

AGENDA

THE FIFTY-SIXTH MEETING OF THE ONE HUNDRED AND TWENTY-SEVENTH COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS

COUNCIL CHAMBERS 6:00 P.M. CLOSED SESSION
CITY HALL 7:00 P.M. REGULAR SESSION DECEMBER 10TH, 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 T. Shackellon

DISCLOSURES OF INTEREST

MINUTES

Confirmation of the minutes of the meetings held on December 3rd, 2007.

DEPUTATIONS

Cowan Park Phase #3 Proposal

A representative of the Lynhurst/St. George Community Association will be in attendance to discuss the Cowan Park Phase #3 proposal. Page 7

Wellington Street Courthouse

Bob de la Penoliere, 11 Hitch Crescent, St. Thomas, will be in attendance to discuss the Wellington Street Courthouse. Page 8

COMMITTEE OF THE WHOLE

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

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

Development Agreement Policies

NEW BUSINESS

Municipality of Central Elgin - Notice of the Passing of a Zoning By-Law - 46623 Talbot Line

Notice has been received from the Municipality of Central Elgin regarding the passing of Zoning By-law No. 1017 to permit limousine sale uses at 46623 Talbot Line.

Municipality of Central Elgin - Notice of the Passing of a Zoning By-Law - 46942 Talbot Line

Notice has been received from the Municipality of Central Elgin regarding the passing of Zoning By-law No. 1003 to permit electrical contracting business uses at 46942 Talbot Line.

Municipality of Central Elgin - Notice of the Passing of a Zoning By-Law Amendment - West Side of College Street

Notice has been received from the Municipality of Central Elgin regarding the passing of Zoning By-law No. 1003 to permit a single detached dwelling at West Side of College Street.

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

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

63 Mitchell Street - Driveway Request - Correspondence

NEW BUSINESS

St. Thomas Water Pollution Control Plant (WPCP) - Wastewater Management Master Plan and Class Environmental Assessment

Report ES144-07 of the Director, Environmental Services, Pages 9 to 26

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**Bridge, Sewers and Water Capacity in Barwick Street AreaKiwit Manors Limited - Seniors' Housing - 139 First AvenueDowntown Development Board - Horton Farmers' MarketConcession Services at the Douglas J. Tarry Sports Complex2008 Capital Budget - Part 1 - Vehicle/EquipmentThe North America Railway Hall of Fame - Grant RequestCanadian Owners and Pilots Association Flight 75 - National Convention - St. Thomas Municipal Airport - Grant Request**NEW BUSINESS**Delegation of Powers and Duties Policy and Accountability and Transparency PolicyReport CC-55-07 of the City Clerk. Pages 27 to 31Kin Canada - Message of Support Campaign - Grant Request

A letter has been received from Leona Thorogood, National President, Kin Canada requesting a grant for an advertisement in the annual "Message-of-Support" campaign. Pages 32 to 36

St. Thomas Iron Horse Festival - Grant Request

A letter has been received from Jayden Abel, President, Iron Horse Festival, requesting a grant of \$20,000. Page 37

St. Thomas Holdings Inc. - Acquisition of Tiltran Companies

A motion will be presented to confirm details relating to the acquisition of Tiltran Companies by St. Thomas Holdings Inc.

BUSINESS CONCLUDED**COMMUNITY SERVICES COMMITTEE** - Chairman B. Aarts**UNFINISHED BUSINESS**Parks Pavilion RenamingWalk of FameRecreation Facilities Comparative Financial FiguresLeash Free Dog ParkSummer Ice Rates and UsageDraft Parks and Recreation By-Law**NEW BUSINESS**

Pricing Policy for Non-Event Days During Significant Special Events

Report PR-22-07 of the Director, Parks & Recreation. Pages **38 + 39**

St. Thomas Timken Community Centre Fitness Track Access Policy

Report PR-23-07 of the Director, Parks & Recreation. Pages **40 + 41**

BUSINESS CONCLUDED

PROTECTIVE SERVICES AND TRANSPORTATION COMMITTEE - Chairman D. Warden

UNFINISHED BUSINESS

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

White Street Yield Signs

YWCA St. Thomas-Elgin Summer Camp - Reduced Rate Children's Bus Tickets

Taxis By-Law - Enforcement of Non-Licensed Taxis

Intersection of Chestnut Street and Fifth Avenue

Intersection of Fairview Avenue and Elm Street

Third Avenue Road Extension from Wellington Street to Talbot Street

Transit System Transfer Times

NEW BUSINESS

Municipal Parking Program - Operating and Maintenance Standards

Report ES128-07 of the Supervisor of Roads & Transportation. Pages **42 to 58**

BUSINESS CONCLUDED

SOCIAL SERVICES COMMITTEE - Chairman L. Baldwin-Sands

UNFINISHED BUSINESS

NEW BUSINESS

Postponement of Title - Forest Avenue Child Care Centre

Report OW38-07 of the Director, Ontario Works & Social Housing. Page **59**
Attachments to follow.

BUSINESS CONCLUDED

REPORTS PENDING

COUNCIL

Council will reconvene into regular session.

REPORT OF COMMITTEE OF THE WHOLE

Planning and Development Committee - Chairman H. Chapman

Environmental 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

PETITIONS AND COMMUNICATIONS

Consolidated Court Facilities

A letter has been received from David Caplan, Minister, Ministry of Public Infrastructure Renewal, regarding the Elgin County Courthouse project. Page 60

A Request for Public Input to 2008 Budget

A letter has been received from Bill Sandison, 144 Lake Margaret Trail, St. Thomas regarding the 2008 budget. Page 61

Green Municipal Fund Peer Review Committee - Membership

Correspondence has been received from the Federation of Canadian Municipalities regarding membership applicants for the Green Municipal Fund Review Committee. Applications must be submitted no later than Thursday, November 29, 2007. Page 62

UNFINISHED BUSINESS

NEW BUSINESS

2008 Water and Sewer Rates

Members to consider proposed 2008 water and sewer rates.

2008 Water Consumption Rate and Reaffirmation of Other Fees and Charges for Water Supply as Contained in Existing By-law 44-2000

Report ES 140-07 of the Manager of Operations & Compliance. Pages 63 to 84

2008 Sewage Service Rate Change

Report ES 143-07 of the Manager of Operations & Compliance. Pages 85 to 92

BY-LAWS

First, Second and Third Reading

1. A by-law to confirm the proceedings of the Council meeting held on the 10th day of December, 2007.
2. A By-law to amend By-Law 50-88, being the Zoning By-Law for the City of St. Thomas. (permit clinic - 310 Wellington Street - File No. 2-18-07)
3. A by-law to appoint Municipal Law Enforcement Officer, (Patricia Ann Steele)

PUBLIC NOTICE

NOTICES OF MOTION

CLOSED SESSION

OPEN SESSION

ADJOURNMENT

CLOSING PRAYER

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Nov 29/07

Nov 29 2007

To: The Mayor and Council of the City
of St. Thomas.

This is a request for the opportunity
to speak on Dec 10/07, Council Meeting on
the Cowan Park Phase #3 proposal.

A representative of the Tynhurst/St. George
Community Association will be present.

Thank You

Stan Buleatz

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Dec.5, 2007
St.Thomas, On.

By Fax. 519 633 9019

Mr. Wendell Graves, Administrator
City of St.Thomas

Dear Wendell

As per my earlier request for the opportunity to address city council on Dec. 10, Please accept this as an official request.

The reason I would like the opportunity to appear is to discuss in some detail the current campaign I am beginning in the city and the county with regards to the "Save Our Courthouse " campaign.

I trust this is sufficient for you. If you have any questions, Please feel free to call me directly at 519 6310552

Thanking you in advance

A handwritten signature in cursive script, reading "Bob de la Penotiere".

Bob de la Penotiere



Corporation of the
City of St. Thomas

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Report No.

ES144 -07

File No.

07-094

Date

December 3, 2007

Directed to: Chairman Tom Johnston and Members of the
Environmental Services Committee of Council

Department: Environmental Services

Prepared by: John Dewancker, Director

Attachment

- Excerpt of proposal and work plan
by Hydromantis Consulting
Engineers in association with Earth
Tech

Subject: St. Thomas Water Pollution Control Plant (WPCP) – Wastewater Management
Master Plan and Class Environmental Assessment

Recommendation:

- That report ES144-07 be received as information.
- That the firm of Hydromantis Inc., Consulting Engineers, in association with the firm of Earth Tech be retained to complete the Wastewater Management Master Plan and Class Environmental Assessment for the St. Thomas Water Pollution Control Plant at an estimated cost of \$195,000.
- That a by-law be prepared for Council approval to authorize the execution of a consulting services agreement between the City of St. Thomas and Hydromantis Inc.

Origin:

Current and future growth of the St. Thomas community, including a number of suburban development areas, will require that a future expansion of the treatment capacity of the St. Thomas Water Pollution Control Plant be considered. Such plant capacity upgrade needs to be planned in accordance with MOE Class Environment Assessment guidelines. This report provides a recommendation regarding the selection of the consulting engineering firm, which will be retained by the City of St. Thomas to complete the Waste Water Management Master Plan for the WPCP.

Analysis:

Following the approval of the 2006 Capital Budget which included a study project for the preparation of a Waste Water Management Master Plan and Class Environmental Assessment for required upgrades and future plant expansion of the St. Thomas Water Pollution Control Plant, a City request for expressions of interest was developed and broadly circulated via a number of media. Four Consulting Engineering firms responded with a statement of qualifications including a confirmation of their experience and expertise in the development of Water Pollution Control Plant Master Plans.

Upon review by the consulting selection team for this study project, a City request for a proposal was forwarded to three Consulting Engineering firms. The RFP, in essence, includes the following study objectives and terms of reference:

1. Objectives

- To provide an update on the plant's needed optimization and upgrade measures within the existing 27.3 Ml/d facility. This update will include a review of alternatives, followed by the preparation of a functional design and cost estimates of the optimization and upgrade measures that will be selected for implementation.
- To provide a facility plan with a functional design of each future treatment plant component for a 9,100m³/d upgrade of the WPCP treatment capacity to satisfy the City's future growth needs and the associated sewage flow projection as outlined in the 2003 Master Plan Update, Growth Needs report. As new development has continued at a rapid pace since 2003 and also as this growth rate is expected to be sustained in the future, an update to the 2003 sewage flow estimates would be required and be based on more recently prepared population and employment projection figures. The preparation of this facility plan will include a review of alternative treatment processes for each treatment stage, followed by the preparation of a functional design with cost estimates of all treatment expansion works that have been selected for implementation.

As noted under the study objectives, the WPCP Master Plan will provide a plan for the optimization and upgrading of the existing plant within the existing 27.3Mld capacity (phase I) and also provide a facility plan for the expansion of the plant beyond its currently rated treatment capacity to accommodate the future growth of the community (Phase II).

The following provides an overview of the Phase I and Phase II activities that will be undertaken as part of the preparation of the Wastewater Management Master Plan for the WPCP:

1. Phase I – Optimization and upgrading of plant within the existing 27.3 Mld capacity facility

This phase is deemed to be a Schedule 'A' activity under the MEA/MOE Class EA guidelines however, the planning of certain works may benefit from or require a limited screening process as a schedule 'B' activity. The following includes an outline of the tasks that will need to be undertaken as part of the preparation of the plan for the optimization/upgrading of the existing facility. These tasks may need to be complemented with additional work, based on the initial review of the existing facility by the consultant.

- 1.1 Undertake a thorough review of the operation and performance of the existing WPCP including the bio solids management train (digestion and dewatering).
- 1.2 Update existing data on sewage flow and quality performance of primary and secondary clarifiers, aeration/nitrification system performance, phosphorus removal system, effluent quality, sludge production, digester and centrifuge loading and performance data.
- 1.3 Review of the 1996 WPCP Waste Water Management Master Plan in association with the more recently (2001) completed plant upgrades to update the functional process description of all plant components within the 27.3 Mld facility Plan.
- 1.4 Confirm and consolidate any remaining critical hydraulic or treatment performance parameters and define any remnant limitations in capability or opportunities for improvement of existing processes (mechanical or biological) and associated mechanical equipment.
- 1.5 Where individual performance parameters need to be verified by conducting in situ performance testing, in order to confirm above mentioned process capacities, undertake such testing, as required. As an indication of the scope of this work, it should be noted that field investigations would be limited to the components of the plant operation which remain of concern: flow distribution, aeration efficiency improvements for plants 2 & 3, secondary settling, sludge digestion and dewatering. Therefore, the scope of any field investigative work and testing requirements should be tailored to the remaining capital needs of the plant, established by the previously completed reviews.
- 1.6 Update the review of previously identified plant optimization measures but not as yet implemented and referred in section 1.2. and incorporate into this review the following additional optimization measures:
 - 1.6.1 Aeration system diffusers upgrade to fine bubble diffusers in plants 2 and 3. During 1992 in anticipation of an Ontario Hydro Energy Conservation Incentive, the City of St. Thomas undertook a review of the Aeration System performance and Energy use at the St. Thomas WPCP. A number of recommended measures such as a reduction of the number of operating blowers and associated common air header work were implemented at that time, however, the retrofiting of the existing diffusers in plants 2 & 3 remains outstanding. One other potential optimization measure may include the installation of VFD motors for the blowers.
 - 1.6.2 Review capacity and operating practice of the return and waste sludge systems of plants 2, 3 and 4, such to further enhance the capacity of the secondary treatment processes. Report on findings and make recommendations on required improvements.
 - 1.6.3 A previous review of the solids handling system identified three main bottlenecks: digester capacity, dewatering capacity and available temporary storage for digested/dewatered cake. One new high capacity centrifuge was installed during 2001 as part of a number STP upgrades. Currently, the dewatered sludge is trucked to landfill each day; this has relieved the need for a significant temporary storage, however, if the current space that is allocated for sludge storage is used for a future plant expansion, an alternative location for temporary or emergency sludge storage may need to be identified. (former plant 1 site) The review of any optimization measures, required by the solids handling system, would further include an update on the digester capacity needs, the need for a second high capacity centrifuge and pre-thickening as a way to create additional digester capacity.
 - 1.6.4 Automatic flow distribution at the plant's head works. Improvements to the control of flow distribution between plants 2, 3 and 4 would maximize treatment of flows under rainfall conditions while maintaining compliance with C of A limits and contribute further to plant by-pass prevention at the CSO storage facility, immediately upstream of the WPCP.

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- 1.6.5 Review the remnant CGA findings and recommendations and preparation of a remedial work plan with priority to be assigned to any further improvement of safety and operation of the digesters and associated gas train. A new inspection by the CGA would first be needed to establish the currency of any remedial works to be undertaken in the future.
- 1.6.6 Review the need to improve the stand by power provisions for the plant. This review would include a review of the frequency and duration any power outages or disruptions during the last 20 years, such to permit the preparation of a risk analysis in respect to the plants' power provision. If the analysis indicates that improvement to stand by power or an alternate power source is needed, a functional design of such improvements will need to be prepared. A comparison analysis with other STP's would also be conducted as part of the initial needs analysis of the future level of stand by power provision.
- 1.6.7 Improve clarifier operation during low flow conditions (extended drought conditions reduces flows at the plant to the extent that optimum operation requires the need to take out one primary and one secondary clarifier at plant 4). Review feasibility of providing additional control to achieve this mode of clarifier operation.
- 1.6.8 Prepare a functional design of a septic flow receiving facility at the plants' head works to receive sewer flushing debris as well as other sewage discharges delivered by truck (holding tank, septage?).
- 1.6.9 Determine any modifications to the existing WPCP SCADA System to accommodate the optimization measures recommended as a result of the above review.
- 1.6.10 A common purpose of all of the above tasks involves the preparation of a work plan leading to works involving the physical upgrading of processes, capacity, hydraulics, and instrumentation. In addition to the above, an assessment will be made of the current operational performance, staffing, staff responsibilities, training, management and administration to allow the plant to be operated at its maximum efficiency in accordance with the EPA Composite Performance Evaluation or other MOEE approved protocol.
- 1.6.11 The phase I report will consolidate all findings and recommendations regarding optimization and upgrading works to the existing WPCP within the plants' rated treatment capacity of 27,100m³/d (6MIGD). Each recommendation on a physical plant improvement work will be accompanied by a functional design which should detail the proposed improvement sufficiently to undertake final engineering design, including all essential operational parameters, detailed costs estimates and inclusion on the overall facility plan of the STP. The proposed improvement works should be prioritized according to the plant's need to improve its effluent quality as average daily flows increase to its rated capacity and beyond during wet weather events, ie: plant processes most critically requiring further optimization/upgrading receive highest priority.

2. Phase II – Expansion of Plant Beyond its currently Rated Capacity of 27.3 Mld

Phase II of the report will, within the current boundaries of the plant site, provide a facility plan for the expansion of the WPCP to meet the growth requirements of the City beyond the plants current 27.3 Mld rated capacity during the next 20 years. As this phase of the work involves the planning of works which will lead to treatment capacity expansion beyond the existing rated treatment capacity, this activity must be undertaken in accordance with a schedule 'C' Class EA process. The currently available WPCP site area within the present site boundaries, created primarily by Kettle Creek, the Highway 4 embankment and Bush Line is adequate to permit a future treatment plant expansion by 18,200m³/d. This plant expansion could be objectives of the expan sludge drying bed area and a further capacity upgrade beyond this plant expansion would be possible in the long term and be located at the site of plant 1, which is no longer operational/operated.

A copy of the September 2005 report update on the future capacity expansion needs of the WPCP to address the population growth needs of the City during the next 20 years was attached with the RFP. The purpose of this report update was to determine an appropriate flow projection resulting from the expected population growth, assess the site needs during the planning period, review site utilization options and establish a preliminary capital needs plan for the next plant expansion to permit the calculation of an appropriate city wide development charge to fund this planned treatment plant capacity expansion. This report update did not follow class EA guidelines as its main purpose was to be a support document to a financial study that culminated in the establishment of a development charge, required to fund a number of future growth related capacity improvements of various services provided by the municipality. In essence, taking into account a medium growth scenario, the report concludes that the next WPCP capacity upgrade should be 9,100m³/d and that such treatment expansion works could be located in the area between Mill Creek and the existing dewatering building including the drying beds.

The medium population growth scenario that was adopted in the technical background studies in support of the Development Charge Study is shown below:

	City of St. Thomas Population Project (2003 study)	City of St. Thomas Population Project (May 2007)	Suburban areas in the Municipality of Central Elgin and the Township of Southwold and which are connected to the City's sewage collection/treatment system
2006		36,119	
2008	35,627		(*) 1550
2013	37,480		** / *** 2800
2016		42,116	
2018	39,236		** 2990
2023	40,714		**
2026		47,244	
2028	41,874		** 3200

(*) The 2008 population figure in the suburban areas is based on the number of household/dwelling units that are currently connected to the City's Sewage Collection/treatment System (2.6 ppu)

** The population increases in the suburban areas are assumed to increase at the same percentage rates as the City of St. Thomas population.

*** The sewage generated by an existing suburban population of 1550 that is currently serviced by private sewage systems (septic tanks & tile beds) combined with new suburban subdivision development could be connected to the City's sewage system around 2013.

The following tasks will need to be completed as part of the preparation of the Class Environmental Assessment for the expansion of the treatment capacity at the WPCP:

2.1 Determine in conjunction with the Ministry of the Environment the water quality management objectives of the future plant expansion, including the establishment of the effluent requirements or the allowable receiving water course loading to Kettle Creek, leading to the formulation of the plants' effluent criteria (C of A effluent quality objectives). MOE, in association with the Kettle Creek Conservation Authority may pursue an option between both scenarios noted below to determine the effluent criteria of the expanded plant.

- Limit the effluent concentrations of the applicable effluent parameters for the expanded plant such to maintain the same maximum loading approved under the existing C of A for the current 27.3 Mld facility.
- Establish the maximum effluent concentrations for the expanded plant based on the findings, conclusions and recommendations of an assimilative capacity study of Kettle Creek.

The consultants were invited to elaborate further on this aspect of the study project in the work plan submission that was requested by this RFP. The consultants' work plan submission under this RFP has provided a description of the likely activities required to complete this phase of the study project.

2.2 Assessment of the Environment (Environmental Impact Study), if required, as it may be affected by the proposed plant expansion. The purpose of this assessment is to prepare an inventory of the natural environmental features and urban land uses that surround the existing facility, to assess any impacts that the proposed plant expansion may have on these features and to make recommendations as to how to mitigate these impacts. This assessment will provide review agencies and the Public an opportunity to understand the particular environment that may be affected by this project and all findings, options, conclusions and recommendations resulting from this effort will need to be documented in the ESR.

- One of the natural areas that may be affected by the proposed plant expansion work is Mill Creek which flows across the existing plant site and which partitions the plant into an east and a west site. While a proposed plant expansion (plant 5) within the existing area between the dewatering building and Mill Creek would not cause the need to culvert Mill Creek, the construction of a new plant 5 head works may effect Mill Creek and the existing culvert in the immediate vicinity of the Sunset Drive embankment.

2.3 Investigate the geotechnical and hydro geological needs of the proposed plant expansion and address these needs in the preparation of the functional design packages for all components of the proposed plant addition.

2.4 Determine the electrical needs of the plant expansion and develop a plan for the provisions of the required power to the plant.

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- 2.5 Develop a site plan for the proposed plant expansion including preliminary grading/elevations of proposed structures and any required berming to provide the plant addition with an adequate level of flood protection. Ensure effluent discharge from the expanded under high water conditions of Kettle Creek including effluent pumping, is/as required.
- 2.6 Determine SCADA upgrade needs of the proposed plant expansion. This task could culminate in the development of a narrative brief to describe the envisaged upgrades to the SCADA system.
- 2.7 Prepare preliminary cost estimates for each component of the proposed plant expansion in conjunction with the preparation of the associated functional design packages.

At the completion of these tasks, a facility master plan will be developed that consolidates all study findings and conclusions and which provides a summary of the preferred servicing concept for inclusion in the Environmental Study Report (ESR). The ESR will include a functional design with a cost estimate for each component of the proposed plant expansion, of sufficient detail to undertake the final engineering design of these plant components in the future.

3. Process

The study project process will follow the guidelines of the MEA/MOE Class Environmental Assessment document for municipal projects and document in the Environmental Study Report the rationale, planning, design and consultation process leading to the preferred and recommended servicing concept. (Phases 1 to 4 of the class EA process). Since the main purpose of the study project is to document the future treatment capacity upgrade of the WPCP beyond the plants existing rated capacity, the planning process is deemed to be schedule "C" activity.

4. Study Team

A study project team comprised of the Project Manager, Consulting team representatives, City Environmental Services with periodic input from representatives of the Ministry of the Environment, and the Kettle Creek Conservation Authority will be created to guide and oversee the study. The study will be administered by the City of St. Thomas Environmental Services Department. As part of the preparation of the proposal, the Consultant has prepared a schedule of progress meetings with the study project team, as deemed required and a schedule of the PIC meeting(s) to solicit public input.

5. Timing

The expected duration of the project is one year. The final report including cost estimates of the proposed upgrading works should be received by the City prior to year end of 2008.

6. Deliverables

- Eight (8) copies of the draft report for review by the study project team.
- Twenty (20) copies of the draft final study report, which will include phases 1 & 2, on the St. Thomas WPCP optimization and expansion study for review by the study project team and presentation of the report to the Environmental Services Committee of Council.
- Twenty (20) copies for the Final Report
- Original drawings as Auto CAD files on computer disk(s) together with copies of all data collected during any field investigations undertaken during the study; computer disk with the final report in MS Word format.

Review of RFP's

On November 16, 2007, the Purchasing Officer received two proposals from the following firms:

- Hydromantis Inc., Consulting Engineers in association with Earth Tech
- XCG Consultants Ltd., in association with R.V. Anderson Associates Limited

Upon review of both proposals with workplans in response to the City's RFP, it is recommended that the firm of Hydromantis Consulting Engineers in association with Earth Tech be selected to complete the WPCP Master Plan. This recommendation is based on the high quality of the study workplan which is based on a thorough understanding of the existing treatment train of the plant as well as its future needs. While both consulting teams can very adequately perform the master planning project, the more in depth knowledge of the plants' processes by the Hydromantis/Earth Tech team, based on past optimization and upgrading works, successfully completed by these consulting engineering firms, has contributed to the preparation of a more detailed workplan by Hydromantis Inc.

The required total project budget submitted by both teams is \$195,000 (Hydromantis) and \$197,920 (XCG) respectively. While these costs are very comparable, the number of person-hours that will be dedicated to the project by the Hydromantis team exceeds that of the XCG team.

The required scope of one activity that may vary from its planned scope and be more extensive during the completion of the study project is the assimilative capacity study of Kettle Creek to assist in the determination of the new effluent objectives of the expanded plant.

In this regard, the Hydromantis/Earth Tech team has retained the services of a sub-consultant Gartner Lee Ltd., Aquatic Scientists, to help correlate the surface water quality of Kettle Creek with the future Certificate of Approval treatment objectives of the expanded plant. A further report to Council on the aspect of this component of the study project may be required once the project has been initiated and feedback has been received in this regard from MOE and KCCA.

FINANCIAL CONSIDERATIONS

The approved study project budget is \$200,000 (Sources of funding: City wide Development Charges \$150,000 and Sewage Reserve \$50,000). The estimated project cost submitted by the recommended consulting team is \$195,000.

Respectfully submitted



John Dewandker, P.Eng., Director
Environmental Services

Reviewed By:  _____

Treasury

Env Services

Planning

City Clerk

HR

Other

INTRODUCTION

Our Team of Hydromantis, Inc. and EarthTech Canada Inc. is pleased to respond to your Request for Proposal for Engineering Services to develop a **Wastewater Management Master Plan (WWMMP) and Class Environmental Assessment (EA)** for the City of St. Thomas. We have included members on our Team with extensive relevant wastewater treatment expertise pertaining to the City's systems, local knowledge of pertinent City issues, and Master Planning and Class EA experience.

You will recall that we as a team were involved in the most recent plant upgrades. We ensure you that we will provide a fresh look at the requirements to meet all objectives of this project.

Our Team includes the right resources to complete this project for the City. Hydromantis has added Gartner Lee Ltd. (GLL) to our team to complete the stream assessment and capacity. GLL is working with Hydromantis on assimilative capacity studies for the Lynn River (Simcoe) and Big Creek (Delhi), and completed a receiving water assessment for the Grand River in Dunnville four years ago.

Our Team is conversant with the challenges that face the City, is well qualified to undertake this assignment, and will deliver high quality work to you. Our skills and knowledge will be used to develop a sustainable strategy encompassing future challenges, technological innovation, public input and emerging regulations. Our familiarity with the WWTP and the City provides several benefits to undertaking this project, including:

- Our *first hand knowledge* of the City's wastewater treatment plant through our team members' work on the 1996 Master Plan, and the 2003 Update, our same team conducting the last upgrade at the plant, and our team's expertise in optimization and processes throughout North America;
- The resources and background knowledge to recommend and support a sound technical and cost effective approach to wastewater servicing resulting in capital and operating cost savings; and,
- Our ability to effectively achieve the project objectives and provide the required deliverables within the most efficient time frame, meeting the project goals, objectives and deadline.

Our Team will maximize the use of our extensive local knowledge and understanding. We are well positioned to "kick-off" this project with a running start, requiring minimal time to get acquainted with the existing systems. We recognize the project timelines are important and require sufficient time for public input and review, and this will enable us to mobilize quickly and meet the project timeline goals in the most efficient manner.

The WWMMP prepared through this assignment will provide the City with a short and long term *planning tool* to guide its *strategic* wastewater systems management program into the future. The plan needs to be a functional document that is useful and has a long shelf life. The Plan

must provide environmentally sustainable solutions to wastewater treatment and collection, be reliable from operational, health and safety standpoints, and be affordable by the ratepayers.

Project Understanding

The WWMMP will be undertaken following Phases 1, 2, 3 and 4 of the Class Environmental Assessment (EA) process given the need for a contemplated 9,100 m³/d upgrade and further capacity increases beyond the current rated capacity into the future. As a Master Plan, the project will prepare the City for future capacity expansion beyond the initial 9,100 m³/d, also as later Schedule C projects. This study will introduce the required public notification, consultation and documentation to meet both the 9,100 m³/d and beyond expansion needs well into the future. As a Master Plan, the study will only require approval by the City, with notification to the required review agencies. Only the Schedule C work for the planned initial 9,100 m³/d expansion will require EA filing and approval.

The project will ensure that viable ultimate solutions and interim (short term) upgrade measures are evaluated to identify appropriate long-term plans. It will consider the impact of new and potentially emerging regulations that will influence wastewater treatment in the future, including the Canadian Environmental Protection Act (CEPA, 1999) that addresses the development of Pollution Prevention Plans. Hydromantis was involved in the preparation of background documents for the Canadian Council of Ministers of the Environment (CCME) that are used as reference material for the CEPA Environmental Registry. We bring an unparalleled understanding of the Pollution Prevention (P2) Planning process and the implications it will have for the City of St. Thomas.

Cost effectiveness will be an important aspect of the alternatives identified. Life cycle cost versus benefit will be focused upon. Solutions for ultimate and interim wastewater treatment will need to make sense to the operating personnel (City engineering and operations forces).

We confirm our understanding of the project based on our review of the Request for Proposal (RFP), our participation on other City-based wastewater systems, and our relevant wastewater master planning experience. We offer some key points that we suggest be included in the Master Plan:

- Optimization plan to both address outstanding recommended functional designs from the 1996 Master Plan and current plant deficiencies and bottlenecks. Previous recommendations will be reviewed as they relate to the current condition at the plant. The goal will be to enhance performance and capacity within the existing facilities;
- Public Consultation is recognized at key stages, including fulfilment of the Class EA Master Planning and Schedule C processes. In this regard, we recommend public notification upon Phase 1 project initiation and holding two (2) separate Public Information Centres (PIC) in the City – a Phase 2 alternative solution meeting and a Phase 3 preferred design concept meeting. One PIC would be held to outline the problem definition, alternative solutions, costs, preliminary evaluation results and initial recommendations;
- Provision of a 20*-year plan for wastewater treatment, to 2027, including identification of alternatives with phase-in points through the planning period; and,

- Determination of a preferred consensus approach to ultimate and interim solutions.
- Functional design packages for optimization/enhancements and expansion beyond the current rated capacity.

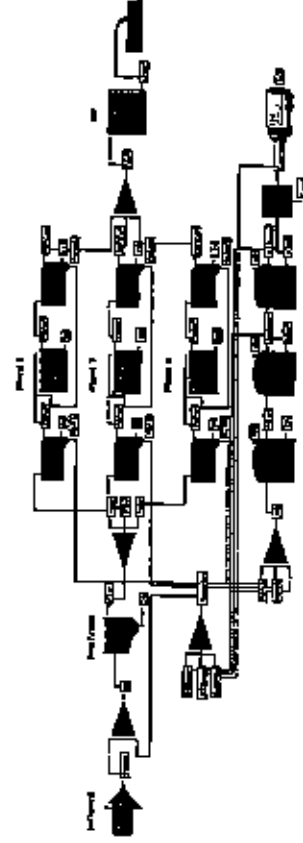
The project will consider development of preferred alternatives with stakeholder and public input. This will lead to the development of a capital and non-capital improvement plan for today's needs and for the future. Public acceptance of the selected plans will be crucial.

Key Considerations for This Project

Under this section, we have highlighted 'Key Considerations' that apply to this project:

- The St. Thomas WPCP continues to operate well meeting its stringent effluent objectives, with a non-toxic effluent due to near-complete nitrification and UV disinfection. This said, a thorough review of the WPCP's operation and performance needs to be

undertaken to highlight new or potential bottlenecks in the plant. We have a GPS-X model (see picture to left) of the plant that we will use to assist in this



review. The model review and determination of unit loadings will be compared to typical loading – including the new MOE Sewage Works Design Guideline recommended limits. Hydromantis wrote the updated MOE Sewage Works design guidelines.

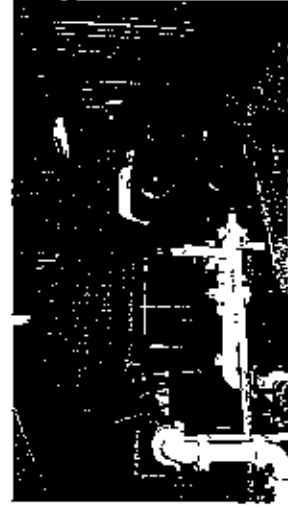
- The previous Wastewater Management Master Plan (1996) identified a number of upgrades as functional designs. Some of these upgrades have been addressed; some as outlined in RFP (page 2) are still outstanding. We will review the remaining upgrade items and, based on the time that has past, confirm whether these upgrades should still proceed and to prioritize them. For example, upgrading the diffusers/aeration control and the RAS/WAS systems in Plants 2 and 3 should now consider that Plant 2 is over fifty years old. We will review the structural integrity for these aged tanks. Similarly, the remaining CGA items should be reviewed to determine if the existing digesters still have sufficient useable life over the long term.

- The upgrade to the aeration system, conducted by



Hydromantis staff for the City, was successful in reducing blower energy costs. Further energy reductions through the aeration system in terms of diffuser replacement and automatic controls needs to be undertaken. Hydromantis designed a DO control system for the Collingwood WWTP to improve operations and reduce energy costs. We will apply this experience to this project.

- The biosolids system has come a long way with many CGA digester items addressed, with flare upgrades, centrifuge capacity increases, etc. The potential to enhance the digester capacity by mechanically thickening the WAS was considered in the past and needs to be re-evaluated based on current conditions and requirements. Although this will enhance digester capacity by increasing the digester retention time, the age of the digesters and the mixing system also needs to be reviewed. Other biosolids stabilization options that may or may not include digestion need to be reviewed.



For example, dewatered raw sludge (i.e. undigested) could be alkaline stabilized (lime) and utilized as a fertilizer. The N-Viro sites in Niagara Region and Sarnia (designed by EarthTech) have excess capacity that could take dewatered (undigested) cake from St. Thomas with the contractor handling all marketing of the final product – for a cost. Or continued landfilling can be considered. Biosolids management will be a critical need for the long term management of the facility.

- Although the liquid train at the facility has been simplified in recent years with the decommissioning of Plant 1 and combining the outfalls for Plants 2, 3 and 4, the facility is still complex to operate, and performance indicates credit must be given to operations staff. One area in need of optimization is the flow splitting to the three operating liquid trains. The current system with flow meters and valves on pipes needs to be reviewed and enhanced to automate this operation to make the most of the capacity onsite. Improved flow splitting will be key to obtaining additional capacity at the plant, as most of the flows are directed to Plant 4, and Plant 4 has probably been optimized as far as it can be.



- Current backup or standby power is sufficient for the screen building, some controls and miscellaneous controls. Generally power outages have been infrequent at the plant but a review of the current needs and options is critical. Generally WWTPs require backup or continuous operation for influent/effluent pumping, preliminary treatment and disinfection. With the new UV system and effluent pumping, the City's backup power requirements have increased and these should be addressed as a minimum. Other important electrical demands for aeration and internal pumping should be reviewed, but

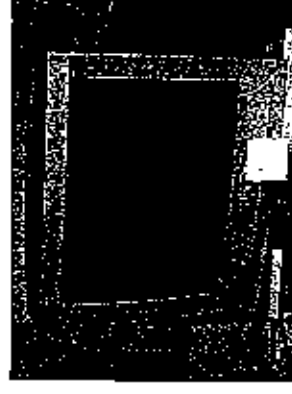
are expected to be less critical for maintaining plant operations and compliance – a risk assessment is required.

- Final and primary clarifier operations during low and high flows should be reviewed to continue to get the most out of the existing systems. In the past, high flow was an issue as the plant began taking a higher percentage of peak flows to ensure effluent quality was maintained. A control strategy for clarifier blanket levels and effluent turbidity/solids was proposed – this system should be reviewed based on current CSO system performance. For low flows, the taking of clarifiers out of service may be difficult to automate in terms of deciding when to do this, but the operation itself and the impact on ground water levels can be updated and improved.



- Septage handling is an issue for many municipalities as this material cannot be applied directly to agricultural lands. Septage can significantly increase the WPCP loading. Septage from domestic sources can be handled in a variety of different ways. Historically, septage solids were either discharged to the headworks of a WPCP or applied directly to land. The new Nutrient Management Act (NMA) will phase out the practise of land application prior to additional treatment. Primary septage handling options include co-treatment at a WPCP or separate treatment. Co-treatment at a WPCP could include addition to the liquid stream, sludge stream (i.e. digesters) or both. Independent treatment could include stabilization lagoons, composting, conventional biological treatment, digestion (aerobic or anaerobic), lime stabilization and chlorine oxidation.

- SCADA has been integrated into the plant as part of the last upgrade. The SCADA integrator is now with Hydromantis, and this has improved monitoring and operations at the plant. Any new upgrades need to build on this experience and enhance the monitoring and control aspects of the plant. In addition, SCADA upgrades for the pumping stations should be re-visited as this would assist the City in planning their maintenance of the stations and minimize trips just to check on things. Our team includes Bern Adams who was significantly involved with the previous SCADA upgrade at the plant.



- Expansion of the plant beyond the rated capacity of 27.3 MLD is a key aspect for planning in the City. This was reviewed in the original Master Plan and the Update, and at first glance it would appear that an expansion across Mill Creek in the vicinity of the drying beds is the logical future growth location. This does take away these drying beds that have been used as temporary storage of the cake, but this storage might be better located on the



decommissioned Plant 1 site area. Although the potential for a future expansion at Plant 1 will be reviewed, **keeping the liquid train closer together has definite advantages.** In the original Master Plan the option to culvert Mill Creek to make better use of the site was presented, but it is expected that this option would be a tough sale to the regulators – and the need for a bypass would make the concept undoable.

- Future treatment options should review all available technologies to determine what system would best meet the needs for the City. In past evaluations, either continued positive application of the activated sludge process (ASP) or a biological aerated filter (BAF) were presented as potential options for the plant. The ASP is well known to the City, a process you have effectively operated since the early 1910's. The BAF is an innovative process that has been applied worldwide, and recently at Thunder bay (Atlantic Avenue) and Windsor (Lou Romano WRP) and other Ontario locations. Hydromantis was on the design team for Windsor and EarthTech is the designer for Thunder Bay. The advantage of a BAF type process is that its effluent will be more polished than an ASP, which would help with lower effluent limits for SS and especially TP, improving the potential to discharge to Kettle Creek in future without separate effluent filtration. Other technologies such as the membrane bioreactor (MBR) and moving bed bioreactor were reviewed during the last upgrade and will be reinvestigated. A MBR could significantly reduce the expanded footprint and might even be incorporated into the existing plants.
- As time passes since the original Master Plan, a fresh look at the existing liquid train processes is required. Plant 2 was constructed in 1955 and is over 50 years old and takes a large footprint for its capacity. The new Master Plan needs to look carefully at this plant and even Plant 3 to determine if these processes are worth upgrading (i.e. aeration diffusers and WAS/RAS pumping) or whether they should be replaced due to the structural integrity. For example Plant 2 might be replaced with an ASP either with primaries or using excess Plant 4 primary capacity. Plant 4 primary capacity could be increased significantly if separate mechanical WAS thickening were used. Alternatively, a smaller footprint process like a BAF could be used. In both cases (or with another process, for example MBR), Plant 1's modest 4.5 MLD could be replaced with a 13.5 MLD facility, providing the first growth increment (Stage 1) outlined in the Master Plan update.
- We understand that the City wants each upgrade option to be formulated in terms of a functional design package, this conceptual design will provide all background, needs, sizing, considerations, layout and cost estimate for each prioritized upgrade concept developed for the Master Plan. We developed these for the original Master Plan, so we know what the City is looking for, and we would like to enhance what is being provided by providing not only a schematic plan or section drawing but a simplified PID for each package, where appropriate.



water quality expert. Dr. Hutchinson has completed assimilation, natural environment and phosphorus offset studies in support of the Class EA process for a new WWTP (Nobleton) discharging to the Humber River, near-filed (CORMIX) dispersion modeling for the Humber River and Stoney Lake, ON and assimilation studies of sewage effluent discharges to the Don River, Grand River (Dunnville), Big Creek (Delhi), and the Lynn River (Simcoe).

PROJECT APPROACH AND PHILOSOPHY

Our proposed project approach to achieve the City's goals is highlighted in this section. This work plan identifies the goals, approach and the deliverables that will be provided to the City at each stage of the project.

Below, we provide a brief description of the services, including methods and techniques, to be provided for each key task in our proposed work plan. We have divided the workplan into 3 main phases:

- Phase I – Optimization and Upgrading of Plant with the Existing 27.3 MLD Capacity (Task 1 to 6, and 8)
- Phase II – Expansion of Plant Beyond Rated Capacity of 27.3 MLD (Task 7 and 8)
- Phase III – Class Environmental Assessment (EA) and Documentation

Task 1 - Project Initiation

We will lead and attend a kick-off meeting with the City. In advance, we will prepare a list of documentation needs for the project. The Project Initiation meeting is essential to an effective project start and defines the reporting and communications procedures and responsibilities.

We will confirm the scope of work, and formalize the public participation program. As indicated previously, we suggest two PICs that will be held during the project.

Routine project meetings between our Team and City staff, and appointed study project team (City plus MOE and KCCA) will be important aspects of this project. For project expediency and cost effectiveness, we have allowed for the required meetings based on an average 2½ hours per meeting. We have allowed for eight (8) regular *project review meetings* (City) (initiation meeting, 5 progress meetings, workshop on alternatives, and draft review meeting) and two *Public Information Centres* (PICs) held in the City of St. Thomas. Project information and progress will be summarized with six *Technical Memoranda* (TMs), and the draft and final Master Plan Report and Schedule C ESR for first phase expansion.

We provide a preliminary schedule of Study Team and Consultant Progress Meetings and PIC Meetings in the Table below:

*City of St. Thomas Water Pollution Control Plant
Wastewater Management Master Plan and Class EA*

November 2007

Meeting	Approximate Date
Study Team and Consultant (initiation)	Week of December 3, 2007
Study Team and Consultant (progress mtg1)	Week of January 21, 2008
Study Team and Consultant (progress mtg2)	Week of March 3, 2008
Study Team and Consultant (progress mtg3)	Week of April 14, 2008
Study Team and Consultant (progress mtg4)	Week of May 26, 2008
PIC No. 1	Week of June 23, 2008
Study Team and Consultant (Workshop)	Week of July 14, 2008
PIC No. 2	Week of September 1, 2008
Study Team and Consultant (progress mtg5)	Week of October 20, 2008
Study Team and Consultant (draft review)	Week of November 17, 2008

Task Description - We will review the data and information requirements for the project. We have built a *diversified team* for this project to cover all relevant components, thus we will generate a communications program to manage the work between the Team members and the City. Our Project Manager, Mike Newbigging - fully experienced with the St. Thomas WPCP - will be the prime contact between the consultant team and the City. Our workplan is designed to layout the project and explain the recommended flow of the tasks. Upon notice to commence the project, we will:

- Arrange a Project Team kick-off meeting with the City;
- Review the project scope and objectives, schedule and budget; and,
- Review the work plan that provides a guiding roadmap and stepwise approach.

At project mobilization, we will initiate several tasks concurrently, these include:

- Consultation with the City, and wastewater treatment operations personnel;
- Prepare list of treatment system data (current information to supplement what we already have) and information requirements; and,
- Meeting with City and assist with preparation of Notice of Initiation and list of Public/Agencies to notify of project initiation

Deliverables

- Our Team will facilitate the initiation meeting, as well as all project meetings, and prepare meeting notes;
- Our Team will draft Notice of Initiation and list of Public/Agencies for notification;
- City to finalize consultant agreement;
- City to advertise Notice of Initiation and forward to relevant agencies; and,
- City to provide planning and budgeting information for overall period.

St. Thomas WPCP Wastewater Management Master Plan and Class EA

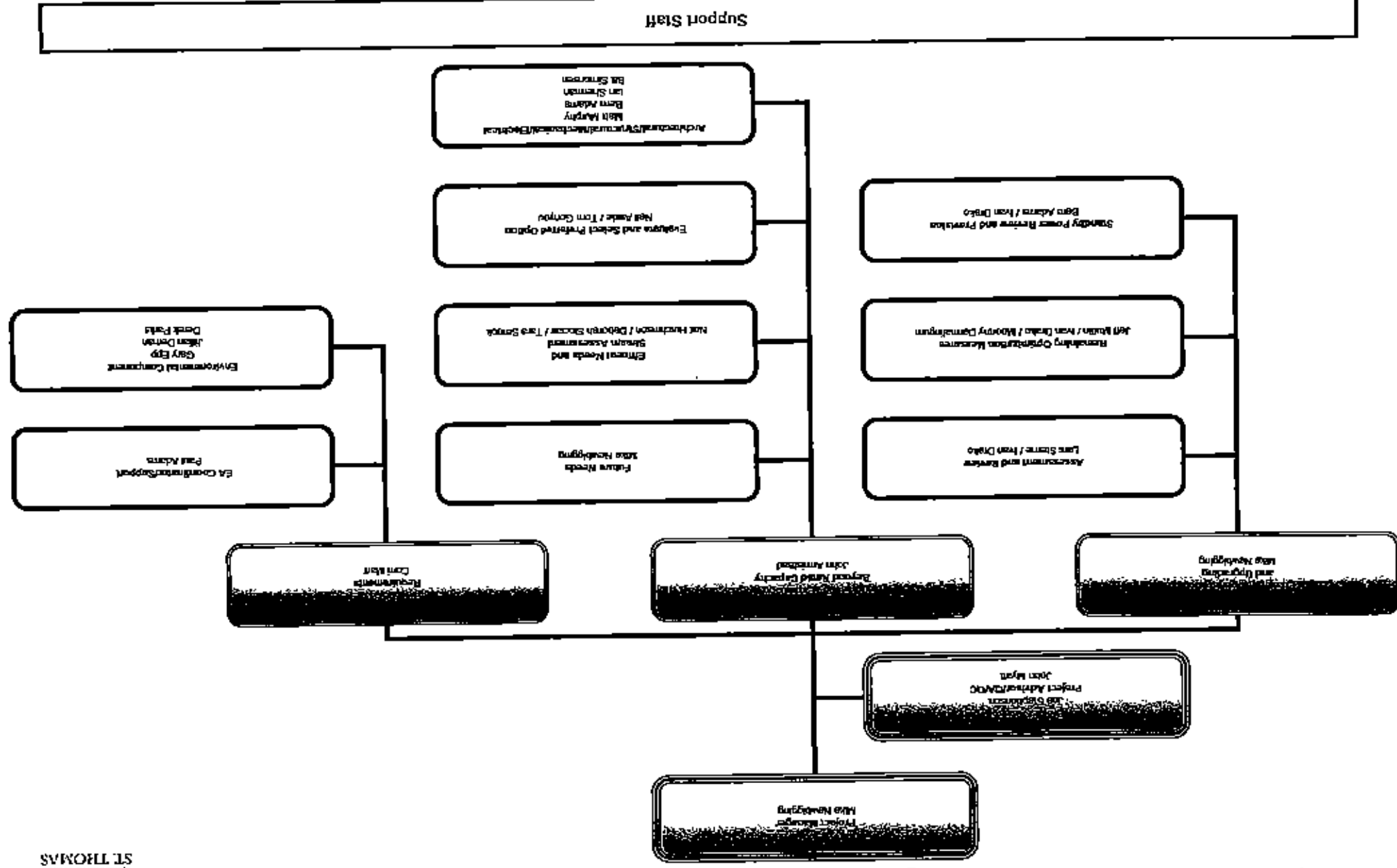


Figure 4 Draft Table of Contents for Master Plan and ESR Report

Table of Contents – Major Headings

1. Executive Summary
2. Table of Contents
3. Introduction
 - i. Background and Objectives
 - ii. Opportunity Statement
 - iii. Summary of Existing Facilities and Timeliness of Upgrades
4. Future Capacity and Effluent Needs
5. Review of Existing Facility – Benchmarking and CPE Results
6. Optimization and Upgrading of Plant within Existing Capacity
7. Expansion of Plant beyond Rated Capacity
8. Environmental Assessment Activities and Implications
9. Prioritized Functional Design Packages with Timelines
10. Cost Estimation
 - i. Cost Estimation for Functional Design Packages
 - ii. Cost Estimate for Expanded Plant
11. Conclusions and Recommendations
12. Appendices
 - i. Technical Memoranda
 - ii. Functional Design Packages
 - iii. Class EA Documentation, Notifications, Correspondence, Presentations and Feedback

St Thomas Wastewater Management Master Plan and Class EA

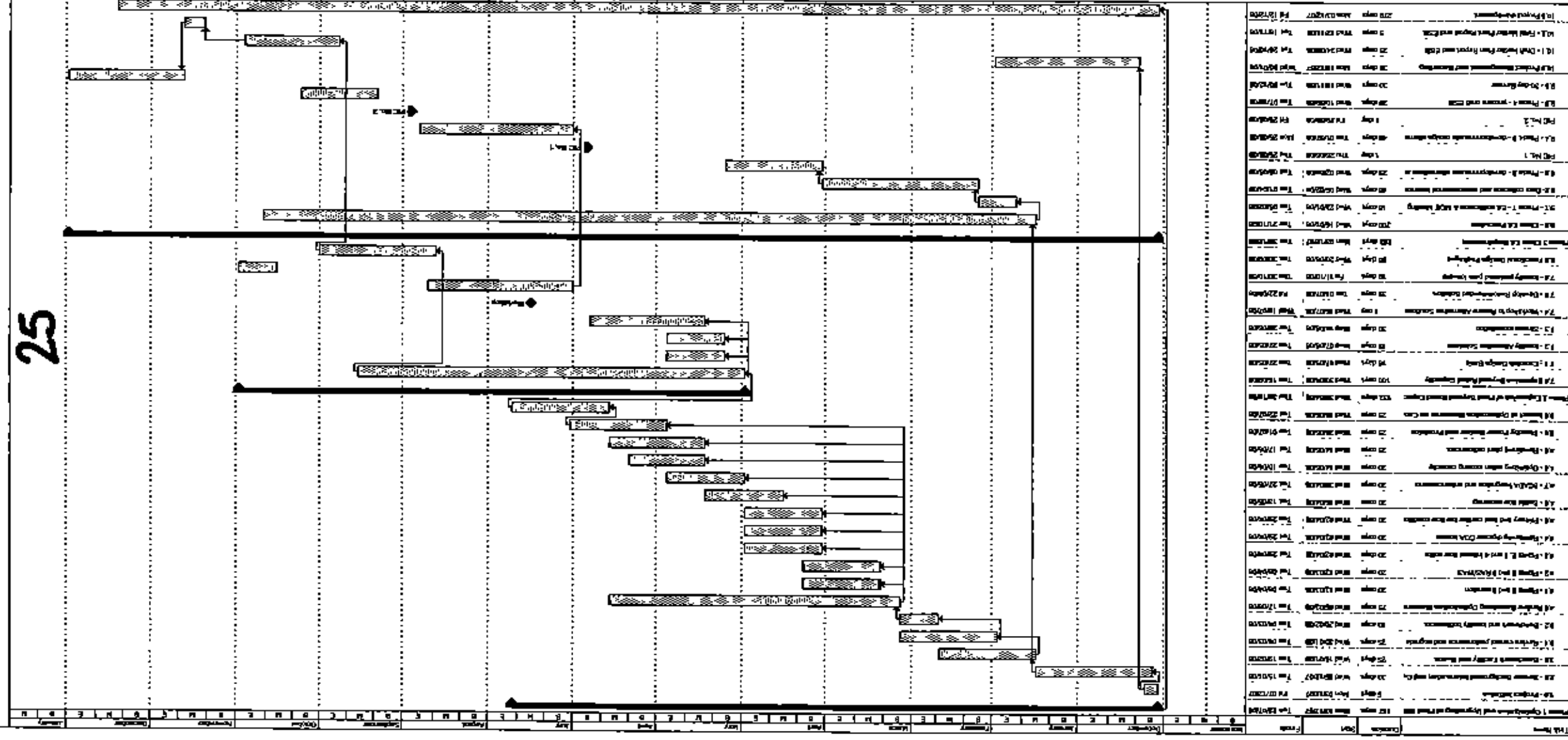


Table 2
City St Thomas Wastewater Management Master Plan Manpower Distribution and Engineering Fees & Expenses

[illegible]



Corporation of the
City of St. Thomas

27

Report No.

CC-55-07

File No.

Directed to:

Alderman T. Shackelton and Members of the Finance and Administration Committee

Date Authored:

December 4, 2007

Meeting Date:

December 10, 2007

Department:

City Clerk's

Attachment

Prepared By: Wendell Graves, City Clerk

Proposed Delegation of Powers and Duties Policy
Proposed Accountability and Transparency Policy

Subject:

Delegation of Powers and Duties Policy and Accountability and Transparency Policy

Recommendation:

THAT: Report CC-55-07 be received for information, and further,

THAT: Council adopt the Delegation of Powers and Duties Policy as required under Section 270 of the Municipal Act, and further,

THAT: Council adopt the Accountability and Transparency Policy as required under Section 270 of the Municipal Act.

Background:

As Council is aware, major amendments were made to the Municipal Act through Bill 130.

Included in these amendments were requirements for municipalities across the Province to address matters of municipal accountability and transparency.

Specifically, the Municipal Act requires all municipalities to adopt policies relating to the delegation of power and also relating to accountability and transparency. The Act requires that these policies are to be adopted by the municipal Council by December 31, 2007.

With reference to the Delegation of Powers and Duties Policy, Council will note that a further requirement for Council is to specifically appoint, by by-law, any delegated authority. While specific delegated authorities are not included in the policy document, staff are working, in consultation with the City's Solicitor, to review existing individual and Committee jurisdictions to ensure delegated responsibilities are indeed authorized through by-law. Further information will be provided to Council summarizing existing delegated authorities.

Once adopted, it is proposed that an Information workshop will be scheduled to review these policies with individuals and Committees where applicable.

Respectfully,

Wendell Graves, City Clerk

Reviewed By:

Treasury Env Services Planning City Clerk Human Resources Other

December 2007

THE CORPORATION OF THE CITY OF ST. THOMAS

Delegation of Powers and Duties Policy

1.0 Purpose

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.

2.0 Policy Statement

The Council of the City of St. Thomas, as a duly elected municipal government is directly accountable to its constituents for its legislative decision-making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion may require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. If and when Council's authority is delegated it will be within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

3.0 Application

This Policy shall apply to the Council of the City of St. Thomas its staff, appointees, agents and Committees with respect to carrying out delegated powers and duties of the Council.

- 3.1 The powers and duties delegated by the Council are to be considered minor or routine in nature.
- 3.2 Notwithstanding Section 3.1 a legislative or quasi-judicial power may be delegated, in accordance with the Municipal Act, the Planning Act and such other Acts as may be prescribed, to:
 - 3.2.1 One or more members of Council or Committee of Council
 - 3.2.2 A body having at least two members.
 - 3.2.3 Individuals appointed by Council
 - 3.2.4 A combination of individuals described in subclauses 3.2.1 and 3.2.2
 - 3.2.5 An individual who is an officer, employee or agent of the municipality.
- 3.3 The persons to whom Council may delegate certain powers and duties are City officers, staff, appointees or agents of the municipality.
- 3.4 Council reserves the right to hear any appeal made by a person or body of a delegated approval decision and at any such hearing shall uphold, dismiss or modify the delegated approval decision as determined by a recorded vote.
- 3.5 Council reserves the right to add delegated authority as it may deem appropriate unless excluded from doing so by the Municipal Act or any Act.

4.0 Definitions:

- 4.1 **Delegation** shall mean the transfer of approval authority of certain powers and duties from Council to designated officers, staff, appointees, agents or committees of the City of St. Thomas.

4.2 **Legislative Powers** shall include all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision-making authority.

4.3 **Administrative Powers** shall include all matters required for the management of the Corporation which do not involve discretionary decision-making.

5.0 Policy Requirements

5.1 All delegations of Council powers, duties or functions shall be effected by bylaw.

5.2 Unless a power, duty, or function of Council has been expressly delegated by bylaw, all of the powers, duties and functions of Council remain with Council.

5.3 A delegation of a power, duty or function under any bylaw to any member of staff includes a delegation to a person who is appointed by the Council or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.

5.4 Subject to section 5.3, a person to whom a power, duty or function has been delegated by bylaw has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.

5.5 Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the Act.

5.6 Administrative Matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and must take into account the limitations set out in the Act.

6.0 Responsibilities of Delegated Authority

In exercising any delegated power, the delegate shall ensure the following:

- 6.1 Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the purchasing by-law).
- 6.2 The scope of the delegated authority shall not be exceeded by the delegate.
- 6.3 Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.
- 6.4 All policies regarding insurance and risk management shall be complied with.
- 6.5 Delegates shall ensure the consistent and equitable application of Council policies and guidelines.
- 6.6 Any undertaking or contract with a third party shall be subject to the approval of legal services.

7.0 Restrictions of Delegation of Legislative & Quasi Judicial Powers

Council is not authorized to delegate the following powers and duties:

- 7.1 To appoint or remove from office statutory officers of the municipality
- 7.2 To pass a by-law and deal with issues regarding taxes
- 7.3 To incorporate incorporations
- 7.4 To adopt an official plan or an amendment to an official plan under the Planning Act
- 7.5 To pass a zoning by-law under the Planning Act
- 7.6 To pass a by-law related to small business counseling and municipal capital facilities
- 7.7 To adopt community improvement plans
- 7.8 To adopt or amend the municipal budget
- 7.9 Any other power that may be prescribed.

THE CORPORATION OF THE CITY OF ST. THOMAS Accountability and Transparency Policy

1.0. Purpose

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the City of St. Thomas' activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Act to comply with section 270.

2.0 Policy Statement

The Council of the City of St. Thomas acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner by:

- Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- Delivering quality services to its citizens; and
- Promoting the efficient use of public resources.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. In addition, wherever possible, the City of St. Thomas will engage its stakeholders throughout its decision-making process which will be open, visible and transparent to the public.

3.0 Application

This Policy shall apply to the Council of the City of St. Thomas, its respective staff, appointees, agents and Committees.

The principles of accountability and transparency shall apply equally to the political process and decision-making and to the administrative management of the municipality.

4.0. Definitions

4.1 Accountability - The principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.

4.2 Transparency - The principle that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. Additionally, transparency means that the municipality's decision-making process is open and clear to the public.

5.0 Implementation of Openness, Accountability and Transparency

5.1. Financial Matters

The municipality will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the municipality provides such accountability and transparency are as follows:

- 5.1.1 Procedures for the purchase of goods and services
- 5.1.2 Procedures for the disposal of corporate assets including land
- 5.1.3. Budget development and monitoring process
- 5.1.4. Publication of annual audited statements

5.2 Administrative Governance

The municipality's administrative practices ensure specific accountability on the part of its employees. Some examples of how the municipality provides such accountability through its administrative governance include:

- 5.2.1 Approved Human Resources policies
- 5.2.2 Employee performance management and evaluation
- 5.2.3 Hiring policies
- 5.2.4 Compensation/benefit policies
- 5.2.5 Responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency

5.3. Public Participation and Information Sharing

The City of St. Thomas ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The municipality's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or comments in writing on specific items at these meetings. In addition, the municipality has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, websites, etc. Some specific examples include:

- 5.3.1 Procedure by-law
- 5.3.2 Planning processes
- 5.3.3 Public notice by-law



32

Kin Canada*Association of Kinsmen, Kinette and Kin clubs*

RECEIVED

NOV 28 2007

November 12, 2007

The City of St. Thomas
City Hall, 545 Talbot St., PO Box 520
St. Thomas, ON
N5P 3V7

Dear Mayor and Members of Council,

Kinsmen and Kinettes play a vital role in Canadian society. We raise funds for worthy causes, large and small; we undertake ambitious projects to meet local community needs; we offer leadership training to those who yearn to make a positive change, and we are proud Canadians.

Once a year, Kinsmen and Kinettes ask various municipal, provincial and federal representatives to help us maintain our high level of service by placing a 'Message-of-Support' in *KIN Magazine*, the magazine read by every member of our national non-profit organization for the past 87 years. These 'thank you' messages give you the opportunity to express your appreciation to Kin Canada members who have raised funds and donated countless hours to serve the needs of fellow Canadians and the communities they call home. *Without our clubs, communities would experience even greater demands on community resources.*

Every year, Kin clubs across the country contribute millions of dollars to Canadian communities. Last year more than **\$20 million** was raised nationally. Kin Canada also raises, on average, \$1 million annually for the Canadian Cystic Fibrosis Foundation, making Kin the largest single fundraising organization for CF research in Canada. Since 1964, Kinsmen and Kinettes have donated more than **\$35 million** towards CF research.

Additionally, a ceremonial **one billion dollar** cheque was presented to the People of Canada and The World, in August 2006. The cheque represented the cumulative amount given by Kin to Canadian and international communities since 1920 and demonstrates the impact that volunteer efforts have had on Canadian communities.

Kin Canada needs your support for our annual 'Message-of-Support' campaign, to ensure our members can continue to provide assistance to the many groups, organizations and individuals that rely on us. We ask that you please show your support by completing the enclosed order form and returning it today. We thank you for your consideration.

Yours in Kin,

Leona Thorogood
2007-08 National President
Kin Canada

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INFORMATION	☐
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Serving the Community's Greatest Need™ since 1920

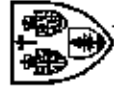
National Headquarters • 1920 Hal Rogers Drive • Box KIN • Cambridge, ON N3H 5C6
Telephone 519.553.1920 • Toll free 1.800.742.5546 • Fax 519.650.1091 • www.kincanada.ca



**THE CORPORATION
OF DELTA**
British Columbia

On behalf of Council
and the residents of Delta,
I would like to express
our sincere appreciation
to the Kinsmen and Kinettes
for the service they provide
to our community.

Lola E. Jackson
Mayor



Fredericton
NEW BRUNSWICK'S CAPITAL CITY

Proud of the contribution made
by the Kinsmen and Kinettes
to our community.

**Mayor Brad Woodside and
Fredericton City Council**

www.fredericton.ca



On behalf of the Councilors and
residents of the Township of Centre
Wellington, I wish to extend
appreciation to the Kinsmen and
Kinettes for their continuing and
invaluable service to our community.

**Mayor Joanne Ross-Zul
and Councilors**



**TOWN of
SPRINGDALE, NL**

We sincerely appreciate the spirit
of community service displayed
by our Green Bay Kin members.

**CONGRATULATIONS TO
ALL KINSMEN & KINETTES**



**District of
VANDERHOOF, BC**

District Council thanks
our local Kinsmen and Kinettes
for their dedicated service and
contributions to our community.



**District
of
MACKENZIE, BC**

We are pleased to take this
opportunity to extend
our sincere thanks to the

KIN CLUB OF MACKENZIE

The Council and Citizens wish you all
the best in your future endeavors.



**City of
CRANBROOK, B.C.**

On behalf of City Council and the citizens
of Cranbrook, congratulations to the
Kinsmen and Kinette Clubs of Cranbrook.

I extend our sincere appreciation for their
leadership in community service work.

Through their efforts, our community
enjoys free public skating, a quad ball
park, Kinsmen Park, tennis courts, an
arena, and a Kiddies Water Spray Park.

Congratulations to the entire "Kin Family"
across Canada for the assistance you
provide to many individuals and
organizations as you serve the
community's greatest need!

ROSS PRIEST, MAYOR
City of Cranbrook, B.C.



The Municipality of North Perth

The Council and residents
of the Municipality of North Perth
extend their appreciation
to the Kinsmen and Kinettes
for their ongoing support
and valuable contributions
to our community.

We recognize that volunteers
are crucial to the welfare
of all citizens and in making
this a better place to live.

A heartfelt 'thank you'!

www.northperth.ca

**The Municipality of
Port Hope, Ontario**

*On behalf of the residents of the
Municipality of Port Hope,
we would like to express our deep
appreciation for all the contributions
Kinsmen and Kinettes have made
throughout the years.*

*Thank you for your dedication
and commitment to our community.*

**Linda Thompson, Mayor
and Members of Council**



"Thank You"
Kinsmen and
Kinettes for your
commitment and
dedication to the betterment of
our community.

*Mayor Doug Craig
& Members of Council
City of Cambridge, Ontario*



**TOWN OF LADYSMITH
BRITISH COLUMBIA**

On behalf of Council and the citizens
of Ladysmith I would like to extend a sincere
thank you to the Kinsmen and Kinettes for your
tireless contributions to your communities.
Your continued dedication and outstanding
service is exemplary. Congratulations on all
you achieve in the communities throughout our
country - your efforts are highly commended.

*Mayor Robert Hutchins
Town of Ladysmith*



**Town of Coaldale, Alberta
"Gem of the West"**

On behalf of the residents of the Town of
Coaldale, we would like to offer our most
sincere gratitude to the Kinsmen and
Kinette clubs for the selfless dedication
and hard work you give this community.

The Kinsmen and Kinette clubs are an inspiration to all
those who reside in Coaldale and the projects provided by
these clubs will be a lasting legacy for generations to
come.

The Mayor & Town Council of the Town of Coaldale wish
you all the best in the coming year.

Mayor Doug Foxall

*Councillors: Kim Craig
Arya Langstraat
Vic Mensah
Sherrie Davis
Bill Martens
Donald Wenz*

**The Town of
Vulcan**

Alberta

*With thanks for your
dedication and contributions
to our community!*

*Mayor David Mitchell
& Members of Council*



**TOWN OF
GEORGINA**

On behalf of the Mayor, Council
and residents of the Town of Georgina,
I would like to express our sincere
appreciation to the Keswick and Sutton
Kinsmen and Kinettes for their
dedication and outstanding
contributions to our community.

*Mayor Robert Grossi,
and Members of Council*

Town of SHELBURNE, ON



On behalf of Town Council and the residents
of Shelburne, I wish to express
our appreciation and gratitude to the Kinsmen
and Kinettes for their continued support and
contributions to our community. The Kinsmen
and Kinettes have helped to enhance
the quality of life in the Town of Shelburne
and we wish them continued success
in their future endeavours.

Mayor & Members of Council



City of Moncton

On behalf of Moncton City Council and
all Monctonians, I would like to thank
Kin Canada for the important work you
do in our communities.

*Lorne M. Milton
MAYOR*



On behalf of
the City of Pickering
and its residents,

thank you to the
Kinsmen and Kinette Club
of Pickering
for its outstanding service
and contribution
to the community.

*Mayor David Ryan
and Members of Council*

cityofpickering.com



*For your devotion and drive that helps
make the City of Leduc
a place to experience, I wish
to express our deepest appreciation
to the Kinsmen and Kinettes.*

*On behalf of the residents
of the City of Leduc,
Mayor Greg Krischke
& Members of Council*

GODERICH
Canada's prettiest town

The mayor, council
and the residents of the
Town of Goderich
are pleased to offer their
appreciation to the members
of Kin Canada

for their efforts over the years
in making significant
contributions to our
community in the spirit
of sharing and caring.
We salute you and wish you
much success in the future.

*Mayor Delbert (Deb) Shewfelt
and
Members of Town Council*



Kin Canada

Association of Kiwanis, Klunette and Kin clubs

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Kin Canada National Headquarters

1920 Hal Rogers Dr., P.O. Box KIN Cambridge, ON N3H 5C6

(800) 742-5546, ext. 205 • Fax: (519) 650-1091 • www.kincanada.ca

THE DEADLINE IS...



January 7, 2008

(Please Print) Supporter's Name:
City, Town, Village, etc.

Address:

Bill to the Attention of: Name:

Title:

Address:

Telephone No.:

Fax No.:

E-mail Address:

Size of Message:

Rate:

Plus GST/HST:

Total:

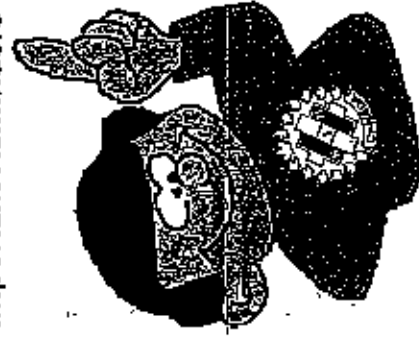
Other Instructions:

THIS MESSAGE-OF-SUPPORT AUTHORIZED BY:

NOTE: Please print/type your message on a separate sheet and attach to order form. If you would like us to write an appropriate message for you, please indicate this in the space above marked 'Other Instructions.'

Signature

Important Reminders



KIN Magazine

Official Publication of Kin Canada

1. Deadline for returning order form is **MONDAY, JANUARY 7, 2008**
2. FAX order form to (519) 650-1091
3. E-mail: municipal.crest/logo.300.dpi.jpeg to mrlickard@kincanada.ca
4. You can provide us with wording for your message or indicate under 'Other Instructions' if you want us to compose a message for you
5. Any questions? Please call 1-800-742-5546, ext. 205 or e-mail mrlickard@kincanada.ca This year's messages will be published in the February 2008 edition of *KIN Magazine*.

Size & Cost

SPACE	COST	WIDE	DEEP
Full Page	\$995	7-3/8"	9-11/16"
1/2 Page Island	\$695	4-3/4"	7-3/8"
1/2 Page	\$625	7-3/8"	4-7/8"
1/3 Page	\$495	4-7/8"	4-7/8"
1/6 Page	\$375	2-7/16"	4-7/8"
1/12 Page	\$250	2-7/16"	2-7/16"

See reverse for
sample
message sizes

(NOTE: PLEASE ADD GST or HST TO ABOVE RATES WHEN REMITTING PAYMENT)

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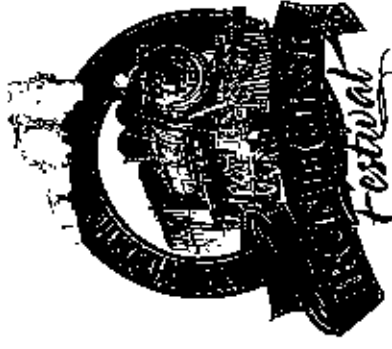
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2007

November 28, 2007

Mayor Cliff Barwick and Members of Council
City of St. Thomas
545 Talbot St
St. Thomas, Ont.
N5P 3V7

Dear Mayor Cliff Barwick and Members of Council:

The Iron Horse Festival would like to thank the City and its staff for the assistance and support over the past few years.

Over the past 13 years, the Iron Horse Festival has become an important event to the City, its residents, and the visitors to the city, with over 20,000 attending each year. Many of our guests appreciate the fact that our event is still free to attend, and that we present some of the best attractions & entertainment around.

As you may be aware, this past year, the Iron Horse Festival was a challenging event with rain on 2 of our biggest days. The challenge our organization has faced over the past few years has left us without funds to carry us from one event to the next. Each year we must go out and raise the funds required to stage the Festival. This year with your support, the Festival will be able to leverage the contribution and secure additional contributions from other levels of government. This will enable the Festival to continue to grow and prosper.

When the Festival lost Talbot Street as our primary venue, the Festival had to rebuild and since then we have been slowly building the event back to where we were. Since that time, the Festival has endured one event with rain over the entire four days of the Festival, to last year where we had poor weather during half of our event. This has continued to hurt us financially.

This year, the Festival board requests your financial support. As the Festival is now entering our 14th year, we are hoping the City will consider our application for a grant to help us get back on a solid financial footing. We are requesting a financial contribution of \$10,000 this year.

We will be pleased to answer any questions and provide additional information including our budget and financial statements for your review. We appreciate the opportunity to present this information at your next council meeting.

Sincerely,

Jayden Abel
President

REFERRED TO	W-044
DATE	11/28/07
BY	T. JOHNSON
FOR THE	
FROM	
TO	
RE	
FILE	



SOMETHING DIFFERENT EVERYDAY!

P.O Box 20094, St. Thomas, ON. N5P 4H4 ph. (519) 633-2535

www.ironhorsefestival.com



DRAFT FOR PRELIMINARY REVIEW
Corporation of the

City of St. Thomas

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Report No.
PR-22-07
File No.

Directed to: Chairman B. Aarts, Chairman of the Community Services Committee and Members of St. Thomas City Council

Report Date
November 27, 2007
Meeting Date
December 10, 2007

Department: Parks and Recreation

Attachment
Pricing Policy

Prepared By: Kent McVittie, Director of Parks and Recreation

Subject: Pricing Policy for Non-Event Days During Significant Special Events

Recommendation:

THAT: Report PR-22-07 regarding a Pricing Policy for Non-Event Days During Significant Special Events be received, and;

THAT: City Council approve the Pricing Policy for Non-Event Days During Significant Special Events (attached as Appendix A).

Origin:

The organizers of "Day Out With Thomas" successfully staged the 2007 event at Memorial Arena in late July. The facility was well-suited to the needs of the event and organizers desire to stage the event at the venue again in 2008. Because it is a fund-raising event for the Railway Museum, organizers have requested consideration being given to the establishment of a reduced fee for the facilities during the days that the facilities are occupied but where the event is not operational.

Analysis

Staff, recognizing the significant community benefit accrued through such events, is supportive of an "event holding fee" that could be applied to events such as "Day Out With Thomas" or other large scale events.

The attached pricing policy is proposed. If accepted, staff would include the new fees with the 2008 operating budget submission.

Financial Impact

Assuming the event requires the same facilities as in 2007, the introduction of the new fee policy in 2008 would reduce revenue to the City by approximately \$9,000 over the 2007 revenue. It should also be pointed out that the 2008 event is still expected to generate close to \$8,000 of facility rental revenue during a traditionally low demand time of year.

Respectfully Submitted,


Kent McVittie

Director of Parks and Recreation

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



ST. THOMAS
Parks
Recreation

DRAFT FOR PRELIMINARY REVIEW APPENDIX A

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Pricing Policy for Non-Event Days During Significant Special Events: EVENT HOLDING FEE

Purpose:

The City of St. Thomas recognizes the importance that large-scale events play in generating economic activity and in fostering a sense of community pride. The City also recognizes that some large-scale events operate over an extended period of time with several non-event days between actual operating days. This policy has been created to establish a reduced "Event Holding" fee for non-event days and a set of criteria to determine eligibility for the application of such a fee.

Definitions:

"Holding" time is defined as hours/days required for deliveries, storage, set-up, tear-down, directly related to a large-scale event, that cannot be reasonably accommodated on the day(s) of the event.

An "event" is an organized activity designed to attract participants or spectators for a limited-time basis.

An "event day" is a day or part of a day where the planned event is operating.

A "non-event day" is day where participation in an event is not permitted but where set-up or take down time is required, or where event space is occupied.

Eligibility Criteria:

In order to qualify for the "Event Holding Fee," event organizers must meet the following criteria:

1. The event - including non event days - must not extend to a period of greater than three weeks;
2. The event must support a registered charity or not for profit organization;
3. The event must not pre-empt any previously scheduled activities or events unless they can reasonably be accommodated in a comparable facility elsewhere;
4. The event must be of an international, national, provincial, or regional nature, or have a demonstrated ability to attract out-of-town visitors;
5. The set up of the event must be of a significant nature such that it could not reasonably be removed within a two-hour period of time;
6. The non-event days would not require any additional staff presence to monitor the site.
7. Revenue earned by the City for an event must exceed the revenue that is forfeited during the event and non-event days.

Application:

The holding fee will be equivalent to 10 per cent of the regular published rate (subject to minor variations to accommodate rounding) and will be available for the following facilities:

- Memorial Auditorium
- Memorial Arena
- Peter J. Lynch Room
- Douglas J. Tarry Room
- St. Thomas Timken Community Centre Walker Rink
- St. Thomas Timken Community Centre Presstran Rink
- Douglas J. Tarry Sports Complex

Event organizers requesting consideration for the application of a holding fee must do so in writing, indicating the scope of the event, the expected attendance, and the charitable or not for profit status of the organization being supported, at least 60 days prior to the start of the event.

Any staffing costs associated with the use of facility space during non-event days is to be billed to the organizing body on a full cost recovery basis.



Corporation of the
City of St. Thomas

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Report No.
PR-23-07

File No.

Directed to: Chairman B. Aarts, Chairman of the Community Services Committee and Members of St. Thomas City Council

Report Date
November 27, 2007
Meeting Date
December 10, 2007

Department: Parks and Recreation

Attachment

Prepared By: Kent McVittie, Director of Parks and Recreation

Fitness Track Access Policy

Subject: St. Thomas Timken Community Centre Fitness Track Access Policy

Recommendation:

THAT: Report PR-23-07 regarding the St. Thomas Timken Community Centre Fitness Track Access Policy be received, and;

THAT: City Council approve the St. Thomas Timken Community Centre Fitness Track Access Policy (attached as Appendix A).

Origin:

The Walker Rink at the St. Thomas Timken Community Centre is encompassed by a 200-metre long fitness track that members of the public use year round as part of their regular exercise regimen. The track is an extremely popular component of the community centre and is accessed free of charge between the hours of 8:00 am and 10:00 pm in the winter season and from 8:00 am to 8:00 pm in the summer season.

While the presence of fitness track users does not generally present a problem, there is potential for issues when large crowds are gathered for events on the Walker Rink, or if exclusive events are booked there.

Analysis

A number of potential issues can arise as a result of fitness track use during high attendance events, including:

- Increased risk of injury to track users or spectators resulting from collisions or the presence of trip hazards
- Interference with a spectator's ability to enjoy an event (many track users also use the seating sections for stair climbing)
- Increased potential for conflicts between members of the public gaining free access to a paid admission event

In light of the large volume of people expected for the World Under 17 Hockey Championships and the recurring issues at Junior B games, staff has developed the attached policy to govern public access to the fitness track. The policy is intended to address the safety and logistical issues noted above while ensuring that the track remains as accessible as possible to the community. Essentially, the policy would dictate that where a paid admission event (excluding minor games and tournaments) was occurring, the track would not be accessible to members of the community-at-large. Track users will be informed well in advance of any dates that would not be available for track use due to large-scale events.

Financial Impact

There is no financial impact associated with the adoption of the recommendations contained in this report.

Respectfully Submitted,

Kent McVittie
Kent McVittie
Director of Parks and Recreation

Reviewed By:

Treasury Env Services Planning City Clerk HR Other

APPENDIX A



St. Thomas Timken Community Centre Fitness Track Access Policy

December 2007

Purpose:

In order to ensure a safe and enjoyable experience for all facility users, the City of St. Thomas Parks and Recreation Department limits access to the St. Thomas Timken Community Centre Fitness track during high-attendance events.

Application:

The Fitness track shall be closed to the public whenever any of the following situations exist:

- During events for which paid admission is collected, except for minor hockey games or tournaments where attendance is not expected to exceed 200 persons.
- ♦ During events where exclusivity is required to preserve the decorum of the function (for example weddings, graduation banquets, memorial services, concerts, presentations)

Signs will be prominently displayed at least 10 days prior to any event explaining the closure of the fitness track.

Generally speaking, the track will be considered closed one hour prior to the start time of the event and will remain closed until one hour following the event (if applicable), unless event set-up dictates otherwise.

Enforcement

The event organizer will be responsible to control access to the facility.

The Parks and Recreation department will be responsible for posting the information notices.



Corporation of the
City of St. Thomas

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Report No.
ES128-07
File No.

Directed to: Chairman David Warden, Members of the Protective Services and Transportation Committee

Date
December 10, 2007

Department: Environmental Services

Attachments
Roads & Transportation Services - Maintenance and Operating Standards Section 3-600 - Municipal Parking Program Management
Parking Ticket Cancellation Policy

Prepared By: Dave White C. Tech - Supervisor of Roads & Transportation

Subject: **Municipal Parking Program - Operating and Maintenance Standards**

Recommendation:

THAT: Report ES128-07 be received for information; and further,

THAT: The Maintenance and Operating Standards of the Municipal Parking Program included with this report ES128-07; be approved.

THAT: The amended cancellation of parking tickets policy for valid permit holders in instances where the parking permit has not been displayed, and as outlined in report ES128-07, be approved.

Origin

Based on input from the Parking Committee and staff, there have been some recent revisions to the Parking Permit Procedures and a consolidation of those procedures is provided within this report in the Roads & Transportation Services - Maintenance and Operating Standards Section 3-600 - Municipal Parking Program Management. As well, the Parking Committee recommends that the Parking Ticket Cancellation Policy be revised.

Analyses

ES Operations staff are currently developing a consolidated document entitled Roads & Transportation Services - Maintenance and Operating Standards for Council approval.

At the October 1, 2007 Council, Section 2-600 - Winter Maintenance Program (Updated) was provided to Council and approved. This and all other sections will become part of the consolidated document and presented in its entirety at a future Council meeting. The Roads & Transportation Services - Maintenance and Operating Standards will eventually contain all areas of responsibility within the Roads & Transportation Section of the Environmental Services Operations Division.

For the purposes of this report, the Section on **Municipal Parking Program Management** is presented for the approval of Council and is attached to this report. In summary, the format of the annual parking permits are being revised for consistency and each employee will receive the same hanging permit and be required to apply for annual permit every year. In the past, employees had the option of purchasing a second convenience parking permit for a fee of \$10.00 so that employee families with more than one vehicle didn't have to transfer the permit from one vehicle to the other. Due to the fact that the new permits hang from the rear view mirror, it is felt that a second parking permit should not be offered. There are also some consistencies with respect to parking assignments within the parking lots. In addition, the On Street Parking Permit Policy has been consolidated into this section of the Maintenance and Operating Standards.

Presently, the Parking Ticket Cancellation Policy, as approved by Council, allows the cancellation of a parking ticket if a permit has been improperly displayed. Such a cancellation is only allowed to occur twice annually. The Parking Committee is recommending that this policy be revised to indicate that a ticket cancellation will be allowed in those instances where the City has a record of a permit having been issued to the vehicle in question. As well, the Committee recommends that the provision dealing with a limit on the number of annual cancellations should be removed from the policy.

Also, as a result of the recommendations within Report CC-43-07, the Scott Street and Upper St. Catharines Lots have been made Permit Parking Only lots. The required signing revisions have been completed with enforcement to start Mid-January 2008. Enforcement staff will issue information notices during the transition period.

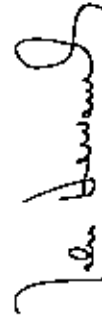
Financial Considerations:

The Maintenance & Operating Standards contained in this report, do not require any additional annual operating budget.

Alternatives:

There are no alternatives provided at this time.

Respectfully,



Not. Dave White, C. Tech - Supervisor of Roads and Transportation
Environmental Services

Reviewed By:

Treasury

Env Services

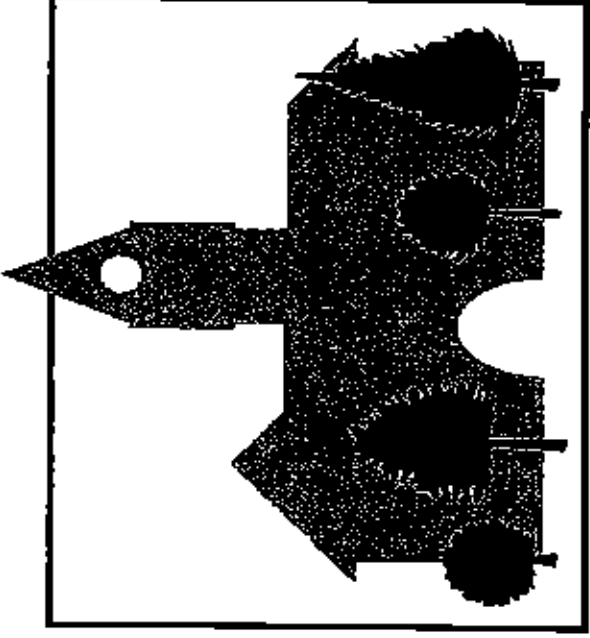
Planning

City Clerk

HR

Other

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THE CORPORATION OF THE CITY OF

ST. THOMAS

Environmental Services Department
Operations Division
Maintenance and Operating Standards
Roads and Transportation Services

Section 3-600
Municipal Parking Program Management

December 10, 2007

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Section 3-600

Index – Municipal Parking Program Management

Effective Date 10/12/07

Roads and Transportation Services

Index

Subsection	Description	Page #
02-600	General Municipal Parking Program Management	
02-601	Municipal Parking Lot Inventory & Permit Costs	
02-602	Municipal Parking Lot Design Standards	
02-603	Municipal Parking Lot Policy & Guidelines	
02-604	Overnight Parking Permit Policy	
02-605	On Street Parking	
02-606	Laneway Permits	

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3-600

General - Municipal Parking Program Management

Effective Date 10/12/07

Roads and Transportation Services

Objective: To provide Citywide parking program management in cooperation with the City Clerks Department, St. Thomas Police Services & Local Business and Commercial Customer Needs; within approved operating and capital budgets.

Applicable Legislation: The Highway Traffic Act, The Ontario Traffic Manual, Traffic and Parking By-law 45-89 and Industry Best Practices.

Operating Standard:

The role of Roads & Transportation Services is to issue parking permits through a balance of parking assignments and By-laws within Municipal parking lots and on street parking areas.

All proposed revisions to the existing parking program are recommended to Council for approval through By-law or policy revisions.

The remainder of this section describes in detail the areas of responsibility and the standards by which the parking program is managed.

The maintenance of the parking lot infrastructure (signs, markings, road surface, and snow plowing) is provided by the Roads maintenance operation and related operation and maintenance costs are included in the parking lot maintenance budget, administered by the Clerk's Department.

Capital budget requirements (parking lot improvements or rebuilding) will be coordinated by Environmental Services and are included in the annual Capital budget/submissions as required.

Driveway cut permits on existing properties are issued based on current policy and the parking space requirements within Zoning By-law # 50-88.

3-601**47****Municipal Parking Lot Inventory & Permit Costs**

Effective Date 10/12/07

Roads and Transportation Services

There are 15 Municipal Parking Lots in the City of St. Thomas, 14 of which have permit parking spaces.

Lot Name	Lot Num.	2 Hour Parking	Permit Only Parking	Handicap Parking	Other Parking	Total Spaces Available
Horton Market Lot	# 1	95	0	0	10	105
St. Catherine St. Upper Lot	# 2a	0	62	0	0	62
St. Catherine S. Lower Lot	# 2b	26	23	0	0	49
Justice Building Lot	# 3	3	14	1	0	18
City Hall Lot	# 4	23	2	2	0	27
City Central Lot	# 5	36	10	2	0	48
Hlawatha Street Lot	# 6	14	19	0	0	33
Midtown Lot	# 7	23	9	2	0	34
Curtis Street Lot	# 8	83	21	3	0	107
Moore Street Lot	# 9	48	8	0	25	81
White Street Lot	# 10	14	46	4	0	64
Hepburn Street lot	# 11	55	65	3	0	123
Elgin Street Lot	# 12	12	11	0	0	23
Metcalfe Street Lot	# 13	0	12	0	0	12
Scott Street Lot	# 14	0	26	0	0	26
Wellington Street Lot	# 15	20	5	0	0	25

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Parking Lot Permit Fees by lot;

Hepburn & City Hall Parking Lots				\$350./yr		\$35./mo.	
1 month		3 months		6 months		1 year	
gst	35.00		87.50		175.00		350.00
pst	2.10	gst	5.25	gst	10.50	gst	21.00
total	39.90	pst	7.00	pst	14.00	pst	28.00
		total	99.75	total	199.50	total	399.50
City Central Lot, Curtis Street Lot, Hiawatha Lot, Midtown Lot, White Street Lot \$300./yr							
1 month		3 months		6 months		1 year	
gst	30.00		75.00		150.00		300.00
pst	1.80	gst	4.50	gst	9.00	gst	18.00
total	34.20	pst	6.00	pst	12.00	pst	24.00
		total	85.50	total	171.00	total	342.00
Upper St. Catharine Lot, Moore Street Lot, Elgin Street Lot, Horton Market Lot, Metcalfe Street, Wellington / Ross Street & Scott Street Lots \$25./mo.							
1 month		3 months		6 months		1 year	
gst	25.00		62.50		125.00		250.00
pst	1.50	gst	3.75	gst	7.50	gst	15.00
total	28.75	pst	5.00	pst	10.00	pst	20.00
		total	71.25	total	142.00	total	285.00

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3-602

Municipal Parking Lot Design Standards

Effective Date 10/12/07

Roads and Transportation Services

At the meeting of September 17, 2007 Council approved the recommendations in report CC-43-07 with respect to the following design standards.

1. Parking stall size
 Length – 5.6m
 Width – 2.74 m
 Aisle – 7.3m (two way traffic)
2. Lot sign standard – Ontario Traffic Manual Book 5 standard size signs (30cm by 45cm).
3. Minimum sign spacing for parking stall use designation – every 4 stalls, posts to be located at the far edge of the parking stalls. In the case of a single stall the post shall be located in the middle of the stall. Permit stalls shall be augmented with the word "Permit" painted on the pavement.
4. Parking lot identification sign – St. Thomas standard entrance sign.
5. Parking lot key map – One or two signs per lot placed facing into the lot, depending on the lot size and configuration.
6. Use of physical delineation barriers and raised islands between parking stalls will be minimized.
7. Back to back parking stall signs (different message) shall be staggered top to bottom. I.e. Front stall sign (2 Hour Parking) shall be installed on top and back stall sign (Permit Parking Only) shall be mounted on the same post and below the front stall sign.

3-603

Municipal Parking Lot Policy & Guidelines

Effective Date 10/12/07

Roads and Transportation Services

Municipal Parking Lot Permits are Issued on an annual & monthly basis by the Environmental Services Department. Enforcement of the permits is provided by the Clerks Department.

The following Policy for Issuing Municipal Parking Lot Permits has been developed through the efforts of both the Environmental Services and Clerks Department of The City of St. Thomas, in order to establish consistency and clarification.

Available City of St. Thomas Parking Permits are:

1. Parking Lot Permits for Members of the Public,
2. Daily Parking Lot Vouchers for Visitors and Members of the Public,
3. Annual Parking Lot Permits for Employees of the Corporation of the City of St. Thomas.

1. Parking Lot Permits for Members of the Public (originals displayed only)

The City of St. Thomas provides annual and monthly parking permits for various municipal lots throughout the downtown area. They are issued on a first come first served basis.

Parking is available at the following locations and priced as indicated:

Hepburn & City Hall Parking Lots				\$350./yr	\$35/mo.
1 month		3 months		6 months	1 year
	35.00		87.50	175.00	350.00
gst	2.10	gst	5.25	gst	10.50
pst	2.80	pst	7.00	pst	14.00
total	39.90	total	99.75	total	199.50
City Central Lot Curtis Street Lot , Hlawatha Lot , Midtown Lot, White Street Lot					
				\$300./yr	\$30./mo.
1 month		3 months		6 months	1 year
	30.00		75.00	150.00	300.00
gst	1.80	gst	4.50	gst	9.00
pst	2.40	pst	6.00	pst	12.00
total	34.20	total	85.50	total	171.00
					342.00

SI

Upper St. Catharine Lot , Moore Street Lot , Elgin Street Lot , Horton Market Lot, Metcalfe Street, Wellington / Ross Str. Lots \$250./yr				
1 month	3 months	6 months	1 year	
gst 25.00	62.50	125.00	250.00	
pst 1.50	3.75	7.50	15.00	gst
total 26.75	5.00	10.00	20.00	pst
	71.25	142.00	285.00	total

Existing annual parking lot permit holders can purchase the following year's permit at any time prior to the following year.

New requests to purchase annual parking lot permits can be made at the Environmental Services Department after January 2, of that year. Permits must hang from the rear view mirror and visible at all times. Failure to comply may result in the issuing of a parking ticket.

Purchasers of annual parking permits must park in a City owned parking lot in a designated permit parking space only.

2. Daily Parking Lot Vouchers (originals displayed only)

In order to accommodate occasional parking needs, the City of St. Thomas has available a \$2.00 Daily Parking Lot Voucher. Any persons requiring daily parking can pick up these Vouchers at Environmental Services at any time between 8.30am and 4.30pm. (Requests for larger quantities of daily \$2.00 Vouchers should be called in advance so as to expedite the process).

Any City department wishing to acquire daily passes in advance for staff, meetings, visitors etc., may submit their request either via email or telephone indicating the amount they require and for what date(s).

Daily Parking Lot Vouchers must have the date clearly written in ink, and hung from the rear view mirror, with date facing the windshield, and visible at all times. Failure to comply may result in the issuing of a parking ticket.

Purchasers of daily vouchers must park in a City owned parking lot in a designated 2 Hour parking spaces only.

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3. Annual Parking Lot Permits for Employees of the Corporation of the City of St. Thomas (originals displayed only)

The City of St. Thomas will provide (if required) one free parking lot permit to each City employee on an annual basis. A "staff parking application form" must be completed (attached) and returned to the Environmental Services Department annually by December 1st. This permit will need to be renewed each year and must be returned to Environmental Services when no longer required.

For convenience, up to two vehicle license numbers will be recorded and the permit can be used by one vehicle at a time. Permits will be numbered and the information logged in a database.

Most employee parking permits will be issued to specific parking lots and those employees are required to park in permit parking spaces only. General parking permits will also be issued and those employees are required to park in 2 hour parking spaces in parking lots or on street.

If permits are **lost** the permit number will be voided and you will be issued a new permit with a new number for a \$15.00 fee.

If permits become **damaged or faded**, it should be returned to Environmental Services, and another permit will be issued.

The new permits will once again be a HANGING PERMIT which must be positioned to hang from the rear view mirror and visible at all times. Failure to comply may result in the issuing of a parking ticket.

Employees holding annual parking permits must park in a City owned parking lot in a designated permit parking space only.

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STAFF PARKING APPLICATION

Name: _____

Department: _____

Parking Lot: _____

Vehicle Licence 1 _____

Vehicle Licence 2 _____

PLEASE RETURN TO ENVIRONMENTAL SERVICES DEPARTMENT BY:
December 1 of each year.

Authorized by: _____ (e.g., Dept Head/Supervisor etc)

OFFICE USE:

Date received: _____

Date permit issued: _____

Permit # _____

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ILLUSTRATION OF CITY OF ST. THOMAS PARKING PERMITS

Parking Lot Permits for Employees of the Corporation of the City of St. Thomas and for Members of the Public

Example of the Annual Parking Permit Example of the Monthly Parking Permit




City of St. Thomas Monthly Parking Lot Permit
_____ Parking Lot Location
_____ Date
_____ Authorized Signature
The City of St. Thomas is not responsible for lost or stolen permits. Permit is required to be displayed by hanging it from the rear view mirror and must be clearly visible to an officer viewing the permit from outside the vehicle.

CITY OF ST. THOMASPARKING TICKET CANCELLATION POLICYA. General

1. The First Appearances Parking Officer has authority to cancel Parking Infraction Notices for reasons listed under "Cancellation Guidelines".
2. All cancellations initiated by the First Appearance Officer must be reviewed by the Deputy City Clerk or Police Services Officer in charge.
3. All requests for cancellation must be submitted to the First Appearance Parking Officer attached to a pre-numbered complaint report for proper control. Complainant must complete this form.
4. All complaints will be routed through the First Appearance Parking Officer for appropriate investigation and disposition as follows:
 - a) Receives complaint report from all sources and reviews form for completeness and complaint for follow up distribution.
 - b) If investigation is required:
 - i) For Parking Control Officer forward to By-law Officer III
 - ii) for meter complaints, forward to By-law Officer III
 - iii) For Police Services forward to Officer in Charge
 - c) All written complaints will be forwarded to the Deputy City Clerk for investigation and response.
5. Upon completion of investigation, complaint forms will be returned to the Treasurer's Department for processing any payments, canceling where directed and filing.
6. All cancellations will be identified on the appropriate document, by a cancellation # as noted under "Cancellation Guidelines".
7. All cancelled tickets will be audited as deemed appropriate by the Deputy City Clerk.
8. The City reserves the right to cancel or refuse to issue a parking permit if the permit holder is using a permit fraudulently.

CITY OF ST. THOMASPARKING TICKET CANCELLATION POLICYB. CANCELLATION GUIDELINES

1. Officer Error – Prima Facia evidence is incorrect or missing including: unclear writing, 15 days not given, not signed, incorrect dates, a.m., and p.m., missing, spelling errors, offences not identified, corrections not initialed, printed set fine and written set fine differ.
2. Out of Province
3. Hospital Emergency – where driver is alone or where patient can not be left alone.
4. Faulty Parking Meter or Pay'n Display meter receipt provided by the driver.
5. Loading/Unloading Restricted Area – i.e., loading zones, no parking zones, if proof of activity is provided.
6. Disabled Person Parking – i.e., designated space or parking meter if an application for a permit is signed by a physician, where no permit is visible.
7. Overnight Infractions – if proof is submitted for driveway repairs or treatment, and construction zone.
8. Inadequate Signing – if confirmed by Supervisor during investigation.
Note: Follow-up report must be submitted to the Works Department or Traffic Co-ordinator.
9. Motor Vehicle Breakdown – with service receipt.
10. City Vehicle – or City employee while on duty away from their regular place of work, who parked in a meter or limited zone if approved in writing by department head or designate.
11. Police Department – cancellation if approved by First Appearance Parking Officer (Officer in Charge).
12. M.T.O. – mismatched owner information stickers.

CITY OF ST. THOMAS**PARKING TICKET CANCELLATION POLICY****B. Cancellation Guidelines – cont'd****13. Do Not Cancel List**

- a) Vehicle stopped in rush hour route.
- b) Vehicle parked in bus stop.
- c) Vehicle stopped in no stopping zone.
- d) Vehicle on boulevard.
- e) Vehicle blocking sidewalk
- f) Fire Route

C. Investigation Procedure

1.
 - a) Written complaint completed by driver on a Complaint Report.
 - b) Call-in complaints – staff complete the Complaint report.
2. Copy of Infraction Notices is attached to Complaint report, the report is numbered, recorded and forwarded for investigation.
3. The Investigator Reviews:
 - a) Complaint Report
 - b) Infraction Notice
4. Complaint report is reviewed with the First Appearance Parking Officer.
5. First appearance Parking Officer obtains statement from officer
6. Complainant is notified of results of complaint by the First Appearance Parking Officer, who completes the appropriate follow-up action and filing.
7. The Deputy City Clerk, reviews all complaints of an unusual nature and advises the City Clerk when necessary.
8. **Points to Consider When Considering Cancellations**
 - a) An infraction of the by-law has, in the eyes of the officer, taken place.

CITY OF ST. THOMAS

PARKING TICKET CANCELLATION POLICY

C. Investigation Procedure – cont'd

- b) The guiding principle for cancellation is rigidly fair treatment for any requester. It is forbidden, both on a legal basis under the Ontario Human Rights code, and as a matter of policy to treat any requester differently from another regardless of their status.
- c) The issuing officer was at the scene and is fully trained in the process of issuing tickets.
- d) The officer does have the opportunity to speak directly to driver at the time of the offence with limited authority to "VOID" a ticket.
- e) Restricted and prohibited parking areas were well signed. Signs provide sufficient warning to a driver to obey the signs.
- f) The complainant will, in most cases, present circumstances to the office that are quite different than what actually occurred as reported by the officer.
- g) Request to cancel for failure to display a handicapped permit. A cancellation of an offence issued for parking in a handicapped space may be made upon proof of permit issued in the name of the requester, and the payment of a \$5.00 processing charge for failure to display such permit.
- h) Request to cancel for failure to properly display valid City issued permit at the time of offence. A cancellation of an offence issued for parking without a valid, properly displayed, City issued permit, may be made upon proof of a permit issued in the name of the requester and vehicle, where applicable, and the payment of a \$5.00 processing charge for failure to properly display such permit. Such permit must be valid and verified for the time of offence prior to cancellation.
- i) Complainants are not under oath to tell the truth.
- j) Complainants have the option to plead not guilty and request a trial if they feel unjustly charged.
- k) Always check the current status of the Infraction Notice before final action.
- l) Response to complaint should be within five working days.



Corporation of the
City of St. Thomas

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Report No.
OW38-07

File No.

Directed to:

Lori Baldwin-Sands and Members of the Social Services
Committee

Date Authored:

December 3, 2007

Meeting Date:

December 10, 2007

Department:

St. Thomas-Elgin Ontario Works & Social Housing

Prepared By:

Sandra Datars Bere

Attachment

One (1)

Subject: Postponement of Title - Forest Ave Child Care Centre

Recommendation:

THAT Report OW38-07 is received for information; and

THAT Council approve the amendment of the original agreement between the City of St. Thomas and Forest Ave Child Care Centre; and

THAT Council approve the postponement of Instrument Number CT21906 in favour of the owner's first mortgage with Pacific and Western Bank of Canada.

Background:

On June 28, 2007 Council approved the signing of an agreement with Forest Ave Child Care Centre Inc., to provide funding to the provider in the amount of \$500,000.00. The funding allocation was provided to support the development of twenty-four (24) new child care spaces within the new child care centre being developed by the agency.

On November 27, 2007 the above noted agreement was registered as Instrument Number CT21906 by the City of St. Thomas' solicitors Sanders and Cline.

Report:

A request has been received from Forest Ave Child Care Centre's solicitor, on behalf on their primary lender, requesting postponement of Agreement CT21906 in favour of a new first mortgage with Pacific and Western Bank of Canada.

The City's solicitor has reviewed the request for the postponement of the Agreement registered as Instrument Number CT21906 in favour of the Pacific and Western Bank of Canada's mortgage from the Forest Ave Child Care Centre in accordance with section 5.2 of the original agreement.

The Postponement and Priorities Agreement has been executed by both Forest Avenue Child Care Centre Inc and Pacific and Western Bank of Canada.

As a result, it is recommended that Council approve the postponement as presented.

Respectfully submitted,

Imma Pedersen, Child Care Supervisor
St. Thomas-Elgin Ontario Works and Social Housing

Reviewed by:

Treasury

Env. Serv.

Planning

City Clerk

H.R.

OW & SH

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Ministry of Public
Infrastructure Renewal

Minister

6th Floor, Mowat Block
200 Bay Street
Toronto ON M7A 1L2
Tel: 416-325-0424
Fax: 416-325-3019
www.ontario.ca/pir

Ministère du Renouveau
de l'infrastructure publique

Ministre

6^e étage, édifice Mowat
200, rue Bay
Toronto ON M7A 1L2
Tél.: 416-325-0424
Téléc.: 416-325-3019
www.ontario.ca/pir



RECEIVED

NOV 30 2007

NOV 30 2007

PIR2065MC-2007-87

November 29, 2007

His Worship Cliff Barwick

Mayor

City of St. Thomas

PO Box 520

City Hall

St. Thomas, Ontario

N5P 3V7

Dear Mayor Barwick:

Thank you for sending me a copy of your letter to the Honourable Dalton McGuinty, Premier of Ontario, regarding the Elgin County Courthouse project.

I appreciate hearing from you about these important matters and note that you copied Mr. David Glass, President and Chief Executive Officer, the Ontario Realty Corporation (ORC).

As you know, the ORC reports to the government through my ministry and is an arm's-length agency. Since the ORC is overseeing the site selection process, I am confident Mr. Glass will give your comments his full consideration.

Again, thank you for contacting me.

Yours sincerely,

David Caplan
Minister

c: The Honourable Dalton McGuinty
The Honourable Chris Bentley, Attorney General
Mr. Steve Peters, MPP, Elgin-Middlesex-London
Mr. David Glass

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December 3rd, 2007

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

City of St. Thomas
1605-11-001

DEC 03 2007

Subject: A Request for Public Input to 2008 Budget

A suggestion that a zero-based budget process be used to construct the 2008 Budget, questions on line items in the preliminary 2008 Budget, and a request that a public meeting be convened to allow concerned taxpayers to voice their concerns have all been shunned (o-date by Alderman Shackleton and City Treasurer Bill Day.

Alderman Shackleton, Chairman Finance & Administration Committee is non-responsive and City Treasurer Bill Day says no thanks, status quo is just fine, "We believe that we have in place a budget development and approval process that has served the public well. Accordingly, we intend to follow the same process in 2008".

Well that guarantees but one result; Increased property taxes and I for one do not feel well served, quite the contrary.

I can understand the opposition to a zero-based budget as it would create increased accountability and force discipline into the process rather than just adding to what was spent the year previous. For instance;

- Why is the \$500,000 deficit by the Police Services being tolerated?
- Why are developers not paying for the \$340,000 infrastructure at the east end of Elm Street?
- Why should the library get \$1,200,000 to over three years only to see them vacate the premises at the end of the three years?

Residential taxes in St. Thomas are currently 3% higher than London and 18% higher than Stratford.

I listened to the Initial 2008 Budget discussion by Council on Nov. 19th, and was dismayed by some of the cavalier comments, decision drift, and lack of opinion by some, despite having had the document for a month.

Alderman Warden suggested a 2% target in the 2008 Budget over 2007; well I suggest a 10% reduction as a target and would think that most St. Thomas residents would agree.

Please table a motion at the next City Council Meeting, that a public meeting be convened promptly to facilitate public input and scrutiny of the preliminary 2008 Budget to the Council to vote on this motion, as written.

Regards,



Bill Sandison

Cc: Ian McCallum, St. Thomas Times-Journal (by e-mail)

W-DAY	_____
DIRECTION	_____
RECOMMENDATION	_____
INFORMATION	_____
FROM	MARIA KOZIEFF

Bill Sandison, 144 Lake Margaret Trail, St. Thomas, ON (519) 207-0819

bg.sandison@rogers.com



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A handwritten signature, possibly 'C. Smith', is written in black ink over the FCM logo.

RECEIVED
NOV 23 2007

November 22, 2007

Please Distribute to all Members of Council and Senior Staff

The Government of Canada endowed the Federation of Canadian Municipalities (FCM) with \$550 million to establish the Green Municipal Fund (GMF) to provide a long-term, sustainable source of financing for municipal governments and their partners. FCM uses GMF to support environmental improvements in six sectors of municipal activity: brownfields, energy, planning, transportation, waste and water. FCM seeks to improve quality of life through the design and implementation of initiatives that can deliver higher standards of air, water and soil quality, and that reduce the impact of climate change. To date, over 650 feasibility studies, field tests, sustainable community plans and capital projects have been approved for funding. FCM has committed over \$380 million, leveraging more than \$1.9 billion of economic activity in nearly 300 communities across the country.

FCM is seeking interested technical experts in each of the six sectors to join its GMF Peer Review Committee. Committee members evaluate the proposed initiatives submitted by Canadian municipalities and make recommendations for approval.

Individuals will be selected based on their expertise, achievements, commitment, interest and motivation related to sustainable community development in Canada. Bilingualism is considered an asset. Selected candidates will join the committee for a determined term and must enter into an agreement with FCM, as well as agree to a conflict of interest policy. Members will be required to attend orientation sessions throughout the year. Professional fees and travel expenses are paid according to FCM policy.

If you are interested in becoming a member of the GMF Peer Review Committee, please submit a letter of intent describing, in detail, the area or areas in which you would like to offer your expertise, along with your resumé. Please send your letter of intent and resumé no later than **Thursday, November 29, 2007**, to Nathalie DeBonville, administrative assistant, Green Municipal Fund, at ndebonville@fcm.ca or by fax to 613-244-1515. Member selections will be made by February 2008.



Corporation of the

City of St. Thomas

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Report No.

ES140-07

File No.

06-010

Directed to: Ald. Tom Johnston, Chair and Members of the
Environmental Services Committee of City Council

Date
December 10, 2007

Department: Environmental Services

Attachment

Prepared By: Ivar Andersen, Manager of Operations and Compliance

Report ES84-07
Revised Schedule A

Subject: 2008 Water Consumption Rate and Reaffirmation of Other Fees and Charges for
Water Supply as contained In Existing By-law 44-2000

Recommendation:

It is recommended:

- That report ES140-07 be received as information.
- That the 2008 Water Consumption Rate of \$0.9744 per cubic meter for the St. Thomas Water Distribution System, be approved.
- That this consumption rate be effective on January 1, 2008 and that a by-law be prepared to confirm this rate as well as reaffirm the other fees and charges in relation to the water supply system as per existing by-law 44-2000.
- That the Second Quarter Statistics Canada Construction Price Index be used to determine future water consumption rate adjustments.

Background:

Recently, the Joint Board of Management for the Elgin Area Primary Water Supply System approved an increase of 7% effective January 1, 2008. This amends the present primary supply water rate from \$0.3723 to \$0.3984 per cubic meter. This is the municipal rate at which the Primary Board sells water to the various secondary water supply systems, including the St. Thomas Area Secondary Water Supply System and the City of St. Thomas. On November 29, 2007, the St. Thomas Area Secondary Water Supply Board approved a secondary water rate increase of 6.4% for 2008. This amends the present secondary water rate from \$0.1589/m³ to \$0.1691/m³. The total 2008 secondary rate, including the primary rate adjustment, therefore is \$0.5675/m³.

The City of St. Thomas is supplied water directly from the Elgin Area Primary Water Supply System through the Albert Roberts Pumping Station (Tyke Rd.) and indirectly from the Primary System through the Elgin-Middlesex Pumping Station which is part of the St. Thomas Area Secondary Water Supply System. Since the Secondary System has a supply rate per cubic metre of its own, a blended supply rate combining the Primary Rate and the Secondary Rate taking relative flows into account, has to be calculated to ensure that an equitable consumption rate for the entire City is obtained. In the last three and one half years, 71.48% of the flows came directly from the Primary System with the balance, 28.52%, being supplied by the Secondary System.

Using these flow rates, the blended supply rate can be calculated as follows:

	2008	Flow %	Revised Rate
Primary Rate (Albert Roberts PS)	\$0.3984	71.48%	\$0.28478
Secondary Rate (Elgin Midd. PS)	\$0.5675	28.52%	\$0.16185
	2008 Blended Supply Rate		\$0.44663

In 2007, CN Watson and Associates Economists Ltd., completed a Water Needs and Financial Study Update that recommended that the Consumption Rate be composed of the above noted Blended Rate, a Common Infrastructure Rate and the St. Thomas Capital Infrastructure Rate. The Common Infrastructure rate will fund the operating cost of the entire St. Thomas and suburban area water distribution system, including the capital needs of all watermains with a size equal to or greater than 300 mm. The St. Thomas Capital Infrastructure Rate funds the needs of the St. Thomas watermains with a size less than 300 mm. The CN Watson Water Needs and Financial Study Update was accepted by Council in June of 2007 by the adoption of Report ES84-07. This same report recommended an Interim St. Thomas Consumption rate of \$0.8484 per cu. metre effective October 1, 2007.

The Municipality of Central Elgin will not be applying the St. Thomas Capital Infrastructure Rate but will be applying a Central Elgin Capital Charge for the capital needs and reserve fund needs related to the components of the water distribution system that are located within the suburban areas of St. Thomas and that are being supplied with water from the St. Thomas Water Distribution System

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In their report, CN Watson recommended the rates shown for the Common Infrastructure and for St. Thomas Capital Infrastructure. In June of 2007, Council adopted Report ES84-07.

In summary, the 2008 water consumption rate that is recommended is based on the following calculation:

2008 Blended Supply Rate	\$0.4466
Common Infrastructure Rate	\$0.1966
St. Thomas & Suburban Area Rate	\$0.6432

St. Thomas Capital Infrastructure Rate	\$0.3312
--	----------

2008 Water Consumption Rate	\$0.9744
------------------------------------	-----------------

Attached is revised Schedule A of By-law 44-2000 which reflects the recommended changes to the various rates. Note that the Interim Common Infrastructure Rate and the Interim St. Thomas Capital Infrastructure Rate as approved by Council in June of 2007 have not be revised.

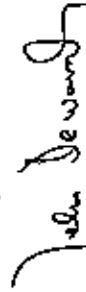
Ontario Regulation 244/02 under the Municipal Act, requires that all water fees be established by By-law and that the By-law expires on December 31 of the year following the year in which the By-law was passed. As well, before passing a By-law to impose a fee, the Regulation requires that the City hold at least one public meeting and ensure a minimum of 21 days notice of the public meeting.

Accordingly, a public notice was issued at the Council meeting held on November 19, 2007 indicating that an amendment of the water rate, fees and charges contained in By-law 44-2000 will be considered at the Council meeting to be held on December 10, 2007. This By-law will allow the City to adjust the recommended water consumption rate and continue to charge the other existing fees contained in the By-law.

Since Statistics Canada does not publish their quarterly index ending September 30 until at least the following mid-November, it is recommended that the by-law rate adjustment be revised to reflect the index ending after the second quarter of each year. This will allow an appropriate time to adjust and implement future rate changes in a timely fashion by January of the following year.

A copy of this report has been provided to the Municipality of Central Elgin and the Township of Southwold to permit those municipalities to also amend their water by-law as it affects the areas that are suburban to the City of St. Thomas and which are supplied with water by the St. Thomas Water Distribution System.

Respectfully,



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

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other

cc B. Hollywood, St. Thomas Energy Incorporated
D. Caryn, Township of Southwold
D. Leitch, Municipality of Central Elgin

SCHEDULE A

SCHEDULE OF RATES & CHARGESMonthly Rates & ChargesMetered Rates (\$/m3)

Water consumption by City user and for municipalities or persons outside of the City of St. Thomas connected to the Waterworks	2007 (effective Oct 1/07)	2008 (effective Jan 1/08)	2009	2010	2011
Blended Water Supply Rate	0.4180	0.4466	0.4776	0.5094	0.5434
Common Infrastructure Rate	0.2138	0.1968	0.1777	0.1567	0.1339
Subtotal – St. Thomas and Suburban Area Rate	0.6318	0.8432	0.6553	0.6661	0.6773
St. Thomas Capital Infrastructure Rate – applicable for Water consumption by City users only					
Note: the charge may be increased where the actual Statistics Canada Non-Residential Construction Price Index is greater than 2.8% *	0.2166	0.3312	0.3601	0.3755	0.3911
Total – City of St. Thomas Rate	0.8484	0.9744	1.0154	1.0416	1.0684

* For the purpose of adjusting the capital infrastructure rate by the actual Statistics Canada Non Residential Consumers Price Index (CPI) for any year when the actual CPI is greater than 2.8%, the second quarter CPI Index of each year will be used to permit a rate adjustment for the following year effective on January 1 of that year.

Monthly Base Charge

up to and including

5/8" Meter	- \$ 14.50
3/4" Meter	- \$ 20.75
1" "	- \$ 29.60
1 1/2" "	- \$ 47.80
2" "	- \$ 78.25
3" "	- \$127.10
4" "	- \$251.40
6" "	- \$436.00
8" "	- \$581.33

Change of Occupancy

- \$30.00

Non Payment of Account

Late payment charge

- Initial interest charge of 1.5%
18% compounded annually

NSF cheque

- \$15.00 plus bank charges

Collection charge

- \$ 30.00

Re-connection after regular hours

- \$50.00

Arrears certificate

- \$15.00 per property

Disconnect and reconnect Meter at Owner's expenseup to and including 1"
over 1"- \$36.50
- \$62.00Inspections

Water service and Water Meter inspections, after the initial inspection fails

- \$50.00 per inspection

Meter checked for accuracy at Customer's request and found to be accurateUp to and including 1"
over 1"- \$72.00
- \$98.00Temporary Hydrant Connection

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1"	- \$49.09 + \$15/day
1½"	- \$49.09 + \$38/day
2"	- \$49.09 + \$61/day
2½"	- \$49.09 + \$82/day

After Hours Non-Emergency Service Charge

- \$50.00

Inspections

Water service and Water Meter Inspections, after the initial inspection fails

- \$50.00 per inspection

Tapping Mains

up to and including 2" connections \$200/tap
over 2" connection - \$300/tap

Security Deposit

up to and including 1 2" Meter - \$75
2" and up - \$150

Repair damaged Meter

- Residential -

Labour/Equipment

- Regular hours \$41.00
- After regular hours

\$61.50

Material

- Repair Water Meter

5/8" - \$68
3/4" - \$100
1" - \$125

- Replace Water Meter

5/8" - \$104
3/4" - \$167
1" - \$224
1 1/2" - \$544
2" - \$650

- Commercial/Industrial

- actual time & material

Fire Hydrant Charge – Private Hydrants

- \$150 annual fee for each hydrant routinely maintained by the City at the request of the Owner. Repairs will be charged on an actual time and material basis.



Corporation of the City of St. Thomas

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Report No.
ES84-07

File No.

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

Date
June 12, 2007

Department: Environmental Services

Attachment

- Report by CN Watson & Assoc. and Earth Tech Canada Inc.
- Draft Water By-law

Prepared by: John Dewancker, Director

Subject: Water Needs and Financial Study Update – Final Report

Recommendation:

- That report ES84-07 be received as Information.
- That the final report of the Water Needs and Financial Study update attached to report ES84-07 to be approved.
- That the draft amended water by-law 44-2000, attached to report ES84-07, be submitted to Council for approval.
- That the new water rate be effective on October 1, 2007.

Origin:

During 2006, the City of St. Thomas retained the firm of CN Watson and Associates Economists in association with the Consulting Engineering firm of Earth Tech (Canada) Inc. to prepare an update of the Water Needs and Financial Study. A project steering committee with Membership of the City of St. Thomas, the Municipality of Central Elgin and the Township of Southwold was created to guide and oversee this study project. At this time, a final report and draft water by-law has been prepared for presentation at the Public Meeting of June 18, 2007.

Analysis:

The attached report provides an overview of the Study objectives.

Also, the water rate has been calculated in compliance with the provisions of the 2006 suburban water agreement between the City of St. Thomas and the Municipality of Central Elgin and which provides for the constituent components of the rate to be as follows:

- A common water rate to fund the operating cost of the entire St. Thomas and suburban area water distribution system including the capital needs of all water mains with a size equal or greater than 300mm.
- A St. Thomas Capital Charge rate to fund the capital needs of the St. Thomas Water mains with a size less than 300mm.
- A Central Elgin Capital Charge for the capital needs and reserve fund needs related to the components of the water distribution system that are located within the suburban areas of St. Thomas and that are being supplied with water from the St. Thomas Water Distribution System..
- The Municipality of Central Elgin capital charge component of the water rate that will be payable by the suburban water customers will be confirmed by the Municipality of Central Elgin upon MCE finalizing a consolidated capital rate and water rate study for the entire municipality. Similarly, a capital charge for the capital needs of the suburban water distribution system that is located within the Township of Southwold would need to be confirmed upon the Township finalizing a consolidated capital water rate for the entire water distribution system within the Township of Southwold.

The attached final report format has been structured to comply with the provisions of the Sustainable Water and Sewage Systems Act and which requires that the Financial Plan for the provision of water services consists of a Full Cost of Services Report that identifies all needs (operating and capital) of the water supply system and a Cost Recovery Plan to establish the means by which the cost of the water provision will be funded.

The attached report also complies with the provisions of the Safe Drinking Water Act as it will serve as the Financial Plan that is to be prepared by each Owner of Water Works as one of five conditions that are to be met in order that the Municipality, in its capacity of Water Provider, may in the future, receive a Municipal Drinking Water License from the Ministry of the Environment.

The attached report is a comprehensive document that establishes all system needs and costs (operating and capital) based on an in depth review with the Environmental Services staff (operating and engineering), consulting engineering and financial planning staff. The final document provides the City with a long term implementation plan for the continued provision of service while maintaining the financial health of the water reserve. A capital plan for the rehabilitation and reconstruction of various

The cost recovery plan initially provided for a number of rate options (Table 3-3) that reflect different financing requirements. These will be explained in the presentation by Mr. Andrew Grunda, Study Project Manager with CN Watson and Associates. Upon review by the project steering committee, Option 1A was selected for implementation of the water rate during the next 5 years.

Rate Schedule

The table below provides the water rate schedule that is being recommended for implementation during the next 5 years:

Metered Rates (\$/m3)

Water consumption by City user and for municipalities or persons outside of the City of St. Thomas connected to the Waterworks	2007	2008	2009	2010	2011
Blended Water Supply Rate	0.4180	0.4479	0.4776	0.5094	0.5434
Common Infrastructure Rate	0.2138	0.1966	0.1777	0.1587	0.1339
Subtotal - St. Thomas and Suburban Area Rate	0.6318	0.6445	0.6553	0.6681	0.6773
St. Thomas Capital Infrastructure Rate - applicable for Water consumption by City user only	0.2166	0.3312	0.3601	0.3755	0.3911
Note: the charge may increase where the actual Statistics Canada Non-Residential Construction Price Index is greater than 2.8%					
Total - City of St. Thomas Rate	0.8484	0.9757	1.0154	1.0416	1.0684

This table has been included in the attached draft water by-law. The monthly base charge expressed as a fixed cost per month for each water meter are proposed to be maintained and kept constant during the next 5 years.

It must be noted that the water rate is also dependent on the water supply rates as determined by the Elgin Area Primary Water Supply System and the St. Thomas Area Secondary Water Supply System. While a rate analysis and rate schedule has been completed and approved for the St. Thomas Area Secondary Water Supply System, a rate schedule for the Elgin Area Primary Water Supply System is currently being studied and reviewed.

It is recommended that, upon receipt of the approval by City Council of the attached Study report and by-law, the new water rate becomes effective on October 1, 2007.

Environmental Services Staff, Treasury Staff and consultant will be please to answer any questions Council and the Public at the Public Meeting of June 18, 2007.

Respectfully submitted


John Dewarcker, P.Eng., Director
Environmental Services



B. Day, C.A.
Director of Finance and City Treasurer

Reviewed By: Treasury Env Services Planning City Clerk HR Other

CITY OF ST. THOMAS

By-Law No. _____

A by-law to provide for the regulation of
Water Supply in the City of St. Thomas.

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WATER BY-LAW SCHEDULE OF RATES AND CHARGES, 2007-2011

WHEREAS s.11(4) of the Municipal Act, 2001, S.O. 2001, c.25 (the "Act") provides that a single tier municipally may pass bylaws respecting water distribution;

AND WHEREAS s. 9 of the "Act" provides as follows:

(1) That sections 8 and 11 (of the "Act") shall be interpreted broadly so as to confer broad authority on municipalities,

- a) to enable them to govern their affairs as they consider appropriate; and
- b) to enhance their ability to respond to municipal issues.

(2) That in the event of ambiguity in section 8 and 11 (of the "Act"), those sections shall be interpreted broadly to include, rather than exclude, municipal powers that existed on December 31, 2002

(3) That without limited the generality of subsections (1) and (2), a by-law under section 11 (of the "Act") respecting any matter may,

- a) regulate or prohibit respecting the matter; and
- b) as part of the power to regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licences, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration;

AND WHEREAS section 78 through 90 of the "Act" include provisions pertinent to a water public utility provided by a municipality;

AND WHEREAS the Council of the Corporation of the City of St. Thomas wishes to regulate the time, manner, extent and nature of the supply of water, the building or person to which and to whom the water shall be furnished and the price to be paid thereof and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water and to prevent the practicing of frauds upon the City with regard to the water so supplied and for providing that for a contravention of any such by-law the offender is guilty of an offence;

THEREFORE the Municipal Council of The Corporation of the City of St. Thomas enacts as follows:

Part 1 DEFINITIONS

1.1 In this by-law:

Building - defined

"Building" shall mean a structure supplied with Water by the City of St. Thomas.

City - defined

"City" shall mean The Corporation of the City of St. Thomas.

Contractor - defined

"Contractor" shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the Owner or the City to install or maintain Mains, service Mains, services, hydrants and other appurtenances.

Cross Connection - defined

"Cross Connection" shall mean any actual or potential connection between the potable water supply and non-potable or potentially non-potable systems, and any temporary, permanent or potential Water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the Water quality in the Waterworks distribution system and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

Customer - defined

"Customer" shall mean any person who enters into a verbal or written contract with the City to take Water from the City or to receive Water Related Services from the City.

Developer - defined

"Developer" shall mean the Owner or party specifically named in a Development Agreement or in a Subdivision Agreement.

Engineer - defined

"Engineer" shall mean the Director of Environmental Service and City Engineer for the City of St. Thomas or the City Engineer's authorized representative.

External use of Water - defined

"External use of Water" shall mean the use of Water for any purpose outside the walls of any Building located at a Municipal Address.

Hydrant and Fire Hydrant - defined

"Hydrant" and "Fire Hydrant" means fire plugs or stand pipes to be installed for the use of municipal fire departments or any other City department.

Main - defined

"Main" shall mean every Water pipe, except services and portions of Private Mains as herein defined, installed on the public road allowance or on any other land upon which the City has obtained easements.

Meter - defined

"Meter" shall mean the Water Meter supplied and owned by the City to measure the quantity of Water used by the Customer and includes the wiring and dials for remote reading.

Meter Pit - defined

"Meter Pit" shall mean any exterior chamber or pit approved by the Engineer for the purpose of containing a Water Meter.

Municipal Address - defined

"Municipal Address" shall mean a Building or Buildings identified by a number pursuant to City of St. Thomas By-Law 147-95, as amended, or as provided for in any successor by-law thereto.

Occupant - defined

"Occupant" shall include any lessee, tenant, Owner, the agent of a lessee, tenant or Owner, or any person in possession of Premises.

Owner - defined

"Owner" shall include any person who or any firm or corporation that is the registered Owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian of property.

Plumbing System - defined

"Plumbing System" shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately after the meter.

Potable Water - defined

"Potable Water" shall mean Water that is fit for human consumption.

Premises - defined

"Premises" shall mean any house, tenement, Building, lot, or part of a lot, or both, in, through, or past which Water Service Pipes run.

Private Main - defined

"Private Main" shall mean a pipe connected to a Main and installed on private property and from which more than one service and/or hydrant lateral are connected.

Remote Read-Out Unit - defined

"Remote Read-out Unit" shall mean the device installed at a separate location from the Water Meter and used to record the consumption reading of the Meter.

Service Extension - defined

"Service Extension" shall mean the portion of a Water Service Pipe from the property line to the Meter location, or for a fire service to the inside of the exterior wall of a structure, i.e. an extension of a Service Stub.

Service Stub - defined

"Service Stub" shall mean the portion of a Water Service Pipe from a Main to the property line, which will always include one control valve.

Shut-Off Valve - defined

"Shut-off Valve" shall mean the valve on the Water service or Private Main owned and used by the City to shut off or turn on the Water supply from the City's Waterworks distribution system to any Premises.

Single Detached Residence - defined

"Single Detached Residence" shall mean a single dwelling, which is freestanding, separate and detached from other Main Buildings or Main structures, including a split-level dwelling, but does not include a mobile home.

- Subdivider - defined
 "Subdivider" shall mean the Owner or party specifically named in a Subdivision Agreement.
- Water - defined
 "Water" shall mean Potable Water supplied by the City.
- Water Distribution System - defined
 "Water Distribution System" shall mean Mains with connections to feeder Mains, feeder Mains within subdivision lands, Private Mains, services, Fire Hydrants, and Shut-off valves and all other appurtenances thereto.
- Water Related Services - defined
 "Water Related Services" shall include but not be limited to those items set out under the heading "Miscellaneous Charges" in Schedule "A" of this by-law.
- Water Service Pipe - defined
 "Water Service Pipe" shall mean the pipe and fittings that convey Potable Water from a connection on a Main or Private Main to the Meter location, or, for a fire service, to the inside of the exterior wall of a structure.
- Waterworks - defined
 "Waterworks" shall mean any works for the collection, production, treatment, storage, supply and distribution of Water, or any part of any such works, but does not include plumbing to which the *Building Code Act, 1997* applies, or any amendments thereto apply.

Part 2 APPLICATION FOR WATER SERVICE

- 2.1 Application and payment prior to installation
 The Owner or their agent shall apply to the City for a Water service and before the service is installed, shall pay for it at the rates shown in Schedule "A" of this by-law or on such other basis as the Engineer may at any time or from time to time determine.
- 2.2 Installation - payment required
 The installation of the Water service will not be scheduled or commenced in any way until the application and payment have been made.
- 2.3 Disconnection of service - payment
 When an Owner discontinues the use of a Water service for Water supply to a Premise, the Owner shall pay to the City a charge as shown in Schedule "A" of this by-law for disconnecting the Meter for such service from the Water Distribution System.

Part 3 WATER RATES AND CHARGES

- 3.1 Application for Water supply
 Before the initial supply of Water or any subsequent reconnection to any Premises in the City, the Owner shall make application for the same, and the Owner shall be governed by the requirements of this by-law.
- 3.2 Rates for Water measured by Meters
 The Water consumed on all Premises in the City and for municipalities or persons outside of the City of St. Thomas connected to the Waterworks shall be charged for as indicated by the Meter on each respective property at rates shown in Schedule "A" of this by-law.
- 3.3 Meter reading and billing
 Water Meters may be read and accounts may be rendered monthly, bi-monthly or on any other basis at the discretion of the City. The bill shall be deemed to be served upon the Customer if it is delivered or sent by mail to the Premises supplied.
- 3.4 Late payment charge and overdue notice
 When an account is not paid by the due date stated on the bill, a late payment charge, as shown in Schedule "A" of this by-law, will be assessed to the account and, not less than seven (7) days after that date, an overdue notice will be sent by mail reminding the Customer of the outstanding account.
- 3.5 Notice of disconnection
 Not less than fourteen (14) days after the overdue notice is mailed, should the account remain unpaid, the Engineer will deliver or cause to be delivered a notice of discontinuation to the service address, advising the Customer that unless payment is received within 48 hours, service will be disconnected.

3.6 Collection - charge

When it has been necessary for a notice of disconnection to be delivered as set out in section 3.5 of this Part of this by-law, a collection charge shall be applied to the outstanding account. Where two (2) consecutive billings have resulted in the need for such notice of disconnection to be delivered in as described herein, then a collection charge shall be applied for each occurrence. The rates for collection charges are shown in Schedule "A" of this by-law.

3.7 Non-payment - Water shut off - lien

If the Customer at any Premises omits, neglects or refuses to pay any bill rendered, whether for Water Service Pipes, Meter, service charge or any other monies to which the City may be entitled in respect of Water services to such Premises, the City may, at its discretion, shut off or reduce the flow of the Water to the Premises. Such charges shall remain a lien on the property where they have been incurred by the Owner of the property and may be collected in accordance with the procedures permitted by section 398 of the "Act" and Ontario Regulation 440/02 under the "Act".

3.8 Reconnection - charge

Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as shown in Schedule "A" of this by-law, will be levied against the delinquent account, in addition to the applicable collection charge.

3.10 Change of occupancy - charge

At the time of a change of occupancy, an administrative charge as shown in Schedule "A" of this by-law will be levied by the City to the new Customer to cover the cost of administrative work, and the said charge will be included on the first billing to the new Customer.

3.11 Temporary removal & reinstallation of Meter - charge

When the Owner requests a temporary removal of the Water Meter from their Premises, for any reason, the Meter removal and reinstallation charge, as shown in Schedule "A" of this by-law will be applied to their account.

3.12 Monthly base charge - who payable by

The monthly base charge, as shown in Schedule "A" of this By-law, for providing and maintaining Water supply to a property is applicable for every Water Meter owned and read by the City. In instances when the Occupant of a Premises terminates his account with the City, subsequent monthly base charges shall be rendered to the Owner of the Premises until such time as a new Occupant applies to the City for the supply of Water.

3.13 Service installation charge

All Water Service Pipes, except those to lands being developed under a City development or subdivision agreement wherein the Main is installed, may be installed on an actual cost basis at the Owner's expense.

3.14 Temporary Water supply - application and charge

Where a Customer requires a temporary Water supply to fill a swimming pool or for other use, such Customer shall apply to the City for a connection to a Fire Hydrant. If the connection is approved and an agreement signed, the Customer shall pay, prior to connection or when billed, the applicable charge shown in Schedule "A" of this by-law.

3.15 Meter testing charge

The charge for testing the accuracy of a Water Meter is as shown in Schedule "A" of this by-law and is explained in section 7.18 of Part 7 of this by-law.

Part 4 SECURITY DEPOSITS

4.1 Deposit is security for payment

Whenever an application is made to the City for a supply of Water, the City may, in its discretion, before furnishing such supply, require the Customer to make a deposit of such sum of money as it may consider advisable as shown in Schedule "A" of this by-law. Each such deposit shall be security for payment for all Water passing through the Meter of the service in respect to which such deposit was made until the Customer shall have notified the City in writing to discontinue such service.

4.2 Deposit applied as payment

Where a deposit has been made pursuant to section 4.1 of this Part of this by-law, and the Water supplied to the Customer has not been paid for on demand as may be provided by the City's by-laws and regulations, then the deposit, or as much of it as shall be necessary, shall be applied in payment for such Water, and the Water service shall be discontinued until further monies have been paid to the City sufficient to again bring up the deposit to the amount required.

5.1 Conditions on Water supply

The City agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of Water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality of Water and is not liable for damages to the Customer caused by the breaking of any Water Service Pipe or attachment, or for shutting off of Water to repair or to tap Mains, if reasonable notice of the intention to shut off the Water is given.

5.2 Authority for Water Supply

The City in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all Waterworks plant and equipment within its boundaries serving the City of St. Thomas to establish whether and the terms upon which municipalities or persons outside the City of St. Thomas may be allowed to connect to the said Waterworks as consumers, and the rates to be charged for Water delivered to such consumers; and the City of St. Thomas, as administering municipality of the secondary system for the Water Supply Systems, shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all Waterworks plant and equipment in conjunction with this system to establish whether and the terms upon which municipalities or persons outside the City of St. Thomas may be allowed to connect to the said Waterworks as consumers, and the rates to be charged for Water delivered to such consumers.

5.3 Unauthorized operation of Fire Hydrants - offence

No person other than a person authorized by the Engineer for that purpose shall be permitted to open or otherwise interfere with or operate or take Water from any Fire Hydrant, and this includes any Fire Hydrant located within private property.

5.4 Unauthorized operation or interference - offence

No person other than a person authorized by the Engineer for that purpose shall open or close a valve in the Waterworks or the Water Distribution System, or remove, tamper with or in any way interfere with any valve, Water Meter, structure, Watermain or Water service in the Waterworks or Water Distribution System.

5.5 Use of Water from hydrants

Except for Water used for fire fighting, the Engineer must approve any use of a City's or private Fire Hydrant for Water supply. The method of application and payment shall be according to section 3.14 of Part 3 of this by-law. The terms and conditions required for granting the permit shall be at the discretion of the City and may be changed from time to time, as the City deems necessary.

5.6 Improper use of Water from fire service - offence

Any Water supplied or made available for any Premises for purposes of protection of property or persons from fire or for preventing fires or the spreading of fires shall not be used for any other purpose.

Part 6
WATER SERVICE PIPES

6.1 Installation - by City - by Contractor

All Water Service Pipes shall be installed by the City or by Contractors engaged by the Owner for the purposes of such installation, except in new land development projects where agreements with the City require the Developer or Subdivider to complete such work.

6.2 Installation - to City specifications

All Water Service Pipes and Private Mains located within City property shall be constructed according to the City's standard specifications and drawings (hereinafter called "standard contract documents"), as approved by the Engineer from time to time. All Water Service Pipes and Private Mains located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance with good engineering practices and shall be approved by the Chief Building Official. Where the Ontario Building Code is silent, the City's specifications shall be applied and shall prevail.

6.3 Connection to Main - prior application

The installation of the Water Service Pipe connection will not be scheduled or commenced in any way until the Customer has met the requirements of this by-law.

6.4 Installation - alteration - approval by City

For any new Water Service Pipe or Private Main installation, or alteration of existing Water Service Pipes or Private Mains, the Owner must apply for approval from the City for such work as specified in the City's standard contract documents and the City's specifications.

6.5 Installation inspection by City

All Water Service Pipes and appurtenances installed, including those required by a City Subdivision or Development Agreement, must be inspected by the City as specified in the City's standard

contract documents and the City's specifications, the charge for which inspection is as specified in Schedule "A" of this by-law.

6.6

Installation - access for inspection

The City and persons authorized by the City for inspection shall be, at all times, entitled to enter any Premises for the purposes of examining pipes, connections and fixtures which are used in connection with the Water Service Pipe and/or service Main.

6.7

Disconnection of service

At the discretion of the Engineer, and where applicable, the Water Service Pipe must be disconnected at the watermain, the watermain plugged, and the curb box and rod removed at the Owner's expense. All work must be inspected by the City of St. Thomas, and the charge for such inspection is as shown in Schedule "A" of this by-law.

6.8

Maintenance of Service Stub - City

The City at the City's expense shall maintain the Water Service Stub.

6.9

Maintenance of Service Extension and Private Main - Owner

The Owner of the property being serviced shall repair any and all defects to the Water Service Extension, Private Main and Meter Pits. Should the City become aware of any such defect, and upon written notification to the Owner, the said defect is not repaired, within seven (7) days of the date of the notification or within such time as the Engineer may deem necessary, then the City may turn off the Water supply to the property. If the City is ordered to restore the Water supply, then the City may repair the defective Water Service Pipe and charge the cost to the Owner and collect such cost according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes. The City shall not be held responsible for the cost of restoration.

6.10

Operation of Shut-off Valve

No person, other than persons authorized by the Engineer for that purpose shall be permitted to operate the Shut-off Valve to any Premises.

6.11

Access to Shut-off Valves

All Shut-off Valves must be left clear and accessible at all times so that the Water in the Water Service Pipe and Private Mains may be turned off or on as may be found necessary by the Engineer.

6.12

Responsibility for protection, Water loss, damage

All Water Service Extensions to and including the Meter shall be properly protected from frost and any other damage all at the expense and risk of the Owner of the property being serviced. The Owner shall be responsible for the Water loss occasioned by a leak in the Water Service Extension and/or Private Main and the charge for such Water loss shall be determined by the Engineer, shall be paid by the Owner upon demand by the City, and the City shall not be held responsible for any damages arising from such leakage.

6.13

Responsibility - vacant and unheated Premises

When any Premises is left vacant or without heat, it is the Owner's responsibility to shut off the Water supply from within the Premises and to drain the piping therein. The Owner or Occupant may apply in writing to the City to have the Shut-off Valve turned off to stop Water supply. The Shut-off Valve will be turned on only at the Owner's request and in the Owner's presence. The Owner shall pay for this service at the rate shown in Schedule "A" of this by-law.

6.14

Responsibility - Water damage

When any Premises left vacant, unattended or without heat, where the Water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, the Owner or the Occupant shall have no claim against the City. Should the Engineer become aware of such leaking or burst pipes, the Engineer shall turn off the Shut-off Valve, and the Water supply shall not be turned on until the Engineer, in his/her discretion, shall consider it advisable.

6.15

Responsibility for frozen pipes - City - Owner

Thawing out frozen Water Service Stubs shall be the City's responsibility. Thawing out frozen Service Extensions and Private Mains shall be the Owner's responsibility. Where any employee of the City assists the Owner in the thawing of frozen pipes on the Owner's property, all such assistance work will be considered to be at the Owner's risk, and the Owner shall have no claim against the City by reason of such work.

6.16

Responsibility for Hydrant Maintenance

Any Hydrant situated within the road allowance is the property of the City and shall be maintained by it; City-owned Hydrants located on private property shall be maintained by the City. Hydrants owned and paid for by any persons other than the City shall be maintained by such persons through a written agreement with the City.

6.17 Renewal of service - City - Owner

The City shall renew Service Stubs on public property at its expense and to its specifications when:

- (a) piping is deemed by the Engineer to be beyond repair;
- (b) the existing pipe material is lead and supplies a Single Detached Residence provided the Owner is prepared to replace the Service Extension before the City replaces the Service Stub. Replacement piping shall conform to the specifications of the City. Replacement pipe shall be the same size as existing or the minimum size for the area. If an Owner requests a larger size, the Owner shall pay the difference in material cost.

6.18

Access - removal - inspection - fittings

Where a consumer discontinues the use of the Water service, or the City lawfully refuses to continue any longer to supply it, the Engineer may, at all reasonable times, enter the Premises in or upon which the consumer was supplied with the Water service, for the purpose of cutting off the supply of the Water service or of making an inspection from time to time to determine whether the Water service has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, Meters, pipes or other things being the property of the City in or upon the Premises, and may remove the same therefrom, doing no unnecessary damage.

Part 7

WATER METERS

7.1

Water to be metered - remedy for violation

All Water used on Premises within the City of St. Thomas, except Water used for fire fighting purposes, or Water authorized by the Engineer, for construction or other purposes, shall pass through the Meter supplied by the City for use upon such Premises, and in addition to whatever other remedies the City may have by law in respect to infringement of this by-law, the City may, upon ascertaining that Water has been used which has not passed through the Meter of such Premises, forthwith, without notice, shut off and stop the supply of Water.

7.2

Supply - installation - ownership - replacement

The Owner shall pay the refundable security deposit shown in Schedule "A" of this by-law before the City will supply the Owner with a Water Meter and the Water Meter must be installed prior to occupancy of the Building. The Water Meter shall be installed by the Owner but shall remain the exclusive property of the City and may be removed as and when the City may see fit, upon the same being replaced by another Water Meter, or for any reason, which the City may, in its discretion, deem sufficient. If a satisfactory final inspection of the Water Meter and service Installation has not been conducted by the City within 6 months of the City supplying the Water Meter, then the deposit as shown in Schedule "A" shall be forfeited. It is the responsibility of the Owner to arrange to have a satisfactory final inspection upon completion of the Water Meter and Water service installation. Initial inspections conducted by the City will be completed at no charge to the Owner; all subsequent inspections, if required, will cost the Owner the amount shown in Schedule "A".

7.3

Installation - maintenance - repair - access

The City may shut off or restrict the supply of Water to a property if the City requires access to the property to install, replace, repair or inspect a Water Meter. Any person authorized by the City for that purpose has free access, at all reasonable times, and upon notice given as set out in section 7.4 of this by-law, to all parts of every Building or other Premises to which any Water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the Building, or for placing Meters upon any Water Service Pipe or connection within or without the Building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the Meter, may set it or alter the position of it.

7.4

Notice required - access

Before shutting off or restricting the supply of Water, the City shall,

- (a) by personal service or by registered mail, serve the Owners and Occupants of the property as shown on the last returned assessment roll of the municipality with a notice of the date upon which the City intends to shut off or restrict the supply of Water if access to the property is not obtained before that date;
- (b) ensure that a copy of the notice described in clause (a) is securely attached to the property in a conspicuous place.

7.5

No shut off - reasonable effort - gain access

The City shall not shut off or restrict the supply of Water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen (14) days after the later of,

- (a) the day the last notice under part (a) of section 7.4 of this by-law

was personally served;

- (b) the day the last notice under part (a) of section 7.4 of this by-law was mailed; and
- (c) the day a copy of the notice was attached under part (b) of section 7.4 of this by-law.

7.6

Restoration of Water supply - as soon as practicable If the City has shut off or restricted the supply of Water under section 7.3 of this by-law, the City shall restore the supply of Water as soon as practicable after obtaining access to the property.

7.7

Charges - Meters - Owner to pay

All charges for any of the work and services mentioned in sections 7.3 and 7.6 of this by-law will be determined by the Engineer but shall not exceed the amounts set out in Schedule "A" of this by-law and will be paid in full by the Owner or the Customer, as the case may.

7.8

Every Building metered - Engineer's discretion

Every separate Building, and in the instances of Buildings with multi unit, then every separate unit, to which Water is being supplied shall be furnished with a separate Water Meter, supplied by the City except where non-compliance is acceptable to the Engineer. Additional Water Meters, supplied by the City, may only be installed at the discretion of the Engineer.

7.9 Installation to City Specifications

The Water service entering the Building shall be installed within one metre inside the front foundation wall with the Water Meter installed within 1½ metres of the foundation wall. An accessible Shut-off Valve shall be installed between the Water Meter and foundation wall. The Owner is responsible for the installation of the Water Meter in accordance with this by-law

7.10 Meter location - Engineer to consent to change

The location of a Meter, when once installed to the specifications of the City, shall not be changed by any person except with the consent of the Engineer.

7.11 Private Meters - Owner responsible

The City will not supply, install, inspect or read private water meters, nor will the City bill consumption on private water meters. Water supply pipes to private meters must be connected to the Owner's plumbing after the City's Meter.

7.12 Reading Meter - access

The City and persons authorized by the City for that purpose shall be allowed access to the Premises and be provided free and clear access to the Meter where Water is being supplied at all reasonable times for the purpose of reading, at the discretion of the City. Where such access to the Premises and/or free and clear access to a Meter is not provided by the Occupant within fourteen (14) days upon written notification by the City, the City may, at its discretion, shut off the supply of Water to the Premises until such time as free and clear access to the Water Meter is provided.

7.13

Valve maintenance - responsibility of Owner

The Owner shall be responsible for maintaining, in good working order, the inlet valve to the Meter if the service is over 25mm diameter and the outlet and by-pass valves for all Meters, and shall ensure that such valving is accessible.

7.14

Leaks must be reported

Any leaks that may develop at the Water Meter or its couplings must be reported immediately to the City. The City is not liable for damages caused by such leaks.

7.15

Interference with Meter not permitted

No person, except a person authorized by the City for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any Water Meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of Water passing through such Meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any Water Meter placed in any Premises, the Engineer may forthwith, without any notice, shut off the Water from such Building or Premises, and the Water shall not be again turned on to such Building or Premises without the express consent of the Engineer.

7.16

Owner responsible to repair piping

If, in the opinion of the Engineer, the condition of the Water Service Pipe and/or valves and of the Plumbing System on such piping is such that the Meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the Water Service Pipe and valves, the Engineer may require the Owner or Occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the Meter. If, upon notification, the Owner does not comply with the Engineer's request, then the Water supply to the property may be turned off at the Shut-off Valve during removal, replacement, repair and testing of the Meter and the City shall not be held responsible for any damages to the Owner's property arising from such work.

7.17

Non-functioning Meter - amount of Water estimated

If, for any cause, any Meter shall be found to not be working properly, then the amount of Water to be charged for shall be estimated on the average reading for the previous six (6) months when the Meter was working properly, and the charge for the Water for the period during which the Meter was not working properly shall be based thereon.

7.18

Meter testing for Customer - deposit - conditions

Any Customer may, upon written application to the City, have the Water Meter at his or her Premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing Water Meters set out in Schedule "A" of this by-law. If the Meter is found to register correctly, slow or not to exceed three per cent (3%) discrepancy in favour of the City when tested at a low rate of one gallon (4.54 litres) per minute, the Customer's deposit shall be forfeited towards the cost of the test. Any additional expense of removing and testing of the Meter will be paid for in full by the Customer. If the Meter is found, when tested to register a discrepancy in excess of three per cent (3%), a refund will be made to the Customer equal to such excess percentage of the amount of the account for the period of four (4) months prior to such testing of the Meter, plus the Customer's deposit for the test.

7.19

Meter reading superseded remote device reading

Where the Water Meter is equipped with a Remote Read-out Unit of any type and a discrepancy of 3% or less occurs between the reading at the register of the Water Meter and the reading on the read-out device, no adjustments will be made to the Customer's account. Where a discrepancy of more than 3% occurs between the two readings, the City will consider the reading at the Water Meter to be correct and will adjust and correct the Customer's account accordingly. The adjustment will be prorated over a period of up to 5 years, depending on how long the existing Customer has had the same Meter, with the applicable Water rate used for each year to calculate the cost.

Part 8

CROSS CONNECTIONS AND BACKFLOW PREVENTION

8.1

Foreign substances not to enter Water

No person shall connect, cause to be connected, or allow to remain connected to the Waterworks distribution system any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow Water, waste water, non-potable water, or any other liquid, chemical or substance to enter the Waterworks distribution system. This means for "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code Act, 1997*, as amended from time to time.

8.2

Inspection for Cross Connections - access

Any person authorized by the City for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every Building or other Premises to which any Water Service Pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any Water Service Pipe, wire, rod or Cross Connection within or outside the Building.

8.3

Access to be provided on written notice

Where access is not provided, a written notice by the City will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the City may, at its discretion, shut off the supply of Water to the Premises until such time as the access is provided.

8.4

Order to install control device

If a condition is found to exist which is contrary to section 8.1 of this by-law, the City shall immediately carry out an inspection and shall issue such order or orders to the Customer as may be required to obtain compliance with section 8.1 of this by-law.

8.5

Failure to install - notice - Water shut-off

If the Customer to whom the City has issued an order fails to comply with that order, the Engineer, at his/her discretion, may:

- (a) Give notice to the Customer to correct the fault, at his/her expense, within a specified time period and, if the notice is not complied with, the Engineer may then shut off the Water service or services; or
- (b) Without prior notice, shut off the Water service or services.

8.6

Additional device on service

Notwithstanding sections 8.1, 8.4 and 8.5 of this by-law, where a risk of possible contamination of the Waterworks distribution system exists in the opinion of the Engineer or an approved authority, a Customer shall, on notice from the City, install on his/her Water Service Pipe a Cross Connection control device, approved by the City, in addition to any Cross Connection control devices installed in the Customer's water system at the source of potential contamination.

8.7 Installation to City specification

Cross Connection control or backflow prevention devices, when required by the City, shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64, 10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices", as amended from time to time.

8.8

Inspection and testing - paid by Customer

All Cross connection control devices shall be inspected and tested at the expense of the Customer, upon Installation, and thereafter annually, or more often if required by the City, by personnel approved by the City to carry out such tests to demonstrate that the device is in good working condition. The Customer shall submit a report on a form approved by the Engineer or any or all tests performed on a Cross Connection control device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the Cross Connection control device on which the tester shall record the address of the Premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester's initials, the tester's name (if self employed) or the name of his employer and the tester's licence number.

8.9

Failure to test device - notification - Water shut-off

If a Customer fails to have a Cross Connection control device tested, the City or approved authority may notify the Customer that the Cross Connection control device must be tested within four (4) days of the Customer receiving the notice. If the Customer fails to have the device tested within the time allowed, the Engineer may shut off the Water service or Water services until the Cross Connection control device has been tested and approved as required by section 8.6 of this by-law.

8.10

Repair - replacement - by Customer

When the results of a test referred to in section 8.6 of this by-law show that a Cross Connection control device is not in good working condition, the Customer shall make repairs or replace the device within four (4) days. If a Customer fails to repair or replace the device within the time allowed, the Engineer may shut off the Water service until such repair or replacement has been made.

8.11

Removal of device - permission by City

No person shall without the permission of the City remove any Cross Connection control or backflow prevention devices installed as a requirement of provincial legislation notwithstanding the fact that the applicable provincial regulation has been rescinded.

Part 9

PROHIBITIONS

9.1

No person shall

Prohibitions under this by-law

- (a) wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the City or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;
- (b) wilfully let off or discharge Water so that the Water runs waste or useless out of the works;
- (c) being a Customer, tenant, Occupant or inmate of any house, Building or other Premises supplied with Water from the Waterworks, improperly waste the Water or, without the consent of the City, lend, sell, or dispose of the Water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than his or her own, or otherwise increase the supply of Water agreed for;
- (d) without lawful authority wilfully open or close any valve or Hydrant, or obstruct the free access to any Hydrant, stopcock, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
- (e) throw or deposit any injurious or offensive matter into the Water or Waterworks, or upon the ice if the Water is frozen, or in any way foul the Water or commit any wilful damage or injury to the Waterworks or Water, or encourage the same to be done;
- (f) wilfully alter any Meter placed upon any service pipe or connected therewith, within or without any Building or other Premises, so as to lessen or alter the amount of Water registered; or

- (g) lay or cause to be laid any pipe or main to connect with any pipe or Main of the Waterworks, or in any way obtain or use the Water without the consent of the City.

Part 10
ENFORCEMENT

10.1

Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to a fine of not more than \$2,500, exclusion of costs and each and every fine is recoverable under the *Provincial Offences Act*.

10.2

Continuation - repetition - prohibited - by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

10.3

Offence - additional - damage to Waterworks

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any Water public utility works, or to any Waterworks plant, machinery, fitting or appurtenance thereof is liable to the City therefor.

10.4

Offence - additional - wilful damage

Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any Water Meter, lamp, lustre, water service pipe, conduit, wire, rod Water fitting, or any part of the Waterworks belonging to the City or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the Water Meter indicates less than the actual amount of the Water that passes through it, is guilty of an offence and on conviction is liable to a fine under this Part and also a special fine equal to any expenses of repairing or replacing the Water Meter, lamp, lustre, Water Service Pipe, conduit, wire, rod or fitting and double the value of the surplus Water so consumed, all of which is recoverable under the *Provincial Offences Act*.

10.5

Offence - additional - Injuring Waterworks

Every person who wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, conduit, wire, rod, pedestal, post, plug, lamp or any part of the Waterworks or other apparatus or thing belonging to the City is guilty of an offence and on conviction is liable to a fine under this Part and also a special fine equal to all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*.

Part 11
EFFECTIVE DATE

11.1

Effective Date

This by-law comes into force on the final passing hereof.

READ a First and Second time this day of , 2007

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

Original signed

City Clerk

Original signed

Mayor

SCHEDULE A

SCHEDULE OF RATES & CHARGESMonthly Rates & ChargesMetered Rates (\$/m3)

Water consumption by City user and for municipalities or persons outside of the City of St. Thomas connected to the Waterworks	2007	2008	2009	2010	2011
Blended Water Supply Rate	0.4180	0.4479	0.4776	0.5094	0.5434
Common Infrastructure Rate	0.2138	0.1956	0.1777	0.1597	0.1339
Subtotal – St. Thomas and Suburban Area Rate	0.6318	0.6445	0.6553	0.6661	0.6773
St. Thomas Capital Infrastructure Rate – applicable for Water consumption by City users only					
Note: the charge may be increased where the actual Statistics Canada Non-Residential Construction Price Index is greater than 2.8%	0.2166	0.3312	0.3601	0.3755	0.3911
Total – City of St. Thomas Rate	0.8484	0.9757	1.0154	1.0416	1.0684

Monthly Base Charge
up to and including

5/8" Meter	- \$ 14.50
3/4" Meter	- \$ 20.75
1" "	- \$ 28.60
1½" "	- \$ 47.80
2" "	- \$ 78.25
3" "	- \$127.10
4" "	- \$251.40
6" "	- \$436.00
8" "	- \$581.33

Change of Occupancy

- \$30.00

Non Payment of AccountLate payment charge

- Initial interest charge of 1.5% 18% compounded annually
- \$15.00 plus bank charges
- \$ 30.00

NSF chequeCollection chargeRe-connection after regular hours

- \$50.00

Arrears certificate

- \$15.00 per property

Disconnect and reconnect Meter at Owner's expense

up to and including 1"
over 1"

- \$36.50
- \$62.00

Inspections

Water service and Water Meter inspections, after the Initial inspection fails
- \$50.00 per inspection

Meter checked for accuracy at Customer's request and found to be accurate

Up to and including 1"
over 1"

- \$72.00
- \$98.00

Temporary Hydrant Connection

1"	- \$49.09 + \$11/day
1½"	- \$49.09 + \$28/day
2"	- \$49.09 + \$45/day
2½"	- \$49.09 + \$50/day

Filling Swimming Pool (flat rate)

- \$150.00

Inspections

Water service and Water Meter Inspections, after the initial inspection falls - \$50.00 per inspection

Tapping Mainsup to and including 2" connections \$200/tap
over 2" connection - \$300/tapSecurity Depositup to and including 1 2" Meter - \$75
2" and up - \$150Repair damaged Meter- Residential -Labour/Equipment - Regular hours \$41.00
- After regular hours \$61.50

Material

- Repair Water Meter
5/8" - \$86
3/4" - \$100
1" - \$125- Replace Water Meter
5/8" - \$104
3/4" - \$167
1" - \$224
1 1/2" - \$544
2" - \$650- Commercial/Industrial

- actual time & material

Fire Hydrant Charge - Private Hydrants

- \$150 annual fee for each hydrant routinely maintained by the City at the request of the Owner. Repairs will be charged on an actual time and material basis.



Corporation of the
City of St. Thomas

85

Report No.
ES143-07

File No.
07-034-02

Date
December 10, 2007

Directed to: Ald. Tom Johnston, Chair and Members of the
Environmental Services Committee of City Council

Department: Environmental Services

Prepared By: Ivar Andersen, Manager of Operations & Compliance

Attachment
- Proposed updated Sewer
By-law

Subject: 2008 Sewage Service Rate Change

Recommendation:

It is recommended that:

- Report ES143-07 be received as information.
- That the 2008 Sewage Service Rates as outlined in report ES143-07 be approved.
- That these Sewage Service Rates be effective on January 1, 2008 and that a by-law be prepared to confirm these rates for the approval by City Council.
- That the Second Quarter Statistics Canada Construction Price Index be used to determine future sewage service rate adjustments.

Origin:

Notice was given at the November 19, 2007 Council meeting that Council would consider an adjustment to the sewage service rates at the December 3, 2007 meeting. This notice was given in compliance with Ontario Regulation 244/02 of the Municipal Act, which requires that at least one public meeting be held and that a minimum of 21 days notice be given prior to the meeting.

Analysis

Council previously approved report ES123-04 which included the recommendations contained in the Sewage Service Rate Study completed by C.N. Watson and Associates. Also, Council previously approved bylaw 207-04, a bylaw for imposing a sewage service rate. Clause 5 (5) of this bylaw indicates that "Rates for the period 2006-2012 will be adjusted annually by the quarterly Statistics Canada Non Residential Building Construction Index for the period ending September 30." This index, as confirmed by the Treasury Department, has been calculated to have increased by 6.4% from September 30, 2006 to September 30, 2007.

Following are the proposed new sewage service rates that include this index percentage increase, effective January 1, 2008 compared to the existing 2006 bylaw rates:

	Existing Bylaw 2007 Rate	Proposed 2008 Rate
<u>Sanitary Sewer Rates</u>		
Residential	\$1.28/cu.m	\$1.36/cu.m
Commercial/Institutional	\$0.41/cu.m	\$0.44/cu.m
Industrial	\$0.97/cu.m	\$1.03/cu.m
Special (lands serviced but not connected)	\$17.54/month	\$18.66/month
<u>Storm Drainage Rates</u>		
Residential	\$6.24/unit/month	\$6.64/unit/month
Industrial/Commercial	\$86.14/ha/month	\$91.65/ha/month

Attached is the proposed updated Sewer By-law which will come into effect January 1, 2008.

Since Statistics Canada does not publish their quarterly index ending September 30 until at least the following mid-November, it is recommended that the by-law rate adjustment be revised to reflect the index ending after the second quarter of each year. This will allow an appropriate time to adjust and implement future rate changes in a timely fashion by January of the following year.

A copy of this report has been provided to the Municipality of Central Elgin and the Township of Southwold to permit those municipalities to also amend their sewage service by-law as it affects the areas that are suburban to the City of St. Thomas and which are supplied with sewage services by the City of St. Thomas.

Respectfully submitted,



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

Reviewed By

Treasurer

Env Services

Planning

City Clerk

HR

Other

cc B. Hollywood, St. Thomas Energy Incorporated
D. Caryn, Township of Southwold
D. Leitch, Municipality of Central Elgin

WHEREAS under Ontario Regulation 244/02 made under the Municipal Act, 2001 the Council of a local municipality may be by-law provide in respect of the construction, operation, repair and maintenance of a sewage system and in respect of sewage service, for imposing a sewage service rate that is based on the water rates charged or chargeable in respect of land on the owners or occupants of such land who use sewage works or are supplied sewage service, and

AND WHEREAS in establishing the rate structure in this by-law upon which sewage service rates are based on calculated, Council has had regard to differentiating between classes of users, nature, volume, and frequency of use and all other relevant matter to ensure that the sewage service rates are imposed on a basis that is equitable and just.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law

"Land" includes lands, any estate or interest therein and any right or easement affecting them;

"Classified land" means land classified pursuant to Section 3 of this by-law;

"Corporation" means The Corporation of the City of St. Thomas;

"St. Thomas Energy" means St. Thomas Holding Inc. a company owned by the City of St. Thomas, appointed to collect sewage service rate revenues.

"Sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under Clause 75(f)(i) of the Ontario Water Resources Act;

"Sewage service" means the acceptance, collection, transmission, storage, treatment and disposal of sewage, or any such works.

"Sewage works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works.

"Sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, capital repair deferred maintenance and a reserve fund for any such purpose.

ADMINISTRATION OF BY-LAW

2. The administration of this by-law is assigned to the City Treasurer.

CLASSIFICATION OF LANDS

- 3.(1) All lands in the City of St-Thomas classified for assessment purposes by the Ministry of Finance as residential, and all other lands not classified as *Commercial* and *Institutional* or *Industrial* by Subsections 2 and 3 of this Section shall be classified as *Residential* for the purpose of this by-law.
- 3.(2) All lands in the City of St-Thomas classified for assessment purposes by the Ministry of Finance as commercial and institutional, which includes all lands under property assessment codes between 400 and 499 and between 600 and 800, shall be classified as *Commercial* and *Institutional* for the purpose of this by-law.
- 3.(3) All lands in the City of St-Thomas classified for assessment purposes by the Ministry of Finance as industrial, which includes all lands under property assessment codes between 500 and 599, shall be classified as *Industrial* for the purpose of this by-law.
- 3.(4) The classification of land for the purpose of the by-law shall be based on the classification by the Ministry of Finance according to the last revised roll.

LIABILITY FOR RATES

- 4.(1) Every occupant of classified lands who uses sewage works or is supplied sewage service is liable to pay a sewage service rate to the Corporation in accordance with the provisions of this by-law.
- 4.(2) Subject to the provisions of Subsections 3 and 5 of this Section, every occupant of classified land who uses sewage works or is supplied sewage service is liable to pay a sewage service rate to the Corporation calculated in accordance with Section 5.
- 4.(3) Hereafter, every occupant of land is liable to pay to the Corporation the same sewage service rate that is payable by all other occupants of lands assessed as commercial or industrial by the Ministry of Finance.
- 4.(4) In November or at such other time as may be convenient, each rate for the subsequent year shall be reviewed and may be adjusted by a further bylaw but if any such rate is not reviewed, it shall apply as if reviewed.

AMOUNT OF RATES

- 5.(1) Subject to Subsection 2, the sewage service rate imposed on each occupant of lands classified by this by-law as *Residential* shall be the sum of (a) and (b) of this Subsection:
 - (a) For sanitary sewage service, an amount which is the product of

- (i) The number of cubic metres of water supplied to the occupant of the lands so classified during the subject year in Table 1 of this by-law; and
 - (ii) The rate set forth in line 1 Table 1 for the subject year, and
- (b) For storm sewage service, the rate set forth in line 2 of Table 1 for the subject year.

5.(2) The rate imposed on each occupant of lands classified by this by-law as *Residential* shall, if the lands are not connected to a municipal sanitary sewer but are capable of being so connected, be the following:

- (a) For sanitary sewer service, the rate set forth in line 3 of Table 1 for the subject year.
- (b) For storm sewage service, the rate set forth in line 2 of Table 1 for the subject year.

5.(3) The sewage service rate imposed on each occupant of lands classified by this by-law as *Commercial and Institutional* shall be the sum of (a) and (b) of this Subsection:

- (a) For sanitary sewage service, an amount which is the product of
 - (i) The number of cubic metres of water supplied to the occupant of the lands so classified during the subject year Table 1; and
 - (ii) The rate set forth in line 4 of Table 1 for the subject year, and

- (b) For storm sewage service, the rate set forth in line 5 of Table 1 for the subject year if the area of the occupant's land is 1,800 sq. metres or less, but if the area is more than 1,800 sq. metres, the rate set forth in line 6 except that in the case of lands occupied by a church or school board, the rate shall be as set forth in line 5.

5.(4) The sewage service rate imposed in each of the subject years on each occupant of land classified by this by-law as *Industrial* shall be the sum of (a) and (b) of the Subsection:

- (a) For sanitary sewage service, an amount which is the product of
 - (i) The number of cubic metre of water supplied to the occupant of the lands so classified during the subject year in line 1 of Table 1; and
 - (ii) The rate set forth in line 7 of Table 1 for the subject year;
- (b) For storm sewage service, the rate set forth in line 8 of Table 1 for the subject year;

5.(5) Any reference in this by-law to Table 1 shall be a reference to Table 1 hereinafter set forth.

TABLE 1
Land Classification - Residential

	Rate (*)	YEAR
Line 1	Sanitary Sewer Rate \$/cu. Metre	2008
Line 2	Storm Sewer \$/month	1.38
Line 3	Special Rate	6.64
		18.36

Land Classification - Commercial & Institutional

	Rate (*)	2008
Line 4	Sanitary Sewer Rate \$/cu. Metre	0.44
Line 5	Storm Drainage Rate \$/ month	6.64
Line 6	Storm Sewer \$/ha/month	91.65

Land Classification - Industrial

Line 7	Sanitary Sewer Rate \$/cu. Metre	1.03
Line 8	Storm Drainage Rate \$/ha/month	91.65

(*) Rates to be adjusted annually by the quarterly Statistics Canada Non Residential Building Construction Price Index for the period ending June 30 (catalogue 62-007-XPB).

PAYMENT OF RATES

6.(1) A sewage service rate payable pursuant to this by-law shall be payable monthly and shall be in addition to any rate payable to the Corporation of the supply of water.

6.(2) Every owner of land, even though the owner is not the occupant of the land at the time a sewage service rate becomes payable in respect of the land under this by-law, is also liable to pay the rate until it is paid.

6.(3) If under the terms of occupation between the occupant and the owner, it is the obligation of the owner to pay the water rate for water supplied to the land,

(a) This by-law does not apply to the occupant of the land, and

(b) The owner, in addition to the water rate, is liable to pay a sewer service rate monthly to the Corporation in accordance with the provisions of this by-law.

6.(4) Notwithstanding subsection (1), where the rate for the supply of water is payable at some interval other than monthly, the sewage service rate shall be due and payable at the same interval and not monthly.

ADDITIONAL TO OTHER RATES

7.(1) The sewage service rate imposed under this by-law is payable even if,

(a) a sewer rate has been or is imposed under subsections 22(2) or (13) of the Municipal Act with respect to the capital cost of the same work;

(b) The work with respect to which it is imposed was constructed under the Municipal Act or any other general or specific Act.

- 7.(2) Notwithstanding subsection (1), no sanitary sewage service rate or storm sewage service rate imposed under this by-law is payable in respect of land if,
- (a) No water is supplied to the land by the Commission, or
 - (b) No municipal sanitary sewer pipe or storm sewer pipe is in the vicinity of the land to which the land is or can be connected by a service drain private drain connection.

NO EXEMPTION FROM RATES

8. No land is exempt from a sewage service rate imposed by this by-law by reason only that the land is exempt from taxation under the Assessment Act.

COLLECTION OF RATES

- 9.(1) St. Thomas Energy is appointed to collect sewage service rates imposed under this by-law in the same manner and at the same time as water rates.
- 9.(2) St. Thomas Energy is authorized to cause a notice to be delivered to the residence or place of business of a person mentioned in section 5 upon whom a rate is imposed.
- 9.(3) The notice shall specify the amount of the sewage service rate, the day by which payment of the rate is due, the place or places where such payment may be made and the rate imposed under subsection (5) of the first day of default.
- 9.(4) Payment of a sewage service rate is due and shall be paid at the same time as water rates.
- 9.(5) If a sewage service rate or any portion thereof remains unpaid after the day mentioned in subsection 4, a charge of five per cent (5%) of the unpaid amount shall be imposed on the first day of default as a penalty for non-payment of the rate and shall be added to the unpaid amount.
- 9.(6) The Corporation may accept part payment from time to time on account of any sewer service rate which is due and give a receipt for such part payment, but the acceptance of any such part payment does not affect the collection of any percentage charge imposed and collectable in respect of the non-payment of any sewer or storm drainage rates.
- 9.(7) The receipts arising from the collection of sewer service rates shall be paid over by the St. Thomas Energy to the City Treasurer on a monthly basis as directed by the City Treasurer.

- 9.(8) The receipts are paid over to the City Treasurer shall form part of a reserve fund of the Corporation for the purpose of the construction, operation, repair and maintenance of sewage works and the supply of sewage service.

RATES A CHARGE ON LAND

- 10.(1) A sewage service rate imposed under this by-law upon any owner or occupant of classified land is a lien and charge upon the land.
- 10.(2) If a sewage service rate or any part thereof remains unpaid after its due date,
- (a) the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, and
 - (b) the City Clerk, upon notice to the owner or occupant of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon collector's roll, and the Tax Collector shall proceed to collect it in the same way, as nearly as may be, as municipal taxes are collectable .

WATER SHUT OFF FOR DEFAULT

11. The Corporation may, on default of payment of sewage service rates by the owner or occupant of land in respect of which the rates are imposed, shut off the supply of water provided by the corporation to such land, but the rates on default, any percentage charge imposed as a penalty, and any costs for shutting off the supply of water are nevertheless recoverable.

ACTION TO RECOVER THE AMOUNT PAYABLE

12. The amount payable to the Corporation in respect of sewer service rates, and any percentage charge imposed as a penalty is a debt and may be recovered by action in a Court of competent jurisdiction.

COMMENCEMENT

13. This By-law comes into force on the day it is passed.

Read a First and Second time this day of 2007

Read a Third time and finally passed this day of 2007

Wendell Graves, City Clerk

Cliff Barwick, Mayor