

AGENDA

THE THIRTY-EIGHTH MEETING OF THE ONE HUNDRED AND TWENTY-SEVENTH COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS

COUNCIL CHAMBERS 5:20 P.M. CLOSED SESSION
CITY HALL 6:00 P.M. REGULAR SESSION AUGUST 13TH, 2007

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 L. Baldwin-Sands

DISCLOSURES OF INTEREST

MINUTES

Confirmation of the minutes of the meetings held on July 16th, 2007.

DEPUTATIONS

Downtown Development Board - Horton Farmers' Market

Mr. Mark Cosens, Chairperson and Mr. Grant Hughson, Treasurer, Downtown Development Board, will be in attendance to discuss the separation of the Horton Farmers' Market Board and the Downtown Development Board. **Page /0**

2007 Elgin-St. Thomas United Way Campaign

Mrs. Anne Kenny, Public Service Chair, 2007 Elgin-St. Thomas United Way Campaign, will be in attendance to request Council's support of the 2007 Campaign.

Taxi By-Law

Mr. Murray Watson, Red Line Taxi, will be in attendance to discuss a taxi by-law issue.

Police Services Report

A representative of the St. Thomas Police Department will be in attendance to present the Police Services Report for the months of June and July 2007.

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

Minimum Maintenance By-Law - Ontario Heritage Act

NEW BUSINESS

Draft Plan of Subdivision File 34T-07504, Orchard Park Development Area - Phase 2B - 92 Lots for Single Detached Dwellings - Doug Tarry Limited

Report PD-23-07 of the Planning Director. Pages 11 to 13

Zoning Bylaw Amendment - Permit 11-metre Frontages on Lots 77, 78, 79, 80, 86, 87 and 88 within Draft Plan of Subdivision 34T-07504 - Doug Tarry Limited

Report PD-24-07 of the Planner. Pages 14 to 16

Zoning Bylaw Amendment - Removal of Holding Zone Symbol from Dalewood Meadows Subdivision, Phase 2 - Part of Blocks 121 and 128 and all of Block 122, Plan 11M-165 - Inn Services Inc.

Report PD-25-07 of the Planning Director. Page 17

Draft Plan of Subdivision File 34T-07502 - Revision - Orchard Park Development Area - Park and Public Elementary School Sites - Doug. Tarry Limited

Report PD-26-07 of the Planning Director. Pages 18 & 19

Zoning Bylaw Amendment - Removal of Holding Zone symbol from all of Block A, Plan M-8 and all of Block 75, Plan 11M-164 and Parts of Blocks 76 & 80, Plan 11M-164 - Doug. Tarry Limited

Report PD-27-07 of the Planning Director. Pages 20 to 22

Municipality of Central Elgin - Zoning By-Law Amendment - 197-199 Main Street, Port Stanley

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit retail use at 197-199 Main Street, Port Stanley.

Municipality of Central Elgin - Zoning By-Law Amendment - 14137 Belmont Road, Belmont

Notice of a public meeting concerning a proposed zoning by-law amendment was received from the Municipality of Central Elgin to permit a catering business at 14137 Belmont Road, Belmont.

Municipality of Central Elgin - Notice of the Adoption of an Official Plan Amendment - 44989 Talbot Line

Notice has been received from the Municipality of Central Elgin regarding the adoption of an Official Plan Amendment By-law No. 986 to permit a range of airport related uses at 44989 Talbot Line.

Municipality of Central Elgin - Notice of the Passing of a Zoning By-Law Amendment - 44989 Talbot Line

Notice has been received from the Municipality of Central Elgin regarding the passing of Zoning By-law No. 987 to permit a full range of airport uses and airport related industrial and ancillary uses at 44989 Talbot Line.

BUSINESS CONCLUDED

ENVIRONMENTAL SERVICES COMMITTEE - Chairman T. Johnston

UNFINISHED BUSINESS

Road and Sidewalk Reserve Fund

Proposed Playground Development - Feasibility Analysis of Proposed Public/Private Partnership between City of St. Thomas and Faith Baptist Church

Green Lane Landfill Purchase by the City of Toronto - Status Report - Possible Waste Management Contract Extension

Dalewood Ravine Trail - Correspondence

Programs for the Enhancement of Drinking Water Quality in Homes with Lead Water Services

Burwell Road between South Edgeware Road and Talbot Street - Sidewalk - Correspondence

Township of Southwold - Wastewater Master Planning Study

Vacant Land Condominium - Fair and Equitable Taxing

Forest Avenue Manhole Cover and Sewer - Correspondence

Forest Avenue Sidewalk - Petition

NEW BUSINESS

Off-Site Stormwater Management Orchard Park Subdivision - South Half Class Environmental Assessment - City of St. Thomas - Correspondence

A petition has been received from residents in the vicinity of the proposed off-site stormwater management for the new Orchard Park Subdivision. Pages 23 to 29

BUSINESS CONCLUDED

PERSONNEL AND LABOUR RELATIONS COMMITTEE - Chairman G. Campbell

UNFINISHED BUSINESS

NEW BUSINESS

BUSINESS CONCLUDED

FINANCE AND ADMINISTRATION COMMITTEE - Chairman T. Shackelton

UNFINISHED BUSINESS

Cash Advances & Expenses Reimbursement Report

Police Headquarters Building - Space Needs/Site Location Request for Proposals

Report CC-38-07 of the City Clerk. Pages 30 to 33

Bridge, Sewers and Water Capacity in Barwick Street Area

Cell Phone Policy

Kiwant Manors Limited - Seniors' Housing - 139 First Avenue

NEW BUSINESS

Mayor and Council Expenses

Report TR-34-07 of the Director of Finance and City Treasurer. Pages 34 & 35

June 30, 2007 Current Budget Monitoring Report

Report TR-35-07 of the Director of Finance and City Treasurer. Pages 36 to 38

Purchasing and Tendering Procedures By-Law

Report TR-36-07 of the Purchasing Agent. Pages 39 to 56

Disposal of Surplus Furniture and Equipment

Report TR-37-07 of the Purchasing Agent. Page 57

BUSINESS CONCLUDED

COMMUNITY SERVICES COMMITTEE - Chairman B. Aarts

UNFINISHED BUSINESS

Parks Pavilion Renaming

Walk of Fame

Paralympics Ontario - Request for Hosting Bids

Recreation Facilities Comparative Financial Figures

NEW BUSINESS

St. Thomas Timken Community Centre Capital Fundraising Campaign Update

Report PR-09-07 of the Director, Parks and Recreation. Pages 58 & 59

Licensed Alcohol Rental Expense and Revenue Comparisons

Report PR-10-07 of the Director, Parks and Recreation. Page 60

BUSINESS CONCLUDED

PROTECTIVE SERVICES AND TRANSPORTATION COMMITTEE - Chairman D. Warden

UNFINISHED BUSINESS

Leash Free Dog Park

Bus Services to 1063 Talbot Street and Shopping Complex near Elm Street and Wilson Avenue

White Street Yield Signs

Glanworth Avenue Traffic Study Area - Public Forum Report

Report ES77-07 of the Manager of Operations and Compliance. Pages 61 to 67

YWCA St. Thomas-Elgin Summer Camp - Reduced Rate Children's Bus TicketsCity Parking System Committee**NEW BUSINESS**Airport Use Quarterly Report - January 1st to June 30th, 2007

Report CC-37-07 of the Airport Superintendent. Page 68

St. Thomas Flight Line - COPA Flight 75 - Annual Fly In-Drive In Breakfast - September 9, 2007

Report CC-40-07 of the Airport Superintendent. Pages 69 & 70

Removal of the Weight Limit - Talbot Street on the CASO Bridge

Report ES100-07 of the Supervisor of Roads & Transportation. Page 71

Request for Proposals - Supply of Diesel Urban Transit Buses

Report ES99-07 of the Supervisor, Roads & Transportation. Pages 72 to 78

BUSINESS CONCLUDED**SOCIAL SERVICES COMMITTEE** - Chairman L. Baldwin-Sands**UNFINISHED BUSINESS****NEW BUSINESS**Report for the Months of April, May & June 2007

Report OW21-07 of the Director, Ontario Works. Pages 79 to 83

Affordable Housing Program Contribution Agreement - West Lorne Project

Report OW22-07 of the Housing Administrator. Page 84

Affordable Housing Program Contribution Agreement - Dutton Project

Report OW23-07 of the Housing Administrator. Page 85

BUSINESS CONCLUDED**REPORTS PENDING**ROAD RESURFACING PROGRAM - BUDGET FORECASTS - J. Dewancker**COUNCIL**

Council will reconvene into regular session.

REPORT OF COMMITTEE OF THE WHOLEPlanning and Development Committee - Chairman H. ChapmanEnvironmental Services Committee - Chairman T. Johnston

Personnel and Labour Relations Committee - Chairman G. Campbell

Finance and Administration Committee - Chairman T. Shackelton

Community Services Committee - Chairman B. Aarts

Protective Services and Transportation Committee - Chairman D. Warden

Social Services Committee - Chairman L. Baldwin-Sands

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

The Eighth Report of the Site Plan Control Committee - Report to be available at the meeting.

PETITIONS AND COMMUNICATIONS

Royal Canadian Legion - Legion Week September 16th to 22nd, 2007 - Proclamation and Flag Raising

A letter has been received from Cathy Sheridan, Secretary, Lord Elgin Branch 41, Royal Canadian Legion, requesting that Council proclaim the week of September 16th to 22nd, 2007 as "Legion Week" in the City of St. Thomas and that the Legion's flag be flown at City Hall.

The flag raising ceremony is proposed for September 17th, 2007 at 11:00 a.m. and the Mayor is invited to attend.

St. Thomas Holding Inc. - Annual General Meeting Resolutions

A letter has been received from Brian Hollywood, President and CEO, St.. Thomas Holding Inc., requesting Council ratification of the resolutions passed at the Annual General Meeting of the shareholders of St. Thomas Holding Inc. held on May 3rd, 2007. Page 86

Canadian Owners and Pilots Association 2008 Convention - July 9th to 14th, 2008

A letter has been received from Mr. Ian Basson, President, Canadian Owners and Pilots Association Flight 75, requesting permission to hold the Association's 2008 convention at the St. Thomas Municipal Airport from July 9th to 14th, 2008. Pages 87 & 88

Source Protection Committee Appointments - Grand River Conservation Authority

A letter has been received from Lorrie Minshall, Source Protection Program Director, Grand River Conservation Authority, requesting that Council provide comments on the proposed municipal groupings for the Source Protection Committee by August 15th, 2007. Pages 89 to 99

A letter has been received from Lorrie Minshall, Source Protection Program Director, Grand River Conservation Authority, regarding the proposed composition and call for applicants for non-municipal members of the Source Protection Committee. Pages 100 to 109

A letter has been received from Township of Malahide, recommending that the area representatives for the Source Protection Committee be appointed from either the Kettle Creek Conservation Authority or the Catfish Creek Conservation Authority boards. Page 110

Letter of Congratulations - Wings & Wheels Air Show and Car Show - June 23rd & 24th, 2007

A letter has been received from Mayor Sylvia Hofhuis, Municipality of Central Elgin, congratulating the Airport Superintendent and the Wings & Wheels organizing committee on the success of the event.

Letter of Thanks - Seniors' Picnic in the Park - Grant

A letter has been received from Ken Verrell, Chairperson, Seniors' Picnic in the Park, thanking members of Council for their generous donation for the Seniors' Picnic in the Park.

Oxford Child & Youth Centre and Child & Family Counselling Centre-Elgin Merger Committee

A letter has been received from Rachelle Frederick, Chair, Child & Family Counselling Centre-Elgin and Don Wright, Chair, Oxford Child & Youth Centre, advising about the formation of a merger committee to examine topics and issues relating to a possible amalgamation and inviting comments or questions about the process. Page 111

Canada-Ontario Affordable Housing Program

A letter has been received from Honourable John Gerretsen, Minister of Municipal Affairs and Housing, advising Council of changes to the Housing Allowance/Rent Supplement and Homeownership components of the Canada-Ontario Affordable Housing Program (AHP). Pages 112 to 114

Request for Hearing Impaired/Deaf Child Area Signs - Hagerman Crescent

A letter has been received from Ken Koshowski and Jenn O'Handley, 8 Hagerman Crescent, requesting the installation of hearing impaired/deaf child area signs in the vicinity of their residence. Page 115

Mocha Temple Hillbilly Clan No. 59 - Hillbilly Convention - Request for City Pins

A letter has been received from John Parker, Ambassador, Mocha Temple Clan 59, requesting 125 St. Thomas city pins for the Hillbilly Convention to be held from August 16th to 18th, 2007 in London, Ontario.

St. Thomas Fire Muster Days - Community Festival and Request for City Pins

A letter has been received from Ian Thomas, Fire Muster Chairperson, St. Thomas Professional Firefighters Association, requesting that Council declare the St. Thomas Fire Muster Days, being held in Pinafore Park on September 1st and 2nd, 2007, as a community festival and also requesting 100 city pins for the fire muster participants.

UNFINISHED BUSINESS

NEW BUSINESS

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 August, 2007.
2. A by-law 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 Forest Ave. Child Care Centre Inc. (SPC-04-07 - 5 Shaw Valley Drive - Day Care Centre)
3. A by-law to remove certain lands from Part Lot Control (Lots 108, 109, 110, Plan 11M-165 - Tamarack Court - Semi-detached Lots - H.J. Hayhoe Ltd.)
4. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (Removal of Weight Limit - Talbot Street at CASO Bridge)
5. A by-law to provide for purchasing and tendering procedures.
6. A by-law to assume certain lands as part of the public highway. (Part 1, 2 and 3 on Plan 11R8731 - 305 Wellington Street)

7. 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 West Lorne Heritage Homes. (Canada-Ontario Affordable Housing Program - Wave 1 Rental & Supportive Component - \$1,167,892)

8. 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 Dutton & District Non-Profit Housing Inc. (Canada-Ontario Affordable Housing Program - Wave 1 Rental & Supportive Component - \$2,100,000)

9. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation of the City of St. Thomas and Doug. Tarry Limited. (Subdivision File #34T-07502 - Orchard Park Development Area - 4 Blocks - Park, School, Stormwater Management Pond and Future Street Connection)

10. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (No Parking Zones - First Avenue east side from Thompson Avenue to Glanworth Avenue; Glanworth Avenue north side from First Avenue to Aldborough Avenue; Thompson Avenue north and east side from First Avenue to Glanworth Avenue)

11. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (Yield Signs - First Avenue & Glanworth Avenue westbound on Glanworth Avenue; First Avenue & Thompson Avenue eastbound on Thompson Avenue; Glanworth Avenue & Ashton Place southbound on Ashton Place; Glanworth Avenue & Thompson Avenue southbound on Thompson Avenue)

12. A by-law to amend By-Law 45-89, being the Traffic By-Law for the City of St. Thomas. (Stop Signs - First Avenue & Glanworth Avenue westbound on Glanworth Avenue; First Avenue & Thompson Avenue eastbound on Thompson Avenue; Glanworth Avenue at Ashton Place southbound on Ashton Place; Glanworth Avenue & Thompson Avenue southbound on Thompson Avenue)

PUBLIC NOTICE

Transit Terminal Building Rehabilitation Project

In accordance with By-Law 171-2002, notice is hereby given that a report will be submitted to Council at the September 4th, 2007 meeting which will recommend that the budget for the Transit Building Rehabilitation project be increased from \$500,000 to \$563,844, noting that the recommended source of the increased funding is the Provincial Gas Tax allocation.

NOTICES OF MOTION

CLOSED SESSION

A resolution to close the meeting will be presented to deal with labour relations matters; a proposed disposition of land by the municipality; and a matter protected under the Freedom of Information and Protection of Privacy Act.

OPEN SESSION

ADJOURNMENT

CLOSING PRAYER

-10-

St. Thomas
downtown
DEVELOPMENT BOARD

City of St. Thomas
Resolution

AUG 01 2007

City Clerk's Dept.

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St. Thomas, Ontario • N5P 3V7
Tel: (519) 633-5248
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info@downtownstthomas.com
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July 31, 2007

Mayor Cliff Barwick and City Councilors
City Hall
545 Talbot Street
St. Thomas, Ontario
N5P 3C7

Re: Horton Farmer's Market

Dear Mayor Barwick and City Councilors:

The Downtown Development Board would like to appear as a deputation at the next scheduled meeting on Monday August 13th, 2007. Mr. Mark Cosens, Chairperson and Grant Hughson, Treasurer, would like to discuss the following motion, which was carried at the Downtown Development's Board Meeting on July 4th, 2007.

"THAT: The Downtown Development Board moves that the Horton Farmer's Market Board be an individual board onto themselves. Subject to the approval of the City. Therefore removing the Downtown Development Board from financial or managerial duties."

Sincerely,



Mark Cosens

Chairperson

Downtown Development Board

p/c: Horton Farmer's Market Board



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

Report No.: PD-23-2007

File No.: 34T-07504

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

Report Date: August 3rd, 2007
Council Meeting Date: August 13th, 2007

Subject: Application by Doug Tarry Limited, Draft Plan of Subdivision, File 34T-07504, Orchard Park Development Area - Phase 2B - 92 Lots for single detached dwellings.

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

Attachments:
- Draft Plan (reduction)

RECOMMENDATION:

THAT: Report PD-23-2007 be received;

THAT: Council approve in principle the proposed Draft Plan of Subdivision File # 34T-07504 (Residential Plan of Subdivision) of lands owned by Doug Tarry Limited which lands are legally described as Block H Registered Plan 305 and all of Blocks 74 & 78 Registered Plan 11M-164 and Parts of Blocks 76, 79 and 80, Registered Plan 11M-164, City of St Thomas, County of Elgin and further that final approval be subject to:

- a final staff report following the review of comments/recommendations received from agencies and City departments upon completion of the circulation of the draft plan,
- confirmation by the Director, Environmental Services that there is sufficient uncommitted reserve treatment capacity in the sanitary sewerage system to service the proposed development;

AND THAT: A public meeting be set for *September 10th, 2007 @ 6:40 p.m.* in accordance with Ontario Regulation 544/06.

ORIGIN:

Doug Tarry Limited has submitted an application for draft plan of subdivision approval of Phase 2B within the Orchard Park Development Area. The proposed subdivision is located south of Elm Street, east of the Applewood Subdivision (Butler Drive) and west of Peach Tree Boulevard) and provides for the easterly extension of Lawrence Avenue to its intersection with Peach Tree Boulevard. Two new cul-de-sacs are proposed to extend south from Lawrence Avenue.

ANALYSIS:

Proposal:

The proposed subdivision comprises an area of approximately 7.4 hectares and will provide for the development of 92 lots for single detached dwellings. The plan also proposes two Blocks for the provision of public lanes providing pedestrian access to the proposed new public elementary school and park located immediately south of the subject lands. A reduced copy of the draft plan is attached.

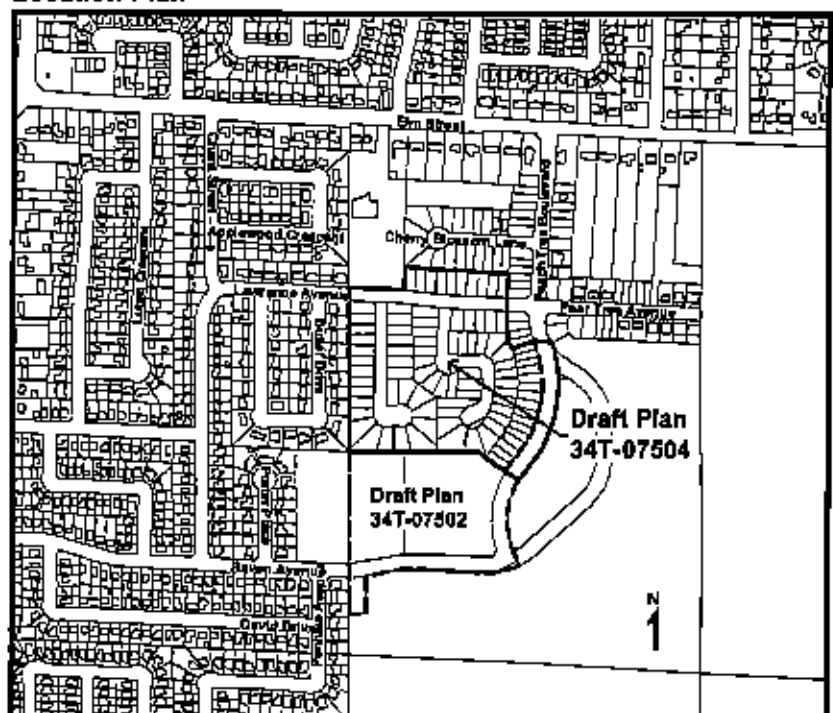
The location of the proposed subdivision and its relationship to the surrounding development is shown on the Location Plan.

The lands are legally described as Block H Registered Plan 305 and all of Blocks 74 & 78 Registered Plan 11M-164 and Parts of Blocks 76, 79 and 80, Registered Plan 11M-164, City of St Thomas, County of Elgin.

Provincial Policy Statement

The Provincial Policy Statement 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The Planning Act requires that Council consider provincial interest when

Location Plan



making planning decisions and to ensure that local planning decisions are "consistent with" Provincial planning interests.

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The proposed subdivision application being considered is located within the Orchard Park Development Area. This proposal is Phase 3 of a comprehensively planned residential community. All matters of Provincial interest, in accordance with the Policy Statement in effect at the time were addressed with the approval of the original amendment to the Official Plan (OPA#42) and the approval of the original Block Plan of subdivision. I have reviewed the new PPS in relation to this phase of development and in my opinion the development of the proposed plan is consistent with current Provincial interest as expressed in the current Policy Statement.

Official Plan:

The subject property is designated for residential use in the City of St. Thomas Official Plan. The proposed draft plan of subdivision conforms to the policies of the Official Plan, (OPA #42 - South Block Development Area) and the design is compatible with the surrounding residential area and the approved Block Plan.

Zoning By-law:

The property is currently located within the Third Residential Zone- (hR3A-2) and First Residential Zone (hR1-23 and R1-21) of Zoning By-law 50-88 of the City of St. Thomas. This zone permits the proposed single detached dwellings. The lands are also subject to the standard holding zone requirements of Zoning By-law 50-88 which must be met to the satisfaction of the Municipality prior to the development proceeding to the issuance of building permits.

The applicant has also submitted a concurrent application for a zoning By-law amendment to permit 11 metre frontages on Lots 77, 78, 79, 80, 86, 87 and 88 in compliance with the recommendations contained in the Alternate Development Standards Report. A separate Planning Report - PD-24-2007 has been prepared on the application and has been placed on the August 13th Council agenda for consideration.

Services:

Full Municipal services are available to the Subdivision. The design, and the installation of services required for this development will be in accordance with Municipal standards and comply with the objectives and recommendations contained within the South Block Servicing Studies. A full report on the servicing of these lands was provided by the developers and approved as part of the Orchard Park Block Development Plan (34T-05507).

It is recommended that Council's final approval of this plan be subject to the Director, Environmental Services recommendations on servicing and his confirmation upon completing his review of the circulated draft plan, that there is sufficient uncommitted reserve treatment capacity within the sanitary sewerage system to service the proposed development.

Financial Considerations:

All costs associated with the development of the draft plan of subdivision are the responsibility of the developer. The developer will be required to pay the approved development fees and charges in addition to the cost of the installation of municipal services, within the plan, in accordance with the standard practices and policies of the City as adopted by Council.

Respectfully submitted,



P.J.C. Keenan
Director of Planning

Reviewed By:

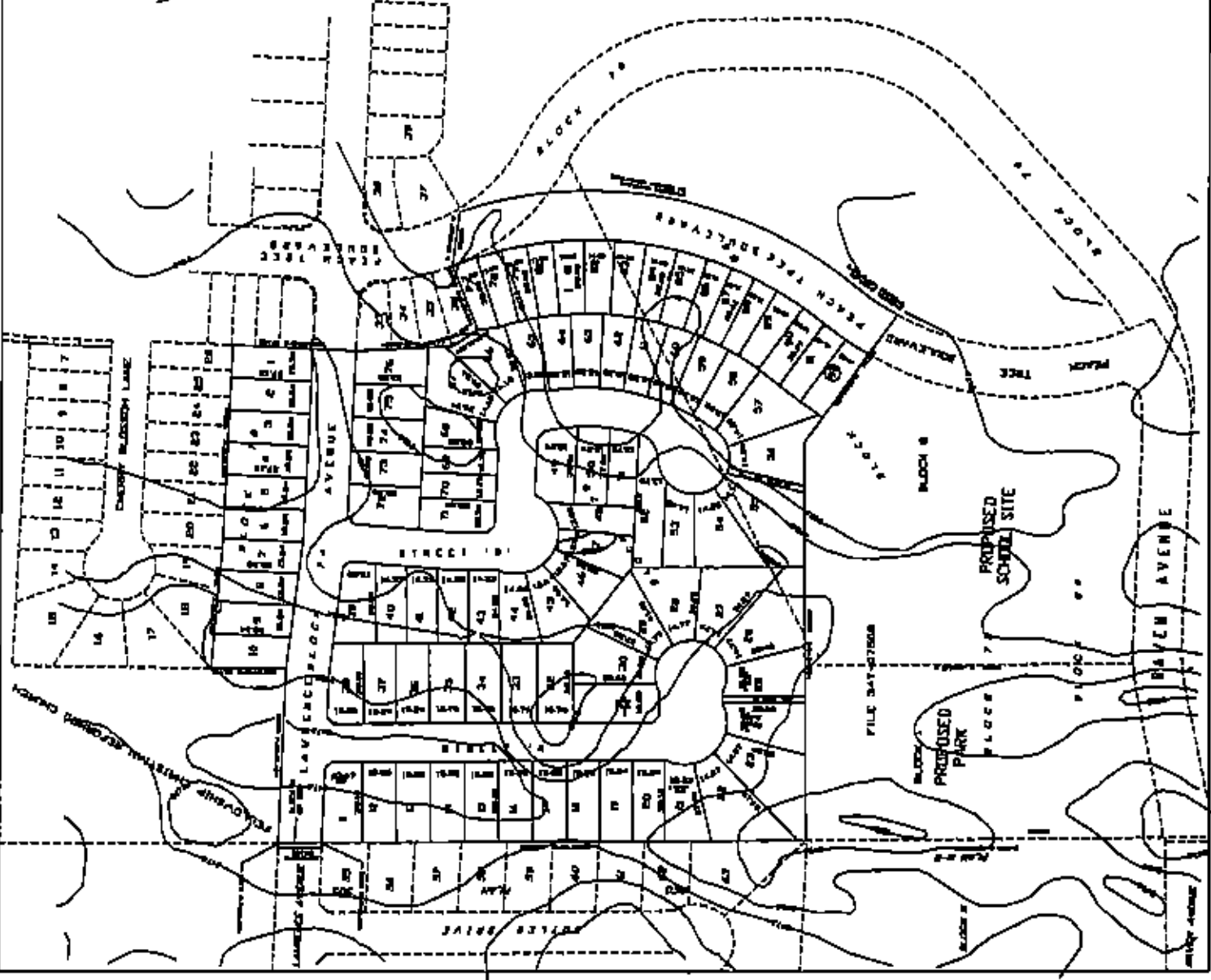
Env. Services

Treasury

City Clerk

Other

- 13 -



DRAFT PLAN OF SUBDIVISION
ALL IN REGISTERED PLAN 200
BLOCK 10
AND PARTS OF
BLOCKS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 86



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

Report No.: PD-24-2007

File No.: 2-13-07

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

Report Date: August 3rd, 2007
Council Meeting Date: August 13th, 2007

Subject: Application by Doug Tarry Limited for an Amendment to Zoning Bylaw 50-88, to permit 11 metre frontages on Lots 77, 78, 79, 80, 86, 87 and 88, all within proposed draft plan of subdivision 34T-07504 in the City of St. Thomas.

Department: Planning Department
Prepared by: Jim McCoomb, Planner

Attachments:
- excerpt from draft plan

RECOMMENDATION:

THAT: Report PD-24-2007 be received;

THAT: Council, pursuant to Section 34(10.4) of the Planning Act, R.S.O., 1990 as amended, direct the Clerk to notify the applicant (Doug Tarry Limited) that the information and material required under Subsections 34(10.1) and (10.2) of the Act has been provided and the application is thereby considered complete;

THAT: Direction be given to prepare a site specific draft amendment to the Zoning By-law to permit 11 metre frontages on Lots 77, 78, 79, 80, 86, 87 and 88, all within draft plan of subdivision 34T-07504, which lands may be legally described as Part of Blocks 79 & 80, Registered Plan 11M-164, City of St. Thomas, County of Elgin;

AND THAT: A public meeting be set for *September 10th, 2007 @ 6:45 p.m.* in accordance with Ontario Regulation 545/06.

ORIGIN:

Doug Tarry Limited has made application to amend the City of St. Thomas Zoning By-law 50-88 to permit a minimum lot frontage of 11 metres on certain lots within the proposed draft plan of subdivision 34T-07504, in accordance with the Alternative Development Standards endorsed by Council. The lands are located within the new Orchard Park Development Area. Staff have reviewed the application and all supporting documentation provided by the applicant and are satisfied that the application is complete relative to the requirements of Subsections 34(10.1) and (10.2) of the Planning Act, R.S.O., 1990 as amended. Staff are recommending that Council, pursuant to Section 34(10.4) of the Act, notify the applicant that the application is considered complete.

ANALYSIS:

Proposal:

Doug Tarry Limited is proposing to amend the City of St. Thomas Zoning By-law 50-88 to permit a minimum lot frontage of 11 metres on Lots 77, 78, 79, 80, 86, 87 and 88, all within proposed draft plan of subdivision 34T-07504. The subject property is currently vacant, and is located south of the intersection of Peach Tree Boulevard and Pear Tree Avenue, which were a part of the Phase I plan for Orchard Park, as shown on the Location Plan.

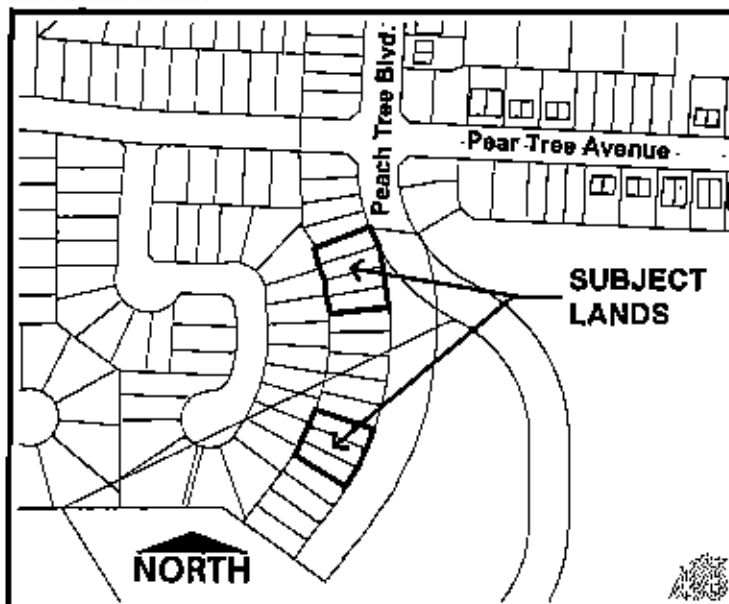
The site may be legally described as Part of Blocks 79 & 80, Registered Plan 11M-164, City of St. Thomas, County of Elgin.

2005 Provincial Policy Statement (PPS):

The Provincial Policy Statement 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The Planning Act requires that Council consider provincial interest when making planning decisions and to ensure that local planning decisions are "consistent with" Provincial planning interests.

The subject land is located within an area designated for residential use. The lands are serviced with full municipal sewer and water services.

Location Plan:



I have reviewed the applicant's submission, which in accordance with new regulatory requirements provides

information on how the Plan is consistent with Provincial interest. In this regard I am of the opinion that the proposed amendment to the By-law is consistent with Provincial interest as expressed in the current Policy Statement.

- 15 -

Official Plan Policies:

The subject property and surrounding lands are all designated for Residential use in the City of St. Thomas Official Plan. The policies of the Plan for the Residential designation permit a variety of residential dwelling types. In my opinion, the changes proposed through this amendment application conform to the policies of the Official Plan, are compatible with surrounding land uses, and represent good planning.

Zoning By-law:

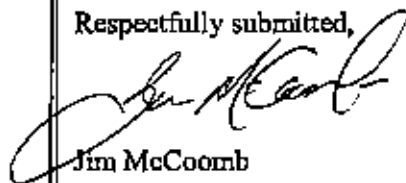
The lands subject to the zoning by-law amendment are located within the Third Residential Zone (R3A-2). The standard provisions for the R3A zone permit the proposed single detached dwellings based on a minimum lot frontage of 12 metres. An amendment to the by-law is required to permit a minimum 11 metre frontage for the specified lots within the proposed draft Plan of Subdivision No. 34T-07504.

The lands are also subject to the standard holding zone requirements set out in Section 2.2 of Zoning By-law 50-88. The requirements of the holding zone must be to the satisfaction of the Municipality and the holding symbol removed by way of amendment to the Zoning By-law prior to the development on the lands proceeding. The requirements of Section 2.2 of the Zoning By-law are normally satisfied through the subdivision approval process.

Comments:

The requested amendment to permit lots having a minimum lot frontage of 11 metres is subject to being in compliance with the Alternative Development Standards (ADS) Report endorsed by council. The 11 metre lot frontage standard is the minimum lot frontage recommended for single detached dwellings by the Alternative Development Standards Report. The approval of 11 metre frontages requires that the Director of Environmental Services confirm that the streetscape and servicing requirements for the proposed lots are in compliance with the engineering and servicing standards as set out in the Alternative Development Standards Report.

Respectfully submitted,



Jim McCoomb
Planner



Reviewed By:

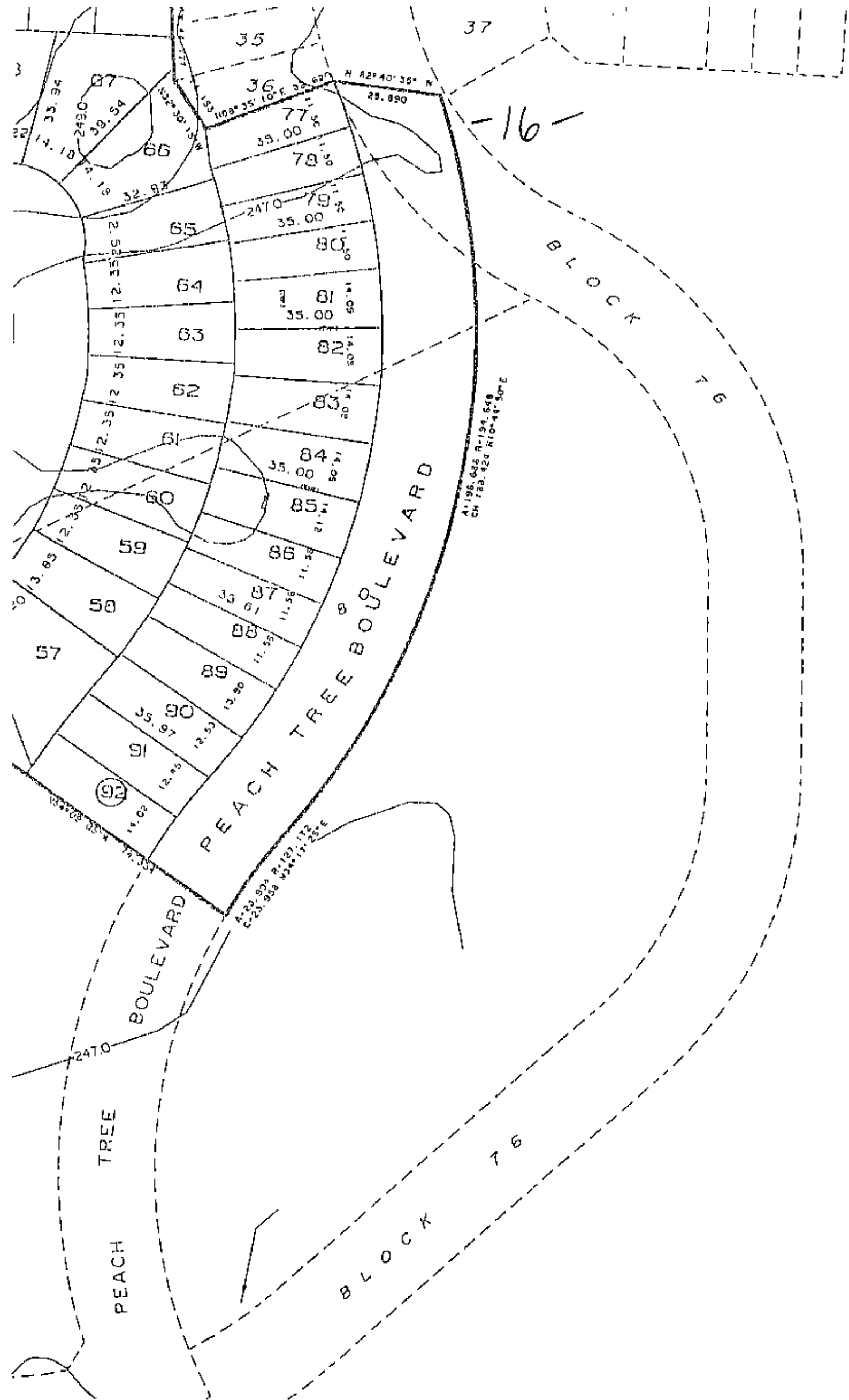
Env. Services

Treasury

City Clerk

Parks and Recreation

Other





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

Report No.: PD-25-2007

File No.: 2-12-07

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

Report Date: August 3rd, 2007
Council Meeting Date: August 13th, 2007

Subject: Application by Inn Services Inc. for an Amendment to Zoning Bylaw 50-88, to remove the Holding Zone symbol from Part of Blocks 121 and 128 and all of Block 122, Registered Plan No. 11M-165, City of St. Thomas.

Department: Planning Department
Prepared by: Patrick J C Keenan, Director of Planning

Attachments:

RECOMMENDATION:

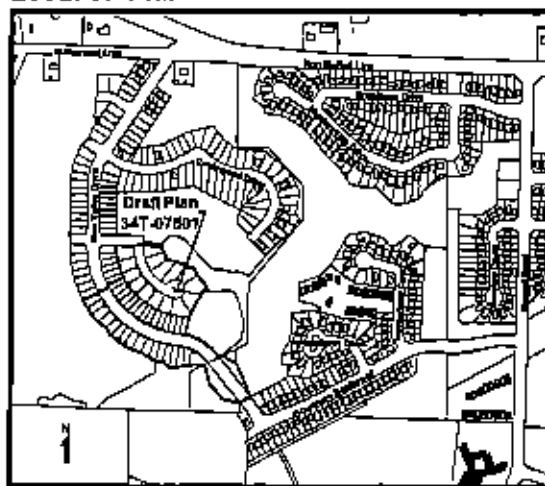
THAT: Report PD-25-2007 be received;

AND THAT: The application by Inn Services Inc. for an amendment to the City of St. Thomas Zoning By-law 50-88 to remove the holding symbol from Dalewood Meadows Subdivision, Phase 2, described as Part of Blocks 121 and 128 and all of Block 122, Registered Plan No. 11M-165, City of St. Thomas, County of Elgin, be approved and further that direction be given to prepare the necessary amending by-law for Council approval and the notice of Council's intention to pass a by-law to remove the holding symbol be given pursuant to Ontario Regulation 545/06.

ORIGIN:

Inn Services Inc. has applied to have the holding zone symbol removed from Zoning By-law 50-88 for a draft Plan of Subdivision within the Dalewood Meadows Development Area - Subdivision File No. 34T-07501. The proposed subdivision is located south of Ron McNeil Line and Sutherland Line within the northwest quadrant of the City of St. Thomas (see Location Plan). The subdivision comprises an area of approximately 3.99 hectares and provides for the development of 30 lots for single detached dwellings and 15 lots (30 units) for semi-detached dwellings.

Location Plan



ANALYSIS:

The subject property is designated for Residential use in the City of St. Thomas Official Plan and is located within the Third Residential Zone (hR3A-13 and hR3A-15) of the City of St. Thomas Zoning By-law 50-88. The development conforms to the Official Plan and complies with the Zoning for the property.

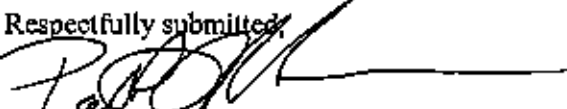
The subdivision plan was draft approved with conditions on April 2nd, 2007 (Report No. PD-09-07).

The lands are subject to the general holding provisions set out in Section 2.2 of By-law 50-88. Staff have reviewed the application and are satisfied that the requirements of the holding zone have been addressed through the draft plan of subdivision process and the execution of the subdivision and are recommending that Council accept the application and initiate the process to remove the holding symbol.

The removal of the holding symbol does not require Council to hold a public meeting. Notice of Council's intent to remove the holding symbol is required to be given only to the owners of the lands affected advising them of the date of the meeting at which Council intends to pass the amending By-law to remove the "h" symbol. The By-law amendment process involves removing the "h" symbol from the Zoning Map Parts and approving new Zoning Map Parts.

The by-law to remove the "h" symbol from the lands will be placed on the September 4th, 2007 Council Agenda for consideration.

Respectfully submitted,


Patrick J C Keenan
Director of Planning

Reviewed By:

Env. Services

Treasury

City Clerk

Parks and Recreation

Other



The Corporation of the
City of St. Thomas

Report No.: PD-26-2007

File No.: 34T-07502

- 18 -

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

Report Date: August 3rd, 2007
Council Meeting Date: August 13th, 2007

Subject: Revision to Draft Plan Approval - Doug. Tarry Limited, Draft Plan of Subdivision, File 34T-07502, Orchard Park Development Area - Park and Public Elementary School Sites.

Department: Planning Department
Prepared by: Patrick J C Keenan, Director of Planning

Attachments:
Revised Draft Plan (reduction)

RECOMMENDATION:

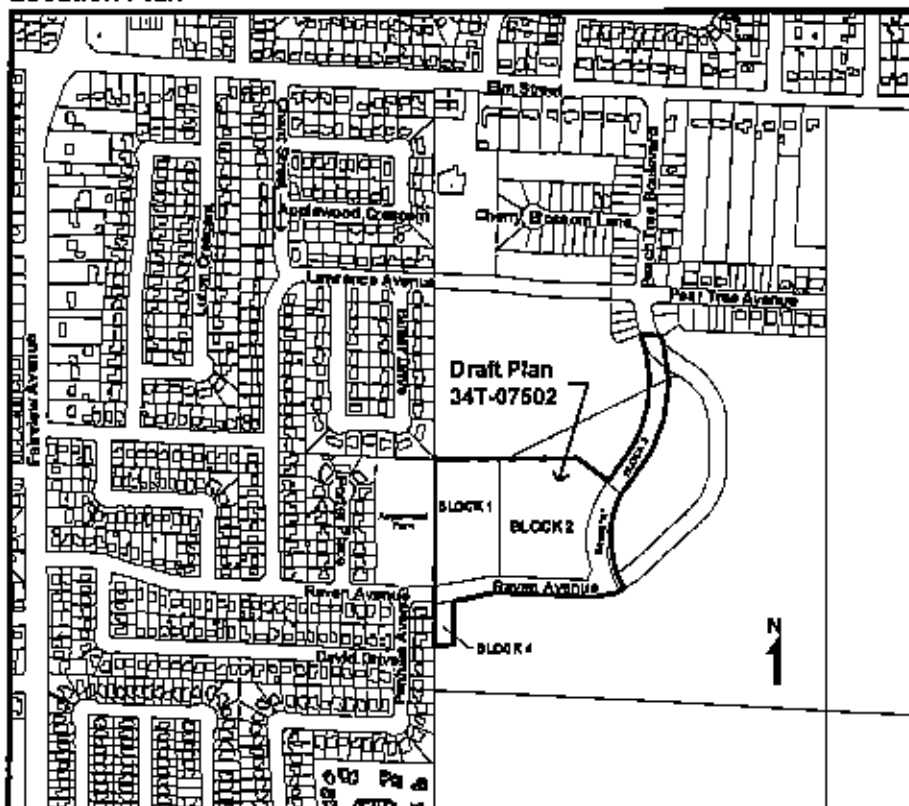
THAT: Report PD-26-2007 be received for information.

The above noted revised Draft Plan of Subdivision File No. 34T-07502 was recommended for draft approval, by Council, on July 16th, 2007 (Report PD-17-2007).

Following further discussions with Doug Tarry Limited the proposed final Subdivision plan has been further revised to include an identified block, on the Plan, for a Stormwater Management Pond (SWM Pond). Originally the proposal by Doug Tarry Limited was to temporarily locate the SWM Pond within the Park Block until a permanent SWM solution for the South portion of the Orchard Park Block Plan was determined. Pending the results of this review it has been agreed that the SWM Pond to service this Plan of Subdivision will be located on a separate block of land located south of Raven Avenue at the west limit of the Orchard Park Development lands (see Location Plan).

The revised subdivision plan will now encompass an area of approximately 4.92 hectares and will provide for the development of a park (Block 1), a public elementary school (Block 2), a block for the future street connection to the northern leg of Peach Tree Boulevard (Block 3) and a block for stormwater management (Block 4). A reduced copy of the revised Draft plan is attached.

Location Plan



The draft approval and conditions will be amended to incorporate the proposed revision to the draft Plan.

Respectfully submitted,

Patrick J C Keenan
Director of Planning

Reviewed By:

Env. Services

Treasury

City Clerk

Parks and Recreation

Other



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

Report No.: PD-27-2007

File No.: 2-07-07

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

Report Date: August 3rd, 2007
Council Meeting Date: August 13th, 2007

Subject: Application by Doug. Tarry Limited for an Amendment to Zoning Bylaw 50-88, to remove the Holding Zone symbol from all of Block A, Registered Plan M-8 and all of Block 75 Registered Plan 11M-164 and Parts of Blocks 76, 79, 80 & 81 Registered Plan 11M-164, City of St. Thomas. Subdivision File # 34T-07502.

Department: Planning Department
Prepared by: Patrick J C Keenan, Director of Planning

Attachments:
Revised Draft Plan (reduction)

RECOMMENDATION:

THAT: Report PD-27-2007 be received;

AND THAT: The application by Doug. Tarry Limited for an amendment to the City of St. Thomas Zoning By-law 50-88 to remove the holding symbol from Orchard Park Subdivision, Phase 2A, described as all of Block A, Registered Plan M-8 and all of Block 75 Registered Plan 11M-164 and Parts of Blocks 76, 79, 80 & 81 Registered Plan 11M-164, City of St. Thomas, County of Elgin, be approved and further that direction be given to prepare the necessary amending by-law for Council approval and the notice of Council's intention to pass a by-law to remove the holding symbol be given pursuant to Ontario Regulation 545/06.

ORIGIN:

Doug. Tarry Limited has applied to have the holding zone symbol removed from Zoning By-law 50-88 for a draft Plan of Subdivision, Phase 2A, within the Orchard Park Development Area - Subdivision File No. 34T-07502. The proposed subdivision is located south of Elm Street, east of the existing Applewood Subdivision and provides for the extension of Raven Avenue easterly to its intersection with the future southerly extension of Peach Tree Boulevard. The revised subdivision plan encompasses an area of approximately 4.92 hectares and will provide for the development of a park (Block 1), a public elementary school (Block 2), a block for the future street connection to the northern leg of Peach Tree Boulevard (Block 3) and a block for stormwater management (Block 4). (see Location Plan).

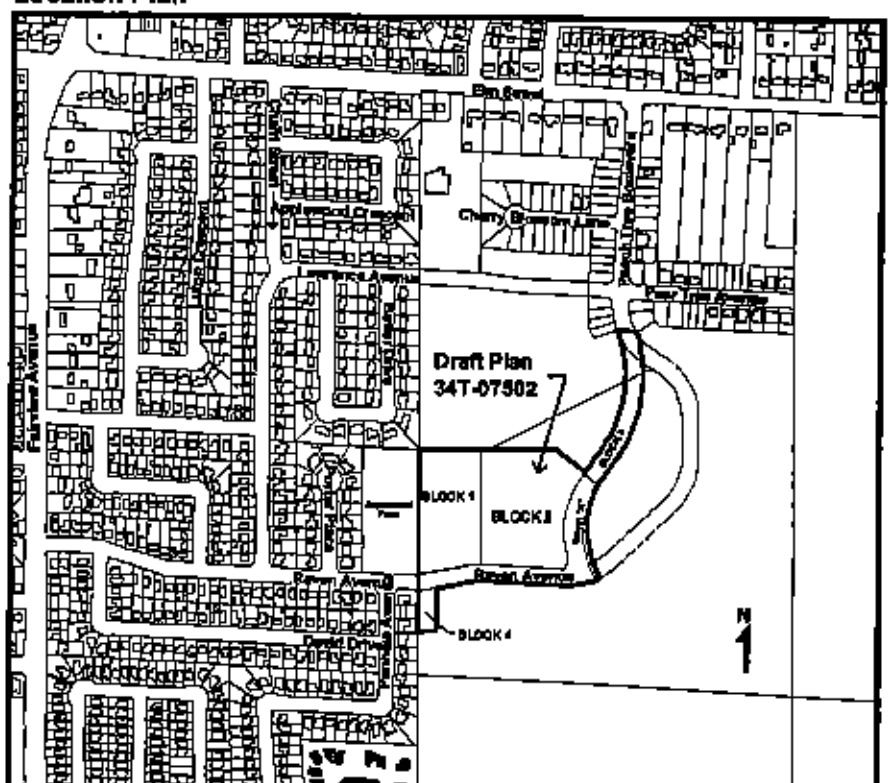
ANALYSIS:

The subject property is designated for Residential use in the City of St. Thomas Official Plan and is located within the First Residential Zone (hR1-23) and Third Residential Zone, (hR3A-2) of the City of St. Thomas Zoning By-law 50-88. The development conforms to the Official Plan and complies with the Zoning for the property.

The subdivision plan was draft approved with conditions, by Council, on July 16th, 2007.

The subdivision is subject to the general holding provisions set out in Section 2.2 of By-law 50-88. Staff have reviewed the application and are satisfied that the requirements of the holding zone have been addressed through the draft plan of subdivision process. The subdivision agreement is being finalized and it is anticipated that the subdivision agreement will be executed by Doug. Tarry Limited the week of August 13th, 2007. To accommodate the timing for the construction of the new public elementary school I am recommending that Council accept the application and initiate the process to remove the holding

Location Plan



symbol.

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The removal of the holding symbol does not require Council to hold a public meeting. Notice of Council's intent to remove the holding symbol is required to be given only to the owners of the lands affected advising them of the date of the meeting at which Council intends to pass the amending By-law to remove the "h" symbol. The By-law amendment process involves removing the "h" symbol from the Zoning Map Parts and approving new Zoning Map Parts.

The by-law to remove the "h" symbol from the lands will be placed on the September 4th, 2007 Council Agenda for consideration.

Respectfully submitted,



Patrick J C Keenan
Director of Planning

Reviewed By:

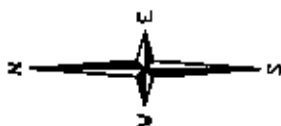
Env. Services

Treasury

City Clerk

Parks and Recreation

Other

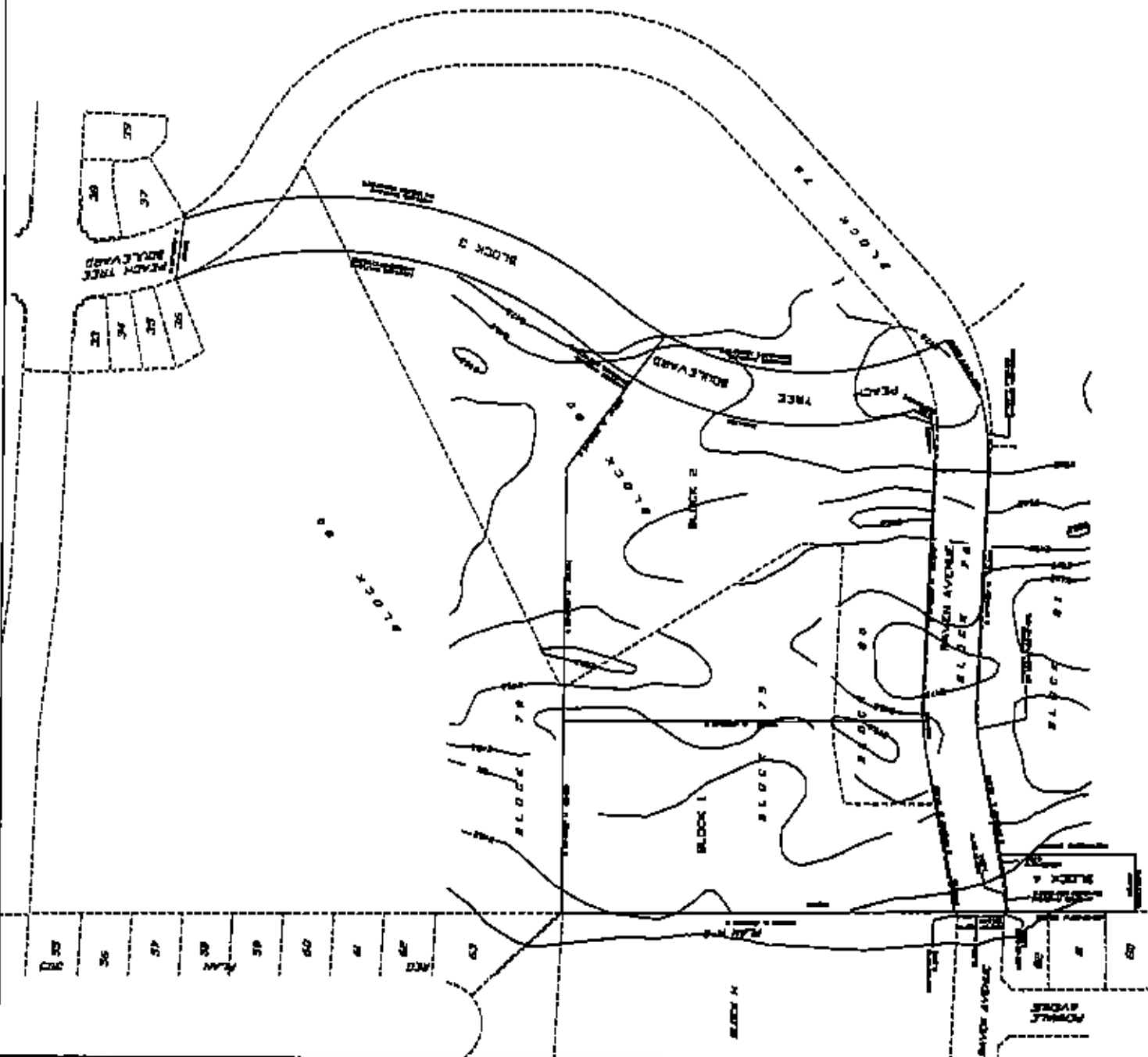


DRAFT PLAN OF SUBDIVISION
ALL OF
BLOCK A REGISTERED PLAN 10-8
AND ALL OF
BLOCK B REGISTERED PLAN 10-164
AND PART OF
BLOCKS 76, 79, 80 & 81 REGISTERED PLAN 10-164
CITY OF ST. THOMAS
COUNTY OF ELGIN
SCALE 1:700 METRIC

-22-

COMPANY LTD.
DETACHED LAND SURVEYORS

THIS PLAN WAS PREPARED BY THE SURVEYOR IN ACCORDANCE WITH THE SURVEY ACT, R.S.O. 1990, CHAPTER S.5, AND THE LAND SURVEY ACT, R.S.O. 1990, CHAPTER S.6. THE SURVEYOR HAS CONDUCTED A FIELD SURVEY OF THE LAND AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE SURVEYOR HAS ALSO CONDUCTED A FIELD SURVEY OF THE ADJACENT LANDS AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE SURVEYOR HAS ALSO CONDUCTED A FIELD SURVEY OF THE ADJACENT LANDS AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.



**PROPOSED OFF-SITE STORMWATER MANAGEMENT
ORCHARD PARK SUBDIVISION - SOUTH HALF
CLASS ENVIRONMENTAL ASSESSMENT
CITY OF ST. THOMAS**

July 20, 2007

**John D. Wiebe, P. Eng.
CJDL Limited
261 Broadway, P.O. Box 606
Tillsonburg, ON
N4G 4J1**

City of St. Thomas
Received
JUL 25 2007
City Clerk's Dept.

Dear Sir:

This letter is in lieu of a reply to your Public Questionnaire that was handed out to the affected property owners at the July 10, 2007, Public Information Center. The off-site proposal is totally unacceptable as a solution to the stormwater management mandated needs for the Orchard Park development. We find that the questionnaire is skewed to reflect the engineer's and developer's preferred off-site proposal. According to the cover letter that was received by all of us, from both Doug Tarry Ltd & CJDL Ltd, the alternatives to an off-site solution were to be presented at the Public Information Center, but were not. Only the off-site plan was discussed in detail. Therefore, your presentation was flawed. We had our own community meeting on July 16, 2007, and are united in opposing the off-site solution.

This is our public input that will assist with the consideration of an on-site stormwater management system:

1) Yes, it is important to address stormwater discharge, but not by the method that has been presented. The destruction of matured trees, vegetation and natural habitat for wildlife is not what we consider a reasonable benefit to future generations.

2) One of the reasons for stormwater ponds and dams is to control the volume of contaminated run-off from entering our existing waterways. If this holding pond has the potential to rise up to 12 feet deep, then the threat of airborne bacteria being released into the air, and onto our property lines, is extremely high. This release would create serious health risks to us, our children, pets, surrounding neighbours, and wildlife. To our knowledge, a stormwater holding pond of this size has never been implemented in a fully matured ravine. The loss of trees will be enormous, and the resultant loss of wildlife habitat may cause more problems than are envisioned, with the wildlife encroaching on our properties in great numbers. The off-site plan sounds extreme and appears to be somewhat experimental in nature, with no guarantees from the developer or the city that our property values and our health and well being will not be negatively impacted.

3) Higher levels of stale, stagnant or contaminated bodies of water have the potential for a higher population of mosquitoes, therefore increasing the risk of West Nile Virus or other serious illnesses. An article by John Miner in the London Free Press on July 13/07, titled "West Nile mosquitoes on the rise" includes this statement: "They are on the increase. It is important for people to protect themselves when they are out and if there is any standing water around, eliminate it," said David White, manager of environmental health for the Middlesex-London Health Unit. In addition to unpleasant odors that this standing body of water will create, there is the possibility of water backing further upstream and spilling over onto lower lying properties.

4) We purchased our ravine lots due to the mature trees, surrounding vegetation and abundance of wildlife. A standing body of water that has the potential to rise 12 feet plus not only destroys these features, but will cause serious erosion to the existing banks and extreme devaluation of our investment properties. The tranquility we currently enjoy will be destroyed by heavy machinery, trucks, tree removal, etc. and will cause displacement of the habitat that exists in our backyards. This proposal appears to be experimental at best and therefore predicting that water levels will not exceed 12 feet is only a guess at this point. In the event of sustained heavy rainfall, such as has been experienced this year in many southern parts of the United States, we could see this pond overflow the top of the ravine. Do we want to take this chance? A noted UWO Professor, Slobodan P. Simonovic, has forecast that catastrophic flooding is a possibility because of climate change and increased urbanization. <http://www.ecolectica.ca/issues/2004/1/nirupama.asp>

5) A danger to public safety is a huge concern for all. Existing holding ponds have access to direct sunlight, have been placed in areas that are visible to the general public, and are fenced. The plan to create a deep body of water in a ravine that is sheltered from open viewing, receives little sunlight and has steep banks is inviting disaster. Fencing the top of property lines and posting "No trespassing" signs will not prevent, nor deter, children or wildlife from being exposed to a possible deadly event. We are definitely opposed to the removal of trees in the ravine and to the property line in order to increase sunlight and line of sight. Our property values would plummet.

Concerns that were not addressed at the Public Information Center on July 10th are:

- 1) The existing banks would suffer severe erosion, and all live trees and bushes would be removed, up to the 12 foot water line.
- 2) The current dead wood & debris would create an underwater hazard.
- 3) The dredging of sediment would be required to maintain the dam/water flow, which is a further disruption to the affected homeowners' well being.
- 4) An exact time frame needs to be put in place so that appeals can be launched, and actions taken
- 5) An appeal process needs to be in place, and outlined.
- 6) The substantial loss of value in properties to the 24 affected landowners needs to be addressed sooner rather than later.

We reiterate that the off-site proposal is totally unacceptable as a solution to the stormwater management mandated needs for the Orchard Park development.

In conclusion, we have always felt that the company built by Doug Tarry was a guardian of nature, and a protector of the environment. It was seen to be partners with the Kettle Creek Conservation Authority (KCCA), but as we have seen by the letter sent by the KCCA to John D. Wiebe of CJD, the KCCA is against this off-site proposal, and make reference to a 1997 study that opposed the use of this ravine gully for this type of purpose. A copy of the KCCA letter is attached to this presentation.

A list of residents who are opposed to this off-site plan is attached, and we wish for Doug Tarry Ltd. to move forward with an on-site stormwater management system instead. The government mandated stormwater management area is the Orchard Park subdivision. The solution needs to be found there, not in the backyard ravine of the residents of Massey Drive, Michener Court, Sauve Ave and Axford Parkway.

Cc:
Alderman Tom Johnston, Chairman of Environmental Services Committee

Doug Tarry Ltd.

Mayor Cliff Barwick

Aldermen: Lori Baldwin-Sands, Heather Chapman, David Warden, Terry Shackelton,
Bill Aarts, Gord Campbell

Mr. John Dewanker, St. Thomas Environmental Services


Mr. Patrick Keenan, St. Thomas Planning Department

Mr. Joe Gordon
Planning and Regulations Supervisor
Kettle Creek Conservation Authority

Mr. Steve Peters

Mr. Joe Preston

www.kettlecreekconservation.on.ca




44015 Ferguson Line
St. Thomas, ON
N5P 3T3

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

Member
Municipalities:

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



Member of
**Conservation
ONTARIO**
Natural Heritage

July 10, 2007

John D. Wiebe, P.Eng.
CJDL Limited
261 Broadway, P.O. Box 606
Tilsonburg, Ontario
N4G 4J1

Dear Mr. Wiebe:

**RE: Orchard Park South Half Stormwater Management
Class Environmental Assessment**

Further to your Notice for the Public Information Centre for the above referenced matter, staff of the Kettle Creek Conservation Authority (KCCA) has further reviewed the subject lands.

In the absence of detailed plans and supporting documents for the subject proposal and in recognition of the need for comment upon the Environmental Assessment, at this time we offer the following comments:

1. The subject development proposal for Orchard Park South Half is within the study area of the Mill Creek - South Block Area Subwatershed Study (Dillon, May 1997) and subsequently development of these lands should take place in accordance with the recommendations of that Study.

2. As indicated in KCCA's letter of July 24th, 2006, the Subwatershed Study identified the subject ravine gully as a significant valleyland feature associated with Mill Creek.

Provincial policy and KCCA policy discourage development within significant valleyland.

3. KCCA understands that the proposed facility will manage storm water for approximately 36.0 ha of existing residential development plus the area proposed for the South Half Orchard Park development. In addition, proposals for stormwater management for future development south of Orchard Park lands are non-existent.

KCCA is concerned that the proposal could potentially exacerbate a flooding hazard upon Lake Margaret Estates development downstream of the proposed outlet to Mill Creek.

In addition, KCCA is concerned with the potential impacts upon the existing 36 ha of residential development during a major storm event resulting from the additional surface flows being directed to the Raven Avenue sewer main without an on-site management facility.

Further, have overland flow provisions been considered in the event of the Raven Avenue sewer main potentially reaching full capacity during a major storm event?

4. The Stormwater Management Planning and Design Manual 2003 prepared by the Ministry of Environment (MOE) generally recommends on-site stormwater management. Off-site facilities are considered in certain situations if it is ineffective or impractical because of physical constraints upon the site generating the flows.
5. KCCA acknowledges that the Subwatershed Study did consider the area of the proposed site as an alternative location for siting of a pond for development of the subject lands. This alternative location was considered because of the potential added benefit of providing storm water quality treatment as a retrofit measure to existing residential development currently without storm water management.

However, the intent of the Subwatershed Study was not to imply that a guarantee of approval has been established for any specific location, size, or type of facility.

6. Also indicated in our letter of July 24th, 2006, the Subwatershed Study did not support siting of the pond within the gully feature. The Study identified this gully as part of the significant valleyland feature associated with Mill Creek and further states:

"... siting of the pond facility would be required to locate outside (i.e. away) from this feature. Presumably, a pond could be constructed on the tablelands, south of the ravine gully, possibly as an enlargement to the existing ravine feature."

7. Further, KCCA notes that the opportunity for a pond facility to be sited on the tablelands south of the subject gully feature may no longer be achievable due to residential development created by the proponent.

Therefore, based on the information noted above, KCCA objects to the concept of off-site stormwater management for the South Half Orchard Park development within the subject gully feature.

Further, KCCA would support a concept for on-site stormwater management.

Thank you for the opportunity to comment. If you have any questions regarding the above, please contact the undersigned.

Yours truly,


Joe Gordon
Planning and Regulations Supervisor

cc. Greg Tarry, Doug Tarry Limited
John Dewanker, St. Thomas Environmental Services
Patrick Keenan, St. Thomas Planning Department

Art Pol	91 AXFORD PKWY	637-6251	NOT AVAILABLE
George Vanderveen	93 AXFORD PKWY	633-7968	NOT AVAILABLE
Jacques Roy	95 AXFORD PKWY	631-9945	<i>[Signature]</i>
Howard & Bev Roth	97 AXFORD PKWY	637-6363	<i>Howard & Bev Roth</i>
Elaine & Roger Catchpole	99 AXFORD PKWY	631-9865	<i>Elaine & Roger Catchpole</i>
Veronika & Greg Wallis	101 AXFORD PKWY	633-4292	<i>Veronika & Greg Wallis</i>
Mike & Sherry Wood	103 AXFORD PKWY	637-8316	<i>Mike & Sherry Wood</i>
Jim & Lorraine Smith	105 AXFORD PKWY	631-0615	<i>Jim & Lorraine Smith</i>
Karen & Norm Toogood	107 AXFORD PKWY	631-3194	<i>Karen & Norm Toogood</i>
Doug Parkins	109 AXFORD PKWY	631-2087	<i>Doug Parkins</i>

NAME	ADDRESS	PHONE NO.	Signature
Susan Munday	31 MASSEY DR	633-3526	S Munday
Brian & Pat Toogood	32 MASSEY DR	631-6784	Pat Toogood
Michael Moore	33 MASSEY DR	633-2865	Michael Moore
Paul & Haidi Kerr	34 MASSEY DR		Haidi Kerr
J. Richardson	4 MICHENER COURT	633-9703	NOT AVAILABLE
Joe Jurasek + Carolyn Jurasek	6 MICHENER COURT	633-0242	Carolyn Jurasek
Mark Shields + Pat Shields	7 MICHENER COURT	633-5757	Pat Shields (Husband's position in court)
Ken & Nancy Poulton	8 MICHENER COURT	631-4098	Nancy Poulton
Lyle & Kay McLean	10 MICHENER COURT	633-1057	Kay McLean
Jim & Gloria Austin	4 SAUVE AVE	631-2938	Gloria Austin
Peter Churchin	6 SAUVE AVE	633-4338	NOT AVAILABLE
R. Cummings	8 SAUVE AVE	637-1202	NOT AVAILABLE
Brian Fisher	10 SAUVE AVE	637-6957	NOT AVAILABLE



Corporation of the

City of St. Thomas

-30-

Report No.
CC-38-07

File No.

Directed to: Chairman T. Shackleton and Members of the Finance and Administration Committee

Date
July 30, 2007

Department: City Clerks Department

Attachment
Police Headquarters
Committee minutes July 28,
2007

Prepared By: Wendell Graves, City Clerk

Subject: Police Headquarters Building – Space Needs / Site Location Request for Proposals

Recommendation:

THAT: Report CC-38-07 be received for information, and further,

THAT: Council confirm that the Request for Proposal process for consulting services relating to the space needs for a new police headquarters include an investigation of potential sites for the location of the police building headquarters.

Background:

On July 16th Council authorized a process that would see the Police Headquarters Committee undertake a Request for Proposal process to develop a space needs study of a new police headquarters.

During the development and review of the Request for Proposal document the Police Headquarters Committee has determined that it would be beneficial for the process to include an investigation of potential sites for the location of a new police headquarters with recommendations being provided to the Committee.

In order to provide clarity for the process this report is intended to seek confirmation that the Request for Proposal process will extend to a site review process as well.

Upon completion of this Request for Proposal process it is envisioned that the Committee would be in a position to recommend not only the configuration and size of an actual police headquarters but a recommend a potential site.

Of note is the fact that the request for proposal document would reflect Council's preferred location that the police headquarters remain in the downtown core area.

Respectfully,


W. Graves, City Clerk

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

THE CORPORATION OF THE CITY OF ST. THOMAS

POLICE HEADQUARTERS BUILDING COMMITTEE

MAIN FLOOR CONFERENCE ROOM
POLICE HEADQUARTERS

JULY 26, 2007

The meeting commenced at 9:30 a.m..

ATTENDANCE

Chairman D. Warden
Alderman G. Campbell
Alderman T. Shackelton
Chief W. Lynch
Deputy Chief D. Pinnell
B. Day, Director of Finance and City Treasurer
M. Hoogstra, Purchasing Agent
W. Graves, City Clerk

REGRETS:

Mayor C. Barwick

MINUTES

Motion by : Alderman Campbell – Chief Lynch:

THAT: The minutes of the meeting held on June 28, 2007 be confirmed.

Carried.

NEW BUSINESS

Request for Proposal Document – Space Analysis / Site Location

The members discussed the draft request for proposal that had been prepared for the selection of a consultant to provide a space needs analysis and to identify potential sites for the police headquarters project.

Chief Lynch made the following comments regarding the document:

1. Alderman Campbell's name needed to be included in the list of Committee members.
2. Section 3.1 (2) should be clear in that the Police Headquarters Committee will recommend the site location.
3. Section 5.2 (6) the Chief wanted to ensure that there would be a good flow of communications and he stated that he was the contact for the Police Services.

B. Day stated that if the Committee approved the RFP document today, the RFP could be advertised this week.

M. Hoogstra stated that an advertisement could be placed in the St. Thomas Times Journal and in the London Free Press on Saturday. Further he stated that the closing would normally be at the end of 15 business days which would be August 22nd at 2:00 p.m. and that the RFP's would be opened in Room 204.

The members are welcome to attend the opening of the RFP's.

B. Day stated that Council would have to award the RFP.

CONFIRMED _____ CHAIRMAN

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The members discussed the fact that if consultant interviews were required, a recommendation could go to Council for the September 10th meeting.

The members discussed Section 4 of the RFP relating to the Project Schedule and they concurred that the 2nd paragraph detailing specific timelines should be removed.

W. Graves stated that while the RFP included provisions for a site select process the motion approved by Council only reflected a space needs analysis.

Alderman Campbell stated that this matter should be taken to Council for clarification so there are no miss understandings.

The members concurred that Council would be advised, and that specific direction would be sought, for the RFP to include the site selection process.

The members discussed the timing of when the project coordinator would be retained.

Chief Lynch stated that the specific role of the project would need to be defined.

M. Hoogstra stated that the role of the project coordinator would be defined in an RFP document.

The members discussed that fact that the police headquarters would be a specialized building and that a project coordinator would be important to have in place at the beginning of the design phase.

B. Day suggested that the RFP for the project coordinator could be dealt with in October or November.

Motion by : Alderman Campbell – Shackelton:

THAT: the Project Coordinator be in place for the design phase of the new police headquarters.

Carried.

M. Hoogstra stated that he understood that there would be 3 points to the planning / design process, those being; retain a consultant to undertake a space needs / site selection process; retain a project coordinator, and; retain an architect.

W. Graves provided a brief overview of the current process being undertaken by the Ontario Realty Corporation with regard to the site selection for court facilities and while the City has identified the existing Wellington Street site as its preferred location other sites may be considered. Further, in a very preliminary manner, as part of its site considerations, the Ontario Realty Corporation has inquired if a courthouse and police station might be considered on the same site.

Alderman Campbell stated that it was important that the delivery of justice be seen to be separate.

Chief Lynch stated that from a policing perspective the Police would welcome the opportunity to share a site with court facilities and that should there be any opposition to this concept it would likely come from the Province.

B. Day stated that the RFP's received for the space needs / site selection would be forwarded to the members for their review.

CONFIRMED _____ CHAIRMAN

The next meeting was scheduled for Wednesday, August 29th at 8:00 a.m.

ADJOURNMENT

The meeting adjourned at 10:13 a.m.

CONFIRMED _____ CHAIRMAN



Corporation of the

City of St. Thomas

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Report No.

TR 34-07

File No.

Directed to: Chairman Terry Shackelton and Members of the Finance & Administration Committee

Meeting Date: 8/13/07
Date Authored: 8/02/07

Department: Treasury

Prepared By: William J. Day, City Treasurer

Attachment:

Mayor and Council
Expense Schedule

Subject: Mayor and Council Expenses

Recommendation:

It is recommended that Council receive Report TR 34-07 pertaining to Mayor and Council program expenditures to June 30, 2007 for information.

Report:

At it's May 22, 2007 meeting Council directed that:

"The Director of Finance and City Treasurer provide the members with a schedule of Mayor and Council Expenses Incurred as at March 31, June 30, September 30 and December 31 each year".

The attached Schedule provides year to date program expenditures to June 30, 2007.

Respectfully submitted,

W. J. Day
Director of Finance and City Treasurer

City of St. Thomas

For the Six Months Ending June 30, 2007

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G/L ACCOUNT	DESCRIPTION	2007 YTD ACTUAL	2007 ANNUAL BUDGET
MAYOR & COUNCIL			
EXPENSES			
11-2-01-1-0000-3010	Reg Full-time Wages	\$14,749.70	\$35,645.00
11-2-01-1-0000-3011	Reg Part-time Wages	72,288.46	151,700.00
11-2-01-1-0000-3120	All Statutory Benefits	3,778.75	12,713.00
11-2-01-1-0000-3130	All Employer Benefits	14,090.06	36,006.00
11-2-01-1-0000-3135	OMERS	965.38	2,088.00
11-2-01-1-0000-4001	Meetings/Receptions and Public Relations	4,822.74	20,000.00
11-2-01-1-0000-4022	Conference Fees	1,675.00	5,000.00
11-2-01-1-0000-4023	Association Membership Fees	9,661.90	9,500.00
11-2-01-1-0000-4075	Visioning Session - County of Elgin		3,000.00
11-2-01-1-0000-4171	Equipment Rental	1,328.28	1,700.00
11-2-01-1-0000-4249	Telephone Services	464.13	1,000.00
11-2-01-1-0000-4259	Courier	2,073.50	4,000.00
11-2-01-1-0000-4261	Discretionary Advertising	944.51	2,000.00
11-2-01-1-0000-4272	Other External Printing	231.30	1,000.00
11-2-01-1-0000-4280	Staff Mileage	100.61	1,000.00
11-2-01-1-0000-5010	Miscellaneous Expenses	2,132.36	1,000.00
11-2-01-1-0000-5011	Office Supplies	1,711.89	2,000.00
11-2-01-1-0000-5510	Publications and Subscriptions		500.00
TOTAL EXPENSES		131,196.57	269,852.00
TOTAL MAYOR & COUNCIL EXPENSES		131,196.57	269,852.00



Corporation of the
City of St. Thomas

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Report No.

TR 35-07

File No.

Directed to: Chairman Terry Shackelton and Members of the
Finance & Administration Committee

Meeting Date: 8/13/07

Date Authored: 8/2/07

Department: Treasury

Attachment:

Prepared By: William J. Day, City Treasurer

Schedule A

Subject: **June 30, 2007 Current Budget Monitoring Report**

Recommendation:

In connection with Report TR 35-07, it is recommended that Council approve the June 30, 2007 current budget monitoring report.

Report:

Background

At its August 16, 2004 meeting, Council directed Administration to provide a June 30 and September 30 current budget monitoring report each year.

Pursuant to Council's direction, we have developed a current budget monitoring report using financial information as at June 30, 2007. The Report uses financial information and other knowledge available to staff as at the reporting date to project the operating surplus/deficit for the year.

June 30, 2007 Current Budget Monitoring Report

Attached Schedule "A" identifies projected operating surplus and deficit information by functional area for 2007. It is noted that functional areas not identified on the Schedule are projected to be in line with approved budget estimates. At this time we forecast a 2007-operating surplus of \$371,650. The following items are noteworthy.

- The timing of expenditures associated with previously approved capital projects coupled with higher investment interest rates will result in a surplus in investment income earned this year.
- Increased supplementary property taxation revenues are projected as the City continues to realize the monetary benefits of a strong local economy over the past several years.
- Police services project a deficit due to increased overtime, legal fees, fuel costs and other miscellaneous expenses.
- The Fire Department projects a deficit as a result of overtime costs incurred due to staff sick time.

2008 Current Budget and Property Tax Impacts

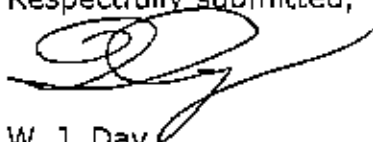
We are presently forecasting a 2007-operating surplus of \$371,650. Prevailing legislation requires that any operating surplus or deficit be carried forward to the subsequent years operating budget. Council will recall that the 2007 budget setting process was greatly assisted by the 2006-operating surplus of \$3,065,000. Assuming consistent contribution levels to reserves, anything short of this in 2007 will be required to be absorbed in the 2008 budget and potentially result in an increase to the property tax levy. We should also be mindful of the significant funding shortfall associated with the 2007 - 2011 capital budget forecast and consider additional capital levy funding from the property tax base in 2008. Finally, it remains our goal to minimize long-term debt formation related to the Police Headquarters project by increasing the balance of the Facilities Reserve.

Conclusion

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At this time we project a \$371,650 operating surplus for 2007. We will update our projection with the September 30, 2007 current budget monitoring report.

Respectfully submitted,



W. J. Day
Director of Finance and City Treasurer

Schedule A		
June 30, 2007 Current Budget Monitoring Report		
Department	Surplus (Deficit)	Description of Surplus (Deficit) Item
Retired Employees	(15,000)	Increased benefit costs due to staff retirements
Corporate Services	300,000	Increased investment income due to higher interest rates and improved cash flow related to the timing of capital expenditures
	50,000	Interest and penalty charges on property tax arrears
	80,000	2006 Health Unit surplus
	7,000	Cemetery loan repayment re columbarium project
Taxation	200,000	Supplementary property taxation revenues net of reductions
Mayor & Council	(2,500)	Solid waste management symposium contribution
	3,150	Cancellation of 2007 Med Quest camp
City Property Maintenance	(7,000)	Rental revenues decreased due to Dennis Road construction
Human Resources	(20,000)	Increased Workers Compensation costs; Increased legal fees
Police Services	(115,000)	Increased overtime/legal fees/misc expenses and fuel costs
Justice Building	(15,000)	Increased cleaning costs
Fire Department	(80,000)	Additional overtime cost due to staff sick time
Airport	50,000	Additional revenue realized from rental of runway
Sanitation	(20,000)	Collection contract, royalties and fuel price adjustment
Valleyview	(44,000)	Increased costs associated with new collective agreement
Total Surplus/(Deficit)	371,650	
Note:		
Functional areas not identified are projected to have no surplus or deficit for 2007.		



Corporation of the
City of St. Thomas

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Report No.

TR-36-07

File No.

Directed to:

Chairman Terry Shackelton and Members of the
Finance and Administration Committee

Meeting Date: 8/13/07
Date Authored: 8/03/07

Department:

Treasury (Purchasing Section)

Attachments:

Recommended By-law

Prepared By:

Mike Hoogstra, Purchasing Agent

Subject:

Purchasing and Tendering Procedures By-law

Recommendation:

It is recommended that Council:

1. Receive Report TR-36-07
2. Rescind the existing Purchasing By-law number 53-2001
3. Approve a By-law to provide for purchasing and tendering procedures

Background:

Current By-law number 53-2001 providing for purchasing and tendering procedures has been in effect since April 2001. Since that time minor revisions have been made to ensure that the By-law complies with the Municipal Act and other applicable legislation. A review of the current By-law is required with every new term of Council.

Report:

The recommended Purchasing and Tendering Procedures By-law attached to this report has been streamlined and updated to include the former Purchasing and Tendering By-law and the current Purchasing Policy and Procedures manual. Combining these two separate documents into one ensures that the City's policies and procedures relating to procurement and expenditures are contained in one single document. The recommended Purchasing and Tendering Procedures By-law also includes reference to the City's Purchase Card Policy and Procedures Manual previously approved by Council.

This new By-law includes many revisions, most noticeably the following:

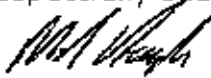
- Objective and Purpose sections added
- Additional definitions added or clarified
- Responsibilities and Authority clarified
- Request for Proposal process and procedures including evaluating have been clearly defined
- Bid Irregularity section has been added
- Bid bonds have been added as an acceptable bid deposit
- An exclusion section has been added to clearly define goods and services to be excluded from the By-law.

Comparisons were made with over twenty other Purchasing By-laws from cities across the Province. With these revisions, the new Purchasing and Tendering By-law has addressed many of the changes that have taken place in procurement since 2001. The City Solicitor has reviewed the proposed By-law.

We believe that the By-law, as recommended, will ensure optimal value for money decision making and effective purchasing and expenditure control.

Staff are available to answer any questions members may have.

Respectfully submitted,


Mike Hoogstra
Purchasing Agent


William J. Day
City Treasurer

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



CORPORATION OF THE CITY OF ST. THOMAS
BY-LAW NO. 40 -2007

Being a By-law of the Corporation of the City of St. Thomas
to provide for purchasing and tendering procedures.

1.0 OBJECTIVE

The objective of this By-law is to detail the processes to be followed in order to obtain the best value when purchasing goods or contracting services for the City and to encourage competitive bidding in order to obtain the best value in Goods and Services for public fund expenditures conducted in a fair and open process.

Additionally, this By-law shall strive to strengthen public relations through the proper communications with suppliers and maintain effective purchasing and expenditure controls.

2.0 PURPOSE

- 2.1 To bring about understanding of Purchasing policies and procedures.
- 2.2 To facilitate decisions and promote consistency of interpretation and application of policies set forth in City legislation.
- 2.3 To promote recognized authority for delegation of process and duties, consistent with applicable laws.
- 2.4 To minimize the possibility of unauthorized purchasing operations.
- 2.5 To comply with section 270(1)3 of the Ontario Municipal Act, 2001.

The Council of the Corporation of the City of St. Thomas has deemed it desirable to enact this By-law for these objectives and purposes.

3.0 DEFINITIONS AND INTERPRETATIONS

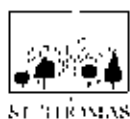
- 3.1 "Authority" means the legal right to conduct the tasks outlined in this By-law as directed by Council and delegated through the City Treasurer to the Purchasing Agent.
- 3.2 "Addendum" means additional information supplied by the Corporation after an original Tender, Quotation or Proposal call has been issued.
- 3.3 "Agreement" means a legal document that binds the Corporation and all other parties, subject to the provisions of the Contract.
- 3.4 "Bid" means an offer or submission received in response to a request for Quotation, Tender or Request for Proposal, which is subject to acceptance or rejection.
- 3.5 "Bidder" means supplier or contractor from whom the Corporation has received a Tender or Quotation, that is subject to acceptance or rejection.
- 3.6 "Bid Deposit" means the security to guarantee that the successful Bidder or Proponent will enter into a formal Contract.
- 3.7 "Bid Irregularity" means a deviation between the requirements of the Bid and the information provided or received in a Bid response.
- 3.8 "Board" means a municipal service board, incorporated entity or agency of the City.
- 3.9 "City" and/or "Corporation" means the Corporation of the City of St. Thomas.
- 3.10 "City Treasurer" means the Director of Finance/Treasurer for the City.
- 3.11 "Cooperative Purchasing" means the participation of two or more public agencies in a request for Quotation, Tender or Request for Proposal call.



CORPORATION OF THE CITY OF ST. THOMAS

BY-LAW NO. 41-2007

- 3.12 **"Contract"** means a commitment for the purchase and supply of Goods and Services, evidenced in writing by an Agreement or other documentation appropriate to the transaction and duly authorized on behalf of the City in accordance with this By-law.
- 3.13 **"Consultant"** means the person or firm, who by virtue of a particular expertise, is selected by the Corporation to undertake a specific task or assignment that may included designing specifications and preparing plans or programs.
- 3.14 **"Council"** means the elected Municipal Council of the Corporation of the City of St. Thomas.
- 3.15 **"Department"** means a City department, or Board.
- 3.16 **"Department Head"** means the head of any City Department.
- 3.17 **"Designate"** means a person authorized by the Department Head to act on their behalf, for the purposes of this By-law.
- 3.18 **"Disposal"** means the selling, trading, assignment, auctioning or scrapping of surplus assets.
- 3.19 **"Emergency"** means a situation where the immediate purchase of Goods or Services is essential to prevent serious delays, further damage or to restore minimum service.
- 3.20 **"Employee"** means an employee, or full-time personal contractor, of the City or a Board.
- 3.21 **"Expression of Interest"** means a focused market research tool used to determine vendor interest in a proposed project, not directly leading to the acquisition of Goods or Services.
- 3.22 **"Goods and Services"** includes all supplies, materials, equipment, property, and contracts for construction, maintenance, service or consulting and professional services.
- 3.23 **"Immediate Family member"** means a spouse or dependent child.
- 3.24 **"In-House Bid"** means internal staff competing with external entities for procurement opportunities not involving Tenders, Proposals or other procurement processes.
- 3.25 **"Management Board"** means the various Department Heads collectively authorized by Council to carry out the day-to-day business of the Corporation.
- 3.26 **"Performance Security"** guarantees the successful completion of a Contract by a Bidder/Proponent.
- 3.27 **"Pre-Qualify "** means evaluation of a detailed written response of all experience, financial information, education, background of the company, etc. submitted for consideration in response to a Request for Pre-Qualification.
- 3.28 **"Proponent"** means any person or firm from whom the Corporation has received a Proposal that is subject to acceptance, rejection or further negotiation.
- 3.29 **"Proposal"** means a written offer received from a Proponent in response to the City's Request for Proposal.
- 3.30 **"Purchase Card"** means a card that can be used by authorized employees of the Corporation to purchase certain items as described in the City's Purchase Card Policy and Procedures Manual.
- 3.31 **"Quotation"** means an offer of prices, on specific Goods or Services, which are submitted in writing or transmitted by fax or other form of electronic transmission as deemed appropriate by the Corporation.



CORPORATION OF THE CITY OF ST. THOMAS
BY-LAW NO. -2007

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- 3.32 "Request for Information" is used prior to issuing a Bid document to determine what products and services are available, scope out business requirements and/or estimate project costs.
- 3.33 "Request for Proposal" means a process where a need is identified but where detailed specifications cannot adequately describe the need. The need is generally described, the Proponent responds as to how the need will be achieved, and will include a cost to perform or supply, the acceptance of which may be subject to further negotiation.
- 3.34 "Tender" means a sealed written offer, in a specified form, having specific identifiable cost received from a supplier or contractor in response to a public invitation to provide Goods or Services, based on the information contained in the Tender.

4.0 GENERAL

- 4.1 This By-law applies to the City, its Departments and any other Board, (unless the entities approved purchasing practises are more restrictive than this By-law) who receives greater than seventy-five percent (75%) or over, of its annual funding from the City.
- 4.2 This By-law authorizes and requires the Purchasing Agent to:
- 4.2.1 Procure by purchase, rental or lease the necessary quantity and quality of Goods and Services in an efficient and cost-effective manner.
 - 4.2.2 Administer the procurement process.
 - 4.2.3 Encourage open competitive bidding on all acquisitions and disposal of Goods and Services where practical.
 - 4.2.4 Promote and assist with the development of generic specifications that encourages competition and limits sole sourcing.
 - 4.2.5 Monitor adherence to the provisions of this By-law and the procedures adopted for its use.
 - 4.2.6 Maintain good vendor relations and be responsible for the conduct of all negotiations with vendors, subject to the other provisions of this By-law.
 - 4.2.7 Conform to good materials management practices by simplifying and standardizing, wherever possible, like requirements with previous purchases and for different Departments. Every effort is to be made to reduce the type and kinds of goods used by the City to the smallest number and minimum investment. All Departments will co-operate and assist in achieving this objective by considering equivalents or alternatives suggested.
- 4.3 Dollar amounts specified in this By-law setting parameters for the purchasing process, except as otherwise stated, will be the costs, in Canadian dollars, excluding all taxes and freight.
- 4.4 Except as otherwise stipulated, the purchase of Goods and Services shall be made on a competitive basis in keeping with accepted public purchasing practices and in accordance with the applicable Federal, Provincial and Municipal Laws.
- 4.5 Any failure to comply with the provisions of the By-law and related procedures shall be reported to City Treasurer.
- 4.6 Documentation of each purchase investigation process will be retained on file for future reference for a minimum period of five years (as per By-law No. 67-96).
- 4.7 Tenders, Proposals, Quotations, Expressions of Interest or Pre-Qualifications received later than the predetermined time, will not be accepted by the City, and are to be returned unopened.
- 4.8 No Tender, Proposal or Quotation will be accepted from any company inclusive of its sub-contractor, which has a claim or instituted a legal proceeding against the City or against whom the City has a claim or instituted a legal proceeding with respect to any previous Contract, without prior approval by Council.



CORPORATION OF THE CITY OF ST. THOMAS

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- 4.9 No purchases shall be made by the Corporation for the personal use of an individual employee, elected official or any appointed member of a Board or Commission. Council may authorize City programs allowing certain purchases to be made by all employees or elected officials.
- 4.10 No Employee, member of Council or a member of their Immediate Family, nor any corporation effectively controlled by any such party, may submit Quotations, Proposals or Tenders to the Corporation for the purchase of Goods and Services.
- 4.11 Suppliers or potential suppliers shall not be requested to expend time, money or effort to design or develop specifications or otherwise help define a requirement beyond the normal level of service expected from suppliers. If such extraordinary services are required, the Purchasing Agent will be advised, in writing. If there is no alternative but to request such services, then the company providing same, shall be compensated at a fee pre-determined by the Department Head and/or Purchasing Agent subject to the purchasing parameters. The resulting specifications shall become the property of the Corporation for use in obtaining competitive Bids.

5.0 RESPONSIBILITIES AND AUTHORITY

- 5.1 Department Heads will submit a listing in January of each year to the City Treasurer specifying the authority for approval of invoices for payment delegated to their Designates. The listing will specify the employee's name, position, type of expenditure and dollar limits as well as provide a sample of the employee's signature. The approval authority is attached as "Schedule B".
- 5.2 The Purchasing Agent shall have the authority to join or participate with other units of government including local boards, commissions and agencies in Cooperative Purchasing, tendering and bulk buying of Goods and Services.
- 5.3 Budget approval by Council, of capital works and operating expenditures shall constitute authorization for any purchase of materials and services necessary to carry out work within the approved cost of an approved project, provided such purchases are made in accordance with this By-law. The requisitioning Department, in conjunction with the Purchasing Agent, will ensure that Goods and Services are properly approved and that funds are available.
- 5.4 Where expenditure estimates approved in the budget have been subject to Quotations, Tenders or Request for Proposals which subsequently quote an amount greater than the estimated expenditure for that item, notice of a staff report regarding such amendment to the budget shall be included in the previous Council Agenda, under the heading Public Notice.
- 5.5 New projects that have not been included in the annual budget shall be detailed in a staff report and notice of the staff report regarding such amendment to the budget shall be included in the previous Council Agenda, under the heading Public Notice.
- 5.6 Normal operating costs incurred prior to the adoption of the annual budget shall not require notice and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.
- 5.7 If a matter arises, which in the opinion of the City Treasurer, in consultation with the Mayor, is considered to be an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the City of St. Thomas, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this By-law may be waived and the City Clerk shall make their best efforts to provide as much notice as is reasonable under the circumstances.



CORPORATION OF THE CITY OF ST. THOMAS

BY-LAW NO. 44 -2007

- 5.8 It shall be the responsibility of the user Department to enforce any terms, conditions and specifications from the award of any Contract resulting from the purchasing process. Where terms, conditions or specifications are not being adhered to, the user Department may request the Purchasing Agent contact the supplier and attempt to negotiate to have said deficiencies corrected.
- 5.9 All Employees and elected officials, are expressly prohibited from accepting directly or indirectly from any person, company or corporation to which any purchase or Contract is, or might be awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the Corporation.
- 5.10 Employees and elected officials' travel advances, expense reports and mileage claims will be subject to approval as follows:
- 5.10.1 Approval of the Department Head is required for Employees within their respective Departmental jurisdiction. Approval authority may be delegated by the Department Head to the Employees' manager or supervisor.
 - 5.10.2 Approval of the City Treasurer is required for Department Heads.
 - 5.10.3 Approval of the City Clerk is required for the City Treasurer.
 - 5.10.4 Approval of the City Treasurer is required for the Mayor and other elected officials. Expenditure statements for the Mayor and other elected officials shall be reported to Council quarterly by the City Treasurer.
- 5.11 Department Heads, or their Designate, shall provide or assist the Purchasing Agent in the preparation of estimates of requirements for future periods of time or specific works to enable the Purchasing Agent to consolidate and plan the purchase of such requirements.
- 5.12 The signatures of the Mayor and City Clerk, when legally required, are necessary on all Agreements to purchase, lease or Contract for Goods and Services.
- 5.13 Where any purchase of Goods and Services has been authorized under this By-law, the City Treasurer may authorize disbursement of additional funds, provided that such additional funds shall not exceed five percent (5%) of the original budget for this purchase.
- 6.0 **PURCHASING PARAMETERS**
- 6.1 **Goods or Services costing \$10,000.00 or less**
In this dollar range, the selection of a supplier shall be at the discretion of the Department Head. Staff are encouraged to solicit a minimum of three competitive Bids whenever possible.
- 6.2 **Goods or Services costing more than \$10,000.01 but not more than \$75,000.00**
In this dollar range, a minimum of three written quotations are required. Having reviewed the quotations, the Department Head in conjunction with the Purchasing Agent may make the purchase from such supplier and upon such terms and conditions that in their opinion are most appropriate for the Corporation. When staff cannot recommend the lowest quotation, a report shall be made to Council for approval prior to making the purchase. In appropriate circumstances, a formal sealed Request for Quotation, Tender or Request for Proposal may be utilized in this dollar range.
- 6.3 **Goods or Services costing \$75,000.01 or more**
In this dollar range, a formal sealed Tender or Request for Proposal will be issued and awarded with the approval of Council.



CORPORATION OF THE CITY OF ST. THOMAS
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7.0 EXCEPTIONS

- 7.1 Departments may make a request in writing to the Purchasing Agent that certain Goods and Services be excluded from the provisions of this By-law. Circumstances which may warrant a purchase being excluded from the provisions of this By-law, upon written approval of the City Treasurer, are as follows:
- 7.1.1 Emergency purchases of Goods and Services essential to prevent serious delays in the work of any Department, which might involve danger to life or damage to property. The Department Head or designate shall make every effort to procure services by the open market procedure at the lowest obtainable price. The purchase shall be reported to the City Treasurer.
 - 7.1.2 Upon written approval of the City Treasurer, Goods and Services estimated to cost over \$10,000.01 but no more than \$75,000.00 for which three quotations cannot be obtained.
 - 7.1.3 Where there is merit in purchasing at a public auction.
 - 7.1.4 Where there are a limited number of acceptable sources of supply.
 - 7.1.5 Where matching existing equipment forming part of a functioning system is appropriate for reasons of consistent operation, and/or efficiency.
 - 7.1.6 Where extenuating and/or unusual conditions exist regarding certain Goods and Services.
- 7.2 At all times the methods of acquisition shall be those accepted as standard negotiating procedures that employ fair and ethical practices. The information pertinent to and the results of all such negotiations shall be reported to the City Treasurer and, at the discretion of the City Treasurer, shall be reported to Council.

8.0 TENDERS / REQUEST FOR QUOTATIONS / REQUEST FOR PROPOSALS

- 8.1 The Purchasing Agent shall be responsible for the issuing of all Tender and Request for Proposal calls and receiving all Tenders and Proposals.
- 8.2 Tenders and Proposals must be submitted in an envelope addressed to the Purchasing Department and which only makes reference to the Bid identification detail as requested in the Tender or Proposal document.
- 8.3 The closing time for all Bids shall be 2:00:00 p.m. Bids received at 2:00:01 shall be rejected as late. The Purchasing Department's Atomic Clock shall be the official time.
- 8.4 Request for Proposals may be issued rather than a Tender when the requirements for Goods and Services needed cannot be definitely specified or where innovative solutions to a problem are sought. Examples include consulting services, engineering services, architectural services, audit services, banking services, and the acquisition of specialized equipment. The selection of the successful Proponent will be based on the effectiveness of the proposed solution rather than on price alone. Each Request for Proposal document shall include a list of evaluation criteria and shall be evaluated by a committee. Evaluation criteria may include but is not limited to, price, experience and qualifications, methodology, references, schedules and project approach.
- 8.5 A Request for Information or Expression of Interest may be issued in advance of a Tender or Request for Proposal to assist in the development of a more definitive set of documents.
- 8.6 The Purchasing Agent, may from time to time Pre-Qualify persons or firms for any Bid call where the initiating Department and Purchasing Agent believe it to be in the best interest of the City.



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- 8.7 Addendums issued, after publication, regarding conditions or specifications of a Tender, Request for Quotation or Request for Proposal will be coordinated in writing through the Purchasing Agent.
- 8.8 During the public procurement process In-house Bids will not be considered.
- 8.9 The issuing Department shall be responsible for the preparation of formal specifications when required and to provide same to the Purchasing Agent. Specifications shall be definitive as to quantity, quality and/or function. All specifications shall be approved by the Department Head concerned. The Purchasing Agent shall review all specifications to determine that they indicate a minimum acceptable quality level, are commercially practical, are sufficiently generic to ensure competitive bidding and are presented in an appropriate form. Specifications shall not be designed or written to allow only one manufacturer, supplier, distributor or Bidder to submit a Bid. Such specifications shall not limit the bidding to only one make/model of equipment or one source of service.
- 8.10 Unless explicitly specified in a Request for Proposal or Tender, a consultant retained to assist with the preparation of the specifications which are included in a Request for Proposal or a Tender cannot Bid on the same project or be affiliated with any contractors bidding on the same project.
- 8.11 Tenders prepared for the City by outside consultants will be subject to review and approval by the Purchasing Agent prior to issue.
- 8.12 In those instances where Bidders are responding to a requirement based on generalized specifications, the award of a Contract will be based on criteria established prior to opening of the Tender or Quotation from prospective Bidders. In general, these criteria would include one or more of the following:
- 8.12.1 Price
 - 8.12.2 Warranty
 - 8.12.3 Service (personnel, availability and qualifications)
 - 8.12.4 Experience
 - 8.12.5 Consistency with existing systems
- 8.13 Only Bidders meeting the terms, conditions and specifications of the tender, who have the ability to provide the Goods or Services, will be recommended to receive any City Contract.
- 8.14 All Departments in conjunction with the Purchasing Agent shall review their contracts and specifications to ensure that wherever possible and economical, specifications provide for expanded use of products and services that contain a post consumer recyclable waste and/or recyclable content to the maximum level allowable, without significantly affecting the intended use or performance of the product or service.
- 8.15 If the successful Bidder or Proponent fails to sign the Contract and provide a performance bond or other required documentation satisfactory to the Corporation within the specified time, additional time may be granted to fulfil the necessary requirements. Alternatively the Contract shall be cancelled and awarded to the next qualified Bidder or Proponent.
- 8.16 If the successful Bidder or Proponent notifies the Corporation in writing that the successful Bidder or Proponent will not execute the Contract, the Contract shall be cancelled and awarded to the next qualified Bidder or Proponent.
- 8.17 The City may claim damages as appropriate where there was no Bid deposit and the successful Bidder or Proponent fails to provide the required security, fails to enter a Contract or fails to perform under a Contract.
- 8.18 Performance security will be required in the form of guarantees (performance bonds, etc.) to ensure the successful completion of a Contract by a supplier/contractor. The acceptable forms of required security are fully detailed in section 11.7.



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8.19 If a Tender or Proposal has received no response, the Purchasing Agent and Department Head will review all aspects of the Tender/Proposal, i.e. due date, quantity, type of commodity or service being requested. A report, detailing their findings, will be forwarded to the City Treasurer for final determination on the acquisition.

8.20 In the event that only one response is received for a particular Request for Quotation, Tender or Request for Proposal, the Purchasing Agent will either:

8.20.1 Open the Bid, or;

8.20.2 Delay the opening of the Bid for consultation with the Department Head of the Department requesting the Bid to decide whether to open or reject the sole Bid;

A rejected Bid will be returned unopened. A decision to re-issue will be made respectively by the Purchasing Agent and the Department Head to be reported to the City Treasurer.

8.21 All Tenders, Quotations and Proposals submitted by suppliers will be reviewed by the Purchasing Agent and evaluated for adherence to requested specifications and all requirements of the bid document.

8.22 Advertising for Tenders, Request for Quotations, Request for Proposals and Expressions of Interest may, at the discretion of the Purchasing Agent, be placed in at least one regional and one local newspaper and may be placed on the City's website.

8.23 Site meetings may be called, at the option of the user Department and/or the Purchasing Agent, to afford potential suppliers an opportunity to obtain or clarify information relative to the project.

9.0 REQUEST FOR PROPOSAL – PROCEDURES

9.1 Request for Proposals may be issued rather than a Tender when the requirements for Goods and Services needed cannot be definitely specified or where innovative solutions to a problem are sought.

9.2 The user Department will provide the Purchasing Agent with a written description of the requirements requested together with the approved budget amount and a required project completion date.

9.3 The Purchasing Agent may advertise or contact directly those qualified suppliers to obtain "Expressions of Interest" where required.

9.3.1 Expressions of Interest will be reviewed and may be ranked according to criteria included in the EOI document. The user Department Head in conjunction with the Purchasing Agent and others may be involved in the evaluation. Suppliers may be personally interviewed as part of the selection process.

9.3.2 Once the Expression of Interest stage is completed, all or only those suppliers selected will be invited to submit a Proposal to the City. The following Request for Proposal process shall then be followed.

9.4 The Department Head of the user Department, in conjunction with the Purchasing Agent, will determine a minimum of three Proponents to submit detailed Proposals. The Proposals should include, but not be limited to:

9.4.1 Outline of work to be done;

9.4.2 Names, qualifications and experience of staff assigned;

9.4.3 Time schedule, including reports;

9.4.4 Proposed per diem and/or other rate structure;

9.4.5 Estimated total cost including upset cost;

9.5 Request for Proposals will clearly outline the evaluation criteria and applicable ratings assigned that will form the basis of the Contract award.



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- 9.6 The selection of the successful Proponent will be based on the effectiveness of the proposed solution rather than on price alone. Each Proposal document shall be evaluated by a committee.

9.7 Request for Proposal Evaluation/Selection Criteria

The following criteria, among others detailed in the Request for Proposal document, may be considered in the selection process:

- 9.7.1 Qualifications / Expertise
- 9.7.2 Past Performance
- 9.7.3 Evaluation of the proposed Project Manager
- 9.7.4 Cost estimate / Price / Fees
- 9.7.5 Completeness of the Proposal
- 9.7.6 Variety of disciplines in-house/in consortium
- 9.7.7 Proximity of service office or branch
- 9.7.8 Estimated time required for the project / Schedules
- 9.7.9 Proponents knowledge of the City
- 9.7.10 Methodology / Project Approach

The relative weighting of selection criteria will vary according to the nature and scope of the project.

9.8 Criteria Description and Method of Use

9.8.1 Qualifications or Expertise

Consideration should be given to the number of similar projects completed, the manner in which they were undertaken, their success, and the financial health of the Proponent.

9.8.2 Past Performance

Evaluation of past performance will be important in determining the probable successful and acceptable completion of the projects within the estimated time and budget limits. Client references and reputation of the Proponent within the industry/profession are very important facets of this criteria. Would the Proponent's past customers utilize their services again?

9.8.3 Evaluation of Proposed Project Manager

The project manager is integral to the success of the project and should be evaluated on the following basis:

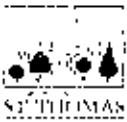
- a) Status within the firm (e.g., senior partner will have more freedom in staff allocation)
- b) Past experience in directing or being involved in similar projects
- c) Specialized field or expertise or experience
- d) Compatibility with City Staff
- e) Understanding of the proposed project

9.8.4 Cost Estimate / Price / Fees

Cost estimates will be evaluated with the fewest points being given for the highest estimate to the most points being given for the lowest estimate. Consideration will also be given to the completeness of all cost estimates.

9.8.5 Completeness of Proposal

A logical, well-documented Proposal is indicative of a firm that should be able to proceed with a minimum of delay. Including also, should an indication of the firm's complete understanding of the project's objectives as well as viable alternative or innovative approaches.



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9.8.6 Variety and Application of Disciplines in House or in Consortium

The weighting of this criteria will vary with the type of project. Various projects require different strengths and mixes of disciplines. Consideration should be given to creativity, support capabilities and availability of personnel.

9.8.7 Proximity of Service Office or Branch

Advantages of a local facility include:

- a) Better accessibility to and by the Proponent
- b) Minimized per diem mileage and long distance expenses
- c) Expeditious on-site supervision when required

9.8.8 Estimated Time Required for Project / Schedules

Time varies in importance between projects. The weighting factor should therefore be in accordance with the urgency of the project relative to the availability of the Proponent. Consideration should also be given to the amount of City staff time, facilities and data that will be necessary for the project under each Proposal.

9.8.9 Proponent's Knowledge of the Municipality

The criteria may be of greater importance to certain studies as opposed to construction projects. Also important maybe the firm's familiarity with local standards and approval processes.

9.8.10 Methodology / Project Approach

The weighting of this criteria will vary with the type of project. The Proponent's methodology and approach to the project will be evaluated to ensure that the Proponent's proposed process is consistent with the City's requirements.

9.9 Request for Proposal Performance Evaluation – Completion of Project

Upon completion of each assignment, the Department involved in the project should prepare a written evaluation of the Proponent's performance and forward the evaluation to the Purchasing Agent.

10.0 BID OPENING

10.1 Tenders and Quotations shall be opened at a public meeting at a time and place specified in the Bid documents.

- 10.1.1 The Purchasing Agent and user Department Head or their Designate will be present at the opening.
- 10.1.2 A list of Bidders prepared by the Purchasing Department shall be available at the opening.
- 10.1.3 The Purchasing Agent or Designate shall announce the name/number of the Bid, the name of the Bidder, the total amount of the Bid and keep a written record of this information in a prescribed format.
- 10.1.4 Where two or more Bids for the same project are submitted in the same envelope, the one bearing the lowest price shall be considered as the Bid.
- 10.1.5 Where more than one Bid is opened at the same opening, a low Bidder on a contract may withdraw their Bid on the remaining contract or contracts.
- 10.1.6 As soon as practical following the opening of Bids, each Bid shall be checked to ensure compliance with all the requirements/specifications. The review is to be documented in a prescribed format. Should an issue arise the Purchasing Agent shall follow the Bid Irregularity section of this By-law.

10.2 Proposals will not be opened in public. At the option of the Corporation and at a convenient time to the Corporation a debriefing meeting may be held to inform those unsuccessful Proponents the circumstances of the award. A list of Proponents who submitted a Proposal to the City will be made available.



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11.0 BID PROCEDURES

11.1 Bid Irregularities

When a Bid Irregularity arises, the Purchasing Agent shall follow the process as detailed in Schedule "A" forming part of this By-law. In the event that a Tender, Quotation or Proposal contains an informality or irregularity not described in Schedule "A", the Purchasing Agent shall report the nature of the informality or irregularity to the City Treasurer for final determination.

11.2 Bids with Equal Total Prices

If two Bids in response to a Tender or Request for Quotation are found to be equal in price, quality and service, the successful Bidder shall be chosen by "flip of a coin". This action shall be taken in the presence of both low Bidders. If more than two Bidders are equal in all three areas – price, quality, service – the determination of the successful Bidder shall be established in the presence of the low Bidders by Lot (drawing a name from a container).

11.3 Lowest of Any Bids

Bids will be analyzed and evaluated on a consistent basis to determine which Bid is in the best interest of the Corporation. The lowest or any Bid will not necessarily be accepted.

11.4 Withdrawal of Bids – Prior to Opening

11.4.1 At any time, prior to closing, Bids maybe withdrawn at the Bidder's / Proponent's request and shall be returned.

11.4.2 Withdrawal requests shall be made, in writing, to the Purchasing Agent. Verbal requested for withdrawal shall not be considered.

11.4.3 Withdrawal requests on behalf of a bidding corporation must be made by an authorized signing officer of that corporation.

11.4.4 The withdrawal of the Bid does not disqualify a Bidder / Proponent from submitting another Bid on the same Bid call.

11.4.5 Withdrawal requests received after the closing time shall not be considered.

11.4.6 Every withdrawal under this section is final.

11.5 Withdrawal of Bids – During Opening

11.5.1 Where more than one Bid is opened in response to a Tender or Request for Quotation at the same opening, a successful Bidder on the contract may withdraw their bid(s) on the remaining contract(s).

11.5.2 Prior to a Bid opening in response to a Tender or Request for Quotation, a Bidder who wishes to avail themselves of the privilege noted in No. 1 above, shall inform the Purchasing Agent, in writing, before the opening of the first Bids to be opened at that opening.

11.5.3 Every withdrawal under this section is final.

11.6 Bid Deposits

Bid deposits may be required and shall be 10% of the amount of the estimated total contract price, excluding applicable taxes. The deposit shall be in the form of one of the following:

- a) Certified Cheque or Cash
- b) Irrevocable Letter of Credit
- c) Bank Draft
- d) Bid Bond



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All Bid deposits must be issued by Canadian Chartered Banks or other financial or insurance institutions acceptable to the City. All Bid deposits other than those associated with the lowest and second lowest Bids, shall be returned to the applicable Bidders after identification of the two lowest submissions. The Bid deposit of the second lowest Bidder will be held until either a Contract is executed or to a maximum of 60 days, whichever comes first. The Bid deposit of the lowest Bidder may be returned after the sixty (60) day period but before a Contract is executed with the approval of the City Treasurer. No interest shall be paid for Bid deposits.

The Bid deposit of a successful Bidder who fails to enter into a Contract shall be forfeited to the City.

11.7 Performance Security, Insurance and Workplace Safety and Insurance Board Certificates

Performance security to guarantee the completion of the Contract is required for the supply and installation of equipment and materials and all services/construction involving City property. Where performance security is deemed necessary, it shall take the form of one or a combination of one or more of the following:

- a) Performance Bond
- b) Labour and Material Payment Bond
- c) Irrevocable Letter of Credit
- d) Certified Cheque or Cash

The above noted security will be required with respect to the following:

- a) Renovation contracts
- b) Construction contracts
- c) New buildings
- d) Demolition of buildings
- e) Service contracts where the work involves contractors working on/with City owned property
- f) Supply and installation of equipment and materials and all service / construction involving City owned property.
- g) When deemed appropriate and necessary by the City Treasurer.

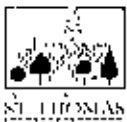
In order to further protect the Corporation, the following certificates will be required from all successful Bidders / Proponents:

- a) A current and valid insurance certificate for amounts specified in the Bid document.
- b) A current and valid Workplace Safety and Insurance Board (WSIB) certificate.

12.0 EXECUTION OF CONTRACT

12.1 When the Tender or Proposal has been accepted the formal Contract agreement shall be submitted to the successful Bidder / Proponent for execution. The successful Bidder/Proponent shall be allowed ten (10) working days from the date of mailing of the agreement to return the executed Contract to the City.

12.2 If the Bidder / Proponent is a corporation, the seal of the corporation must accompany the signature. If the Bidder / Proponent is a private individual, their signature must be witnessed.



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13.0 CONTRACT ADMINISTRATION

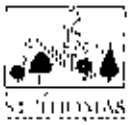
- 13.1 The successful Bidder / Proponent will be expected to complete the work described within the total amount of the Bid. Any change in amounts or upset limit must be approved in writing by the City.
- 13.2 It is the successful Bidders or Proponent's responsibility to keep the City informed of the progress of the project. The successful Bidder / Proponent shall include, with the pertinent invoices, a statement, including supporting documents, indicating work completed and work remaining, in percentages and dollar amounts. Payment of any invoice or fees, which in sum with previous payments, exceeds the total amount Bid or upset limit, will be withheld until the prescribed work is satisfactorily completed and the additional funding is duly authorized.
- 13.3 It shall be the responsibility of all user Departments to enforce contract terms, specifications and conditions. Where terms, conditions or specifications are not being adhered to, the user Department may request that the Purchasing Agent contact the successful Bidder / Proponent and attempt to negotiate to have the said deficiencies corrected.

14.0 PURCHASE CARDS

- 14.1 The purchase card system (PCS) is a credit card based system utilizing corporate charge cards that enable authorized staff to make purchases in an efficient and cost effective manner in accordance with the City's Purchase Card Policy and Procedures Manual.

15.0 SURPLUS GOODS

- 15.1 Each Department Head will submit to the Purchasing Agent, from time to time and upon request, a written list of assets, which are deemed surplus, have become obsolete, worn out, damaged or scrap. For the purposes of clarity, these assets are to include vehicles and equipment normally replaced on a scheduled basis and may be considered for 'trade-in' or replacement.
- 15.2 All obsolete, damaged or surplus property will first be offered to other Departments at its net value as determined by the Purchasing Agent and Department Head.
- 15.3 All obsolete, damaged, surplus or scrap assets not required by any City Departments will be accumulated by the City and will be disposed of by any of the following:
 - 15.3.1 A trade-in on vehicle/equipment being replaced
 - 15.3.2 Public auction
 - 15.3.3 Sealed Bid by advertised public Bid (and sold to the highest Bidder)
 - 15.3.4 Donation to a registered charity
 - 15.3.5 On approval of Purchasing Agent and Department head, removal to a City garbage disposal unit or an approved site.
- 15.4 Net proceeds from the disposal of surplus assets shall be transferred through the operating budget to the appropriate account as directed by the City Treasurer. In each case where it is estimated that the value of the surplus assets will be greater than \$10,000, a report recommending the sale shall be submitted to Council for approval.
- 15.5 No surplus assets will be sold directly to a City employee, although this does not prohibit any City employee from purchasing City surplus assets being sold through a public process.



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16.0 **EXCLUSIONS**

16.1 Competitive Bids shall not be required for the following Goods and Services:

- 16.1.1 Advertising services (radio, television, newspaper, magazine)
- 16.1.2 Government Agencies
- 16.1.3 Travel expenses including meals, conferences, seminars, conventions, trade shows and accommodations
- 16.1.4 Courses
- 16.1.5 Staff Development / Workshops
- 16.1.6 Memberships
- 16.1.7 Magazines, Books and Periodicals
- 16.1.8 Licenses, certificates (including hardware and software licenses)
- 16.1.9 Ongoing maintenance for existing computer hardware and software
- 16.1.10 Professional and skilled services provided to individuals as part of an approved program(s) within the Corporation including but not limited to medical services and counseling services.
- 16.1.11 Postage
- 16.1.12 Utilities (Water, Sewage, Hydro, Gas, Telephone, Cable TV)

17.0 **REVIEW**

- 17.1 This By-law will be reviewed from time to time for updates to clauses currently in force. The By-law will be subject to a complete review for changes in the purchasing process and in the purchasing parameters and will be submitted to Council for approval with each new term of Council.

That Purchasing By-law 52-2001 of the Corporation on the City of St. Thomas and all amendments be hereby repealed.

READ a First and Second time this ____ day of August, 2007.

READ a Third time and Finally passed this ____ day of August, 2007.

Wendell Graves, City Clerk

Cliff Barwick, Mayor



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SCHEDULE A BID IRREGULARITIES	
BID IRREGULARITY	RESPONSE
Late Bids / Expressions of Interest / Pre-Qualifications	Automatic rejection, Bid remains sealed and is returned to the Bidder if the envelope contains a return address
Unsealed Envelopes	Automatic rejection
Insufficient Financial Bid Security (Bid Deposit / Bid Bond)	Automatic rejection
Failure to include a Performance Guarantee (Agreement to Bond / Irrevocable Letter of Credit)	Automatic rejection
Responses which are incomplete, conditional or obscure or which contain additions not called for, erasures or alterations or irregularities of any kind	May be rejected as ambiguous, unless in the opinion of the Department Head and Purchasing Agent the particular irregularities are trivial or not significant.
Failure to acknowledge Addenda on the Form of Tender/Quotation/Proposal	Automatic rejection
Bids received on documents other than those provided by the City	Automatic rejection
Failure to attend mandatory site meeting	Automatic rejection
Failure to include an authorized signature on the Form of Tender/Quotation/Proposal	Automatic rejection
Mathematical Errors	If the amount Bid for an item does not agree with the extension of the quantity and the unit price, the unit price shall govern and the total price Bid shall be corrected accordingly. All corrections by the Purchasing Agent will be in red ink and initialed.
Conditions placed by the Bidder on the total price	Automatic rejection
Unit Prices in the Bid document which have been changed but not initialed by the Bidder	48 hours to initial



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SCHEDULE B
APPROVAL AUTHORITY

<u>Department</u>	<u>Sub Department</u>	<u>Position</u>	<u>Type of Expenditure</u>	<u>Maximum Limit</u>
Clerks	Mayor & Council	Administrative Assistant	Office Related Expenses	\$5,000
	Administration	City Clerk	All Departmental	Unlimited
		Deputy Clerk	Office Related Expenses	\$10,000
		Assistant to the City Clerk	Office Related Expenses	\$5,000
		Administrative Clerks	Office Related Expenses	\$5,000
	Airport	Airport Superintendent	All Airport Related Expenses	\$50,000
	By-law	By-law Enforcement	By-law Related Expenses	\$5,000
EDC		General Manager	All Departmental	Unlimited
Note: All Invoices signed by EDC President		Administrative Assistant	Office Related Expenses	\$5,000
Environmental	Engineering	City Engineer	All Departmental	Unlimited
		Manager of Operations & Compliance	All Departmental	Unlimited
		Manager of Engineering	City Contracts & Engineering Related Expenses	\$50,000
		Sr. Technician	Computer Supplies & Print Material	\$5,000
		Supervisor of Roads & Transportation	St. Thomas Energy Invoices & Public Works Related Expenses	\$50,000
		Administrative Assistant	Office Related Expenses	\$1,000
	Building	Chief Building Official	Office Related Expenses	\$15,000
		Permits & Building Services Assistant	Office Related Expenses	\$2,000
			Road Cut Deposit Refunds	\$10,000
	Works	Supervisor Water/Waste Water	Water/Wastewater & Office Related Expenses	\$50,000
		Water/Sewer Foreman	Water/Sewer Related Expenses	\$20,000
		Roads/Traffic Foreman	Roads/Traffic Related Expenses	\$20,000
	Pollution	Chief Operator	In absence of Supervisor-Pollution Control Related Expenses	\$5,000
		Wastewater Inspector	Office Related Expenses	\$1,000
	Property Maintenance	Building Maintenance Supervisor	Building Related Expenses	\$20,000
Fire		Chief	All Departmental	Unlimited
		Deputy Chief	All Departmental	Unlimited
		Office Administrator	Office Related Expenses	\$1,000
Human Resources		Director	All Departmental	Unlimited
		Safety & Disability Manager	WSIB Billings	\$50,000
			Health & Safety Related Expenses	\$5,000
		Payroll Coordinator	Payroll Related Expenses	\$50,000
			OMERS	\$500,000
		Employee Relations Coordinator	EHB Premiums	\$200,000
			General Office Expenses	\$10,000
		Payroll Assistant	General Office Expenses	\$5,000
			In absence of Payroll Coordinator - All expenses	\$50,000
Library		Chairperson	All Departmental	Unlimited
Note: Two of Four must sign all invoices		Vice Chairperson	All Departmental	Unlimited
		Chief Librarian	All Departmental	Unlimited
		Finance Chairperson	All Departmental	Unlimited



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SCHEDULE B
APPROVAL AUTHORITY

<u>Department</u>	<u>Sub Department</u>	<u>Position</u>	<u>Type of Expenditure</u>	<u>Maximum Limit</u>
Ontario Works	Administration	Director	All Departmental	Unlimited
		Program Manager	All Departmental	Unlimited
	Income Maintenance	Supervisor	All Program Related Expenses	\$25,000
	Employment	Supervisor	All Program Related Expenses	\$25,000
	Child Care	Supervisor	All Program Related Expenses	\$25,000
	Social Housing	Housing Administrator	All Program Related Expenses	\$25,000
Parks & Recreation	Administration	Director	All Departmental	Unlimited
	Parks	Supervisor	All Park Related Expenses	\$50,000
	Parks	Park Foreman	All Park Related Expenses	\$25,000
	Recreation	Manager of Culture & Recreation	All Recreation & Culture Related Expenses	\$50,000
Planning		Director	All Departmental	Unlimited
		Planning Assistant	Office Related Expenses	\$1,000
Police		Chief	All Departmental	Unlimited
		Deputy Chief	All Departmental	Unlimited
		Inspector	All Departmental	Unlimited
Treasury	Administration	City Treasurer	All Corporate	Unlimited
		Manager of Accounting	All Corporate	\$25,000
			Developer Payouts	\$50,000
			School Board Payments	Unlimited
		Tax Collector	Property Tax Related Office Expenses	\$5,000
			Tax Account Rebates	\$5,000
	IT	Network Administrator	Computer Related Expenses	\$25,000
	Corporate Services	Corporate Services Officer	Development Related Charges	\$25,000
			Office Related Expenses	\$5,000
	Purchasing / Licensing	Purchasing Agent / Licensing Officer	Purchasing/Licensing Related Expenses	\$25,000
Valleyview		Administrator	All Departmental	Unlimited
		Director of Nursing	All Departmental	Unlimited



Corporation of the
City of St. Thomas

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Report No.

TR-37-07

File No.

Directed to:

Chairman Terry Shackelton and Members of the
Finance and Administration Committee

Meeting Date: 8/13/07

Date Authored: 8/02/07

Department:

Treasury (Purchasing Section)

Attachments:

None

Prepared By:

Mike Hoogstra, Purchasing Agent

Subject:

Disposal of Surplus Furniture and Equipment

Recommendation:

It is recommended that Council:

1. Receive Report No. TR-37-07
2. Authorize a public auction to dispose of all surplus furniture and equipment.
3. Authorize the Purchasing Agent to retain the services of an Auctioneer.

Background:

With the relocation of Valleyview Home, several pieces of old furniture and equipment did not meet the standards for placement at the new Home. Under a separate report from Valleyview, Council authorized staff to contact the Dubois Foundation, a charitable organization, which collects and transports items to developing countries for distribution to hospitals, senior's homes, clinics, schools and orphanages. This Foundation is in receipt of the majority of the manual beds and nightstands, which remained in the old facility.

Report:

In order to continue the process of disposing of the property at 29 Elysian Street, staff recommends that the remaining furniture and equipment, which has no practical application for City use, be disposed of via public auction as per section 30 of the purchasing By-law. In addition to the surplus items at the old Valleyview location, various other surplus items from other City departments will be moved to the old Valleyview location to be included in the proposed auction. It is noted that items to be auctioned are of no use to City operations.

Staff are also recommending that the Purchasing Agent retain the services of an Auctioneer to dispose of all surplus furniture and equipment. The auction would be advertised and conducted at the former Valleyview location. All items to be included in the auction will be brought to the front of the building for viewing.

After the auction is complete, all remaining items will be disposed of as required. With the removal of these items and a general cleaning, the building will be more presentable to prospective purchasers.

Items in the auction will include:

Tables and Chairs	Desks
Dressers/Nightstands	Computer equipment
Remaining manual beds	Organ / Piano
Lounge Furniture	Filing Cabinets

Net proceeds from the auction will be credited to the Capital Reserve.

Staff are available to answer any questions members may have.

Respectfully submitted,

Mike Hoogstra
Purchasing Agent

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



Corporation of the
City of St. Thomas

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Report No.

PR-09-07

File No.

Directed to:	Chairman Bill Aarts and Members of the Community Services Committee	Date
Department:	Parks and Recreation	August 13, 2007
Prepared By:	Kent McVittie, Director of Parks and Recreation	Attachment:
Subject:	St. Thomas Timken Community Centre Capital Fundraising Campaign Update	NA

Recommendation:

THAT: Report PR-09-07 entitled "St. Thomas Timken Community Centre Capital Fundraising Campaign Update" be received for information.

Origin:

At its meeting of July 16, 2007, Council requested that staff report on the status of the capital fundraising campaign associated with the St. Thomas Timken Community Centre. This report has been organized into three sections:

1. Section one summarizes the history of the campaign and provides an overview of the goals and principles that have been established.
2. Section two provides an overview of the donations received/pledged and the associated costs for the donor recognition.
3. Section three provides a summary of the current activity of the volunteer fundraising committee and the action steps that are or are soon to be carried out.

Analysis:

Section 1 – Campaign History

In 2003, St. Thomas City Council authorized the volunteer fundraising committee to solicit funds from local businesses, service clubs and interested residents to contribute to the capital costs of the proposed community centre. The original financial goal of the campaign was to raise \$2 Million, however the committee agreed to increase the goal to \$3 Million in order expand the vision of the centre beyond a twin pad ice facility to a multi-purpose complex.

A key benefit offered to potential donors is recognition of each contribution. The committee has indicated that it has anticipated that campaign costs (including donor recognition) to fall in the range of 12 to 15% of the campaign goal.

Section 2 – Funds Raised and Expenditures

As of July 31, \$2.6 Million in cash or pledges has been received towards the capital campaign. Of this \$2.6 Million, \$1.37 Million has been collected to date while \$1.23 Million in pledges remain.

Staff from the Treasury Department is currently in the process of assuming responsibility for setting up accounts for the pledges so that they can be tracked through the City's financial system.

As of July 31, 2007, approximately \$135,000 has been expended through the campaign. This amount includes \$18,000 of the \$60,000 that has been allocated for the donor recognition wall. The recognition wall is a significant artistic feature in the foyer of the Community Centre. The wall will include three-dimensional sculptures of a hockey player and a figure skater protruding from a mural depicting an ice surface with simulated shards of ice displaying names of donors in the facility. Council approved an expenditure of \$60,000 to produce this piece in July of 2006. The mural is currently being applied to the wall and donor names are being proofed prior to their installation.