

AGENDA

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

COUNCIL CHAMBERS 5:30 P.M. CLOSED SESSION
CITY HALL 7:00 P.M. REGULAR SESSION DECEMBER 17TH, 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 D. Warden

DISCLOSURES OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on December 10th, 2007.

DEPUTATIONS

COMMITTEE OF THE WHOLE

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

PLANNING AND DEVELOPMENT COMMITTEE - Chairman H. Chapman

UNFINISHED BUSINESS

Development Agreement Policies

NEW BUSINESS

CIP Program - 284 - 286 Talbot Street

Draft Plan of Subdivision - File# 34T-07507 - Dalewood Meadows Development Area - Phase 4
- Inn Services Inc.

Report PD-46-2007 of the Planning Director. Pages 9 to 11

Zoning By-Law Amendment - To Permit a 50 Unit Retirement Home - Dalewood Meadows
Development Area - Inn Services Inc.

Report PD-47-2007 of the Planner. Pages 12 to 14

Zoning By-Law Amendment - To Permit a 20 Unit Townhouse Development - 89 Princess
Avenue - Deerhill Properties Ltd.

Report PD-48-2007 of the Planner. Pages 15 to 17

Renewal of CEPAC Agreement

Report PD-49-2007 of the Planning Director. Pages 18 to 22

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

Solid Waste Management Service - Update on Negotiation Regarding Waste Management
Contract Extension

Report ES145-07 of the Director, Environmental Services. Pages 23 to 27

Map Attached.

Talbot Streetscape - Proposed RFP Committee

Report ES148-07 of the Director, Environmental Services. Pages 28 to 29

BUSINESS CONCLUDED

PERSONNEL AND LABOUR RELATIONS COMMITTEE - Chairman G. Campbell

UNFINISHED BUSINESS

NEW BUSINESSBUSINESS CONCLUDEDFINANCE AND ADMINISTRATION COMMITTEE - Chairman T. ShackeltonUNFINISHED BUSINESSBridge, Sewers and Water Capacity in Barwick Street AreaKiwitani Manors Limited - Seniors' Housing - 139 First AvenueDowntown Development Board - Horton Farmers' Market

Report TR47-07 of the City Treasurer. Pages 30 to 36

Concession Services at the Douglas J. Tarry Sports Complex2008 Capital Budget - Part 1 - Vehicle/EquipmentNEW BUSINESSPublic Notice PolicyReport CC-56-07 of the City Clerk. Page 37
Policy Document to be forwarded.The City of St. Thomas 2007 Municipal Accessibility Plan

Report MB-02-07 of the Management Board. Pages 38 to 57

St. Thomas Elgin Public Art Centre - Grant Money Transfer Dates

A letter has been received from Laura Woermke, Executive Director/Curator, St. Thomas Elgin Public Art Centre, requesting that the St. Thomas Public Art Centre's financial support be transferred on a monthly basis as opposed to a quarterly basis. Page 58

St. Thomas Public Library Report

A report has been received from Terry Metcalfe, Chair, Finance Building & Grounds Committee, St. Thomas Public Library regarding the building reserve. Pages 59 to 60

BUSINESS CONCLUDEDCOMMUNITY SERVICES COMMITTEE - Chairman B. AartsUNFINISHED BUSINESSParks Pavilion Renaming

Report PR-16-07 of the Manager of Culture and Recreation. Pages 61 to 62

Walk of FameRecreation Facilities Comparative Financial FiguresLeash Free Dog ParkSummer Ice Rates and UsageDraft Parks and Recreation By-Law

NEW BUSINESS**BUSINESS CONCLUDED****PROTECTIVE SERVICES AND TRANSPORTATION COMMITTEE - Chairman D. Warden****UNFINISHED BUSINESS**Taxis By-Law - Enforcement of Non-Licensed TaxisIntersection of Chestnut Street and Fifth AvenueIntersection of Fairview Avenue and Elm StreetThird Avenue Road Extension from Wellington Street to Talbot StreetTransit System Transfer Times**NEW BUSINESS**Lions Club Autofest Cruise Night - Request for Talbot Street Closure 5:30 p.m. to 9:00 p.m. - June 14, 2008Report ES146-07 of the Supervisor of Roads & Transportation. Page 63Request for Proposal 07-727 - Option to Purchase Additional Buses in 2008Report ES147-07 of the Supervisor of Roads & Transportation. Pages 64 to 73Alternates for Emergency Response**BUSINESS CONCLUDED****SOCIAL SERVICES COMMITTEE - Chairman L. Baldwin-Sands****UNFINISHED BUSINESS****NEW BUSINESS**Amended Contribution AgreementReport OW-39-07 of the Housing Administrator. Pages 74 to 84**BUSINESS CONCLUDED****REPORTS PENDING****COUNCIL**Council will reconvene into regular session.**REPORT OF COMMITTEE OF THE WHOLE**Planning and Development Committee - Chairman H. ChapmanEnvironmental Services Committee - Chairman T. JohnstonPersonnel and Labour Relations Committee - Chairman G. CampbellFinance and Administration Committee - Chairman T. ShackeltonCommunity 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.

APPOINTMENT OF VARIOUS STANDING COMMITTEES, BOARDS AND OTHER PUBLIC BODIES

A motion to appoint individuals to various standing committees, boards and public bodies will be presented.

REPORTS OF COMMITTEES

PETITIONS AND COMMUNICATIONS

Alzheimer Society - Flag Raising

A letter has been received from Kate Kent, Education Coordinator, Alzheimer Society, requesting that the Alzheimer Society flag be flown at City Hall for the week of January 7th to 11th, 2008.

The flag raising ceremony is proposed for Monday, January 7th, 2008 at 10:00 a.m. and the Mayor is invited to attend. **Page 85**

CASO Lands

A letter has been received from Dale McKeague, Director, Canadian Transportation Agency, regarding the CASO railway line known as mile 113.64 to mile 117.49 in the City of St. Thomas. **Page 86**

A letter has been received from Cathy Murphy, Secretary, Canadian Transportation Agency, regarding the CASO railway line known as mile 113.64 to mile 117.49 in the City of St. Thomas. **Pages 87 + 88**

Le Café Siam - 392 Talbot Street - Application for Liquor Licence

Application has been made to the Alcohol and Gaming Commission of Ontario by Le Café Siam for a liquor licence for its indoor areas at 392 Talbot Street, St. Thomas. Council may make representation to the Board concerning the application.

East Side Sanitary Servicing Environmental Assessment

Correspondence has been received from Donald N. Leitch, Chief Administrative Officer, Municipality of Central Elgin advising the City of an ad hoc committee that has been established to address the first phase of the East Side Sanitary Servicing Environmental Assessment. **Page 89**

Pitch-In Canada Week - Operation: Clean Sweep - April 21st to 27th, 2008

A letter has been received from Valerie Thom, Executive Director, Pitch-In Canada, regarding "Pitch-In Canada Week" to be held the week of April 21st to 27th, 2007. Pitch-In Canada is requesting financial support for becoming a patron of Pitch-In. **Pages 90 to 97**

Ontario Medical Association - Support of Ban on Smoking in Cars Carrying Children

A letter has been received from Janice Willett, President, Ontario Medical Association, requesting that Council support a ban on smoking in cars carrying children. **Page 98**

Wellington Street Courthouse

A letter has been received from Bob de la Penoliere, 11 Hitch Crescent, St. Thomas, requesting permission to post banners within the Hepburn Parkette, Carron Parkette and on the corner of Elm & First Avenue facing North regarding the Wellington Street Courthouse. **Page 99**

UNFINISHED BUSINESS

NEW BUSINESS

BY-LAWS

First, Second and Third Reading

1. A by-law to confirm the proceedings of the Council meeting held on the 17th day of December, 2007.
2. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and the Municipality of Central Elgin. (CEPAC)
3. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and JGM Consulting. (Closed Session Investigator)
4. A by-law to establish and regulate the Horton Farmers' Market and a Board of Management therefor.
5. A by-law to authorize the Mayor and Clerk to execute and affix the Seal of the Corporation to a certain agreement between the Corporation of the City of St. Thomas and Walter Ostojic & Sons Limited. (Amending Agreement - 78 Steele Street - Canada-Ontario Affordable Housing Program - Wave 1 Rental & Supportive Component - \$828,000)
6. A by-law to amend By-Law No. 172-2006, being a by-law for imposing a sewage service rate in the City of St. Thomas. (Increase in rates - 2008)
7. A by-law to amend By-Law No. 44-2000, being a by-law to provide for the regulation of Water Supply in the City of St. Thomas. (Increase in water consumption and other rates - 2008)

PUBLIC NOTICE

Talbot Street (Manor Road to approximately 400m easterly) - Public Meeting

A public meeting will be held on Monday, January 21, 2008, at 6:30 p.m. to advise that City Council intends to pass a by-law to impose a charge to benefiting property owners for capital costs related to the construction of the new sanitary sewer and private drain connections on the above-noted project.

NOTICES OF MOTION

CLOSED SESSION

A resolution to close the meeting will be presented to deal with personal matters about identifiable individuals and a labour relations matter.

OPEN SESSION

ADJOURNMENT

CLOSING PRAYER



Corporation of the
City of St. Thomas

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Report No.

CC-57-07

File No.

Directed to:

Chairman H. Chapman and Members of the Planning and Development Committee

Date

December 10, 2007

Department:

City Clerks Department

Attachment

Prepared By:

Wendell Graves, City Clerk

Subject:

CIP Program - 284 - 286 Talbot St.

Recommendation:

THAT: Report CC-57-07 be received for information, and further,

THAT: A by-law be prepared to authorize the Mayor and Clerk to enter into a Grant Acknowledgement Agreement for the project relating to Application 2005-034 and provide the following grant:

 Façade \$ 10 000.00
 Residential Rehabilitation : \$40,000.00

Background

A CIP Project was approved for Jason Patry, 284 - 286 Talbot St., in April 2006 which included a grant component for façade improvements and a grant component for the rehabilitation of residential units. A total of 11 residential units have been renovated.

The maximum residential grant is \$5,000 for 8 units or \$40,000 and the maximum façade grant is \$10,000.00 due to the fact that it is a corner property.

From information submitted to support the application it is evident that the actual work undertaken includes \$59,704.25 for labour and \$163,344.91 for material for a total project value of \$223,049.16

It is recommended that the CIP Grant for the project in the total amount of \$50,000.00 be approved.

Respectfully,

W. Graves, City Clerk

Reviewed By:

Treasury

Env Services

Planning

City Clerk

Comm Services

Other



The Corporation of the City of St. Thomas

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Report No.: PD-46-2007

File No.: 34T-07507

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

Report Date: December 10th, 2007
Council Meeting Date: December 17th, 2007

Subject: Application by Inn Services Inc, Draft Plan of Subdivision, File 34T-07507, Dalewood Meadows Development Area- Phase 4.

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

Attachments:
- draft plan (reduced)

RECOMMENDATION:

THAT: Report PD-46-2007 be received for information;

THAT: Council approve in principle the proposed residential Draft Plan of Subdivision File # 34T-07507 for lands owned by Inn Services Inc., legally described as part of Block 123, Registered Plan 11M-165, in the City of St. Thomas, County of Elgin and further that final approval be subject to:

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

AND THAT: A date for a public meeting be set for *January 21st, 2008 @ 6:10 p.m.* in accordance with Ontario Regulation 544/06.

ORIGIN:

Inn Services Inc. has submitted an application for approval of a residential draft Plan of Subdivision. This application is Phase 4 of development within the Dalewood Meadows Development Area.

ANALYSIS:

The proposed Plan is located south of Ron McNeil Line and Sutherland Line and west of Pine Valley Drive, in the north west quadrant of the City. The

proposed Plan encompasses a total area of 5.145 hectares (12.71 acres) and will provide for the development of 40 lots for single-detached dwelling units, 18 lots for semi-detached dwellings (36 dwelling units), and a single story 50 unit retirement home on a .974 hectare (2.4 acre) parcel of land within the Plan (Block 59).

The plan will provide for the development of new streets which include the reconstruction of Sutherland Line, the extension and completion of Tamarack Court, the extension of the north and south legs of Ambleside Drive westerly and the development of a new Street "A" running parallel to Pine Valley Drive and connecting the north and South legs of Ambleside Drive. The plan also shows three (3) Blocks for street end reserves.

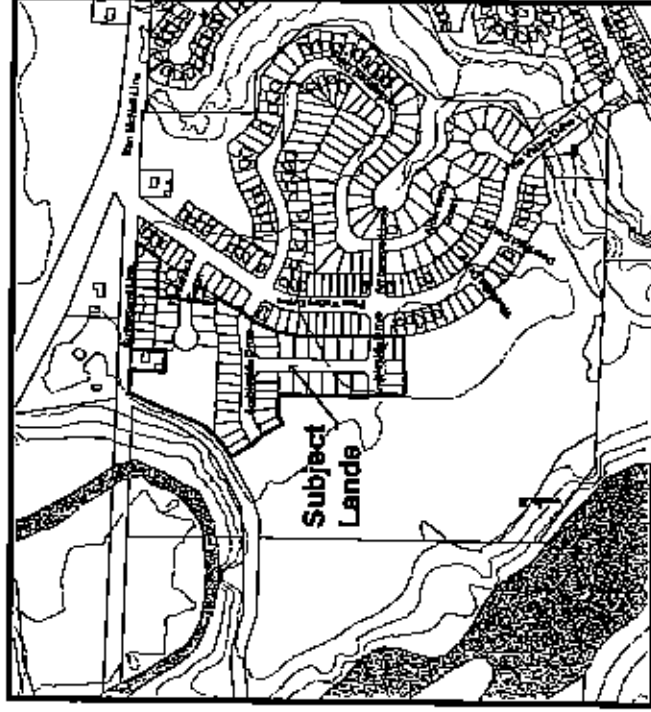
The location of the proposed subdivision and its relationship to the surrounding development is shown on the Location Plan.

A copy of the proposed draft Plan is attached.

Provincial Policy Statement

The proposed subdivision application being considered is located within the Dalewood Meadows Development Area Block Plan and is Phase 4 of a comprehensively planned residential community. All matters of Provincial

Location Plan



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interest, in accordance with the Policy Statement in effect at the time were addressed with the approval of the original amendment to the Official Plan (OPA # 31) and the approval of the original Block Plan of subdivision. The lands are designated for residential use and subject to residential holding zones.

Pursuant to the requirements of the Planning Act an applicant is required to submit a complete application which addresses the requirements of Subsections 51(17) and 51(18) of the Planning Act. Among the requirements for a complete application is the responsibility of the applicant to demonstrate that the draft plan is consistent with Provincial Policy. In this regard the applicant has submitted with this application an Environmental Impact Study (EIS) and a Geotechnical Report to support the proposed subdivision plan which is adjacent to a significant woodland (Kettle Creek Valley) and a Provincially Significant Wetland (Dalewood Conservation Area). These documents have been submitted to address the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement 2005.

The purpose of the EIS is to identify and evaluate the natural features, assess the proposed development plan and through recommendations on mitigation measures demonstrate that there will be no negative impacts on the identified natural features or on their ecological functions.

The Geotechnical review assesses the potential erosion hazard of development adjacent to the Kettle Creek Valley and makes recommendations to protect public health and safety in accordance with the Natural Hazards Policies.

I have reviewed the applicants submission and I am of the opinion that the application is complete in accordance with the requirements of Subsections 51(17) and of the Planning Act, R.S.O., 1990 as amended. Notice of a complete application has been given pursuant subsection 51(19) of the Planning Act.. The application and supporting documentation has been circulated to agencies and departments for their review, comments and recommendations on the approval of the proposed plan.

Official Plan:

The subject property is designated for residential use in the City of St. Thomas Official Plan. The proposed draft plan of subdivision conforms to the policies of the Official Plan, (OPA #31 - Dalewood Development Area) and the design is compatible with the surrounding residential area and the approved Block Plan.

Zoning By-law:

The property is currently located within the Third Residential Zone (hR3A-13) of By-law 50-88 of the City of St. Thomas. The hR3A-13 zone permits the proposed single detached dwellings. The lands are also subject to the standard holding zone requirements of Zoning By-law 50-88 which must be met to the satisfaction of the Municipality prior to the development proceeding to the issuance of building permits.

The proposed retirement home to be located on Block 59 of the Plan requires an amendment to Zoning By-law 50-88. A concurrent application has been submitted and a separate Planning Report No. PD-47-2007 respecting the proposed Zoning change has been placed on Council's December 17th, 2007 Council agenda.

Services:

Full Municipal services are available to the Subdivision. The design, and the installation of services required for this development will be in accordance with Municipal standards. A full report on the servicing of these lands was provided by the applicant and approved as part of the Dalewood Meadows Development Area Block Plan approval (34T-06501).

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

Financial Considerations:

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

Respectfully submitted,

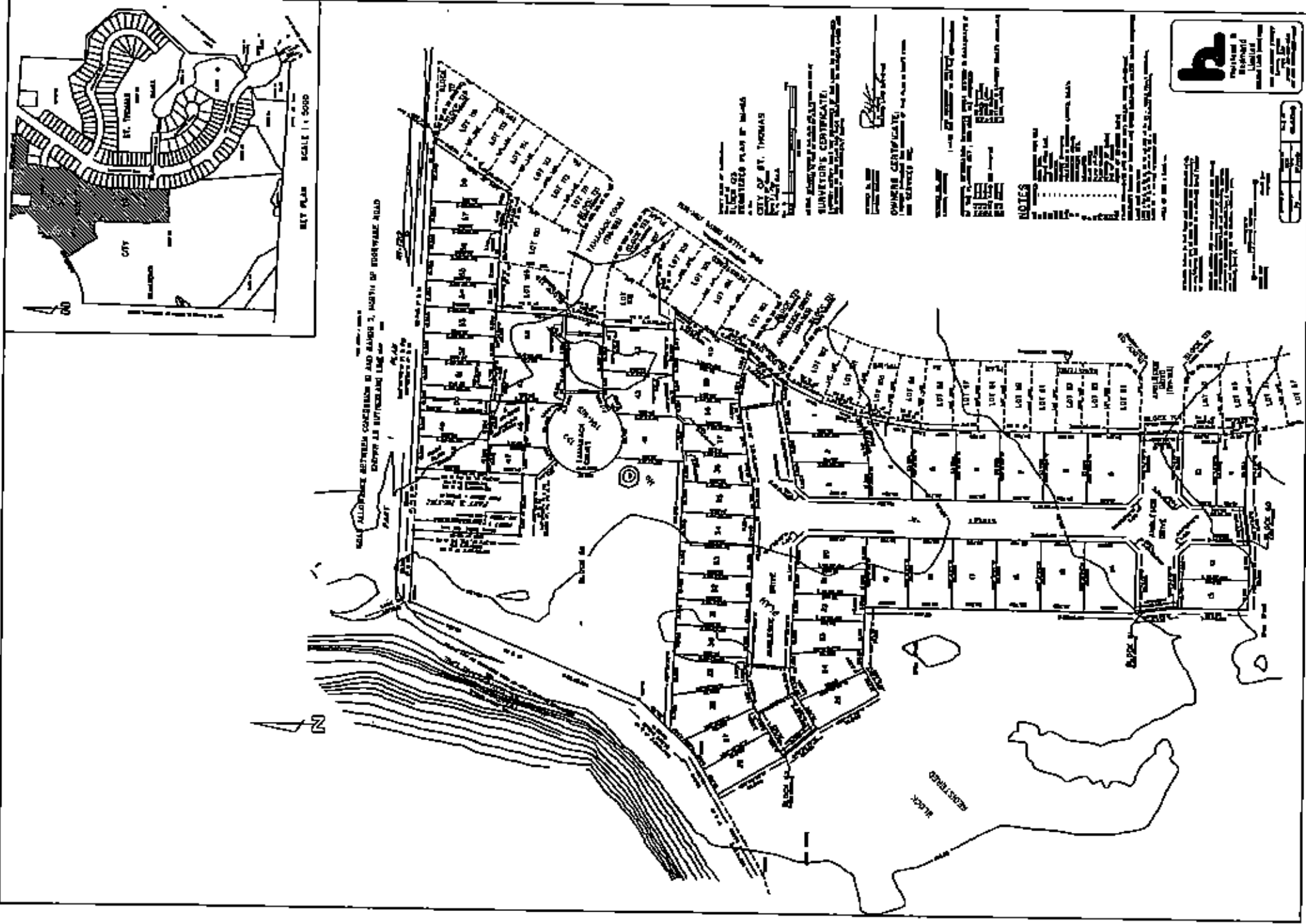

P.J.C. Keenan

Director of Planning

Reviewed By:

Env. Services Treasury City Clerk Parks and Recreation

34T- 07507





The Corporation of the
City of St. Thomas

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Report No.: PD-47-2007

File No.: 2-19-07

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

Report Date: December 11th, 2007
Council Meeting Date: December 17th, 2007

Subject: Application by Inn Services Inc. for an Amendment to Zoning Bylaw 50-88, to permit a 50 unit retirement home within the Dalewood Meadows Development Area on Part of Block 123 within Plan 11M-165, in the City of St. Thomas.

Department: Planning Department
Prepared by: Jim McCoomb, Planner

Attachments:
- Location Plan
- Draft Site Plan

RECOMMENDATION:

THAT: Report PD-47-2007 be received for information;

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

THAT: Direction be given to prepare a site specific draft amendment to the Zoning By-law to permit a 50 unit retirement home within the Dalewood Meadows Development Area on Part of Block 123 within Plan 11M-165, in the City of St. Thomas;

AND THAT: A public meeting be set for *January 21st, 2008 @ 6:15 p.m.* in accordance with Ontario Regulation 545/06.

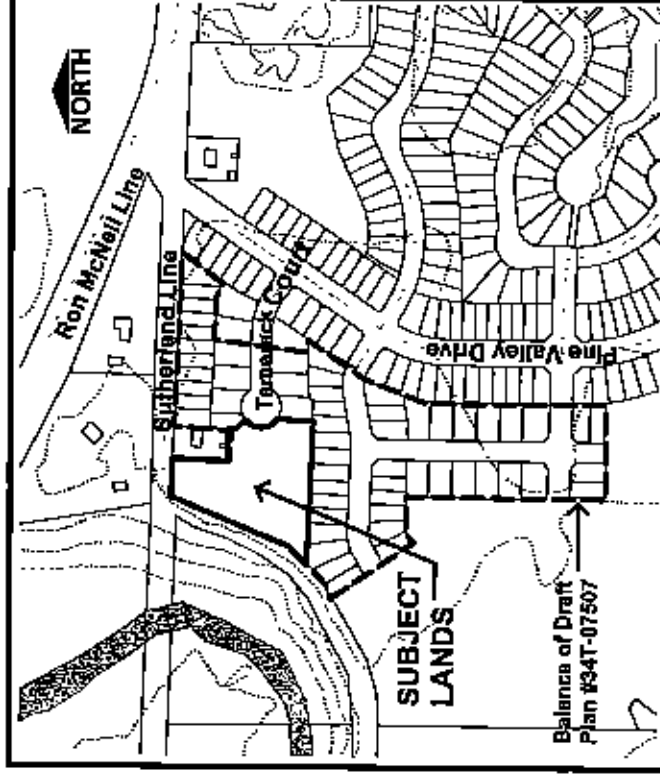
ORIGIN:

Inn Services Inc. has made application to amend the City of St. Thomas Zoning By-law 50-88 to permit a 50 unit retirement home within the Dalewood Meadows Development Area of St. Thomas. Staff have reviewed the application and all supporting documentation provided by the applicant and are satisfied that the application is complete relative to the requirements of Subsections 34(10.1) and (10.2) of the Planning Act, R.S.O., 1990 as amended. Staff are recommending that Council, pursuant to Section 34(10.4) of the Act, notify the applicant that the application is considered complete.

ANALYSIS:

Proposal:
Inn Services Inc. is proposing to amend the City of St. Thomas Zoning By-law 50-88 to permit a 50 unit retirement home within the latest phase (Phase 4) of the Dalewood Meadows Development Area in the City of St. Thomas. The lands that are the subject to this proposed amendment are known as Block 59 on a new proposed draft plan of subdivision (34T-07507, see Report No. PD-46-2007 in the December 17th, 2007 Council agenda). The subject lands, which have an area of approximately 0.972 hectares (2.4 acres) and a frontage of 32 metres (105 feet) on an extension of Tamarack Court within the proposed draft plan, may be legally described as Part of Block 123 on Registered Plan 11M-165 and are shown on the Location Plan.

Location Plan:



Inn Services Inc. has entered into an agreement of purchase and sale with the proponents of the new retirement home (1690561 Ontario Inc. operating as Kirkwood House), conditional upon the lands being rezoned to permit the proposed use. According to a Land Use Planning and Justification Report prepared by D.R. Dale and Associates to accompany the zoning application, Kirkwood House is proposing an upscale 50-unit retirement home in a one storey, barrier free design. The building will be oriented on the block such that the primary entrance to the site will be from Tamarack Crescent (see draft site plan attached). The front yard is proposed to include a shade gazebo feature which will be accessible as a gathering place for residents of the home and people

within the immediate neighbourhood. A secondary access from Sutherland Line to the north will be provided primarily for staff and service/delivery vehicles, but will also provide secondary emergency access.

2005 Provincial Policy Statement (PPS):

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

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

I have reviewed the applicant's submission, which in accordance with new regulatory requirements provides information on how the Plan is consistent with Provincial interest. In this regard I am of the opinion that the proposed amendment to the By-law is consistent with Provincial interest as expressed in the current Policy Statement.

Official Plan Policies:

The subject property and surrounding lands are all designated for Residential use in the City of St. Thomas Official Plan. The policies of the Plan for the Residential designation permit a variety of residential dwelling types. In my opinion, the proposed amendment to permit the development of a retirement home on the subject lands conforms to the policies of the Official Plan, is compatible with surrounding land uses, and represent good planning.

Zoning By-law:

The lands subject to the zoning by-law amendment are currently located within the Third Residential Zone (R3A-1). The R3A zone permits a wide variety of residential uses including medium density formats such as townhouses, apartments and multiple dwellings. The R3A zone also permits nursing home use. An amendment to the by-law is required to permit the proposed 50-unit retirement home as proposed by the applicant.

Comments:

The proposed zoning by-law amendment was submitted concurrent with an application for draft plan of subdivision approval (34T-07507, see Report No. PD-46-2007 in the December 17th, 2007 Council agenda). The subdivision application was accompanied by technical support documents including an Environmental Impact Study and a geotechnical assessment of the Erosion Hazard Limit. These studies have yet to be vetted through the circulation of the draft plan application, and through that process the limits of the draft plan may be subject to change. This could in turn change the final delineation of lots and blocks within the draft plan, including Block 59 which constitutes the subject lands to this proposed amendment. Final consideration of the proposed amendment should therefore wait until the draft plan of subdivision has been approved, however Council may proceed with the public meeting to solicit input on the proposed use.

Respectfully submitted,



Jim McCoomb
Planner

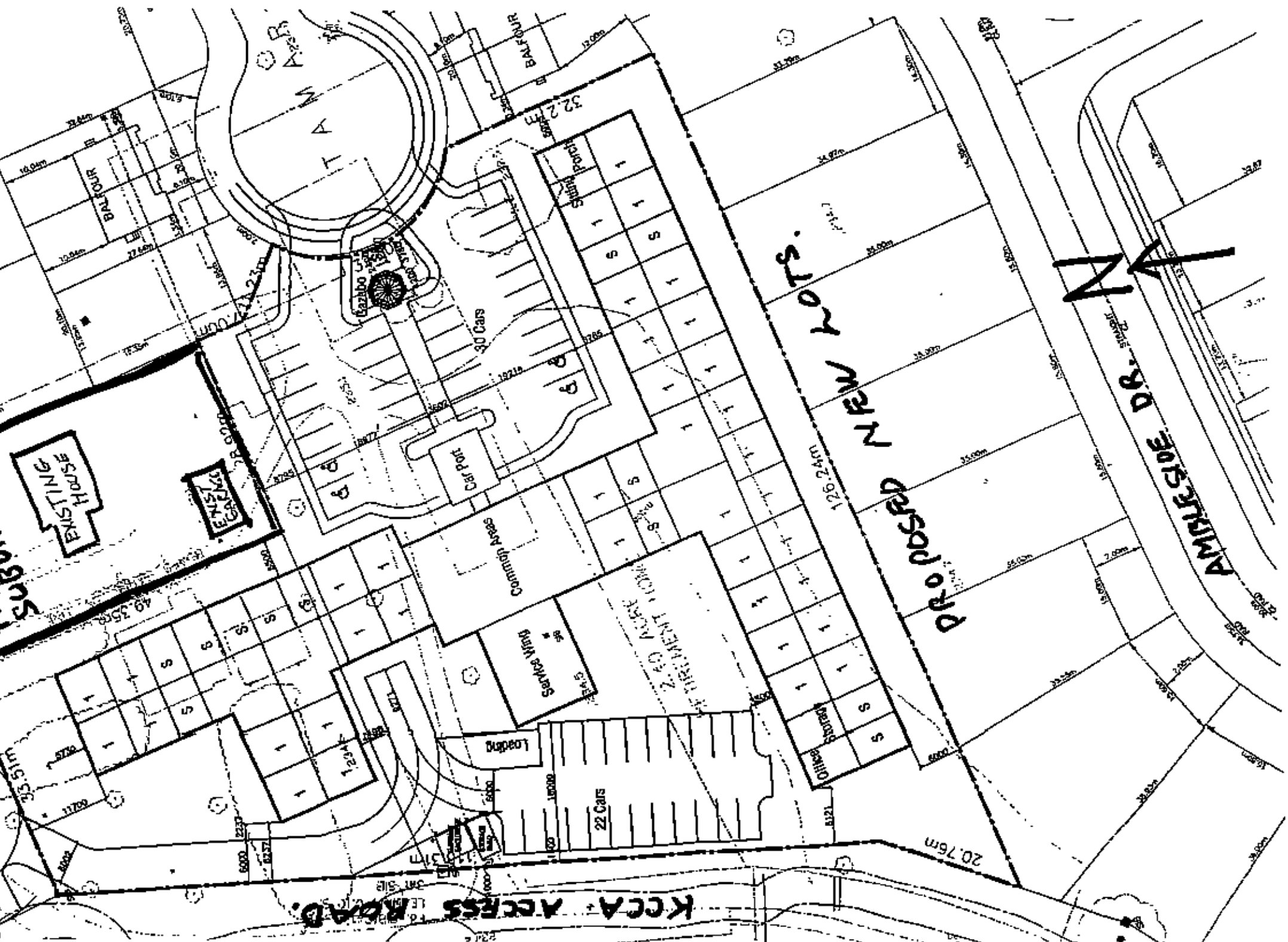


Reviewed By: _____

Env. Services Treasury City Clerk Parks and Recreation Other

SUTHERLAND
FINE
LOT NOT
PART OF
SUBDIVISION
PROPOSED
LOTS.

HA



PROPOSED
NEW LOTS.

NA

KCCA ACCESS ROAD

AMBERSTONE DR.



The Corporation of the City of St. Thomas 15

Report No.: PD-48-2007

File No.: 2-11-07; 3-01-07

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

Report Date: December 11th, 2007
Council Meeting Date: December 17th, 2007

Subject: **Proposed Zoning By-law Amendment - Deerhill Properties Ltd., 89 Princess Avenue, St. Thomas, Ontario.**

Department: **Planning Department**
Prepared by: **Jim McCoomb, Planner**

Attachments:
- draft concept plan

RECOMMENDATION:

THAT: Report PD-47-2007 be received for information;

THAT: Council, pursuant to Subsections 22(6.1) and 34(10.4) of the Planning Act, R.S.O., 1990 as amended, direct the Clerk to notify the applicant (Deerhill Properties Ltd.) that the information and material required under Subsections 22(4) and (5) and Subsections 34(10.1) and (10.2) of the Act has been provided and the application is hereby considered complete;

THAT: Direction be given to prepare a site specific draft amendments to the St. Thomas Official Plan and Zoning By-law 50-88 to permit a 20 unit townhouse development on the lands located at 89 Princess Avenue, which lands may be legally described as Part Railway Block on Registered Plan 3, City of St. Thomas, County of Elgin;

AND THAT: A public meeting be set for **January 21st, 2008 @ 6:00 p.m.** in accordance with Ontario Regulations 543/06 and 545/06.

ORIGIN:

Deerhill Properties Ltd. (Agent: Brian Squires) has made application to amend the City of St. Thomas Official Plan and Zoning By-law 50-88 to permit a 20 unit townhouse development on a largely vacant property located at 89 Princess Avenue. Staff have reviewed the application and all supporting documentation provided by the applicant and are satisfied that the application is complete relative to the requirements of Subsections 22(4) and (5) and Subsections 34(10.1) and (10.2) of the Planning Act, R.S.O., 1990 as amended. Staff are recommending that Council, pursuant to Subsections 22(6.1) and 34(10.4) of the Act, notify the applicant that the application is considered complete.

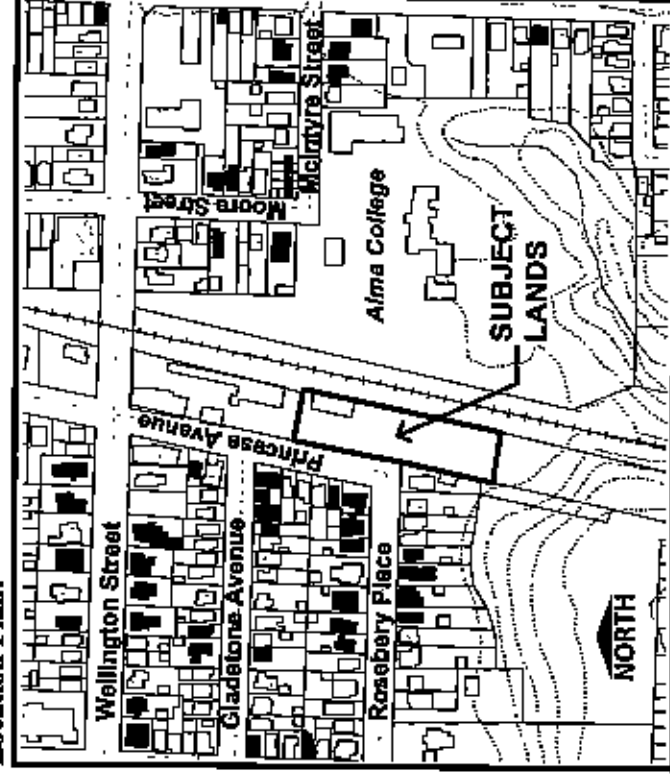
ANALYSIS:

Proposal:

The subject lands, which contain a single wood-sided shed, are located on the east side of Princess Avenue directly across from its intersection with Rosebery Place. The agent is proposing to develop a 20 unit townhouse development on the lands, substantially as shown in the attached conceptual plan.

The subject lands, which may be legally described as Part Railway Block on Registered Plan 3, and are also described as Part 1 on Reference Plan 11R-6406, are shown outlined in bold on the Location Plan. The existing land uses surrounding the subject property include residential to the west and commercial uses to the north fronting onto Wellington Street. Bounding the east side of the subject property is the former London and Port Stanley railway corridor with the Alma College lands located to the east of the corridor. To the south is an open space ravine that is tributary to Mill Creek.

Location Plan:



According to a recent Phase 1 Environmental Site Assessment (ESA) prepared for the applicant (Atkinson Davies Inc., Ref. 5-1976, October 3, 2007) the subject lands were formerly used for industrial uses including a coal storage yard, and in the past 60 years as an agricultural services facility. They are considered a brownfield site. The Phase I ESA report concluded that the soils are suitable for commercial and industrial use, but that further assessment is required if the future land use is changed to residential. Other factors that are relevant in considering the merits of the proposed amendments include:

- The subject lands are situated in an area predominated by residential land uses. The proposed townhouse development would be more compatible with existing development in the area than the industrial uses currently permitted.

- Most of the historical industrial uses that existed in and around the downtown have either relocated to the industrial area or have otherwise vacated. It is staff's position that current land use principles related to compatibility of uses support the transition of these former industrial sites to uses more compatible with the surrounding area.
- The subject lands are too small, isolated from other industrial areas and not located in an area that would be considered attractive to the needs of most modern industrial users.
- The abutting former CN railway corridor is now owned by the City and used by the Port Staunley Terminal Rail tourist train for access to the downtown. The City will maintain the corridor as a transportation and possible recreation link.
- The proposed development is an infill development and, subject to meeting environmental targets for residential land use, represent an opportunity to meet Provincial intensification objectives on a piece of land that has remained largely unused for over a decade.

2005 Provincial Policy Statement (PPS):

The Provincial Policy Statement 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The Planning Act requires that Council consider provincial interest when making planning decisions and to ensure that local planning decisions are "consistent with" Provincial planning interests. I have reviewed the applications and, in my opinion, the most relevant PPS policies are those found in Section 1.1.3 regarding Settlement Areas and those found in Section 1.7 regarding Long Term Economic Prosperity. Subsection 1.1.3.3 provides that "planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs". Subsection 1.7.1(c) provides that long term economic prosperity should be supported by, among other things, promoting the redevelopment of brownfield sites.

I have reviewed the applicant's submission, which in accordance with new regulatory requirements provides information on how the Plan is consistent with Provincial interest. Having considered the submission and reviewed the relevant PPS policies, I am of the opinion that the proposed amendment to the By-law is consistent with Provincial interest as expressed in the current Policy Statement.

Official Plan Policies:

The subject property is located within the Industrial designation of the Official Plan of the St. Thomas Planning Area. Policies contained within Subsection 5.9.3 of the Official Plan permit a full range of industrial uses including manufacturing, processing of goods and raw materials, warehousing and bulk storage of goods, subject to the policies of the Plan. In my opinion, the proposed redevelopment of the subject lands for residential purposes would require a site specific amendment to the Official Plan.

Section 8.3.9 of the Official Plan contains the City's current policies regarding site contamination, which were written prior to changes to the Provincial process for dealing with potentially contaminated sites brought about through the Brownfields Statute Law Amendment Act 2001. The new process, designed to be compatible with Provincial initiatives to encourage investment in brownfield sites and stimulate economic prosperity, is articulated in the Environmental Protection Act and Ontario Regulation 153/04. The new process does not preclude changes to the land use designation or zoning from industrial to residential, but will require a proponent of development to submit a Record of Site Condition prior to the issuance of a building permit to confirm suitability of the soils for the proposed use.

The City's new Official Plan, and the site specific amendment for the subject lands, will contain policies to implement the new Provincial process and require submission of a Record of Site Condition in accordance with the requirements of the Environmental Protection Act and Ontario Regulation 153/04 to confirm the suitability of the soils for the proposed residential use.

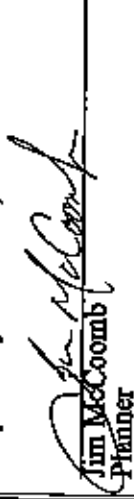
Zoning By-law:

The subject property is currently located within the Railway Industrial Zone (M3-6) of the City of St. Thomas Zoning By-law 50-88. The M3 zone permits a range of industrial uses including, but not limited to, industrial repair shop, railway, research, technology development, recreation centre, institution, wholesale business and warehouse. The special provisions of the M3-6 zone permit the sale, storage and distribution of agricultural products, and an accessory business office to such uses, as additional permitted uses.

In my opinion, a site specific amendment to the By-law is required in order to permit the proposed residential use on the subject lands as proposed by the applicant/agent. The amending by-law will contain holding provisions to implement the proposed site specific official plan policies and require submission of a Record of Site Condition in accordance with the requirements of the Environmental Protection Act and Ontario Regulation 153/04 to confirm the suitability of the soils for the proposed residential use.

The subject lands are subject to site plan control.

Respectfully submitted,


Jim McCoomb
Planner



Reviewed By:

Law Services

Treasury

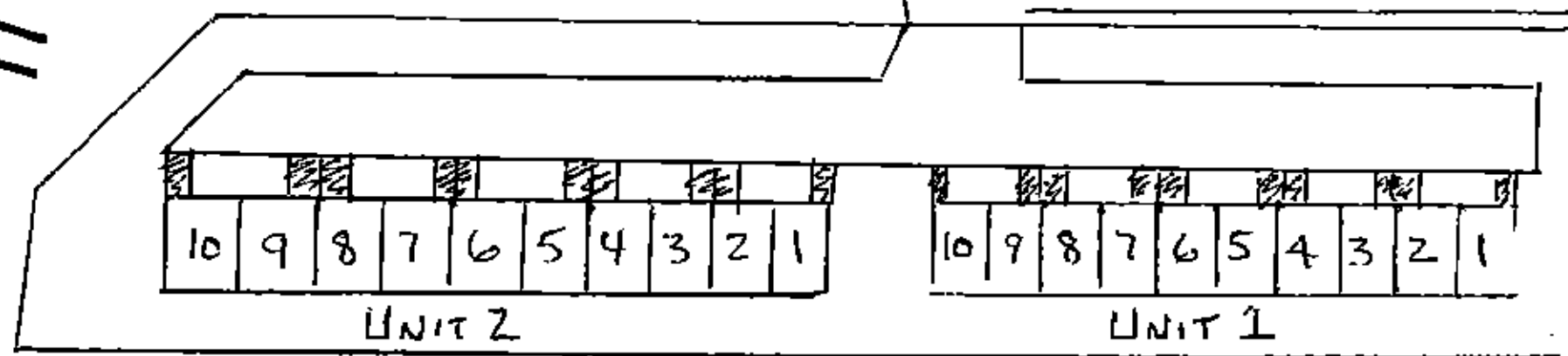
City Clerk

Other

17

ROSEBERRY PLACE

PRINCESS AVE



89 PRINCESS AVE
1.5 ACRES



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

18

Report No.: PD-49-2007

File No.: KK-2007-01

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

Report Date: December 10th, 2007
Council Meeting Date: December 17th, 2007

Subject: Renewal of CEPAC Agreement

Department: Planning Department

Prepared by: P J C Keenan - Planning Director

Attachments:
• Agreement

RECOMMENDATION:

THAT: Report PD-49-2007 be received for information.

ORIGIN

Council, at their meeting on November 5th, 2007 authorized the Planning Director to revise the current CEPAC agreement, with the assistance of the City Solicitor as required, to continue the joint planning arrangement between the City of St. Thomas and the Municipality of Central Elgin.

ANALYSIS

A by-law to authorize the signing of the CEPAC agreement for joint Planning Services between St. Thomas and the Municipality of Central Elgin has been placed on the December 17th Council agenda in accordance with the recommendations of Report No. CEPAC-02-2007.

The agreement has been reviewed with the Municipal Solicitor, Mr Sanders and amendments have been made in the following sections:

- the preamble, Sections 1,4,5,10,12, and 17 and the signatories to the agreement have been amended to reflect the change from a three party agreement to a two party agreement;
- the dates in sections 19 and 23 have been revised to reflect the new term of the agreement 2008-2011;
- section 15 has been revised to confirm that there are no longer physical assets remaining from the Central Elgin Planning Board (Report CEPAC-02-2007), all new assets acquired in the future through the operating budget or through reserves will be the property of both Municipalities;
- section 24 is a new section recommended by the solicitor which makes the agreement 'binding upon and ensure to the benefit of the Municipalities and their corporate successors'.

A copy of the revised agreement is attached for the members of Council

This report and the CEPAC agreement have also been placed on the agenda for December 17th, 2007 meeting of the Council of the Municipality of Central Elgin for approval.

Respectfully submitted,

P.J.C. Keenan
Director of Planning

Reviewed By:

Env. Services

Treasury

City Clerk

Parks and Recreation

Other

AGREEMENT dated the day of December, 2007
BETWEEN

THE CORPORATION OF THE CITY OF ST. THOMAS

-and-

THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN

Which are hereinafter referred to
collectively as "the Municipalities".

WHEREAS prior to January 1, 2005, the Municipalities or their predecessors coordinated their planning and development activities through the Central Elgin Planning Office;

AND WHEREAS the Municipalities wish to continue to work co-operatively in the planning and development of the lands within the Municipalities under the provisions of the Planning Act, R.S.O. 1990 as amended;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of mutual covenants and conditions herein contained, the Municipalities agree as follows:

1. All of the City of St. Thomas and all of the Municipality of Central Elgin, each as from time to time constituted, shall together form the Central Elgin Planning Region.
2. There shall be a joint planning advisory committee for the Central Elgin Planning Region, and it shall be known as the Central Elgin Planning Advisory Committee.
3. The Central Elgin Planning Advisory Committee shall be made up of one member appointed by each of the Municipalities. The members of the Central Elgin Planning Advisory Committee shall be elected members of the Councils of the Municipalities they represent. Appointments to the Committee shall be for one year terms, although the number of terms a member may sit on the Central Elgin Planning Advisory Committee is not restricted.
4. Each year, members of the Central Elgin Planning Advisory Committee shall elect a Chairman between themselves.
5. A quorum of the Central Elgin Planning Advisory Committee shall be two members. All recommendations shall require unanimous approval of the members of the Central Elgin Planning Advisory Committee.
6. The Central Elgin Planning Advisory Committee shall be responsible for providing advice to the Councils of the Municipalities in the Central Elgin Planning Region on planning and development of the lands within their respective boundaries, as requested by the Municipalities.
7. Subject to the provisions of this Agreement, the Corporation of the City of St. Thomas (hereinafter referred to as the City Corporation) shall hire, as part of its Planning Department, professional planners and support staff, and provide adequate offices, furnishings and equipment. This office shall be referred to as the Central Elgin Planning Office.

8. For the purposes of this Agreement, the expenses of the Central Elgin Planning Office shall include salaries and benefits payable to staff, legal fees and disbursements, office supplies, and specialized equipment, administrative expenses, rental expenses, telephone expenses, computer services, cleaning costs and any other expense specifically referred to elsewhere in this Agreement or included in the budget for the Central Elgin Planning Office.

9. The City Corporation shall receive revenues of the Central Elgin Planning Office for the following services:

- (a) from the sale of maps, plans, air photos, digital files, photocopies, and other documents;
- (b) fees for information/reports provided in response to requests from lawyers, developers, real estate agents, consultants, etc.; fees for the processing of plans of subdivision and plans of condominiums; fees for preparation of Official Plan and Zoning By-Law Amendments;
- (c) fees from member municipalities, agencies or the private sector for services on assignments or special projects which the Central Elgin Planning Advisory Committee determines are beyond the daily routine of the Central Elgin Planning Office staff.

From the amount of such revenues, there shall be deducted all direct costs incurred in providing such services including the following:

- (i) costs for paper, photocopying, advertising, telephone charges, postal/mailing, meetings, printing, outside services such as consultants, legal costs, etc.;
- (ii) the equipment reserve for training and for the purchase and maintenance of certain capital equipment, e.g. computers, software upgrades, printers, fax machine, photocopier, etc.

the balance of such revenues shall be added to the revenues of the Central Elgin Planning Office to reduce the net costs of the following year's operation.

10. Both the Municipalities shall contribute proportionately to the net expenses of the Central Elgin Planning Office based 50% on population and 50% on actual value assessment. The Municipality of Central Elgin shall contribute to the expenses of the Central Elgin Planning Office by payments made to the Treasurer of the City Corporation on a mutually agreed upon schedule.

11. The staff of the Central Elgin Planning Office shall be a resource to the Central Elgin Planning Advisory Committee, and to each of the Municipalities, and the Central Elgin Planning Advisory Committee may give directions to the staff of the Central Elgin Planning Office.

12. The annual budget for the Central Elgin Planning Office, and any expenditures not included in the annual budget, must be approved by the Councils of both of the Municipalities.

13. The City Corporation shall seek the recommendations of both the Municipalities in matters relating to hiring and firing and the terms of employment of the staff of the Central Elgin Planning Office;

14. Prior to considering the budget of the Central Elgin Planning Office, and prior to making recommendations to the City Corporation on the matters referred to in the next preceding paragraph, the Municipalities may seek recommendations from the Central Elgin Planning Advisory Committee.

15. The Municipalities acknowledge that there are no longer any physical assets of the former (dissolved 1983) Central Elgin Planning Board other than documents or files relating to the specific Municipalities or their predecessors. Any physical assets, equipment leases and software licenses acquired through the operating budget or reserves of the Central Elgin Planning Office for its use, belong to the Municipalities jointly. Upon termination of the operation of the Central Elgin Planning Office, the said assets, (or the sale proceeds therefrom), together with any remaining reserve funds, shall be divided between the Municipalities in the same proportions as they contributed to the expenses of the Central Elgin Planning Office during its last year of operation.
16. All documents and related files relating to specific Municipalities or their predecessors remain the property of the Municipalities to which they respectively relate, but they shall be deemed to be loaned to the Central Elgin Planning Office during its period of operation.
17. Either of the Municipalities may hire students from time to time to work under the direction of the staff of the Central Elgin Planning Office. The Municipality hiring the student shall pay the student's wages or salary.
18. The Central Elgin Planning Office shall remain in the premises occupied by it on December 31, 2007. For the purpose of calculating the expenses of the Central Elgin Planning Office, there shall be a rental payable to the City Corporation in the amount of \$499.58 per month, which expense may be altered by negotiations.
19. This Agreement shall be in force and effect for the period commencing January 1st, 2008 and ending December 31st, 2011.
20. Each of the Municipalities hereby undertakes and represents that all necessary By-laws shall be introduced and passed as a matter of assuring that each Municipality properly and legally authorized to be a participating Municipality to this Agreement and all of its provisions.
21. The invalidity of any particular provision of this Agreement shall not affect any other provision herein, but this Agreement shall be construed as if the particular provision were omitted.
22. The Agreement shall not be binding upon either Municipality until it has been signed by the head of Council and the Clerk of each Municipality.
23. The Agreement dated September 20th, 2004 is terminated.
24. This Agreement shall be binding upon and enure to the benefit of the Municipalities and their corporate successors.
25. The parties agree that notwithstanding anything to the contrary in this Agreement, any party hereto may terminate this Agreement at any time on not less than one year's written notice by registered mail to the other party for such purposes, the address of the Corporation of the City of St. Thomas shall be:

545 Talbot Street
St. Thomas, Ontario
N5P 3V7

and the address of the Corporation of the Municipality of Central Elgin shall be:

450 Sunset Drive
St. Thomas, Ontario
N5R 5V1

IN WITNESS WHEREOF, the parties have hereunto affixed the hands of their Officers under the seals of the Corporations.

THE CORPORATION OF THE CITY OF ST. THOMAS

Mayor

Clerk

THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN

Mayor

Clerk



Corporation of the
City of St. Thomas

23

Report No.
ES145-07

File No.
04-113

Directed to:	Alderman Tom Johnston, Chair, and Members of the Environmental Services Committee of Council
Department:	Environmental Services
Prepared by:	John Dewancker, Director
Subject:	Solid Waste Management Service – Update on Negotiation Regarding Waste Management Contract Extension.

Attachment
- Waste management Service Plan

Date
December 17, 2007

Recommendation:

- That report ES145-07 be received as information.
- That for the purpose of establishing a new contract for the provision of Solid Waste Services to the City of St. Thomas, Council support the pursuit of option 2 for the renewal of a Waste Management Contract with the Green Lane Environmental Group as outlined in report ES145-07.
- That this report be forwarded to the law firm of Siskinds LLP, c/o the Green Lane Environmental Group, Limited Partnership (Attention: Andrew Wright) with a requirement that all principles of a contract renewal between the City of St. Thomas and the Green Lane Environmental Group be firmly established prior to February 8, 2008.

Origin:

- The current Solid Waste Service Contract between the City of St. Thomas and the Green Lane Environmental Group expires on March 1, 2008. If the City of St. Thomas wishes to exercise the option to review and extend the term of the current contract, Section 15 of the current agreement requires that such notice be provided by the City prior to March 1, 2008.
- During the latter part of 2006, in conjunction with the then impending purchase of the Green Lane landfill by the City of Toronto, a Select Committee on Waste Management Issues was established to create a liaison between the City of St. Thomas and the City of Toronto and also to review and make recommendations on the current and future provision of Solid Waste Management Services to the City of St. Thomas.
- On April 10, 2007, Council received a copy of the City letter of April 5, 2007, in respect to the Renewal of Contract Option with the Green Lane Environmental Group and the Members agreed that the Select Committee should meet with Mr. McCaig, President, and bring information back to Council. A further update about the May 2 meeting between the Select Committee and Mr. McCaig was provided to Council by Alderman Johnston at the closed session of the Council meeting of May 7, 2007. The Members, by consensus directed that the negotiations continue with Mr. McCaig.
- On July 16, 2007 Council formally established a Solid Waste Management Working Group Committee composed of Alderman Johnston, Mayor Barwick, Bill Day, Treasurer, Wendell Graves, City Clerk and John Dewancker, Director, Environmental Services for the purposes of negotiating a future Solid Waste Management Contract. Also, Mr. John Sanders, City Solicitor has been assisting the Solid Waste Management Working Group Committee.

Analysis

As noted in the above report section, a number of meetings (5) between City representatives and a representative of the Green Lane Environmental Group have been organized to determine the basic principles of a negotiated extension to the current Solid Waste Service Contract between the City of St. Thomas and the Green Lane Environmental Group. These meetings were on the following dates:

A summary of the issues that have been identified during these preliminary negotiations and which will need to be addressed in a waste service contract extension, has been prepared and is outlined below.

I Level of Service

The current contract for the collection and processing, including disposal, of solid wastes generated by the municipality, provides for the following level of service:

- Collection, processing and disposal of recyclables, compostables, and residual waste-to-landfill, generated by residential, institutional and commercial developments with 1 to 6 dwelling units as well as the collection and processing of recyclables and compostables, generated by residential,

commercial and insllutlional development with more than 6 dwelling units. As of July 2007, there are approximately 12,108 units of the first class of developments in the City of St. Thomas. There are also 3,347 units in residential/commercial/institutional developments with more than 6 dwelling units, which are entitled to receive a collection and processing service for their recyclables and compostables under the current City contract with the Green Lane Environmental Group. A recent telephone survey conducted by the Environmental Services Compliance Coordinator confirms that not all of these properties (of the second class) are currently receiving this recyclables/compost collection service.

- Possible Adjustment of the Level of Service

During the last four years, the City of St. Thomas has received a number of requests to expand the current Waste Collection Service to include residual solid waste collection, generated by developments with more than 6 dwelling units. In particular, owners of recently built condominium units within new condominium developments (with more than six units) have requested that they be provided with a residual waste collection service by the City. The reason for this request is that these condominium owners feel that they are paying twice for waste collection (once through their property taxes and once through their condominium fees which would also pay for a waste collection and disposal service, contracted by the condominium corporation).

Upon review of this matter, the Select Committee has pursued the option to augment the level of the Waste Management Service as part of the negotiation for a contract extension and has considered the option of augmenting this level of service to include the residual waste collection from all condominium developments and all residential developments with rental housing with a number of dwelling units between 7 and 24. The number of additional dwelling units that would receive the residual waste collection service in the City is 359 condominium units spread over 10 properties and 710 rental units, spread over 53 properties, respectively. A map showing the location of these properties, is attached herewith for the information of the Members.

It must be noted that these dwelling units are currently entitled to receiving a waste collection service for recyclables and compostables under the current City contract with the Green Lane Environmental Group and that a request for an augmentation in the level of service of the contract extension would be limited to the City receiving a quotation for the collection and disposal of the residual waste-to-landfill only, generated by these developments. The negotiation regarding the additional cost for this potential augmentation in the level of service, affecting a total of 1069 dwelling units at 63 properties is yet to be concluded satisfactorily between the City and Green Lane.

II Options for a future Waste Management Contract

The following options for a Waste Management Contract renewal are available to the City:

OPTION 1:

Extend the current contract "as is" with the Green Lane Environmental Group in accordance with Section 14 of the current agreement (Schedule "B" to the amending agreement). This section reads:

"Options to Renew

The Municipality shall have two (2) options to renew this Agreement, in each case for five (5) year renewal terms; and in order to exercise such renewal option, the

Municipality shall give the Contractor at least (1) year's notice of intention to extend the term of this Agreement; and during any such renewal, the terms and conditions of this Agreement, except these rights of renewal, shall continue to apply with all appropriate adjustments to language and to the annual contract price, *mutatis mutandis*."

The above clause confirms that, if the City wishes to extend the current contract, a formal notice of renewal of contract must be provided by the City to Green Lane prior to March 1, 2008. Also, the terms and conditions of such contract extension would generally need to be consistent with those of the existing contract subject to any appropriate adjustments to language and to the annual contract price.

OPTION 2:

Extend the current service contract with the Green Lane Environmental Group, while incorporating into the contract extension a number of service level adjustments as deemed to be required and appropriate to suit the service delivery needs by the City to the Community during the next contract term.

During the above noted 5 meetings with Mr. McCaig, the Select Committee has been pursuing this option of contract extension, where such extension would address a few needed adjustments within the scope of the Waste Management Service or in the clarity of various provisions, included in the current agreement. The basic principles and terms of such contract renewal need to be established first before a new agreement can be framed around these agreed upon principles and terms. In this regard, the scope of

services (existing service and possible augmentation) of the contract and any added clarity to the existing terms of the current agreement would entail the following:

i) Scope of Services

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- Scope of Services to be provided under the contract extension to be the same as the scope of Services to be provided under the current contract. This includes services currently provided at no charge or a reduced charge to the City of St. Thomas, as outlined in Sections 5 & 6 (contractor covenants) of the current agreement.
- As outlined in section 1, a possible addition of the residual waste-to-landfill component of wastes, generated by multi-unit residential and commercial developments with a number of dwelling units between 7 and 24, would be considered in the contract renewal. This adjustment would require confirmation of the following in the amending agreement:
 - a plan, confirmed by the contractor, to implement this additional Waste Collection Service at each of the involved properties,
 - a base price for bulk service to these multi-unit developments with more than 6 dwelling units (<24).

ii) Clarity of Existing Contract Terms and Conditions

- disposal of the collected residual waste-to-landfill to remain at the Green Lane Landfill, currently owned by the City of Toronto.
- processing facilities (name, location, ownership) for the collected recyclables and compostable materials to be confirmed in the contract.
- standards of service for curbside collection of waste materials to be confirmed in the new contract.
 - frequency for pickup and schedules to remain as per current agreement,
 - containers for recyclables and compostables supplied by contract and to be owned by City,
 - limit on quantity of residual waste collected per household to remain as per current agreement,
 - Waste collection guidelines be approved by the City.
- standards for the collection of waste materials that can/shoud be picked up within private development sites (instead of along municipal roads/curbsides)
 - would include a number of multi-family residential developments (condo and rental),
 - standards for bulk collection service to multi-unit developments over six units,
- standards of service for commercial (1-7 units) and institutional development.
- ownership of compostainers and blue boxes.

iii) General Clauses

- All services by contractor to fully comply with Provincial legislation and Regulations.
- City approval required before contract can be assigned to a different contractor. Change of ownership of contractor corporation to be treated in the same way as an assignment of contract. An assignment would be subject to satisfactory references, financial information and posting of a performance bond.
- Contractor to indemnify City where City faces any claims related to contractor's obligations, service interruptions, etc.
- Default or deficiency of service: subject to notification procedure, City may deduct for deficiencies, recoup for alternate services necessarily hired by City and/or terminate contract.

- Assistance by contractor to the City in its future preparation of a Waste Management Master Plan in compliance with the June 12, 2007, MOE policy statement in this regard.

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iv) Term of Contract

- five years plus four options of 5-year renewals to be exercised at discretion of the City.

v) Cost of Contract

- establishment of the exact number of dwelling units currently served under the contract and to form one of the bases for payment under the new contract,
- (re-)establishment of the formula for adjustments in contract costs in subsequent years including CPI, new dwelling units, fuel adjustment,
- establishment of the base cost of contract in new agreement,
- consideration for any reduction in tipping fee below 61.83 \$/T at the Green Lane landfill to accrue to the benefit of the City of St. Thomas in the establishment of the new base cost of the contract.

OPTION 3: City calls a tender for Waste Management Services with a term of 10-years and two 5-year extension options.

- The pursuit of this option would entail the preparation of a tender that specifies in detail the scope of the Waste Management Services to be provided as well as the expected service levels as noted in option 2.
- In previous correspondence to the Select Committee, Mr. McCaig has indicated that the ownership of the compostainers currently remains with the Green Lane Environmental Group. As a result, in order that the City may continue to provide a curbside compost collection service in the future, under this option, the City could potentially be required to replace all existing compostainers (estimated cost \$1.2M)
- All Waste Management Infrastructure including trucks, transfer station, hazardous household waste depot and with the exception of the landfill is owned by the Green Lane Environmental Group. An alternative contractor would need to re-establish such infrastructure which would necessarily have to be recovered through a new annual household/unit rate.
- Similarly, the human resources assigned to this contract would need to be re-established by a new contractor.

III Conclusion

Upon review by the Working Group Committee members and in conclusion, it is recommended that option 2 for a contract extension be pursued by Council and that the Working Group Committee continue to meet with the Green Lane Environmental Group. On September 30, 2007, Mr. McCaig retired as President of the Green Lane Environmental Group and requested that the negotiation for a contract extension be concluded through his solicitor, Mr. Andy Wright of Siskinds, LLP. As mentioned in a previous section of this report, agreement on a significant number of principles/terms of the renewal agreement is yet to be concluded. These principles of agreement should be concluded prior to February 8, 2008. In order that the City may have a comfort level in providing notice of its intent to renew the current contract before the end of February 2008. Failure to achieve the objective of having these principles and terms of a contract renewal established and agreed upon between both parties may/could require the Select Committee and Council to consider other options.

IV Ownership of the Green Lane Landfill by the City of Toronto

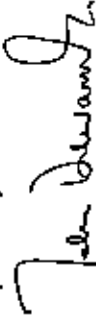
During the latter part of 2006, the City of Toronto acquired the Green Lane Landfill. City Council created the Select Committee on Waste Management Issues to liaise with the City of Toronto and to ensure security of long-term access for the waste disposal needs of the City of St. Thomas to the Green Lane landfill.

A number of meetings have been held between members of the Solid Waste Management Working Group Committee and representatives of the City of Toronto including Mayor Miller, Mr. Geoff Rathbone, Acting General Manager, Solid Waste Management Services and Mr. Steve Whitter, Director, Transfer Processing and Disposal Operations.

A draft Waste Disposal Agreement between the City of St. Thomas and the City of Toronto has been prepared by City of Toronto staff. This draft agreement is being reviewed by the City of St. Thomas and will be the subject of a future report to Council, likely during the month of January 2008.

Members of the Solid Waste Management Working Group will be available to answer any questions by Council at the meeting of December 17, 2007.

Respectfully submitted



John Dewarcker, P.Eng., Director
Environmental Services Department

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other

cc: Mr. B. McCalg, Green Lane Environmental Group



Corporation of the
City of St. Thomas

28

Report No.

ES148-07

File No.

08-339

Date

December 17, 2007

Attachments

Report ES106-06

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

Department: Environmental Services

Prepared by: Ivar Andersen, Manager of Operations &
Compliance

Subject: Talbot Streetscape - Proposed RFP Committee

Recommendation:

It is recommended that;

1. Report ES148-07 be received as information by Council.
2. Council establish a committee to develop the terms of reference for the Request for Proposal for the Talbot Streetscape design.

Origin:

In August of 2006, the City issued an Expression of Interest for Consultants to submit their expressions of interest to prepare a design, including drawings and tender documents, for the Talbot Street Streetscape. Subsequently, by adopting report ES106-06, Council deferred the issuance of a Request for Proposal until further funding is available.

Analysis:

In 2006, an Expression of Interest was advertised inviting consultants with streetscape redevelopment experience to submit Expressions of Interest for the Talbot Streetscape project. In response, four consultants submitted Expressions of Interest. In October 2006, Council deferred the retention of a consultant for this project.

A Request for Proposal should now be developed and issued to the successful Expression of Interest respondents. To facilitate this, it is recommended that a selection committee, composed of various stakeholders, be struck to develop the terms of reference for the Request for Proposal and to select the successful consultant. This committee is recommended to be composed of the following stakeholders and participants:

- two Members of the Downtown Development Board,
- two Aldermen
- one Member of the North American Hall of Fame
- City staff as required (Engineering/Transportation, Parks, Clerk)

It is anticipated that the successful consultant will lead a facilitation process which will result in a final design to be presented to Council for approval.

The City Clerk has also advised that the Talbot Streetscape project may be eligible for funding from the Provincial Government in consort with the proposed redevelopment in the Horton Street Market and the CASO Train Station area of the downtown. Depending on timing and funding availability, it is anticipated that the Talbot Streetscape project can be implemented in co-operation with the Horton/CASO project.

Financial Considerations:

The 2006 and 2007 Capital Budgets allocated a total of \$60,000 for the consultant fees for this project with \$30,000 of this amount sourced by the Green Lane Trust. To date, Green Lane Environmental Services has contributed \$15,000, leaving a total of \$45,000 presently available for the project.

Respectfully submitted

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

Reviewed By: Treasury

Env Services

Planning

City Clerk

HR

Other



Corporation of the
City of St. Thomas

Report No.
ES106-06
File No.

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

Date
October 10, 2006

Department: Environmental Services

Attachment

Prepared By: Ivar Andersen, Manager of Operations & Compliance

Subject: Expression of Interest
Design of Talbot Street - Streetscape Improvements

RECOMMENDATIONS

It is recommended that:

1. Report No. ES106-06 be received for information,
2. Council defer proceeding with an RFP for the Design of the Talbot Street Streetscape Improvements project until sufficient funding becomes available in 2007,
3. Council approve dividing the Talbot Street Streetscape Improvements project into three distinct districts for design and construction purposes.

Origin

In 2003, City Council approved the conceptual streetscape design developed by Envislon, The Hough Group. Subsequently, The Green Lane Trust allocated \$15,000 per year for the design of the Talbot Street Streetscape Improvements project over a 10 year period. To be eligible for this funding, the City of St. Thomas must contribute a similar amount each year for a total allocation of \$30,000 per year over a 10 year period. As a result, an Expression of Interest, EOI, which closed June 23, 2006, was issued to various consultants for the design of the Talbot Street Streetscape Improvements project.

Analysis

Four consultants responded to the EOI and some of these consultants provided ballpark estimates on the amount of time required to complete the design of the project. It appears that at least 1,000 man hours are required to complete the total project. The existing 2006 funding for this project, \$30,000, would not be sufficient to complete this design. Deferring the issuance of a Request for Proposal, RFP, for this project until 2007 would allow the City to accumulate an additional \$30,000 for the project, \$15,000 from the Green Lane Trust Fund and \$15,000 from the City. This would provide a total of \$60,000 to complete a design in 2007. In addition, dividing the project into the three distinct areas as described in the conceptual report, Talbot East, Talbot Central and Talbot West, would permit the City to concentrate design and construction to one area at any one time. This should shorten the timeframe for starting actual construction of the project and would allow the project to be phased to take advantage of the Green Lane Trust Fund annual allocation.

Financial Considerations:

No additional funding is requested for the project at this time.

Respectfully,

Ivar Andersen, Manager of Operations & Construction
Environmental Services

Reviewed By: Env Services

Treasury

Planning

City Clerk

HR

Other



Corporation of the
City of St. Thomas

30

Report No.

TR 47-07

File No.

Date Authored: 12/11/07
Meeting Date: 12/17/07

Attachment:
Horton Farmers Market
Draft By-law

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

Department: Treasury

Prepared By: William J. Day, City Treasurer

Subject: Horton Farmers' Market

Recommendation:

It is recommended that:

1. Report No. TR 47-07 be received
2. A By-law to establish and regulate the Horton Farmers' Market and a Board of Management be approved
3. A minimum of two members of Council be appointed to the Board of Management for the Horton Farmers' Market for the balance of the term of Council

Background:

Earlier this year, the St. Thomas Downtown Development Board indicated that they were no longer prepared to provide administrative support to, or be directly involved with activities related to the Horton Farmers' Market.

Comments:

Following several meetings with representatives from the Downtown Development Board and market vendors, we have drafted the attached By-law to establish and regulate the Horton Farmers' Market and a Board of Management.

Conclusion:

We recommend that Council approve the By-law and appoint not less than two members to the Board of Management for the Horton Farmers' Market for the balance of the term of Council.

Respectfully submitted,

W. J. Day
Director of Finance and City Treasurer

Richard Beachey
Deputy City Clerk

CITY OF ST. THOMAS

BY-LAW NO. -2007

A by-law to establish and regulate the
Horton Farmers' Market and
a Board of Management therefor.

WHEREAS the provisions of the Municipal Act, S.O. 2001, Section 113, permits the Council of a local municipality to establish, maintain and operate a farmers market, a flea market and other similar types of markets;

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

1. The Horton Farmers' Market is hereby established and continued and shall be known as the "Horton Farmers' Market". The Horton Farmers' Market shall be a public market place in and for the said City, wherein all grain, meat, vegetables, fish, hay, straw, fodder, wood, craft items, farm produce of every description, and other articles brought into the City and exposed for sale, may be exposed for sale therein in accordance with the provisions hereinafter contained in that behalf.
2. The area of the Horton Farmers' Market is comprised of the land described as Plan 115, Lots 51, 52, 53, 54, Pt of 50, Horton Market all owned by the City of St. Thomas. The Horton Farmers' Market area is further described through map Schedule "A" attached hereto and forming part of this by-law.
3. The maintenance of the building structures of the Horton Farmers' Market shall be under the jurisdiction of the Property Services Section of the Environmental Services Department.
4. There is established, for the area of the Horton Farmers' Market, a Board of Management to be known as the "Board of Management for the Horton Farmers' Market" (hereinafter called "the Board").
5. There is entrusted to the Board, subject to the limitations hereinafter set out, the operation and maintenance, exclusive of building maintenance, of the Horton Farmers' Market.
6. The Board shall consist of no more than seven members plus two members of Council appointed by Council. Three or more members shall be from the participating vendors from the Horton Farmers' Market, three or more members of the public and two members of Council. A quorum shall consist of fifty percent of the total Board membership, plus one member of Council.
7. Each member shall hold office from the time of their appointment until the expiration of their term of the Council that appointed him/her, provided they continue to be qualified.
8. Where a vacancy occurs from any cause, the council shall appoint a person qualified as set out in Section 6 to be a member, who shall hold office for the remainder of the term for which his/her predecessor was appointed.
9. The members shall hold office until their successors are appointed and are eligible for reappointment on the expiration of their term of office.
10. The Board shall, as soon as possible after its members are appointed, elect a chairperson and vice-chairperson and such other officers as it may deem necessary to properly conduct the business of the Board.
11. The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the City Clerk as soon as possible after the meeting convened thereby.
12. All books, documents, transactions, minutes and accounts of the Board shall, at all times, be open to the inspection of the Municipal Auditor.
13. The fiscal year of the Board shall be the calendar year.

14. The Board shall submit to the Council its operation and maintenance estimates for the current year at the time and in the form prescribed by the Council. The Council in its authority may reject such estimates in whole or in part or provide the money for the purposes of the Board and when money is so provided by the Council the City Treasurer shall pay out such money.
15. The Board may provide, on an annual basis, to the Director, Environmental Services and City Engineer, a summary of capital needs to the Horton Farmers' Market building structures. Such needs will be considered and prioritized with any other capital building needs resulting from building condition assessment(s) undertaken by the Environmental Services Department.
16. Excluding building structures, the Board may make recommendations to the City Treasurer for capital improvements to the Horton Farmers' Market. Such recommendations shall be part of the capital budget process of the City and shall be due to the City Treasurer in the manner and time as decided by the City Treasurer.
17. The Board shall not expend any moneys not included in the estimates approved by the Council.
18. The Board shall have responsibility for the general operations of the Horton Farmers' Market including procurement and the approval of vendors,
19. The Board shall set the daily fees payable by vendors for the use of facilities and property at the Horton Farmers' Market. Such fees for the current year shall be set by April 1 of that year.
20. Saturdays shall be market days. Markets may be held on other weekdays as directed by the Board.
21. The Board may engage, by annual contract, a Market Manager to be known as the "Market Manager", who shall oversee the operation and maintenance, exclusive of building structures, of the Market on a day-to-day basis and who shall answer to the Board. The Board may pay the Market Manager such sum as considered advisable and as approved through the annual operation and maintenance estimates. The Market Manager shall collect and deposit immediately, with documentation showing origin, any sums payable to the City with the Treasurer. The Market Manager shall undertake such other duties as may be assigned by the Board from time to time. The Market Manager may make recommendations to the Board, which, in his/her view, will improve the Horton Farmers' Market. The Market Manager may market the operations of the Horton Farmers' Market as directed by the Board. The Market Manager shall not be considered an employee of the City of St. Thomas.
22. The Board shall ensure that the Horton Farmers' Market land and buildings are clean of waste at the end of each market day. Such cleaning shall include the removal and proper disposal of any waste present on the land or in the buildings generated by the operations of the Horton Farmers' Market. Such cleaning and disposal shall be at the expense of the Board.
23. a) Unless otherwise provided by resolution of Council,
 - i) No vehicle shall be permitted to park in or near the Market building or outdoor shelters excepting on market days in which case, only bona fide vendors shall be permitted to park in or near the tables which they occupy as lessees.
 - ii) No truck shall be allowed to remain on the said Market Place between the hours of 7 o'clock in the afternoon and 7 o'clock in the forenoon of the day next following, and no passage or footway, sidewalk or crossing meant to be used by foot passengers, shall be in any way obstructed on any pretense whatever, and the public streets and lanes shall be kept sufficiently clear for the through passage of the public vehicles, and any passengers, or any public street or land on or adjoining the said Market, contrary to this section, or who refuses to remove such obstruction on being required to do so by the Market Manager, or other person acting in his/her stead, shall be deemed to be guilty of breach of this By-law and shall be dealt with accordingly.

b) Notwithstanding the provisions of subsection (a), the location, time and/or duration of parking of any vehicle on market property shall be subject to the direction of the Market Manager, Bylaw Enforcement Officer or any Police Officer.

c) Any vehicle parked in violation of this by-law may be removed and impounded and any charges resulting from said removal and/or impounding shall be chargeable to the owner of such vehicle.

24. No person shall throw or place any filth, waste of a butchered animal, vegetable matter or refuse, or commit any kind of nuisance upon any part of the said farmers' market, and any persons so doing will be subject to the penalties of this By-law.

25. All persons resorting to the said market place with articles for sale, shall be directed and controlled by the Market Manager, or other person appointed in their stead, in the arrangement of the stands and vehicles and the order in which each shall be placed, and the place that each shall occupy, and no person shall disobey, hinder or molest the Market Manager, or person so appointed, in the discharge of their duty in that behalf. Provided always that where any person has leased any particular stall by the year, or season, such person shall have the privilege of occupying such stall at any time on either of the said market days prior to 9 a.m. after which time, should the said stall remain unoccupied, the Market Manager may release such stall for the balance of that day, collect the proper fee and the said annual lessee shall forfeit their privileges on the said stall for the rest of that day and in this case, no allowance shall be made to the lessee.

26. The market fees in the said market, and all other fees legally imposed, and the charges to be made for the use of Market building tables or other tables, may be demanded and received by the Market Manager of the said market.

27. The market fees shall be imposed upon and collected from any person who shall remain or cause his/her vehicle to remain upon that within sixty meters of the said market, for the purpose of selling upon such street or streets, articles upon or in respect of the said market, PROVIDED however, that nothing in this section contained shall prevent the sale of the articles therein mentioned by any person carrying on business and having an actual and bonafide shop, store or other similar place of business, on those portions of the streets in this section mentioned, nor shall anything herein contained authorize the imposing or levying of any fee in respect of any article so sold or in any vehicle in which the same is contained.

28. No person shall sell or offer for sale on the said market, or upon any part of any street immediately adjoining or surrounding the same, or being within sixty meters of said market, any articles in respect of which market fees may be by law imposed and collected, without having first paid the market fees thereon, PROVIDED however, that nothing in this section contained shall prevent the sale of the articles therein mentioned by any person carrying on business and having an actual and bonafide shop, store or other similar place of business, on those portions of the streets in this section mentioned, nor shall anything herein contained authorize the imposing or levying of any fee in respect of any article so sold or in any vehicle in which the same is contained.

29. The Market Manager or the lessee of the market shall be entitled to receive and collect from the person or persons using the same, such established fees as this council may from time to time determine for the use of stands, tables, etc., on said market inside or outside of the market building structures, whether such stands are supplied by the City or the persons using the same, and such fees shall be deemed to include market fees. Where the rent of a market table is in arrears the Market Manager may distrain any goods being offered for sale at such table, and after six hours notice, may sell such goods so distrained.

30. Whenever any table shall become vacant from any cause during any current year, it shall be the duty of the Market Manager to re-let the same to the best advantage for the unexpired portion of the market lease year.

31. All persons selling goods at the Horton Farmers' Market shall display on the rear of their vehicle, or on their table or at some other point equally visible to the buying public, a sign having thereon the name and address of the seller, such letters to be not less than two inches high and composed of lines of at least one-quarter inch in width.

32. That the lessee of any table shall at all times keep the same and all furniture, implements and appliances therein, perfectly clean and free from anything likely to create or become a nuisance or in any respect offensive; and shall, whenever required so to do by the Market Manager, wash the furniture, implements and appliances used at such table; and in case any table shall be found in an unclean part thereof disfigured, injured or broken, it shall be the duty of the Market Manager to cause the lessee of such table to be prosecuted for an infraction of this by-law, and further to cause such table to be properly cleaned and put into a sanitary condition or repaired, as the case may be, at the expense of the said lessee.
33. Any person exhibiting any article of any kind for sale on the said market, or upon the streets adjoining or surrounding the same, or within one hundred yards thereof, shall, if required, submit such article to the inspection of the Market Manager, who at their option, may take such article and measure or weight the same, and if such article is deficient in weight or measure, the person so exhibiting such article for sale, shall be deemed to have violated the provisions of this by-law.
34. No person shall bring to the market or expose or offer for sale any tainted or unwholesome meat, poultry, fish, vegetables, or other articles of food, and it shall be the duty of the Market Manager and or the Elgin St. Thomas Health Unit, as applicable, to inspect all meats, vegetables or other articles of food exposed for sale. If any such tainted or unwholesome meat, vegetables or other articles of food are found, the health authorities are to be notified.
35. All persons selling goods of any kind at the Horton Farmers' Market shall, at all times, comply with all applicable health regulations.
36. Farm or garden produce and other goods and services approved by the Market Manager may be sold or bartered.
37. Notwithstanding the provisions of Paragraph 27, no person shall sell or offer for sale by public auction in the market place any goods or chattels unless or until they pay the appropriate Market fees for each and every day on which such sale is conducted, and such fee shall be in addition to any other fees in this by-law provided which are applicable to such sale.
38. No person shall give or deliver light weight, short count or short measurement in anything marketed or brought or sold on the said market.
39. It shall be the duty of every person liable to pay the market fee under the provisions of this by-law, relating to the public market, to pay the same to the Market Manager or person entitled to receive the same, when demanded and before leaving the market.
40. Any person, who being liable, shall refuse or neglect to pay the proper market fee fixed or imposed by this by-law, when demanded by the Market Manager or other person duly appointed to receive or demand the same, or who, being liable, shall leave the market place without paying the same, shall be deemed to be guilty of a breach of this by-law, and shall be dealt with accordingly.
41. No butcher, merchant, sales person, grocer or anyone in his, her or their employ, or by any agent, shall directly or indirectly purchase or cause to be purchased, from any farmer or other person, any feed, grain, flowers, shrubs, evergreen trees, or portions thereof, wood, meal, fish, fruit, roots, vegetables, poultry, dairy produce, eggs, or any other articles required for family use, such as are usually sold in the market, before the hour of 10:00 a.m. on any market day, for the purpose of selling again, nor shall anyone of the aforesaid persons nor any other person on his, her, or their behalf, act as the servant or agent of any other individual in the purchase for the purpose of selling again, of any of the above enumerated articles, or of any such article of provision, offered for sale within the said market, before the hour aforesaid.
42. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000.00) as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter 33, or any successor thereof.
43. If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter

may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

44. By-law 144-98 is hereby rescinded

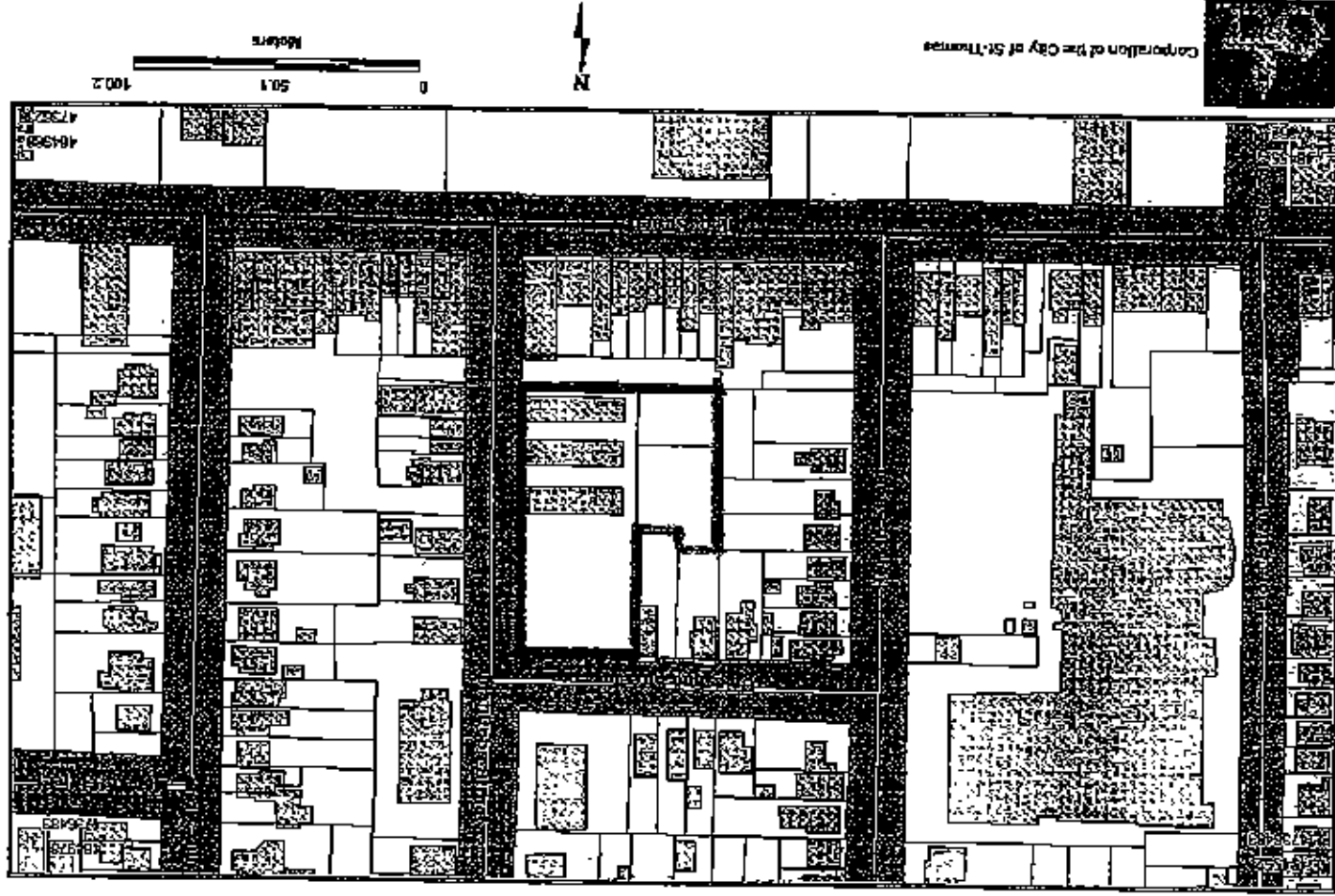
READ a First and Second time this day of , 2007.

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

Wendell Graves, City Clerk

Cliff Barwick, Mayor

SCHEDULE "A"



Area of Horton Street Market

Corporation of the City of St. Thomas

Meters

N

0 50.1 100.2

46-1983
47-302



Corporation of the
City of St. Thomas

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Report No.

CC-56-07

File No.

Directed to:

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

Date Authored:

December 10, 2007

Meeting Date:

December 17, 2007

Department:

City Clerk's

Attachment

By-Law 171-2002

Prepared By:

Wendell Graves, City Clerk

Proposed Public Notice
By-law to be forwarded
under separate cover.

Subject:

Public Notice Policy

Recommendation:

THAT: Report CC-56-07 be received for information, and further,

THAT: Council adopt a Public Notice Policy

Background:

As Council is aware, significant amendments to the Municipal Act were enacted through Bill 130.

To date, Council has considered and appointed a Closed Session Investigator, Council has adopted an Accountability and Transparency Policy and Council has adopted a Delegation of Authority Policy.

The intent of this report is to introduce and seek approval for a policy document relating to Public Notice as required through Bill 130.

While the City of St. Thomas currently provides certain policies relating to notice requirements through such documents as Council's Procedural By-law and By-law 171-2002, the document being presented to Council through this report in essence serves to coordinate public notice requirements of the City and to identify program areas which require specific notice.

Within the amendments to the Municipal Act many specific notice provisions were removed such as notice requirements for the passing of annual budgets. As a result of these changes to the Act, municipalities are required to adopt their own specific notice policies.

The Act requires that municipal public notice policies be adopted by January 1, 2008.

Respectfully,

Reviewed By: _____

Treasury

Env Services

Planning

City Clerk

Human

Resources

Other



Corporation of the
City of St. Thomas

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Report No.

MB-02-07

File No.

Directed to:

Chairman Terry Shackellon and members of the
Finance and Administration Committee

Date Authored:

December 5, 2007

Meeting Date:

December 17, 2007

Department:

Management Board

Attachments

1. The City of St. Thomas 2007
Municipal Accessibility Plan
2. Inventory of Barriers from
the 2005 City of St. Thomas
Accessibility Action Plan

Prepared By:

Joe DeVries, on behalf of Management Board

Subject:

The City of St. Thomas 2007 Municipal Accessibility Plan

Recommendation:

THAT: Report MB-02-07 be received for information; and further,

THAT: Council accept The City of St. Thomas 2007 Municipal Accessibility Plan, as attached to Report MB-02-07; and further,

THAT: Council endorse the process for the City of St. Thomas Municipal Accessibility Plan in 2008, as outlined in Report MB-02-07.

Introduction:

In December 2001, the Government of Ontario passed the *Ontarians with Disabilities Act, 2001*. The purpose of the Act is to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to allow their full participation in the life of the Province of Ontario. To this end, the Act mandates that municipalities prepare an annual Accessibility Plan.

Accomplished in 2007:

The Accessibility Steering Committee, a subcommittee of Management Board, created in late 2006, began meeting in January 2007.

The Accessibility Steering Committee prepared a report (Report MB-01-07) outlining the roles and responsibilities of the Accessibility Steering Committee, Accessibility Committee, City Council and City Departments and the Accessibility Advisory Committee accepted by Council in May. The following resolution was passed:

"THAT: Council direct administration to develop the Municipal Accessibility Plan with input from the Municipal Accessibility Advisory Committee."

Since May, the Accessibility Advisory Committee and the Accessibility Steering Committee have met several times to determine the roles and responsibilities for those involved with the 2007 City of St. Thomas Municipal Accessibility Plan. Also, the committees have agreed upon a final Plan for the current year.

The 2007 Accessibility Plan has been reviewed and accepted by the Accessibility Advisory Committee. Attached to the 2007 Plan is a copy of the inventory of barriers developed by the Accessibility Advisory Committee in 2005.

Once approved by City Council, the attached 2007 Accessibility Plan will be made available to the public (as mandated by the *Ontarians with Disabilities Act, 2001*) via the City's website and hard copies will be made available at the City Clerk's Department in City Hall.

To be Accomplished in 2008:

In the next year, the Accessibility Advisory Committee and the Accessibility Steering Committee have several goals to accomplish to ensure a successful planning process for the 2008 Municipal Accessibility Plan and future accessibility planning.

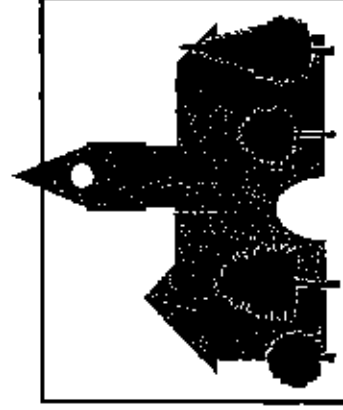
- Accessibility planning is a corporate responsibility, however one department will be assigned a leadership role in ensuring that the planning process is coordinated amongst the various individual departments, boards and agencies overseen by the Corporation.
2. *Establishment of standards for accessibility.*
 - The Accessibility Steering Committee and the Advisory Committee will need to work together to establish standards to measure accessibility in the municipality in areas provincial standards have not yet been developed.
 - Prior to the adoption of any such new standards for accessibility, such standards will need to be reviewed and be subject to further consultation between all stakeholders and also be based on input regarding best practices adopted in other municipalities and government agencies involved with the preparation of municipal accessibility implementation plans.
 3. *Organize the inventory of documented list of barriers into a planning document.*
 - The list of barriers attached as an appendix to the City of St. Thomas 2007 Municipal Accessibility Plan was produced by the Accessibility Advisory Committee in 2005 following site visits and inspections of municipally owned facilities.
 - The Accessibility Steering Committee has initiated a process to organize the excellent work of the Advisory Committee into a planning document that will: organize the identified barriers according to type; identify any existing legislation or regulations that may pertain to the barrier; establish a standard to prescribe to each barrier; estimate of the cost to remove the barrier; and, identify a strategy for the removal of each barrier.
 - The Accessibility Advisory Committee will conduct further site visits of municipally owned facilities in 2008 to update and expand the inventory of barriers. Municipal staff will accompany the Committee during site visits to ensure consistency in the updating of the inventory.
 4. *Setting of accessibility budget.*
 - Priorities will be set, in part, by the availability of funds for each barrier in the inventory.
 5. *Removal of identified barriers to accessibility.*
 - A schedule for barrier removal will be devised according to barrier priority in relation to urgency and funds available for each project.
 6. *Continue cooperative collaboration with Advisory Committee.*
 - The Advisory Committee has requested that a Steering Committee representative be present at their meetings to provide updates regarding the City's accessibility planning, including decisions made regarding the production of the annual Accessibility Plan.
 - Feedback from the Advisory Committee will be used to evaluate the success of the Accessibility Plan and to make corrections or adjustments where necessary.
 - Barrier evidence collected by the Advisory Committee at site visits will be considered in the 2008 Accessibility Plan.
 7. *Completion of the 2008 Accessibility Plan.*
 - The Plan to be submitted end of 2008 will build upon the Plan submitted in 2007.

Respectfully,



Sandra Datars Bere, on behalf of the Management Board

Reviewed By: 		
Treasury	Env. Services	Planning
		City Clerk
		Human Resources
		Other



THE CORPORATION OF THE CITY OF

ST. THOMAS

The City of St. Thomas
2007 Municipal Accessibility Plan

Submitted by
The Accessibility Steering Committee
In collaboration with
The City of St. Thomas Accessibility Advisory
Committee

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General Information:

Mailing Address: City of St. Thomas
545 Talbot Street
P.O. Box 520, City Hall
St. Thomas, Ontario N5P 3V7

Key Contact: The key contact for inquiries regarding the City of St. Thomas Annual Accessibility Plan is the Accessibility Coordinator who acts as the staff liaison between the Accessibility Advisory Committee and the Accessibility Steering Committee:

Sandra Datars Bere, Director, Ontario Works and Social Housing; telephone: (519) 631-9350 ext. 128; e-mail: sdatars_bere@city.st-thomas.on.ca

Population: 36,110 (Census, 2006)

Municipal Highlights:

1. Location:

The City of St. Thomas is located in the heart of Southwestern Ontario, approximately halfway between Toronto and Detroit, and approximately 25 kilometers south of London and 13 kilometers north of the Lake Erie shoreline.

St. Thomas is single tier municipality within Elgin County. Surrounding St. Thomas are numerous picturesque towns, lakeside villages and historic hamlets, each with their own unique charm.

2. History:

In 1852, St. Thomas was incorporated as a village, a town in 1861, and a city in 1881. St. Thomas has encountered a drastic jump in population in recent years - 8.4% from 2001 to 2006, making it one of the fastest growing cities in Southwestern Ontario.

The City became an important railway junction in the late nineteenth and early twentieth centuries, with the construction of an extensive railway system working its way through the City. In total, 26 railways have passed through St. Thomas since the first track was laid in 1856. With the decline of the railway as a mode of transportation in St. Thomas since the 1950s and 1960s, the industry has shifted to that of primary and secondary automotive industry. As St. Thomas moves forward, the railway history is extremely important today. Visitors are drawn to the City every year for many railway-based events, including the Iron Horse Festival and the Day Out With Thomas the Tank Engine.

The recent population increase has amplified expansion. The City has recently built a new community centre and a new home for the aged, as well as completed the transit terminal.

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3. Organizational Structure:

The following departments, boards and entities are under the jurisdiction of the City of St. Thomas:

City Clerk's Department	Airport (44989 Talbot Line) Animal Shelter (100 Burwell Road)
Environmental Services • Engineering • Operations	City Hall, 1 st Floor (545 Talbot Street) Public Works Service Centre (100 Burwell Road) Pollution Control Plant (40359 Bush Line) City Parking Lots (Various Locations) Horton Farmers' Market (Manitoba Street)
Fire Department	St. Thomas Central Fire Station (305 Wellington Street) Captain Dennis Redman Station (235 Burwell Road)
Human Resources	City Hall, 3 rd Floor (545 Talbot Street)
Mayor's Office	City Hall, 2 nd Floor (545 Talbot Street)
Ontario Works	423 Talbot Street
Parks & Recreation Services	Pinafore Park Administration Building (95 Elm Street) St. Thomas-Elgin Memorial Community Centre (80 Wilson Avenue) St. Thomas Timken Community Centre (2 Third Avenue) City Parks (Various Locations)
Planning & Zoning Office	City Hall, Lower Level (9 Mondamin Street)
Police Department	Colin C. McGregor Justice Building (30 St. Catharine Street)
St. Thomas Public Library	153 Curtis Street
Treasury	City Hall, 1 st Floor (545 Talbot Street)
Valleyview Home for the Aged	350 Burwell Road (previous Valleyview Home for the Aged located at 29 Elysian Street)

Glossary:

The Act:

Refers to The Ontarians with Disabilities Act, 2001.

The Plan:

Refers to the St. Thomas Municipal Accessibility Plan.

The Advisory Committee:

Refers to the Council-appointed St. Thomas Municipal Advisory Committee.

The Steering Committee:

Refers to the Council-directed St. Thomas Municipal Steering Committee.

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Council:

Refers to the St. Thomas City Council.

The City:

Refers to the Corporation of the City of St. Thomas.

Disability:

Under the Ontarians with Disabilities Act, 2001 is:

- a. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- b. a condition of mental impairment or a developmental disability,
- c. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d. a mental disorder, or
- e. an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997"

Barrier:

According to the Ontarians with Disabilities Act, 2001, a "barrier" is defined as:

"anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice."

Introduction:

Goal Statement:

The Corporation of the City of St. Thomas is fully committed to enhancing accessibility to enable all people visiting and living in the City with disabilities to live independently, contribute to the community and to encourage the full participation of people with disabilities in the development and review of its annual Accessibility Plan.

Background:

The Accessibility Plan considers barriers to people with

disabilities and ways to remove and prevent them. These barriers can include the municipality's by-laws and its policies, programs, practices, and services. Approximately 1.5 million people in Ontario have disabilities, representing 1 in 7 Ontarians, or 13.5% of Ontario's population. Of the total Canadian population, 12.4% have disabilities. National statistics indicate that 40.5% of people age 65 and over have a disability, 9.9% of people aged 15-64 have a disability and 3.3% of children aged 0-14 have a disability.

In Ontario, 815,930 adults aged 15-64 have disabilities, representing 11% of Ontario's population in the age group. Of the total population of adults in Ontario aged 15-64, approximately 3% have hearing disabilities, 3% have seeing disabilities, 1% have speech disabilities, 8% have mobility disabilities, 7% have agility disabilities, 2% have learning disabilities and 1% have memory disabilities.

The Government of Ontario passed the *Ontarians with Disabilities Act*, in December of 2001. The purpose of the Act is to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to allow their full participation in the life of the Province of Ontario.

Canada has demonstrated its desire to provide those with disabilities full rights through the enactment of the *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*. Further, the Province of Ontario has enacted legislation to further enhance the lives of those living with disabilities. For example:

- *Assessment Act*: provides for exemptions from property taxation where improvements, alterations or additions to existing homes or designated portions of new homes are made or built to accommodate persons with disabilities who would otherwise require care in an institution.
- *Blind Persons' Rights Act*: prohibits discrimination in services, accommodation, facilities or occupancy against blind persons using guide dogs and prohibits persons who are not blind from using white canes.
- *Building Code Act, 1992* and the regulations made under it: establish standards for the construction, renovation and change of use of buildings and structures, including standards related to the accessibility of buildings and structures for persons with disabilities.
- *Corporations Tax Act*: allows employers an additional deduction for the costs of modifying buildings, structures and premises, acquiring certain equipment and providing special training in order to accommodate persons with disabilities in the workplace.
- *Education Act*: includes provisions to address the needs of students with disabilities who have been identified as "exceptional pupils". School boards must provide special education programs and services to these students.
- *Ontario Disability Support Program Act, 1997*: provides a

separate income and employment support program for eligible persons with disabilities. It removes persons with disabilities from the welfare system and provides them with assistance that recognizes their unique needs.

- *Workplace Safety and Insurance Act, 1997*: provides loss of earnings, health care, and labour market re-entry benefits for persons with work-related injuries and disabilities.

Benefits:

The City of St. Thomas recognizes the benefits of preparing an Accessibility Plan annually. These benefits include, but are not limited to:

- Equal access is enhanced for all citizens and their quality of life is improved;
- Barriers within the municipality are identified;
- Barrier-free design principles are incorporated into the planning and development process;
- Municipal workforces include and accommodate more people with disabilities;
- Increasing numbers of people with disabilities are planned for as the population ages and the rate of disability increases;
- Enhances compliance with human rights legislation;
- A wider range of tourists and conferences/conventions are attracted to a municipality when accessibility is used as a marketing tool.

Additionally, accessibility planning in the City of St. Thomas enables the City to draw from a much larger pool of skilled employees. In fact, several studies have found that a majority of employees with disabilities rank average or above average in terms of safety, attendance, and performance of job duties.

Another benefit of accessibility planning is the ability of the City of St. Thomas to tap into new markets. With a disposable income of approximately \$25 billion per year from the 1 to 20% of Canadians with disabilities, the market is too large for the City of St. Thomas to ignore.

All municipalities, regardless of size are now required to prepare annual Accessibility Plans in consultation with persons with disabilities as mandated by the Ontarians with Disabilities Act, 2001.

The Province of Ontario Accessibility Standards:

The development, implementation and enforcement of accessibility standards concerning goods, services, accommodation, facilities, buildings and employment... Improvements will be phased in, in stages of 5 years or less,

moving towards an accessible Ontario in 20 years. These standards will be developed by the Standards Development Committees composed of members of the disability community, business sector representatives, and government. Standards will be mandatory for public and private sectors to address the full range of disabilities, including physical, sensory, mental health, developmental and learning. Some of the standards may be common to all industries and businesses; others may be specific to a certain sector. Common standards will be developed in customer service, transportation, built environment, employment, and information/communications. Transportation is an example of a sector-specific standard that will be developed. Additional sector-specific standards may also be developed.

Additionally, three new provincial accessibility standards will be developed in the near future. The AODA has enforcement provisions that give the Province of Ontario the power to impose fines of up to \$100,000 on private and public-sector organizations that fail to demonstrate compliance with the legislation.

The following are the legislated, proposed and up-and-coming accessibility standards:

1. Customer service:

- Refers to delivering service to the public, and could include business practices and employee training.
- Accessibility Standards for Customer Service were passed into law in July, 2007. It will come into force on January 8th, 2008.
- The Customer Service Standard can be found here:

http://www.e-laws.gov.on.ca/html/source/regs/english/2007/elaws_arc_rega_r07429_e.htm

2. Transportation:

- Refers to requirements of passenger transportation vehicles, services and organizations in dealing with persons with disabilities.
- The Initial Proposed Transportation Accessibility Standard was posted on June 27, 2007 for public feedback. The public review period closed September 28, 2007. If approved by the Minister, the Standard will become law.

3. Built environment:

- Refers to access to, from and within buildings and outdoor spaces, and could include counter heights, aisle/door widths, parking, and signs, as well as pedestrian access routes and signal systems.
- A Built Environment Accessibility Standards Committee was announced in the summer of 2007. The Committee will make recommendations to the Minister regarding Built Environment Standards. If endorsed by the Minister, they will become law.

4. Employment:

- o Refers to hiring and retaining paid employees/workers.
 - o An Employment Accessibility Standards Committee will be announced in the summer of 2007. The Committee will make recommendations to the Minister regarding Employment Accessibility Standards. If endorsed by the Minister, they will become law.
5. Information and Communications:
- o Refers to, but is not limited to, information and communication provided to the consumer or end-user through print, telephone, electronically and in person.
 - o The Information and Communications Standards Committee has been chosen and is meeting to develop Information and Communications Standards. If endorsed by the Minister, they will become law.

Purpose and Scope of the Plan:

This report describes the status of work undertaken in 2006 and 2007 to identify, remove, and prevent barriers that limit the participation of residents and visitors who have disabilities. Secondly, it describes projects and multi-year initiatives that will be undertaken in 2008, to bring the City of St. Thomas closer to its goals of being inclusive and fully accessible. Thirdly, the report describes how the City is preparing to meet legislated requirements of the Ontarians with Disabilities Act. Finally, the City of St. Thomas will take steps to follow the newly enacted accessibility standards and the standards developed in the future. As a result, the 2007 Municipal Accessibility Plan for the City of St. Thomas is both an annual report and a blueprint of where the City is heading.

Since 2001, the Transportation Committee, and subsequently, the Accessibility Advisory Committee, had the sole responsibility of the production of the Plan. This year, St. Thomas City Council appointed a Municipal Accessibility Steering Committee to work closely with the City's Advisory Committee in the production of the Plan.

Vision:

The City's vision in regards to accessibility planning is as follows:

St. Thomas, Ontario: A community where people, regardless of their physical and mental abilities can live, work and play to their full potential.

Guiding Principles:

In achieving the Vision, the City of St. Thomas employs the following principles:

- To promote public awareness and sensitivity to all persons with disabilities;
- To encourage cooperation between all service and interest groups;
- To identify and document relevant issues and concerns;
- To create a community that provides opportunities for barrier-free access to housing, transportation, education, recreation, health care and employment;
- To recognize that the needs of all persons are changing, growing and in need of refinement;
- To embrace the concept of universal design to include both the disabled and the increasing aging population;
- To ensure that policies and practices are maintained in relationship to the development and redevelopment of services and facilities that have regard to persons with disabilities and aging population statistics;
- To ensure that the City receives the maximum economic benefits from building an accessible City, including an increased potential for tourism, retail business and accommodating conventions;
- To encourage public participation and civic engagement in community accessibility issues;
- To ensure that all stakeholders can easily access information concerning accessibility issues;
- To ensure City staff are not limited by preventable barriers present in the place in which they work.

Where there are challenges in meeting the Vision, barriers will occur.

Barriers identified in the past, present and future are prioritized according to their importance. Barriers identified in this Plan may be present in the City's future Accessibility Plans. Each barrier is unique and the Plan sets out priorities and timelines for each barrier, with due regard for fiscal responsibility.

Consultation Activities:

According to the Ontarians with Disabilities Act, 2001:

"Every municipality having a population of not less than 10,000 shall establish or continue an accessibility advisory committee and the council of every municipality having a population of less than 10,000 may establish or continue an accessibility advisory committee."

The City of St. Thomas appointed the first Accessibility Advisory Committee on October 21st, 2002. Since that date, the Committee has had responsibility of the production of the City's Accessibility Plan for each year, including site visits/inspections.

As required by the Act, a majority of the members of the Accessibility Advisory Committee include persons with disabilities. The St. Thomas Accessibility Advisory Committee consists of five members from the community at large, one member from the St. Thomas Access and Awareness Association, one member who is a citizen at large, one member of Council, and one member who is a professional from the community at large.

Municipal Accessibility Advisory Committee:

Working Group Member	Length of Term
Alderman Terry Shackelton	Length of Council Term (2010)
Lesley Buchanan-Cairns	December 31, 2008
Claire Eastwood Jackson	Provincial Order, December 31, 2008
Ed McLachlan	December 31, 2007
Donald Shaw	December 31, 2007
Michelle Sylvester	December 31, 2007
Peter Yurek	December 31, 2008

Plan Development Working Group:

The Municipal Accessibility Steering Committee was created in 2006 to support the development of the Accessibility Plan. The Steering Committee will be responsible for producing the Plan in consultation with the Advisory Committee and seeking approval and guidance from St. Thomas City Council.

The City's Plan Development Working Group (Municipal Accessibility Steering Committee) is made up of a cross-section of senior staff from City departments. Sandra Datars-Bere, Director, Ontario Works, has been appointed as the key contact for the 2008 City of St. Thomas Municipal Accessibility Plan.

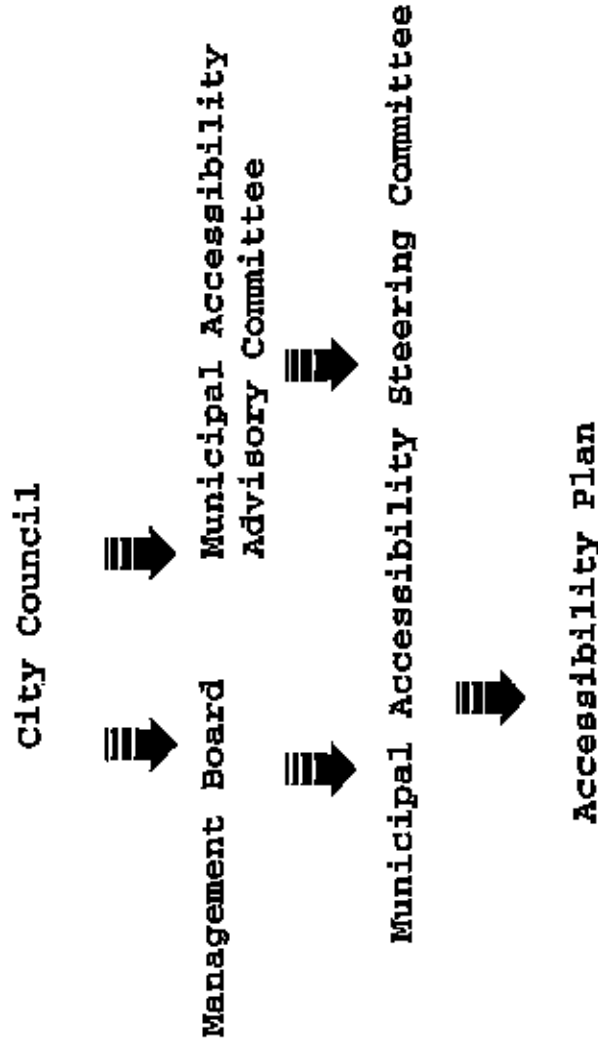
Municipal Accessibility Steering Committee:

Working Group Member	Department Represented	Contact Telephone/E-mail
Sandra Datars Bere	Ontario Works	(519) 631-9350 ext. 128; sdatars_bere@city.st-thomas.on.ca
Graham Dart	Human Resources	(519) 631-1680 ext. 4141; gdart@city.st-thomas.on.ca
Bill Day	Treasury	(519) 631-1680 ext. 4101; bday@city.st-thomas.on.ca
John Dewancker	Environmental Services	(519) 631-1680 ext. 4165; jdewancker@city.st-thomas.on.ca
Pat Keenan	Planning	(519) 631-1680 ext. 4211; pkeenan@city.st-thomas.on.ca
Kent McVittie	Parks & Recreation	(519) 631-1680 ext. 4170; kmcvittie@city.st-thomas.on.ca

Resource Staff: Joe DeVries, City Clerk's Department
(519) 631-1680 ext. 4125
jdevries@city.st-thomas.on.ca

ORGANIZATIONAL STRUCTURE:

The organizational structure for production of the Plan is illustrated as follows:



Roles and Responsibilities:

1. St. Thomas City Council:

- Select and appoint members to the Accessibility Advisory Committee.
- Provide direction to the Accessibility Advisory Committee and City staff on the implementation and review of the Annual Accessibility Plan.
- As part of the capital budget and operating budget process, annually review and adopt the Accessibility Plan as presented by the Accessibility Steering Committee.

2. Departments:

- Develop their own section of the Accessibility Plan.
- Ensure that commitments outlined in their section are implemented.
- Review their section on an annual basis and continue to address the removal of barriers as they are identified.

3. Accessibility Advisory Committee:

- Take direction from Council through Management Board on the Committee's role and responsibility.
- Provide feedback to Council regarding the Annual Accessibility Plan, including the implementation and effectiveness of the Plan to ensure that its objectives are met.

- Advise Council on the accessibility of buildings that the City owns or operates.
- Advise Council on issues of concern to persons with disabilities and assist with strategies for their elimination.
- Advise Council on the effectiveness of Accessibility Plans.
- Work closely with the Accessibility Steering Committee:
 - Complete site visits - recommendations to be forwarded to the Accessibility Steering Committee for consideration in the City's Accessibility Plan.
 - Maintain an open channel of communication in order to keep both committees on track and up-to-date on the progress of the Annual Accessibility Plan.
- Review of Site Plans.
- Review of processes and forms used by each City department.

4. Accessibility Steering Committee:

- Take direction from Council through Management Board on preparation of the Annual Accessibility Plan.
- Work closely with the Accessibility Advisory Committee:
 - Look at and use past, present and future work (inventories, recommendations and Accessibility Plans).
 - Maintain an open channel of communication in order to keep both committees on track and up-to-date on the progress of the Annual Accessibility Plan.
- Develop standards to measure barriers by, and to ensure that provincial standards, once adopted, are followed.

INFORMATION COLLECTION:

Under the Ontarians with Disabilities Act, 2001, the following six barrier types have been identified:

Barrier Type	Barrier Description/Example
Physical Barrier	For example, an aisle or hallway with boxes and/or other obstacles making it difficult for those using wheelchairs, walkers, canes, etc.
Architectural Barrier	For example, a service counter that is too high or aisles too narrow for an individual using a wheelchair.
Informational or Communications Barrier	For example, inadequate signage indicating the location of wheelchair access from a parking lot.
Attitudinal Barrier	For example, old, inaccurate descriptors, along with the inappropriate use of medical diagnoses, perpetuating negative stereotypes. (using "He's mentally disturbed/mentally ill.", instead of "Tom has a mental health condition".
Technological Barrier	For example, some people might find a webpage's layout confusing and difficult to navigate.
Policy or a Practice	For example, the format in which City Council minutes and agendas may not be easily accessible to everyone. A multiple formats policy may be needed.

To date, the Advisory Committee has compiled an extensive inventory of barriers present in City-owned buildings. This year, the goal of the Accessibility Steering Committee was to use this inventory as a solid starting point.

The Advisory Committee has identified an inventory of barriers. The Steering Committee has expanded and reformatted that inventory of barriers, as presented in this year's Municipal Accessibility Plan.

SECTION 7**Promotion of the Plan**

The St. Thomas Municipal Accessibility Plan would be promoted using the following methods:

- a) Hard copies would be placed in all Libraries (Main and Branches); Lower-Tier Municipal reception counters; and various agencies that deal with persons with disabilities.
- b) Electronic format – on the City's Web Site
- d) Provision of criteria checklist to accompany applicable building applications (available in 2004).

RECOMMENDATIONS

1. THAT the St. Thomas Accessibility Advisory Committee recommends to the Council for the City of St. Thomas that the following identified barriers to persons with disabilities and the resolution measures be adopted. The recommendations detailed below have been rated according to the following Categories:

- #1 B High Importance B measures to be undertaken to address the barrier as soon as possible
- #2 B Medium Importance B measures to be undertaken to address the barrier within the next five years
- #3 B Low Importance B measures to be undertaken to address the barrier when renovations occur.

ATTITUDINAL BARRIERS

CATEGORY	BARRIER AND RESOLUTION
1	Attitudes towards persons with disabilities requires education and in service sessions to train employees how to deal with Residents, co-workers and the public

INFORMATION/COMMUNICATION BARRIERS

CATEGORY	BARRIER AND RESOLUTION
1	Signage throughout all buildings to be in Braille and raised letters no higher than 48" from the floor, and placed in standardized location
1	Elevator floor buttons and selection panel to include Braille and be positioned no higher than 48" from the floor. Emergency telephone to be positioned no higher than 48" from the floor
1	Investigate acquiring TTY device
1	Create website version for visually impaired
1	Re-mark appropriately sized disabled parking spaces and install suitable signage
2	Fire pull station and extinguishers to be lowered to no higher than 48" from the floor
2	Investigate computers to communicate with hearing impaired
2	PCs are to be compatible for Braille translation software. Purchase screen readers called JAWS (Job Access With Screen Reading). Purchase Braille keyboard and software called Dragon Dictate, which allows a person to dictate the information and writes it down. Install Braille embosser, which is used like a printer. Install soundtrack on narrative for hearing impaired

2	Human Resources and Health & Safety reading material to be in multi-format
3	Voice annunciators for floor positions to be installed in elevators

POLICIES AND PRACTICES BARRIERS

CATEGORY	BARRIER AND RESOLUTION
2	All policies, warnings and notices to be available in multi-formats

PHYSICAL/ARCHITECTURAL BARRIERS

CATEGORY	BARRIER AND RESOLUTION
General	
1	All interior exit doors require panic bars
1	Portion of bare/rods in coat closets and hooks in lockers to be lowered
1	Vertical difference in elevation does not exceed 12 mm (sidewalks)
1	Disabled parking space(s) to be identified, signed and promoted for all buildings, shopping areas
2	Install power assist doors on exterior main entrance doors
2	All access ramps and washrooms to have a minimum turnaround radius of 5'
2	All access ramps to be a minimum unobstructed width of 36" inside railings
2	All door widths to be a minimum of 36"
2	All turn-type knobs to be replaced with lever style
2	Lower section of counter for public service areas, e.g. Taxation Office
2	Paths to be constructed to provide access to playgrounds and sports fields
3	Installation of non-glare/indirect lighting in offices and work stations
3	Workstations to be adjustable
3	Water fountains to be barrier free, taking into account needs of blind
3	Playground equipment to be barrier free or add on barrier free section
3	All thresholds to be level with flooring or entrances
3	All light switches to be lowered to no higher than 48" from the floor
3	Should an employee with physical limitations require the use of a leased vehicle to perform duties, a vehicle will be leased that is accessible
Office Ergonomics	
1	Office furniture to be repositioned to allow clear access
2	Equipment stands (fax, printers, etc.) to be at accessible height or be adjustable
3	Replacement desks to be adjustable and with rounded corners
3	Computer terminals B desks and chairs to be adjustable
3	Photocopiers to have controls at accessible height
3	Filing cabinets to be no higher than 4 drawers or purchase revolving side file cabinets
3	Lower bookshelves and informational material
Washrooms	
2	Provide barrier free washroom facilities as per Ontario Building Code.

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3	Showers facilities, where provided, require a bench, well-anchored grab bars, and handheld showerheads. All controls to be within easy reach
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TECHNOLOGICAL BARRIERS

CATEGORY	BARRIER AND RESOLUTION
2	Purchase headsets for visually impaired computer access
3	Install rotational lighting on fire alarm systems

2.. THAT, although some of the items listed under Categories #1 and #2 would require renovations, consideration be given to advance them on Capital Plans, due to their importance to provide accessibility to persons with disabilities.

3. THAT when new or renewal Leases are discussed, consideration be given to the barriers identified and to the recommendations contained in this report.

4. THAT the St. Thomas Accessibility Advisory Committee be authorized to convene a public launch of the St. Thomas at the St. Thomas City Hall, to which members of City Council and interested stakeholders would be invited.

Respectfully Submitted

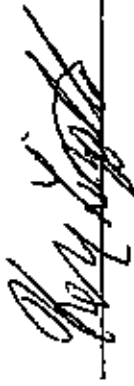
Ed McLachlan
Chair

St. Thomas Accessibility Awareness Committee



Ken Lizotte

St. Thomas Accessibility Awareness Committee



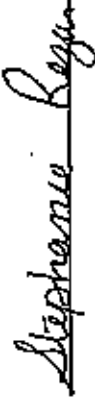
William McCormick

St. Thomas Accessibility Awareness Committee



Stephanie Rezar

St. Thomas Accessibility Awareness Committee



Marilyn Stacey

St. Thomas Accessibility Awareness Committee



St. Thomas Municipal Accessibility Action Plan

Stan Taylor

St. Thomas Accessibility Awareness Committee

Cathy Topping

St. Thomas Accessibility Awareness Committee

Peter Yurek

St. Thomas Accessibility Awareness Committee

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December 12, 2007

City of St. Thomas
Supplies

DEC 12 2007

Mayor Cliff Barwick and Members of St. Thomas City Council
 Corporation of the City of St. Thomas
 545 Talbot Street
 St. Thomas, Ontario
 N5P 3V7

Re: Grant Money Transfer Dates

Dear Mayor Cliff Barwick and Members of St. Thomas City Council,

On behalf of the Board of Directors for the St. Thomas-Elgin Public Art Centre, I would like to thank you for your continued support over the years. The success of the Art Centre would not be possible without your assistance, as the City has been there to help the Art Centre when we needed it the most.

We would like to respectfully request a modification to the way in which our grant is transferred. We understand that it is customary to receive one quarter of our grant in April in order to facilitate the proper management of the Corporation's cash flow and your budget approval process. We are hoping that you will consider making an exception for the Art Centre, and have our transfers continue on a monthly basis throughout the year. The Art Centre experiences a gap in our funding in the first few months in the year, and as you are aware in the past year the Art Centre has had some financial struggles. This modification to the payment process would make a monumental difference to our cash flow situation and help us avoid a temporary closure in the spring, which seems like our only option at this juncture.

Once again, our sincerest thanks to the City of St. Thomas and the members of Council for your continued support and your consideration of this request.

Warmest regards,

Laura Woermke

Laura Woermke
Executive Director / Curator

REFERRED TO	W. O'AY
	E. JOHNSON
FOR	
DIRECTION	☐
REPORT OR COMMENT	☐
INFORMATION	☒
FROM	MARIA KONEFAL

St. Thomas Public Library
Report

To: Council of the City of St. Thomas
Date: December 17, 2007
From: St. Thomas Public Library Board
Re: Building reserve

Purpose:

To provide information and justification for the establishment of a Building Reserve for the St. Thomas Public Library Board

Authorization:

At the November 21, 2007, Regular Meeting of the St. Thomas Public Library Board :

07-82

Moved by T Mercalfe, seconded by L. Baldwin-Sands that the St. Thomas Public Library Board establish a Building Reserve of \$20,000 over 4 years for unfunded building liabilities.

Background:

In the past, any unforeseen repairs to the facility were funded through the City and the insurance. Recently, the \$1,000 insurance deductible was increased to \$10,000.

In 2006, two broken front windows were replaced at a total cost of \$8,200. Five windows have been broken in the past, at repair costs ranging from \$2,500 - \$7,000. The causes of the damage range from missiles (such as vehicular debris, and rifle pellets) to pressure cracks as the building settles.

The St. Thomas Public Library Board has set aside \$5000 in the operating budget for 2007, and recommends an additional \$5,000 annually to a maximum of \$20,000.

Rationale:

In the past we have had flood damage, broken skylights, a damaged light standard, multiple roof leaks, replacement of exterior lighting globes, small arson fires, graffiti on the building and the statue, and broken cement block retaining wall

As the building ages, there is potential for more frequent, and more costly, building issues and emergency repairs. Malicious damage is on the increase.

The Board feels it fiscally prudent to be prepared in the event of unfunded building liabilities.

Impact Financial/Otherwise:

Given the high deductible, it is more likely that we have to pay out of pocket for unforeseen building expenses. In view of the age of the building, we are more likely to have multiple issues in the same year. Repairs may be more frequent and more costly, and more difficult for the library, or the City, to absorb in the regular operating budget.

Recommendations:

- (1) That Council approve the establishment of a \$10, 000 Building Reserve for the St. Thomas Public Library Board for 2008, and apply an additional \$5,000 annually to attain and maintain a maximum of \$20,000
- (2) that the 2008 reserve contribution be included in the 2008 budget for Council's consideration.


Terry Metcalf, Chair,
Finance Building & Grounds Committee



Corporation of the
City of St. Thomas

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Report No.
PR-16-07
File No.

Directed to:

Alderman Bill Aarts and Members of the
Community Services Committee

Report Date

December 6, 2007

Meeting Date

December 17, 2007

Attachments

Department: Parks and Recreation

Prepared By: Dianne Morgan, Manager of Culture and Recreation

Subject: Renaming of Park Pavillions

Recommendation

THAT: City Council accept Report PR-16-07, entitled "Renaming of Park Pavillions," and,

THAT: the pavilion names recommended by the Parks and Recreation Naming Committee be adopted and implemented by the Parks and Recreation Administration for the 2008 season.

Recommended Names

Pinafore Park

Current Name
South Shelter
West Pavillion
East Pavillion
Woodlot Shelter

Recommendation
The St. Thomas Street Railway Pavillion
The Dance Pavillion
The Marshall Fields Lakeside Pavillion
The Woodlot Shelter

Waterworks Park

Current Name
North Shelter
South Shelter

Recommendation
The Lilly Pond Pavillion
The Hubert's Grove Pavillion

Background

Origin

In the summer of 2003, Reports CS-25-03 and CS-30-03 were presented to City Council recommending the renaming of the 5 picnic pavillions/shelters located at Pinafore Park and the two shelters at Waterworks Park. As explained in these reports, the pavillions are named solely based on their geographical location within the parks. The geographical names often create confusion among users, particularly if they have booked space in the West pavillion, which itself is divided into east, central, and west sections.

The established Naming Committee has also been requested by Council to give consideration to designating a prominent park feature in honour of Marshall Fields, the long-standing St. Thomas Parks Superintendent who passed away in November of 2007.

Committee members propose naming the pavillions for historical themes, events or persons pertinent to the development of the parks throughout history as an appropriate approach within these parks, which have such a rich heritage. It is further recommended that the geographical reference (i.e. east, south and west) to the location of the pavillions be retained in parentheses on permits and application forms for one or two years as the transition to the new names occurs. The following rationale has been developed for each proposed name:

Pinafore Park

Recommendation

The St. Thomas Street Railway Pavillion

Rationale

The St. Thomas Street Railway was instrumental in the early development of Pinafore Park. The Railway developed the park as a destination to encourage ridership in the late 1800s. The naming of a pavillion in the park to acknowledge this rich heritage is an appropriate tribute.

Recommendation

The Marshall Fields Lakeside Pavillion

Rationale

Marshall Fields was employed by the city for 47 years, 24 of them as the Parks Superintendent. His loving care of Pinafore Park and his affection for the lake endured to the time of his death in November of 2007. Mr. Fields also had a family association with the boathouse and park concessionaire through his wife, Dolly.

The Dance Pavillion

the second level of this pavillion was built as a dance hall and was a very popular destination during World War II and the 1950s

The Woodlot Shelter

no need for change -- located beside the Carolinian woodlot at the park's south end

Waterworks Park

Recommendation
The Lily Pond Pavillion

Rationale

named for the trademark feature of Waterworks Park -- the lily ponds were created in 1932 by excavating the then-swampy "Poney Ponds"

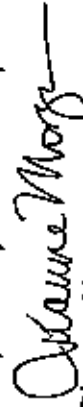
Hubert's Grove Pavillion

the original name of the 10.5 acres of additional land purchased by the City in 1890 to help form Waterworks Park, to remain in use solely as a public park

Financial Considerations

The cost associated with the installation of new signs is expected to be accommodated within the 2008 operating budget and is estimated to be less than \$3,000. Our department expects to develop interpretive historical signs as part of a larger heritage initiative and these are not included within the scope of the naming committee.

Respectfully Submitted,



Dianne Morgan
Manager of Culture and Recreation
Parks and Recreation Services

Reviewed By: _____

Treasury

Env Services

Planning

City Clerk

HR

Other



Corporation of the

City of St. Thomas

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Report No.

ES146-07

File No.

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

Date

December 17, 2007

Department: Environmental Services Department

Attachment

Prepared By: Dave White - Supervisor of Roads & Transportation

Subject: Lions Club Autofest Cruise Night – Request for Talbot Street Closure.
5:30 p.m. to 9:00 p.m. - June 14, 2008

Recommendation:

THAT: Report No. ES146-07 be received for information; and further,

THAT: Council permit Talbot Street to be closed between Alma Street and St. Catherine Street on Saturday June 14th between the hours of 5:30 p.m. and 9:00 p.m. to allow for the Lions Club Autofest Cruise Night.

Report:

Origin

On November 1, 2007 the Special Events Committee reviewed the special events application from Mr. Robert Burns and the Lions Club St. Thomas, which includes the requirement for the closure of Talbot Street from Alma Street to St. Catherine Street. The Special Events Committee subsequently approved the submission.

This approval is conditional on The Lions Club providing a certificate of public liability and property damage insurance with a covering limit of \$5,000,000.00 and naming the Municipality as additional insured.

The approval of Council is required for the closure of Talbot Street.

Analysis

The request is for the closure of Talbot Street between Alma Street and St. Catherine Street on Saturday June 14th between the hours of 5:30 p.m. and 9:00 p.m. to allow for the Lions Club Autofest Cruise Night. The event will be a display of old vehicles and a pit crew challenge for high School auto shops.

It is recommended that Council permit the above closure.

Financial Considerations:

Costs associated with the Installation of this road closure will be contained in the 2008 Operating Budget and will be coordinated by the Roads and Transportation staff.

Alternatives:

No alternatives presented at this time.

Respectfully submitted


Dave White, C. Tech - Supervisor of Roads and Transportation
Environmental Services

Reviewed By:

Treasury

Env Services

Planning

City Clerk

HR

Other



Corporation of the
City of St. Thomas

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Report No.
ES147-07
File No.

Directed to:	Chairman David Warden, Members of the Protective Services and Transportation Committee	Date	December 17, 2007
Department:	Environmental Services	Attachments	- Confirmation Letter from Leeds Transit - Copy of report ES99-07
Prepared By:	Dave White C. Tech - Supervisor of Roads & Transportation		

Subject: Request for Proposal 07-727
Option to Purchase Additional Buses In 2008

Recommendation:

THAT: Report ES147-07 be received for information; and,

THAT: Council exercise the option submitted under RFP 07-707 by Leeds Transit Inc to supply 2 additional General Coach/Thor Industries 36' International 32 Seated Passenger Capacity Low Floor EZ-Trans buses at the amount of \$416,815.68 including applicable provincial taxes; and further,

THAT: Municipal Accessibility Advisory Committee requirements, St. Thomas Transit Identification and Licensing be added to the 2 buses at a cost not to exceed \$9,000.00 each; and further,

THAT: A By-law and Purchase Order be prepared to authorize award for the purchase of the two additional buses with delivery expected (for all four buses) by June of 2008; and further,

THAT: A copy of the by-law and purchase order be forwarded to the Ministry of Transportation Transit Policy and Programs Office for their potential allocation of 2008 Ontario Bus Replacement Program Funding for one replacement bus; and further,

THAT: Should 2008 Ontario Bus Replacement Program Funding be allocated for the replacement bus, the allocation be credited to the vehicle and equipment reserve account.

Origin

At the meeting of November 19, 2007 during the 2008 Part 1 Capital budget discussions, Council approved the purchase of one replacement and one new transit bus. The replacement bus (replacing TR-9702 a Champion Solo) was approved at \$380,000.00 from the vehicle/ equipment reserve fund. The new bus was approved at \$225,000.00 from the Provincial Gas Tax Reserve funding.

The Ministry of Transportation has not yet confirmed a 2008 OBRP funding program, the percentage of allocation, or the City of St. Thomas allocation amount. The City of St. Thomas has provided an advance submission of Capital budget of an estimated \$400,000.00 for the replacement of one Conventional bus unit number TR-9702, the second of two Champion Solo 32' buses. This information will need to be forwarded to the Ministry of Transportation with actual costs should the option be exercised by Council.

Analysis

On August 20, 2007 purchase order No. 143015 was issued to Leeds Transit Inc. with reference to Proposal RFP 07-707. As a result, we are expecting delivery of the two General Coach/Thor Industries 36' International 32 Seated Passenger Capacity Low Floor EZ-Trans buses from Leeds Transit in May or June of 2008.



Included in RFP 07-707 was an option for the City to purchase one or two additional buses in 2008. All respondents were required to provide the costing for this option and all respondents complied. In addition to their submission, Leeds Transit has confirmed in writing (letter attached) that should the City wish to order additional buses for 2008, the price of the buses would not increase and delivery of all four buses would be June 2008.

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Receiving the three replacement buses in 2008 will completely update the St. Thomas Transit bus fleet of 10 vehicles (two of which are currently out of service) and the new bus in 2008 will provide an 11th vehicle for the potential 5th route late in 2008. Four transit buses of this size will provide additional capacity on the system as well as increased accessibility for the current and future ridership.

The next scheduled bus replacements are 2 buses in 2011, 1 bus in 2012 and 1 bus in 2013.

Financial Considerations:

Should the recommendations in this report be approved and two additional buses ordered from Leeds Transit Inc., the following financial savings would be realized.

One Replacement Bus

2008 Capital Part 1 Approval Vehicle/Equipment Reserve	2008 Requirement Vehicle/Equipment Reserve	Savings Vehicle/Equipment Reserve
\$380,000.00	\$217,407.84	\$162,592.16

One New Bus for Expansion of Service (5th route proposal)

2008 Capital Part 1 Approval Provincial Gas Tax Reserve	2008 Requirement Provincial Gas Tax Reserve	Savings Provincial Gas Tax Reserve
\$225,000.00	\$217,407.84	\$7,592.16

Alternatives:

- Order one additional bus for 2008 from Leeds Transit and produce a new RFP for the supply of one transit bus in 2008
- Do not order the two additional buses for 2008 from Leeds Transit and produce a new RFP for the supply of two transit buses in 2008.

Respectfully,



Dave While, C. Tech - Supervisor of Roads and Transportation
Environmental Services

Reviewed By: Treasury Env Services Planning City Clerk HR Other



Leeds Transit Inc

November 28, 2007

City of St Thomas
545 Talbot Street
St Thomas, ON
N5P 3V7

Attention: Mr. Mike Hoogstra
Purchasing Agent

Reference: RFP No. 07-727.

Fully Accessible 30' to 35' diesel urban coaches.

Mike,

Leeds Transit has ordered the two coaches for the City of St Thomas as per purchase order number 143015 & an anticipated delivery of April/May 2008.

The above RFP No. 07-727 states "The City, as an option, may also purchase one (1) or two (2) additional coaches in 2008".

Leeds Transit have ordered 2008 model year International chassis to fill the current order & Leeds Transit want to advise the City that there will not be a price increase in 2008 should the City decide to exercise this purchase option.

If the City should exercise this option by years end (2007) these two (2) additional coaches would have an anticipated delivery of June 2008.

Sincerely,

Garry Ladner
Leeds Transit Inc.

CC: Mr. David White



*Prepared for
Today and Tomorrow*



Corporation of the
City of St. Thomas

67

Report No.

ES99-07

File No.

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

Date
August 13, 2007

Department: Environmental Services

Attachments

Letter of Agreement Re:
2007 OBRP Funding

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

Subject: Request for Proposal 07-727
ONE (1) OR TWO (2) FULLY ACCESSIBLE
30' TO 35' DIESEL URBAN TRANSIT COACH

Recommendation:

THAT: Report ES99-07 be received for information; and,

THAT: Council endorse the proposal submitted under RFP 07-707 by Leeds Transit Inc to supply General Coach/Thor Industries 36' International (32) Seated Passenger Capacity Low Floor EZ-Trans buses being the highest rated submission based on the set criteria; and further,

THAT: (2) General Coach/Thor Industries 36' International Low Floor EZ-Trans buses as specified in the Leeds Transit submission of RFP 07-707 in the amount of \$416,815.68 including applicable provincial taxes be ordered through a purchase order for intended delivery by December 31, 2007 for the 2007 St. Thomas Transit Service bus replacement needs; and further,

THAT: With the exception of a wider entrance ramp, that the Municipal Accessibility Advisory Committee requests noted in this report be included in the Leeds Transit Inc proposal at an additional nominal cost not to exceed \$2,000.00 each; and further,

THAT: St. Thomas Transit Identification and Licensing be added to the (2) buses at a cost not to exceed \$7,000.00 each; and further,

THAT: The original source of funding for the purchase of the buses, additional accessibility committee items, licensing and transit identification, be the Provincial Gas Tax Reserve account as approved in the 2007 capital budget part 1 at a maximum of \$480,000.00; and further,

THAT: A By-law is prepared to authorize award for the purchase of these buses; and further,

THAT: A copy of the by-law and purchase order be forwarded to the Ministry of Transportation Transit Policy and Programs Office for their allocation of the 2007 (2 buses) Ontario Bus Replacement Program Funding expected to be 24.04% of the purchase price before taxes for 2007 (estimated at \$96,780.96).

Origin

At the meeting of December 12, 2006 Council approved a maximum of \$480,000.00 of Provincial Gas Tax funding during the 2007 Part 1 Capital budget submission for the purchase of (2) replacement conventional transit buses. The unit numbers that were identified and approved for replacement were TR-9801 a Ford Cutaway with no lift device (\$100,000. estimated replacement cost) and TR-9701 a Champion Solo 32' Bus (\$380,000. estimated replacement cost) which has been retired and awaiting replacement. The financial totals were based on information known at the time of submission.

In addition to the Provincial Gas Tax Funding there is another potential funding source. The new Ontario Bus Replacement Program (OBRP) Funding that commenced January 1, 2007 allows Municipalities who have provided the required replacement bus planning documents, to qualify for 24.04% (2007 percentage) subsidy for the replacement of Conventional Transit buses. The City of St. Thomas has applied for and received confirmation of OBRP funding (letter of agreement attached), which is based on an advance Capital budget submission for the replacement of the two conventional buses specified. The upper limit for eligible 2007 funding allocation calculation for the City of St. Thomas is \$144,234.00, which was based on our advance submission of an estimated \$500,000.00. The actual allocation will be recalculated based on the actual purchase order amount before taxes.

In order to receive the 2007 OBRP funding, the City of St. Thomas must provide a Letter of Agreement (already completed), supporting By-law and copy of the purchase order for the replacement buses purchased and planned to be received by December 31, 2007. Once these are received The Ministry of Transportation Transit Policy & Programs Office, they will release the appropriate funds based on the program parameters to the upper limit of eligibility.

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It should be noted that if the By-law and purchase order were not provided to The Ministry of Transportation Transit Policy & Programs Office, the 2007 funding would no longer be available to the City of St. Thomas.

The Ministry of Transportation has not yet confirmed a 2008 OBRP funding program, the percentage of allocation, or the City of St. Thomas allocation amount. The City of St. Thomas has provided an advance submission of Capital budget of an estimated \$400,000.00 for the replacement of one Conventional bus unit number TR-9702, the second of two Champion Solo 32' bus.

Analysis

Request for Proposal No. 07-727 for the purchase of One (1) or two (2) Fully Accessible 30' to 35' Diesel Urban Transit Coaches for both 2007 and/or 2008 was issued on May 28, 2007. A total of (9) bids were received from (6) different providers by the proposal closing time of June 20, 2007 at 2:00 p.m. This was a very successful process.

It was noted in this RFP that the lowest or any Proposal will not necessarily be accepted and that the submissions would be evaluated according to set criteria and be scored using a consensus approach. Any INCOMPLETE BIDS were not considered.

An analysis was completed of all (9) bids and it was determined that there was one bid that scored the highest according to the set criteria. The set criteria included weighted scores for Pricing, Technical, Service/Logistics, and Ease of operation, Seating Capacity, Understanding and Compliance of RFP and References. This breakdown and analysis represents the rating of the set criteria for all submissions out of a possible score of (85);

RFP 07-727 Set Criteria Rating for all (9) Submissions		
Bidder/Manufacturer	Equipment Specified	Overall Rating by Set Criteria
Pearson - Blue Bird	30' Low Floor Ultra LF	45.91 / 85
Pearson - Blue Bird	30' High Floor Xcel 102	48.68 / 85
Pearson - Blue Bird	35' Low Floor Ultra LF	58.71 / 85
Pearson - Blue Bird	35' High Floor Xcel 102	48.68 / 85
Leeds Transit - General Coach	38' Low Floor EZ-Trans	**62.45 / 85**
Overland Custom Coach - Glaval	30' Low Floor Easy On	53.20 / 85
Creative Carriage - Champlon	34' Low Floor EZ-Trans	49.67 / 85
City View Bus Sales - Eldorado	32' Low Floor E-Z Rider II	61.92 / 85
McNab Bus Sales - Thomas	32' High Floor HDX	57.69 / 85

After the public opening the RFP's were checked for mandatory response requirements and calculation errors. Purchasing and Operations staff has reviewed the bid responses and recommend the proposal be awarded to the bidder with the highest overall rating by the set criteria, Leeds Transit Inc.

In addition to the rating criteria, the Municipal Accessibility Advisory Committee and The Mayor and Members of Council were invited to attend a Public demonstration of as many of the bidders that could attend on Wednesday July 11, 2007 at the downtown transit terminal. A subsequent special viewing of an additional bus was arranged with the Municipal Accessibility Advisory Committee on July 26, 2007 to solicit their comments for the desired style of transit bus of all buses viewed during the above two demonstrations.

The comments received from members of the Committee were that a Low Floor Conventional Transit Bus was desired for additional service accessibility. There was only one documented concern from the Committee Members that cannot be accommodated by the recommended provider or any provider within the (9) submissions is that for a wider access ramp.

The MAXIMUM WIDTH of ramps manufactured for low floor conventional transit buses is 32". The recommended provider has included a 32" wide ramp in their proposal, which is wider than the next highest rated submission.

In addition, the recommended provider has addressed the following concerns and we have confirmation that they will be included in the buses within their proposal at a nominal cost:

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- The two-person seat adjacent to the top of the ramp be removed (or made removable) to make more turning room at top of ramp reducing the seating capacity to 30.
- Yellow tape on floor to designate the aisle way, and on the front of the internal air conditioner.
- Flashing light behind driver for hearing impaired.
- Supply seat belt cutter.
- Yellow tape (and trip hazard) at top of ramp removed.
- Change existing to a sloped right entry grab handle.
- Braille on stop request bells at 2 tie down positions.
- An additional mirror for the driver to view the fare-box and entry door area to increase driver safety (operator concern).
- An extension of the compartment partition to increase driver safety (operator concern).

The 2007 Capital Budget, Part 1, as approved by City Council, has an approved allocation of \$480,000 for the replacement of (2) existing buses. There is a requirement to replace one bus in 2008, which has been identified in all long term Capital planning documents and submissions. Beyond 2008, replacement buses are not expected to be required until the year 2011.

Based on the overall technical ratings of all (9) submissions, the Leeds Transit Inc. submission of 36' Low Floor International EZTrans buses (shown to the right) has the highest overall rating and fulfills all current accessibility, legislative and capacity requirements for the St. Thomas Transit System.



The seating, standing and wheelchair capacity is equal to the next highest rated bus (the 32' Low Floor E-Z-Rider II), while only 2/3 of the overall cost. In other words, approving the Leeds Transit submission can address the 2007 Transit Bus Requirements & potentially address 2008 Transit Bus Requirements so that future transit expansion testing can potentially begin earlier than was recommended by the Transit Advisory Committee. In summary, we could purchase (3) of the recommended Leeds EZTrans buses for the price of (2) of the next highest rated bus the City View E-Z Rider II.

Financial Considerations:

The following financial summary was completed for the (2) highest rated submissions received in RFP 07-727, and support the recommendations within this report for 2007 bus replacement needs. The OBRP funding is an estimate based on 24.4% of the actual purchase order cost before taxes to a maximum of \$144,234.00. The Estimated Gas Tax Funding Required column can be compared to the \$480,00.00 of Gas Tax Expenditure approved in 2007 Part 1 Capital.

Proposal From	Expenses		Total Cost	Funding	
	2 Buses	Extras		Estimated OBRP @ 24.4%	Required Gas Tax Funding
Leeds Transit	\$416,815.68	\$18,000.00	\$434,815.68	\$98,780.96	\$336,034.72
Cilly View Bus Sales	\$598,473.36	\$18,000.00	\$616,473.36	\$139,602.65	\$476,870.71

In summary, the Leeds Transit proposal of the General Coach/Thor Industries 36' International Low Floor EZ-Trans bus fulfills all accessibility, capacity, and technical requirements and had the highest overall criteria rating while reducing the required Gas Tax Reserve expenditure from the approved \$480,000.00 to an estimated \$336,034.72 which is a difference of \$143,965.28 remaining in the Capital Project Account for replacement buses that can be used for other Transit related Improvements.

This supports the recommendations within this report.

Alternatives:

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In place of the recommendations in this report and within the parameters of the opportunities in RFP 07-727 there are a number of alternatives that can be considered by Council for 2007 transit bus replacement needs, two of which are shown below.

1. Under RFP 07-727, purchase (2) 32' City View Low Floor EZ-Rider II buses as specified in RFP 07-707 for the amount of \$616,473.36 including applicable provincial taxes and extras.



or,

2. Under RFP 07-727, purchase (1) 36' International Low Floor EZTrans buses as specified in RFP 07-707 & (1) 32' Low Floor EZ-Rider II bus as specified in RFP 07-707 for the amount of \$525,644.52 including applicable provincial taxes and extras.



Respectfully,


David White, C. Tech - Supervisor of Roads and Transportation
Environmental Services

Reviewed By

Treasurer

Env Services

Planning

City Clerk

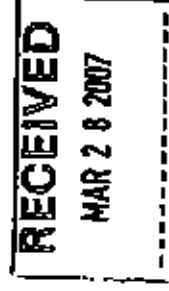
HR

Other

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Ministry of
Transportation
Office of the Minister
Ferguson Block, 2nd Floor
77 Wellesley St. West
Toronto Ontario
M7A 1Z8
416 327-8200
www.mto.gov.on.ca

Ministère des
Transports
Bureau du ministre
Édifice Ferguson, 2^e étage
77, rue Wellesley ouest
Toronto (Ontario)
M7A 1Z8
416 327-8200
www.mto.gov.on.ca



March 22, 2007

His Worship Jeff Kohler
Mayor
The City of St Thomas
P.O. Box 520, 545 Talbot Street
St. Thomas, Ontario
N5P 3V7

Dear Mayor Kohler:

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

This Letter of Agreement is in response to the Municipality's request to the Ministry for funding, under the Ontario Bus Replacement Program (the "OBRP"), with regard to the replacement of transit buses.

In recognition of municipalities' need to replace aging transit buses to support the development of strong communities, increase public transportation reliability, reduce municipal operating costs, and invest in the renewal of transportation systems, the Ministry has created the OBRP under which the Ministry will be providing funds, under certain conditions, to municipalities towards the capital costs of replacing transit buses.

Any funding from the Ministry to the Municipality will be provided in accordance with the terms and conditions set out in this Letter of Agreement and the Ontario Bus Replacement Program (OBRP) - 2007 Guidelines and Requirements (the "Guidelines and Requirements").

...J2

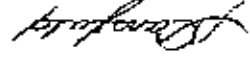
In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the Guidelines and Requirements, which have been reviewed and are understood by the Municipality and are hereby incorporated by reference, and other good and valuable consideration (the receipt of which is hereby acknowledged), the Ministry and the Municipality covenant and agree as follows:

1. The Ministry agrees to provide OBRP funding to the Municipality up to a maximum amount of \$144,234 in accordance with and subject to the terms set out in this Letter of Agreement and the Guidelines and Requirements, payable after April 1, 2007 upon receipt of this signed Letter of Agreement and related authorizing municipal by-law, a certified copy of a binding agreement between the Municipality or a transit operator, as applicable, and a manufacturer of transit buses for the purchase of such transit buses to be delivered in 2007, and, where applicable, a binding operating agreement between the Municipality and a transit operator.
2. Despite Section 1, the Municipality understands and agrees that any amount payable under this Letter of Agreement may be subject, at the Minister's sole discretion, to adjustment for consistency with the agreements described in Section 1, and any other adjustments as set out in the Guidelines and Requirements, including those related to annual appropriations of funds by the Legislative Assembly of Ontario.
3. The Municipality understands and agrees that the funding provided under this Letter of Agreement represents the full extent of the Ministry's and Province's financial contribution under the OBRP and that no additional funds will be provided by the Province, including the Ministry, for such purposes to the Municipality for the year 2007.
4. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

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

Once the Ministry has received the signed copies of this Letter of Agreement and the related authorizing municipal by-law, and the certified copies of the agreements set out in Section 1, the Ministry may, in accordance with the OBRP, make arrangements for the payment of OBRP funding to the Municipality.

Sincerely,



Donna Canstfield

Minister of Transportation

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

The Corporation of the City of St Thomas

Per:  Mayor

Date:

Mar 25/07

Per: 

Date:

MARCH 29/07

Chief Financial Officer/Treasurer



Corporation of the
City of St. Thomas

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Report No.
OW-39-07

File No.

Directed to:

Chairman Lori Baldwin-Sands and Members of the Social Services Committee

Date Authored:

December 4, 2007

Meeting Date:

December 17, 2007

Department:

St. Thomas-Elgin Ontario Works

Attachment

Prepared By:

Elizabeth Sebestyen, Housing Administrator

Amendment

Subject:

Amended Contribution Agreement

Recommendation

THAT Report OW-39-07 be received for information, and further;

THAT Council approves an amendment to the Contribution Agreement between the City of St. Thomas and Walter Ostojic & Sons Limited under the Canada-Ontario Affordable Housing Program, Rental and Supportive component, and further;

THAT a by-law be prepared authorizing the Mayor and Clerk to sign four copies of the Amendment (Attachment 1).

Background

On January 15, 2007 (Report OW-01-2007), Council approved a project proposal from Walter Ostojic & Sons Limited for funding under the Canada-Ontario Affordable Housing Program (AHP), Rental and Supportive component, for a 12-unit 3-storey apartment building on Steele Street. This was one of four projects approved under the AHP in St. Thomas and Elgin County.

A template Contribution Agreement (CA) was approved by City Council on March 5, 2007 (Report OW-05-2007) to establish mutual responsibilities, obligations, terms, and conditions for provincial and federal funding under the AHP. The template CA was used for all four projects. The CA provides for the flow of federal funding during the construction phase while provincial funding would flow over the 20-year post-construction affordability period.

For small projects of twelve units or less, Service Managers were given the option of offering proponents the provincial funds upfront during the construction phase rather than flow the funds over twenty years. However, for consistency, it was decided to treat all projects in St. Thomas and Elgin County in the same way and to flow the provincial funds over twenty years.

On March 19, 2007 (Report OW-8-2007), Council approved entering into a Contribution Agreement between the City of St. Thomas and Walter Ostojic & Sons Limited for federal and provincial AHP funding in the amount of \$828,000 for the building at 78 Steele Street.

Progress update

Construction is nearing completion on the Steele Street building. Expected occupancy date is February 1, 2008. Federal funds of \$314,640 (38% of the total AHP funding) have been received by the City and are being forwarded to Walter Ostojic & Sons Limited during the construction phase in accordance with a funding schedule based on completion of milestones and compliance with Program terms and conditions.

Program requirements for provincial funds

Under AHP Guidelines, proponents are required to secure a mortgage for the Provincial funds (62% of the total AHP funding) through one of two lenders (MCAP or TD Bank) approved under the Ontario Mortgage Housing Initiative (OMHI). Provincial funds, which will include principal and interest, will be forwarded monthly to the proponents over twenty years to repay the loan.

For the Steele Street project being built by Walter Ostojic & Sons Limited, total provincial funds amount to \$513,360. During the course of securing a mortgage for the provincial funding flow, it was learned that proponents are responsible to pay for all legal costs involved in preparing the mortgage documentation required under the AHP such as the Mortgage Agreement, the Advancement of Funds Agreement, the Forbearance Agreement, and other paperwork. Costs for legal services to meet Program documentation requirements are estimated at between \$8,000 to \$12,000 for each AHP project, whether 10 units or 100 units.

Additionally, as a risk mitigation component of CMHC mortgage insurance, AHP proponents must provide funds equalling 4% of gross income each month to the lender to maintain a Capital Reserve account on behalf of the proponent. This requirement applies to all AHP proponents,

whether new non-profits with limited housing experience or established private construction firms with proven track records of sound housing development and management.

Reconsideration of the "small-project" option

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As a result of these unanticipated additional costs and requirements, and following discussions with staff at the Ministry of Municipal Affairs and Housing and representatives from Walter Ostojic & Sons Limited, housing staff has reconsidered the option available for proponents of small projects of twelve units or less, in which provincial funds may be advanced during the construction stage rather than flowed over a twenty-year affordability period.

Therefore, staff is recommending Council's approval of an amendment to the Contribution Agreement (Attachment 1) with Walter Ostojic & Sons Limited for the 12-unit AHP project at 78 Steele Street to allow for an advance of the Provincial Funds during the construction period.

The advantages to the City of approving this amendment are:

- less staff time and paperwork will be required to transfer funds electronically to the proponent each month over the next twenty years and to monitor the funding flow from the Province
- the entire amount of the AHP funding of \$828,000 will be registered on title by the City as security against breach of the terms of the Contribution Agreement. Currently only the Federal Funds of \$314,640 are registered on title.

The advantages to the Proponent Walter Ostojic & Sons Limited are:

- substantial legal cost savings
- elimination of the requirement to submit 4% of gross revenues monthly to the lender to maintain a Capital Reserve account
- upfront funding during the construction phase

The Ministry of Municipal Affairs and Housing has confirmed, in writing, that Provincial Funds in the amount of \$513,360 will be transferred to the City of St. Thomas for the Steele Street project during the construction phase, pending Council approval of this change to the funding terms.

Walter Ostojic & Sons Limited supports the amendment to the Contribution Agreement. Four copies of the amendment, signed by the proponent, are provided with this report.

City Solicitor John Sanders has reviewed the amendment and will register the security documents on behalf of the City. The proponent has agreed to pay for all legal costs associated with amending the Contribution Agreement and registering the additional amount on title.

All AHP Program requirements will remain in place as outlined in the Contribution Agreement, including the submission by the proponent of annual compliance reports to ensure that incomes of incoming tenants are below five times the monthly rent and that rents are no higher than 80% of Average Market Rents for the area.

An amendment to the Contribution Agreement to accommodate the upfront payment of Provincial Funding will only be required for the Walter Ostojic & Sons Limited project on Steele Street, as it is the only one of the four approved AHP projects in St. Thomas and Elgin County with twelve units or less.

Council's approval of this recommendation is respectfully requested.

Submitted by


Elizabeth Sebestyen
Housing Administrator

Reviewed By



Treasury

Env Services

Planning

City Clerk

Human
Resources

Other



This Agreement made as of the 18th day of December, 2007.

BETWEEN:

THE CORPORATION OF THE CITY OF ST. THOMAS

(hereinafter called the "City")

-and-

WALTER OSTOJIC & SONS LIMITED

(hereinafter called the "Proponent")

WHEREAS:

The Proponent and the City have agreed to amend the Service Manager Contribution Agreement regarding the Canada-Ontario New Affordable Housing Program (2003) made between the City and the Proponent dated March 19, 2007 to allow for Provincial Funds to be advanced to the Proponent during the construction period;

NOW THEREFORE the City and the Proponent agree with each other to amend the Agreement as follows:

Section 2.3 is hereby amended and shall be and is now read:

Notwithstanding section 2.2, in respect of Small Projects, the City may advance Provincial funds to the Proponent in the form of a Loan, during the Development Activities;

Section 2.4 is hereby amended and shall be and is now read:

The City agrees to provide to the Proponent as a Loan, upon the terms and subject to the conditions set out in this Agreement, the amount of three hundred fourteen thousand, six hundred forty dollars [(\$314,640) *Federal Funds*] and Provincial Funds in the amount of five hundred thirteen thousand, three hundred sixty dollars [(\$513,360) *Provincial Funds*], as described in Schedule "M", to be applied by the Proponent only towards the payment of Development Activities for Affordable Housing. Pursuant to the Proposal, the total amount of such loan being eight hundred twenty eight thousand dollars (\$828,000);

Section 2.7 is hereby amended and shall be and is now read:

The City shall disburse the Federal and Provincial funds in accordance with the Funding Schedule attached as Schedule "B";

Section 2.8 is hereby deleted;

Schedule B Funding Schedule is hereby amended and shall be and is now read with these changes:

- 1) Section 1 is Deleted;
- 2) Section 2 heading amended to read "Progress Payments Construction of Projects – Federal & Provincial Funds";
- 3) Section 3.1 heading amended to read "Payment – Federal & Provincial Funds";

Schedule E-1 Security Documents is hereby amended as set out in Schedule E-1A attached hereto and said Schedule shall be registered on title;

In consideration of the above amendments, the Proponent has agreed to cover all legal costs associated with amending the Service Manager Contribution Agreement signed March 19, 2007 and the registered Mortgage.

IN WITNESS WHEREOF this Agreement has been executed by the Parties.

THE CORPORATION OF THE CITY OF ST. THOMAS

Cliff Barwick, Mayor

Wendell Graves, City Clerk

WALTER OSTOJIC & SONS LIMITED

Per: _____

Name: Joseph B. Ostojic

Title: President

c/s

I have the authority to bind the Corporation

SCHEDULE TO AMENDING AGREEMENT

- I. By a Charge/Mortgage registered in the Land Registry Office of Elgin (No. 11) on the 10th day of October, 2007 as Instrument Number CT19256, Walter Osojic & Sons Limited gave a Charge/Mortgage upon the lands described herein in favour of The Corporation of the City of St. Thomas to secure the payment of the principal sum of Three Hundred and Fourteen Thousand, Six Hundred and Forty Dollars(\$380,000.00);
- II. The parties have agreed to amend certain provisions of the Service Manager Contribution Agreement which the parties had entered on March 19th, 2007;
- III. The parties hereto signing as Chargor and Chargee have agreed to vary certain terms of the said Charge/Mortgage as hereinafter set out;

The said Charge/Mortgage is hereby amended from and including the 18th day of December, 2007 and shall be and is now read as follows:

- (2) This Charge/Mortgage of Land is collateral security for a Service Manager Contribution Agreement respecting the Rental and Supportive component funding under the Canada Ontario Affordable Housing Program, made between the Chargor and the Corporation of the City of St. Thomas ("Chargee"), dated the 19th day of March, 2007, (the "Service Manager Contribution Agreement") under which the Provincial Government contributed the amount of five hundred and thirteen thousand, three hundred and sixty dollars (\$513,360.00) and the Federal Government contributed the amount of three hundred and fourteen thousand, six hundred and forty dollars (314,640.00) for a total of eight hundred and twenty eight thousand dollars (\$828,000.00) towards the Project and is in addition to and not in substitution for any other security held by the Chargee for all or any part of the monies secured under this Charge/Mortgage of Land.

In all other aspects the parties hereto confirm the terms and conditions contained in the aforesaid Charge/Mortgage which shall continue in full force and effect.

ACKNOWLEDGEMENT AND DIRECTION

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TO: Andrew John Sanders
(insert lawyer's name)

AND TO: SANDERS, CLINE
(insert firm name)

RE: The Corporation of the City of St. Thomas & Walter Oatjio & Sons Limited - (the transaction)
Notice Amending Charge
(insert brief description of transaction)

This will confirm that:

- I/We have reviewed the information set out in this Acknowledgement and Direction and in the documents described below (the "Documents"), and that this information is accurate;
- You, your agent or employee are authorized and directed to sign, deliver, and/or register electronically, on my/our behalf the Documents in the form attached;
- You are hereby authorized and directed to enter into an escrow closing arrangement substantially in the form attached hereto being a copy of the version of the Document Registration Agreement, which appears on the website of the Law Society of Upper Canada as of the date of the Agreement of Purchase and Sale herein. I/We hereby acknowledge the said Agreement has been reviewed by me/us and that I/We shall be bound by its terms;
- The effect of the Documents has been fully explained to me/us, and I/we understand that I/we are parties to and bound by the terms and provisions of the Documents in the same extent as if I/we had signed them; and
- I/we are in fact the parties named in the Documents and I/we have not misrepresented our identities to you.
- I, _____, am the spouse of _____, the
(transferor/chargee), and hereby consent to the transaction described in the Acknowledgement and Direction. I authorize you to indicate my consent on all the Documents for which it is required.

DESCRIPTION OF ELECTRONIC DOCUMENTS

The Document(s) described in the Acknowledgement and Direction are the document(s) selected below which are attached hereto as "Document in Preparation" and are:

- ☐ A Transfer of the land described above,
- ☐ A Charge of the land described above,
- ☒ Other documents set out in Schedule "B" attached hereto.

Dated at _____, this _____ day of _____, 20____.

WITNESS

(As to all signatures, if required)

WALTER OATJIO & SONS LIMITED

PER: _____

NAME:
TITLE:

PER: _____

NAME:
TITLE:

I/WE HAVE AUTHORITY TO BIND THE
CORPORATION

Properties

Pin 30205 - 0054 LT
Description PT LT 3-4, 10-11 BLK 8 PL 80 YARMOUTH PT 1 11R7424; ST. THOMAS
Address ST. THOMAS CITY

Consideration

Consideration \$ 0.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name THE CORPORATION OF THE CITY OF ST. THOMAS
Acting as a company
Address for Service 545 Talbot Street
City Hall, P.O. Box 520
St. Thomas, Ontario
N5P 3V7

I, Cliff Barwick, Mayor, and I, Wendell Graves, Clerk, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Party To(s)

Capacity Share

Name WALTER OSTOJIC & SONS LIMITED
Acting as a company
Address for Service 78 Slesale Street
St. Thomas, Ontario
N5R 2Y8

I, Joseph B. Ostojic, President, have the authority to bind the corporation
This document is not authorized under Power of Attorney by this party.

Statements

The land registrar is authorized to delete the notice on the consent of the following party(ies) The Corporation of the City of St. Thomas
Schedule: See Schedule

This document relates to registration no.(s)CT18258

File Number

Applicant Client File Number: 270551

SCHEDULE TO NOTICE AMENDING CHARGE

(SCHEDULE E-1A)

WHEREAS:

1. By a Charge/Mortgage registered in the Land Registry Office of Egin (No. 14) on the 10th day of October, 2007 as Instrument Number C719258, Walter Ouellet & Sons Limited gave a Charge/Mortgage upon the lands described herein in favour of The Corporation of the City of St. Thomas to secure the payment of the principal sum of Three Hundred and Fourteen Thousand, Six Hundred and Forty Dollars (\$380,000.00);
2. The parties have agreed to amend certain provisions of the Service Manager Contribution Agreement which the parties had entered on March 16th, 2007;
3. The parties hereto signing as Chargee and Chargee have agreed to vary certain terms of the said Charge/Mortgage as hereinafter set out:

The said Charge/Mortgage is hereby amended from and including the 10th day of December, 2007 and shall be and is now read as follows:

- (2) This Charge/Mortgage of Land is collateral security for a Service Manager Contribution Agreement respecting the Rental and Supportive component funding under the Canada Ontario Affordable Housing Program, made between the Chargee and the Corporation of the City of St. Thomas ("Chargee"), dated the 16th day of March, 2007, (the "Service Manager Contribution Agreement") under which the Provincial Government contributed the amount of five hundred and thirteen thousand, three hundred and sixty dollars (\$513,360.00) and the Federal Government contributed the amount of three hundred and fourteen thousand, six hundred and forty dollars (\$14,640.00) for a total of eight hundred and twenty eight thousand dollars (\$828,000.00) towards the Project and is in addition to and not in substitution for any other security held by the Chargee for all or any part of the monies secured under this Charge/Mortgage of Land.

In all other aspects the parties hereto confirm the terms and conditions contained in the aforesaid Charge/Mortgage which shall continue in full force and effect.

RE: The Corporation of the City of St. Thomas & Water Oatley & Sons Limited -
Notice Amending Charge
(Insert brief description of transaction)

- I/we have reviewed the information set out in the Acknowledgment and Direction and in the documents described below (the "Documents"), and that this information is accurate;
- You, your agent or employee are authorized and directed to sign, deliver, and/or register electronically, on my/our behalf the Documents in the form attached.
- You are hereby authorized and directed to enter into an escrow closing arrangement substantially in the form attached hereto being a copy of the version of the Document Registration Agreement, which appears on the website of the Law Society of Upper Canada as of the date of the Agreement of Purchase and Sale hereto. I/we hereby acknowledge the said Agreement has been reviewed by me/us and that I/we shall be bound by its terms;
- The effect of the Documents has been fully explained to me/us, and I/we understand that I/we are parties to and bound by the terms and provisions of the Documents to the same extent as if I/we had signed them; and
- I/we are in fact the parties named in the Documents and I/we have not misrepresented our identities to you.
- I, _____, am the spouse of _____, the (transferor/changor), and hereby consent to the transaction described in the Acknowledgment and Direction. I authorize you to include my consent on all the Documents for which it is required.

The Document(s) described in the Acknowledgement and Direction are the document(s) selected below which are attached hereto as "Document in Preparation" and are:

- ☐ A Transfer of the land described above,
☐ A Charge of the land described above,
☒ Other documents set out in Schedule "B" attached hereto.

WITNESSES
(As to all signatures, if required)

PER:	NAME:	TITLE:
PER:	NAME:	TITLE:

WE HAVE ALWAYS TO BIND THE CORPORATION

Properties

PIN 36205 - 0054 LY
Description PT LT 3-4, 10-11 BLK 6 PL 60 YARMOUTH PT 1 11R7424; ST. THOMAS
Address ST. THOMAS CITY

Consideration

Consideration \$ 0.00

Applicant(s)

The notice is based on or affords a valid and existing estate, right, interest or equity in land

Name THE CORPORATION OF THE CITY OF ST. THOMAS

Address for Service
Acting as a company
645 Talbot Street
City Hall, P.O. Box 520
St. Thomas, Ontario
N6P 3V7

I, Cliff Barwick, Mayor, and I, Wendell Graves, Clerk, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Party To(s)**Capacity****Share**

Name WALTER OSTOJIC & SONS LIMITED

Address for Service
Acting as a company
78 Steele Street
St. Thomas, Ontario
N5R 2Y6

I, Joseph B. Ostojic, President, have the authority to bind the corporation

This document is not authorized under Power of Attorney by this party.

Statements

The land registrar is authorized to deliver this notice on the consent of the following party(ies) The Corporation of the City of St. Thomas

Schedule: See Schedule

This document relates to registration no.(s) CT18256

File Number

Applicant Client File Number: 270561

SCHEDULE TO NOTICE AMENDING CHARGE

(SCHEDULE 6-1A)

WHEREAS:

1. By a Charge/Mortgage registered in the Land Registry Office of Egin (No. 11) on the 10th day of October, 2007 as Instrument Number CT16256, Waller Oodjio & Sons Limited gave a Charge/Mortgage upon the lands described herein in favour of The Corporation of the City of St. Thomas to secure the payment of the principal sum of Three Hundred and Fourteen Thousand, Six Hundred and Forty Dollars (\$380,000.00);

2. The parties have agreed to amend certain provisions of the Service Manager Contribution Agreement which the parties had entered on March 19th, 2007;

3. The parties hereto signing as Chargee and Chargee have agreed to vary certain terms of the said Charge/Mortgage as hereinafter set out:

The said Charge/Mortgage is hereby amended from and including the 15th day of December, 2007 and shall be and is now read as follows:

- (2) This Charge/Mortgage of Land is collateral security for a Service Manager Contribution Agreement respecting the Rental and Supportive component funding under the Canada Ontario Affordable Housing Program, made between the Chargee and the Corporation of the City of St. Thomas ("Chargee"), dated the 16th day of March, 2007, (the "Service Manager Contribution Agreement") under which the Provincial Government contributed the amount of five hundred and thirteen thousand, three hundred and sixty dollars (\$513,360.00) and the Federal Government contributed the amount of three hundred and fourteen thousand, six hundred and forty dollars (\$14,640.00) for a total of eight hundred and twenty eight thousand dollars (\$628,000.00) towards the Project and in addition to and not in substitution for any other security held by the Chargee for all or any part of the monies secured under this Charge/Mortgage of Land.

In all other aspects the parties hereto confirm the terms and conditions contained in the aforesaid Charge/Mortgage which shall continue in full force and effect.

Alzheimer Society

ELGIN - ST. THOMAS

December 10, 2007

01/09/07
633113

DEC 11 2007

Mayor Cliff Barwick
545 Talbot St.,
St. Thomas, ON N5P 1C5

01/09/07

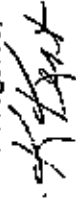
Dear Mayor Barwick and Members of Council:

It was brought to our attention by Alderman Heather Jackson-Chapman, that St. Thomas Council passed and are supporting Alzheimer Elgin-St. Thomas' request for proclaiming the month of January, Alzheimer Awareness Month in the city. We are most appreciative of this action.

In regards to our fundraising activity **Walk for Memories** on January 26th at Parkside Collegiate Institute, I thank you so much for offering to make sure that all the department heads have some of our brochures. It would be so wonderful if there was representation in the form of a team, from Council and/or some of the departments at the event. What a statement that would make!

We would like to have our flag raised at City Hall for the week of January 7 to 11, 2008. Having our flag flown at City Hall will be a further demonstration of the support that you have granted in proclaiming January, Alzheimer Awareness Month. It also would be a great media/photo opportunity. Representation by the Mayor and some Council members and from Alzheimer Elgin-St. Thomas will indicate a united front in recognition of the choices and actions we all can take to reduce the incidence of and the impact of Alzheimer's disease.

With regards,



Kate Kent,
Education Coordinator

"HEADS UP FOR HEALTHIER BRAINS!"

450 Sunset Dr., Suite #229, St. Thomas, ON N5R 5V1
Bus. (519) 633-4396 1-888-565-1111 Fax. (519) 633-7028

Web Site: www.alzheimerelgin.ca

Charitable Registration No. 13498 3956 RR0001

Office
des transports
du Canada



Canadian
Transportation
Agency

File No. T 6338/358

December 7, 2007

Mr. Wendell Graves
City Clerk
The Corporation of the
City of St. Thomas
P.O. Box 520, City Hall
St. Thomas, ON
N5P 3V7

Dear Mr. Graves:

Re: Application by the Corporation of the City of St. Thomas, pursuant to subsection
146.3(1) of the Canada Transportation Act

This will acknowledge receipt of your letter dated December 5, 2007, pertaining to the portion of the CASO Subdivision between mile 113.64 and mile 117.49, St. Thomas (the Line), owned jointly by the Canadian National Railway Company (CN) and the Canadian Pacific Railway Company (CP), requesting that the Canadian Transportation Agency make a determination of the net salvage value of the Line.

You will be informed on the progress of this matter in due course. If you have any questions or you require further information, please do not hesitate to contact Christa McClellan at 819-997-6105.

Sincerely,


Dale McKague
Director

Rail Economics Directorate
Rail and Marine Branch

cc: Jean Patenaude, Counsel, CN
Marc Shannon, Counsel, CP

Ottawa (Ontario) K1A 0N9
www.otc.gc.ca

Ottawa Ontario K1A 0N9
www.cta.gc.ca


Canada

City of St. Thomas
Records
DEC 11 2007
City Clerk's Office

Office
des transports
du Canada



Canadian
Transportation
Agency

LET-R-211-2007

December 12, 2007

DEC 12 2007

File No. T 6338/358

The Corporation of the City of St. Thomas
P.O. Box 520, City Hall
St. Thomas, Ontario
N5P 3V7

Canadian National Railway Company
935 de la Gauchetière St. W.
Montréal, Québec
H3B 2M9

Attention: Mr. Wendell Graves, City ClerkAttention: Mr. Jean Patenaude
Assistant General Counsel

Dear Sirs:

Re: Application by the Corporation of the City of St. Thomas, pursuant to
subsection 146.3(1) of the *Canada Transportation Act*

In its letter dated December 5, 2007, the Corporation of the City of St. Thomas (St. Thomas) applied to the Canadian Transportation Agency (Agency) to determine the net salvage value (NSV) of a portion of the CASO Subdivision between mile 113.64 and mile 117.49 (the Line), owned jointly by the Canadian National Railway Company (CN) and the Canadian Pacific Railway Company (CP).

In addition, St. Thomas has requested, by a resolution passed by its Council, that the Agency confirm that it will take into consideration as part of the determination, the following factors:

1. An environmental review; and
2. Costs associated with the removal of bridge structures.

St. Thomas has also requested that the Agency acknowledge St. Thomas' rights under section 145 of the *Canada Transportation Act* (CTA) will not be forfeited through an NSV determination under subsection 146.3(1) of the CTA should St. Thomas accept CN's offer to acquire the Line, and that the Agency confirm the time frame for the NSV process pursuant to the provisions of section 145 and subsection 146.3(1) of the CTA.

..2

Ottawa (Ontario) K1A 0N9
www.ota.gc.ca

Ottawa Ontario K1A 0N9
www.ota.gc.ca

Canada

88

LET-R-211-2007

- 2 -

The Agency hereby instructs CN to file an answer to the resolution passed by the Council of St. Thomas within ten (10) business days of the date of this letter. St. Thomas will then have five (5) business days to respond, following which the Agency will issue a ruling. If you have any questions or require additional information, you may contact Christa McClellan at 819-997-6105 or Anne Banks at 819-997-5531.

Sincerely,


Cathy Murphy
Secretary

BY THE AGENCY:

JOHN SCOTT
Member

Geoffrey C. Hare
Member



89

The Corporation of the Municipality of
Central Elgin

DEC 07 2007

450 Sunset Drive, 1st Floor, St. Thomas, Ontario N5R 5V1 P: 519.631.4860 F: 519.631.403

December 5, 2007

John Dewanker
Director of Environmental Services
The Corporation of the City of St. Thomas
P.O. Box 520, 545 Talbot Street
St. Thomas, Ontario N5P 3V7

Dear Mr. Dewanker:

Re: East Side Sanitary Servicing Environmental Assessment

Central Elgin Municipal Council is interested in exploring the City of St. Thomas' interest in implementing the first phase of the East Side Sanitary Servicing Environmental Assessment. Council notes that both municipalities worked co-operatively to complete the Environmental Assessment and is hopeful that that there may be a mutual interest in proceeding with final engineering design for phase 1, which includes servicing the St. Thomas Municipal Airport, lands in the vicinity of Centennial Avenue and Talbot Street and the Eastwood subdivision.

Central Elgin Council has established an ad hoc committee composed of Mayor Sylvia Hofnuls, Councillor Stephen Carr, Councillor Russ Matthews and staff who are prepared to meet with our City counterparts.

Can you please bring this meeting invitation to the attention of your Council.

Sincerely,

Donald N. Leitch,
Chief Administrative Officer.

C: Wendell Graves, City Clerk, City of St. Thomas
Patrick J.C. Keenan, Planning Director, CEPO
Robert Wheeler, General Manager, St. Thomas EDC





Volunteers in Action!

c/o National Office, PITCH-IN CANADA
Box 45011, Ocean Park P.O.
White Rock, B.C., V4A 9L1
www.pitch-in.ca

RECEIVED
NOV 16 2007

1-877-4-PITCH-IN
pitch-in@pitch-in.ca

Patron, PITCH-IN CANADA
The Governor General of Canada

Dear Members of Council

A HEADS-UP.....

NOV 0 8 2007

PITCH-IN WEEK 2008
April 21 – 27, 2008



Look for further details in our mailout to you in January, 2008. Online Registration opens on January 15, 2008!

A reminder:

participation in PITCH-IN WEEK is always FREEthanks to our sponsors and supporters, which include many Ontario municipalities who choose to become financial contributors as Patrons or Supporters of PITCH-IN ONTARIO.

Enclosed is our report for PITCH-IN WEEK 2007 in Ontario. Another very successful campaign – we hope your community was one of the 335 throughout Ontario that undertook local action projects to improve their community!

For more information on PITCH-IN CANADA and how your community can participate in any of our programs go to [www. Pitch-in.ca](http://www.Pitch-in.ca)

Sincerely

Valerie Thom
Executive Director



PLEASE TURN OVER....

**YOU CAN FIND THE FOLLOWING FREE MATERIALS AT
WWW.PITCH-IN.CA**

click on PROGRAMS for Local Governments

- "Fastest Broom Contest - to help kick-off your PITCH-IN WEEK: OPERATION CLEANSWEEP campaign
- Adopt" Programs - guidelines
- How you can assist volunteers - in your Community
- Safety Tips - for Conducting Clean-Up Campaigns
- Action Projects for the Environment - a multitude of activities
- Tra\$h-a-Thons - to help raise money while beautifying your community
- Conducting a Media Campaign
- Re-Think - 45 activities - educational unit K - 5
- Colouring Books + Posters - for schools and others
- **AND MORE...!**

ALSO

Did you know that PITCH-IN CANADA offers a year-round litter control program???

- Email pitch-in@pitch-in.ca for details on how to obtain and implement **OUR**

CIVIC PRIDE PROGRAM FOR COMMUNITIES.



2007 PITCH-IN CANADA Week in Ontario

Background

PITCH-IN CANADA Week is a partnership with local governments, sponsors and more than 395,717 volunteers throughout Ontario. The program was developed in Ontario 1979 and it has become the largest volunteer environmental and beautification program in Ontario and the country.

2007 sponsors of the campaign in Ontario were 22 local Chapters of TD's Friends of the Environment Foundation, The Suncor-Sunoco Energy Foundation, The Ontario Trillium Foundation, El-En Packaging Co., FedEx, and numerous municipalities who are both members of PITCH-IN ONTARIO and/or contributed tens of thousands of dollars in support of local activities.

The Provincial Program – we got ready!

More than 14,000 EcoActionPaks were sent out in January, 2007 by direct and electronic mail to, in cooperation with the Ministry of Education, every school in Ontario, local governments, and thousands of community-based organizations. Each kit contained background information, a Registration Form enabling participants to register and information about free materials. Many groups registered via the PITCH-IN website, a major source of information and resources for volunteers providing colouring books, posters, Activity Suggestions and much more!

.... and our PITCH-IN Volunteers Responded!!

395,717 (387,123) volunteers participated in 14,011 (6,840) projects in 335 (247) communities, with support of 543 (540) local PITCH-IN Eco-Team Coordinators. Most volunteers participated in multiple projects – 2,645,785 (1,888,982) volunteers participated in all projects combined.

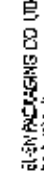
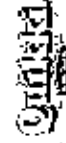
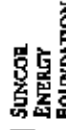
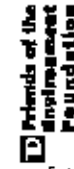
Participating groups are divided into three categories: school, youth and community-based. They include schools, colleges, scouts, girl guides, chambers of commerce, naturalists, hiking clubs, old age pensioners, ratepayers, environmental groups, service clubs, athletic organizations, local governments, and others.



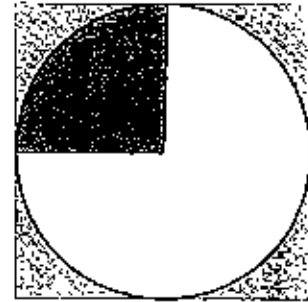
The above shows that:

- 1,041 (1,016) community based groups provided 232,948 or 59% of the volunteers and carried out 44% of all projects. Community groups represent the largest overall participation.
- 959 (801) Schools provided 148,144 or 38% of the volunteers and carried out 37% of all projects.
- 575 (516) youth groups provided 10,646 or 19% of the volunteers and carried out 19% of all projects

Our Partners are hundreds of local governments and these participating sponsors



What did PITCH-IN Volunteers do?

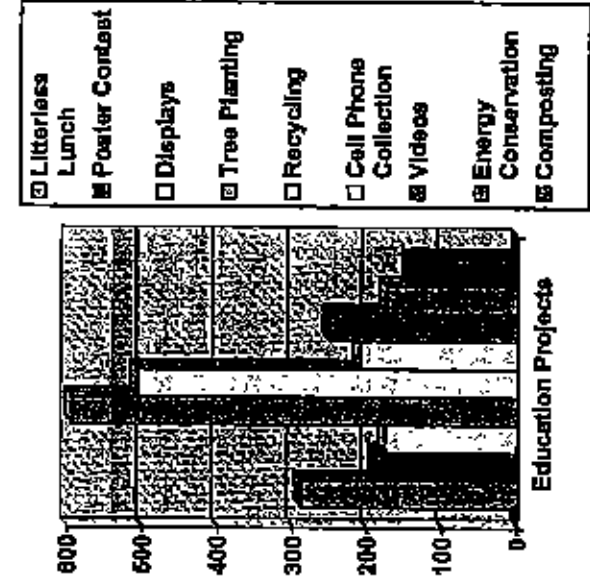


☒ Education Projects 3,567
☐ Action Projects 10,444

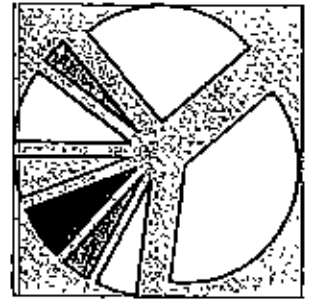
Projects were classified as **Education** (3,567) or **Action Projects** (10,444).

A total of **14,011** projects took place, involving **2,576** groups who participated. In multiple projects – many taking place on different days of **PITCH-IN CANADA Week**.

Environmental education projects included litterless lunch programs (290), poster contests (190), displays (176), tree planting (595), recycling projects (508), cell phone collection (115), video and speaker presentations (252), energy conservation (176), composting (146) and participating in PITCH-IN CANADA's Green Shopper Program, conducting Pollution Counts and many other activities.



- ☐ Business
- ☐ Wildlife Area
- ☐ Park + Ravine
- ☐ School/Neighbourhood
- ☐ Highway
- ☐ Sports Field
- ☒ Shoreline
- ☐ Trail



included business + commercial areas (1030), wildlife areas (377), park + ravines (2497), School and neighbourhood clean-ups (3837), Highway / Roadside Clean-Ups (594), sports fields (379), shoreline and waterways (753) nature and recreational trails (592) and various other community improvement projects (374).

Unparalleled Growth in PITCH-IN Program Participation

In 2007 the PITCH-IN program continued to develop and promote new programs as well as experience unprecedented growth in all of its programs.

PITCH-IN ONTARIO 94

Volunteers in Action!

c/o National Office
Box 45011, Ocean Park P.O.
White Rock, B.C., V4A 9L1
Website: www.pitch-in.ca

1-877-4-PITCH-IN
pitch-in@pitch-in.ca

Dear Head and Members of Council

No, your community does **NOT** have to be a Patron or a Supporter of PITCH-IN ONTARIO in order for you and your residents to participate in our many **free** programs or to access our many **free** materials which include

- PITCH-IN WEEK: OPERATION CLEAN SWEEP
- ecoActive School Program
- Cell Phone Recycling Program
- Green Shopper
- Shoreline Clean-up
- ReTHINK Educational Unit for K-3
- Many more downloadable action and educational materials

But your financial contribution, at either the Patron or Supporter level, will help us continue to provide these programs and materials and more to your residents and to you, as a local government.

And, of course, for those communities who choose to show their support at the Patron Level, we are pleased to offer some very specific benefits, as outlined in the enclosed flyer.

Thanks for your consideration!

Olivia Johnson

Volunteer Chair
PITCH-IN CANADA

P.S. Only 4%* of our budget goes to administration (we work hard!) -- so you know that you and your residents are getting the most out of your dollar when you choose to support us!

*an independent assessment, 2007

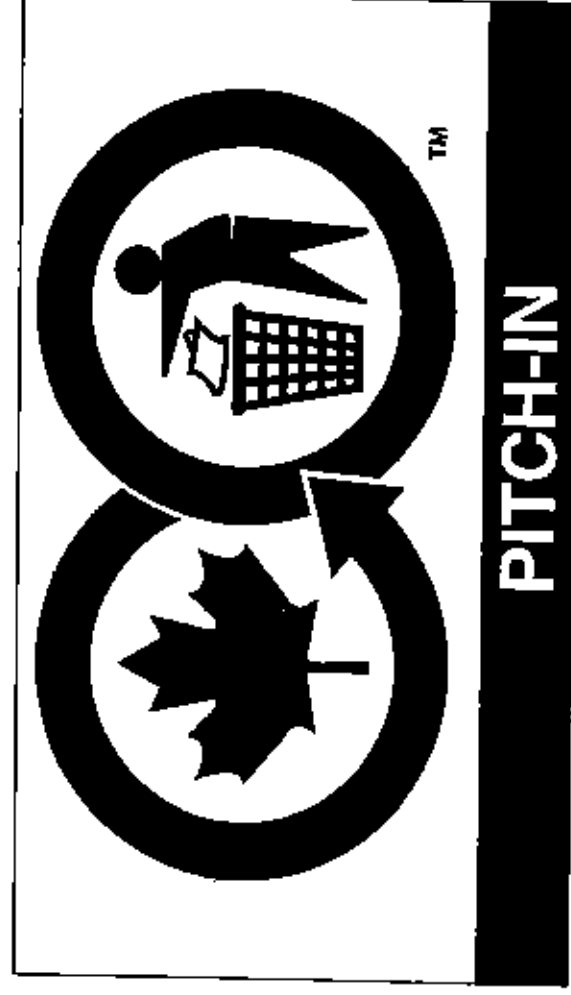
Please turn over.....



95 COMMUNITIES CAN FLY THE PITCH-IN WEEK FLAG!

Recognize your local PITCH-IN volunteers and kick off your community's
PITCH-IN CANADA Week campaign!

Large 3' by 6' Flags are available at a cost of \$200 (\$75 for Patrons) to all communities. Order
your flag early to avoid disappointment!



FLAG ORDER FORM

Prices include taxes and shipping

Name.....Address.....

City.....Province.....Postal Code.....

Email.....Tel (.....).....Fax (.....).....

We want _____ 3' X 6' PITCH-IN CANADA WEEK FLAG at \$200 per flag(s) \$ _____

Our community is a Patron of PITCH-IN CANADA. Price is \$75 per flag X _____ \$ _____

My Credit Card is (please check box) ☐ VISA or ☐ MASTERCARD.

Credit Card Number: _____ Expiry Date: _____

Cardholder Name: _____ Signature of Cardholder: _____

We need an Invoice, Our Purchase Order Number is _____ (please attach PO)

Fax to 604-535-4653

OR mail with cheque payable to PITCH-IN CANADA to
PITCH-IN CANADA, Box 45011, Ocean Park PO, WHITE ROCK, BC, V4A 9L1



CivicPride



THE BENEFITS OF BECOMING A PATRON OF PITCH-IN

Why should your community become a Patron of PITCH-IN? (if not already!)
Not sure just who we are? Go to www.pitch-in.ca, or call us at 1-877-4-PITCH-IN (1-877-474-8244) and contact Misha van Veen, our Program Manager.

Apart from the knowledge that you are helping us help the volunteers in your community who use our free year-round programs and materials to:

- o clean up and beautify your neighbourhoods
- o educate your children about the importance of individual responsibility for taking care of their environment
- o undertake projects and campaigns to reduce, reuse, and recycle – cellphones, lunch scraps, old clothes
- o volunteer all year round for projects that save your Council money and invests in your community's future

We can offer you many more warm and fuzzy reasons, and practical ones as well, such as we operate on a tight budget and appreciate every dollar, but what else can we offer exclusively to our community partner Patrons? How about these year-round benefits

* FOR YOUR COUNCIL and STAFF

- ✓ access to PITCH-IN CANADA's experienced and knowledgeable staff on developing effective year-round litter/waste management programs
- ✓ The Civic Pride Program, a comprehensive, year-round, litter control and waste management program (manual, workshop materials, DVD, use of logo, etc...)
- ✓ order the PITCH-IN CANADA Week Flag at a saving of \$125
- ✓ use of PITCH-IN CANADA logo for your local campaign
- ✓ free recognition as a National Partner in Civic Pride – save \$750!
- ✓ detailed Action & Communications Plans for PITCH-IN CANADA WEEK
- ✓ Action & Communications Plans for "The 20-Minute Makeover" and use of the special 20 Minute Makeover logo
- ✓ a listing as a Patron on PITCH-IN CANADA's very popular website with a link to your municipal site
- ✓ a 10% reduction on materials – PITCH-IN decals for litter containers, etc...
- ✓ free DVD to promote PITCH-IN CANADA Week
- ✓ reduced registration fees at PITCH-IN CANADA professional development and sharing sessions

* FOR YOUR LOCAL VOLUNTEERS

- ✓ Guaranteed + Priority access to free garbage/recycling bags for volunteers who apply by March 15th
- ✓ Ensure that PITCH-IN Week can continue as a resource for community groups

PLEASE COMPLETE THE PATRON APPLICATION ON THE REVERSE NOW!

THANK YOU !!!

over....



97

CivicPride



THE COST OF BECOMING A PATRON OF PITCH-IN

The cost is dependent on your community's population.
That makes it fair for all and enables even the smallest villages or hamlets to become a patron.

Population of your Community	Patron's Fee
- 500	\$ 95
501 - 1,000	\$ 125
1,001 - 2,000	\$ 175
2,001 - 3,500	\$ 225
3,501 - 5,000	\$ 275
5,001 - 10,000	\$ 325
10,001 - 25,000	\$ 425
25,001 - 50,000	\$ 500
50,001 - 100,000	\$ 750
100,001 - 250,000	\$1,000
250,001 - 500,000	\$1,250
500,000+	Upon request

PATRON APPLICATION

Name of Community.....
Mailing Address.....
City/Town/Village.....Province/Territory.....
Postal Code.....Telephone ().....Fax ().....
Contact Person.....Title.....
Email.....Community's Website www.....census
Population.....taken from (year).....
Amount of Fee Enclosed (see chart for applicable rate) \$.....
We need an invoice. Our Purchase Order Number is.....(please attach PO)

Send this Form to:

PITCH-IN CANADA National Office,
Box 45011, Ocean Park PO, WHITE ROCK, BC, V4A 9L1



**Ontario
Medical
Association**

525 University Avenue
Suite 200
Toronto, Ontario
M5G 2K7

Tel: 416-599-2580
1-800-268-7215
Fax: 416-595-8309
www.oma.org

November 29, 2007

The Honorable Cliff Barwick
Mayor of City of St. Thomas
Box 520, City Hall, 545 Talbot St.
St. Thomas, ON N5P 3V7

Dear Mayor Barwick:

Ontario's doctors believe that all steps should be taken to ensure the health and well-being of our children. As you may know, the Ontario Medical Association (OMA) has been advocating for a ban on smoking in cars transporting children to help protect them from the negative health impacts of Second-Hand-Smoke (SHS). The recent passing of such a bylaw in Wolfville, Nova Scotia is proof that local action can be taken. York Regional Council has already passed a resolution asking the Government of Ontario to ban smoking in cars carrying children and the City of London has formed a committee to investigate their options.

Research shows that vehicles can be a potent source of SHS, and that such exposure can be 23 times more toxic than in a house because air circulation is restricted within a small space. The OMA's 2004 report "*Exposure to second-hand smoke: are we protecting our kids?*" highlights the fact that children exposed to SHS are at a higher risk for respiratory illnesses including asthma, bronchitis and pneumonia, as well as sudden infant death syndrome (SIDS) and increased incidences of cancer and heart disease in adulthood.

Protecting children from the negative health impacts of SHS is a critical public health initiative and the OMA will continue to call for a province-wide solution to this problem. In the past, municipalities have shown strong leadership in banning smoking in workplaces and public spaces. That hard work eventually led to the Smoke Free Ontario Act, but in this case we believe that the solution must be a provincial law. In our effort to build support for such legislation we invite you to join us in calling for a provincial ban on smoking in vehicles where children are present. Your personal support, and if feasible, a supportive resolution from your council would be of great help in this matter. If you require any assistance, or background information, please contact my office and OMA staff would be happy to help.

Sincerely,

Janice Willett, MD, FRCSC
President

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December 12, 2007
St. Thomas, On.

By Fax 519 633 9019

Council, City of St. Thomas.
% Wendell Graves, City Clerk

Dear Wendell

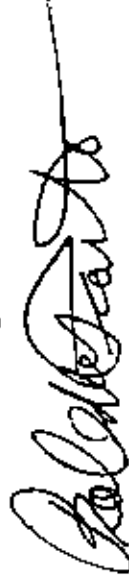
On behalf of the "Save Our Courthouse" committee I am requesting permission to place our Banners at the following locations within our city parkettes.

1. Hepburn Parkette
2. Cannon Parkette
3. Corner of Elm & First Ave facing North

You may know that the stakes to put these banners on are already in place as we placed banners there earlier in the month which were removed by city staff as we had no permission to place them there. I was unaware that there is apparently a bylaw regarding this.

Thank you for your attention to this matter

With Kindest Regards,



Bob de la Penotiere

City Clerk
Received

DEC 12 2007

City of St. Thomas
City Clerk