated by staff.

The breakdown of the animals taken into the control centre is as follows:

D O G S		C A T S	
St. Thomas	202	St. Thomas	366
Other Municipalities	225		
TOTAL	427	TOTAL	366
Claimed by Owners – or redeemed by Animal Aide	239	Claimed by Owners – or redeemed by Animal Aide	317
Available for Adoption	172	Available for Adoption	31
Euthanized	16	Euthanized	18

Any animals euthanized showed signs of an aggressive nature or were at the request of the owners. Most of these animals were euthanized under the direction of Animal Aide. Numerous wild animals such as squirrels, raccoons and rabbits were also euthanized as a result of severe injuries suffered by motor vehicle collisions or sickness.

Animal Bites

The hospital and medical practitioners are required to report all animal bites to the Elgin – St. Thomas Health Unit. The table below show the number of animal bites in the City for 2005.

	Domestic Dog	Stray Dogs	Domestic Cats	Stray Cats	Bats	Other Animals
2005	74	2	38	3	24	5

Respectfully,

Richard Beachey, Deputy City Clerk
City Clerk's Department

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other