

MINUTES

REGULAR MEETING OF CITY COUNCIL

2003 10 20

5:00 P.M.

COUNCIL CHAMBERS

PRESENT: Mayor J. Rowswell, Councillors D. Jones, P. Vaudry, J. Caicco, P. Mick, J. Curran, B. Hayes, F. Manzo, N. DelBianco, B. Irwin, D. Amaroso

OFFICIALS: J. Fratesi, D. Irving, L. Bottos, P. McAuley, N. Apostle, B. Freiburger, M. Brechin, M. Kukoraitis, D. McConnell

ABSENT: Councillor L. Turco

1. **ADOPTION OF MINUTES**

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the Minutes of the Twin Saults – Joint Council/Commission Working Meeting of 2003 09 29 and the Regular Council Meeting of 2003 10 06 be approved. CARRIED.

2. **QUESTIONS AND INFORMATION ARISING OUT OF MINUTES AND NOT OTHERWISE ON AGENDA**

3. **PASSING OF ACCOUNTS**

Moved by Councillor F. Manzo

Seconded by Councillor B. Hayes

Resolved that the accounts of 2003 10 03 in the amount of \$16,543,686.60 and payrolls properly certified be passed and paid and the payrolls of the periods 2003 09 14 to 2003 09 27 in amounts of Hourly \$1,426,400.78 and Salaried \$326,830.55 as certified and paid be confirmed. CARRIED.

Councillor L. Turco declared a pecuniary interest – spouse employed by Police Service and spouse is a Trustee on the Huron Superior Catholic District School Board.

Councillor P. Mick declared a pecuniary interest – daughter employed by Algoma District School Board.

3. Councillor J. Curran declared a pecuniary interest – spouse employed by Algoma District School Board.

Mayor J. Rowsell declared a pecuniary interest – R. F. Contracting is client of Engineering firm.

Councillor B. Irwin declared a pecuniary interest – employed by Sault Area Hospital.

Moved by Councillor F. Manzo

Seconded by Councillor B. Hayes

Resolved that the accounts of 2003 10 10 in the amount of \$2,513,213.42 be passed and paid. CARRIED.

Councillor L. Turco declared a pecuniary interest – spouse employed by Police Service.

Councillor N. DelBianco declared a pecuniary interest – employed by Holiday Inns of Canada.

Councillor P. Vaudry declared a pecuniary interest – retired employee of Algoma Steel Inc.

Councillor D. Amaroso declared a pecuniary interest – spouse employed by Algoma Steel Inc.

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the Chief Administrative Officer be and hereby is authorized to approve and the Commissioner of Finance and Treasurer to make, the usual payments of Accounts Payable and Payrolls during the periods from October 17, 2003 to November 21, 2003. CARRIED.

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Doug McChesney, Chair Cultural Advisory Board was in attendance concerning presentation of the 2003 Cultural Advisory Board Community Recognition Award to Michael Burtch.
- (b) Tracy Gard, President, Chamber of Commerce was in attendance concerning Proclamation – Chamber of Commerce Week.
- (c) Chris Faulkner, Member of Baha'u'llah was in attendance concerning Proclamation – Unity in Diversity Week.

- 4. (d) Linda Felton was in attendance concerning Proclamation – Ontario Public Library Week.
- (e) Dale Dinner was in attendance concerning agenda item 5.(r).
- (f) Jeff Hinick and Britta Wolfert were in attendance concerning agenda item 6.(6)(a).

PART ONE – CONSENT AGENDA

5. COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES

Moved by Councillor N. DelBianco

Seconded by Councillor P. Mick

Resolved that all the items listed under date 2003 10 20 - Part One - Consent Agenda [save and except 5.(j) – defeated; 5.(r) – tabled to November 24, 2003 Council Meeting; 5.(s) – removed from agenda at staff's request] be approved as recommended. CARRIED.

- (a) The letter from the Northern Avenue Crosswalk Committee dated 2003 09 23 concerning a request that Council consider having a pedestrian crosswalk light on Northern Avenue in the area of the Knights of Columbus Housing Complex was received by Council. Also received were staff reports on this topic dated 2003 08 11 and 2002 11 18.
- (b) The letter from the Ministry of Health and Long-Term Care in response to a Council resolution dated 2003 08 08 concerning the need for additional long-term care beds in Sault Ste. Marie was received by Council.
- (c) The letter from the Ministry of Public Safety and Security in response to a letter from Mayor Rowswell concerning the status of Young Offenders services in Sault Ste. Marie was received by Council.
- (d) Correspondence from the City of Kingston (concerning deregulation and privatization of the electricity market) was received by Council.
- (e) Correspondence from the Parade Marshall requesting permission for a temporary street closing on Queen Street and Simpson Street on 2003 11 22 for the annual Santa Claus Parade was accepted by Council. The relevant By-law 2003-221 is listed under item 10 of the Minutes.
- (f) Correspondence concerning the Trade Corridors Conference being held November 2 to 4, 2003 in Niagara-on-the-Lake, Ontario was received by Council.

5. (f) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the correspondence concerning an invitation to register a delegate to attend the Trade Corridors Conference being held November 2 to 4, 2003 in Niagara-on-the-Lake, Ontario be forwarded to the Economic Development Corporation for consideration. CARRIED.
- (g) Correspondence from the Algoma District School Board Principal's Association concerning a request that new school zone signs be adopted by the City was received by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor B. Irwin
Resolved that the written brief from Algoma District School Board Principal's Association be received as information and BE REFERRED to the Commissioner of Public Works and Transportation for review and report back to City Council. CARRIED.
- (h) **Staff Travel Requests**
The report of the Chief Administrative Officer was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the staff travel requests contained in the report of the Chief Administrative Officer dated 2003 10 20 be approved as requested. CARRIED.
- (i) **2004 Council Meeting Schedule (January – March)**
The report of the City Clerk was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the City Clerk dated 2003 10 20 concerning 2004 Council Meeting Schedule (January – March) be accepted and further that the recommended Meeting Schedule be approved. CARRIED.
- (j) **Sewer Surcharge**
The report of the Chief Administrative Officer was received by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Chief Administrative Officer dated 2003 10 20 concerning Sewer Surcharge be accepted as information and forwarded to the Council Committee reviewing the sanitary sewer surcharge; and

5. (j) Further resolved that the Sewer Surcharge Review Committee be comprised of Councillors Frank Manzo (Chair), Bryan Hayes, and citizens Allan Hackett and Edward Symyneshen; and
Further resolved that an initial task of this Review Committee be to provide Terms of Reference for the Committee to the new City Council for its approval.
DEFEATED.

Moved by Councillor J. Caicco

Seconded by Councillor D. Jones

Whereas Council has now been provided with enough information regarding the need for a sewage levy on water rates;

Be it resolved that Council agree that no committee is required to review the existing sewer levy arrangement. CARRIED.

(k) **Tenders for Equipment – Public Works and Transportation Department**

The report of the Manager of Purchasing was accepted by Council.

Moved by Councillor N. DelBianco

Seconded by - Councillor B. Hayes

Resolved that the report of the Manager of Purchasing dated October 20, 2003 be endorsed and that the tenders for the supply and delivery of various pieces of equipment, required by the Public Works and Transportation Department, be awarded as recommended. CARRIED.

(l) **Tender for Parking Lot Snow Removal**

The report of the Manager of Purchasing was accepted by Council.

Moved by Councillor N. DelBianco

Seconded by Councillor P. Mick

Resolved that the report of the Manager of Purchasing dated October 20, 2003 be endorsed and that the tender for Snow Plowing and Removal from Municipal Parking Lots during the 2003-2004 winter season, required by the Public Works and Transportation Department, be awarded as recommended. CARRIED.

(m) **Quotation to Lease Three (3) Pay Loaders**

The report of the Manager of Purchasing was accepted by Council.

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the report of the Manager of Purchasing dated October 20, 2003 be endorsed and that the quotation for the Rental of Three (3) Articulated Front End Loaders for a period of four (4) months, required by the Public Works and Transportation Department, be awarded as recommended. CARRIED.

5. (n) **Vacant Unit Tax Rebate Program – Commercial and Industrial Properties**
The report of the City Tax Collector was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that pursuant to Section 364 of the Municipal Act, R.S.O. 2001, as amended (formerly Section 442.5 of the Municipal Act, R.S.O. 1990, as amended) the adjustments for tax accounts outlined on the City Tax Collector's report of 2003 10 20 be approved and the tax records be amended accordingly.
CARRIED.
- (o) **Swim Meet Rental Rate**
The report of the Commissioner of Community Services was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Commissioner of Community Services dated 2003 10 20 concerning Swim Meet Rental Rate be accepted and the recommendation for a new swim meet rental rate of \$27.12 per hour for those user groups that rent 200 hours or more of pool time per year be approved.
CARRIED.
- (p) **Acquisition of Professional Services (Engineering Services)**
The report of the Director of Engineering Design and Buildings was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Director of Engineering Design and Buildings dated 2003 10 20 concerning Acquisition of Professional Services (Engineering Services) be accepted and the recommendations contained therein be approved. CARRIED.
- (q) **Contract 2003-10E – Base Line Industrial Site 1B – Servicing and Roadway Improvements**
The report of the Manager of Construction and Environmental Engineering was accepted by Council. The relevant By-law 2003-220 is listed under item 10 of the Minutes.
- (r) **Civic No. 84 Shannon Road – Residential Standards**
The report of the Director of Engineering Design and Buildings was received by Council.

5. (r) Mover Councillor N. DelBianco
Seconded Councillor B. Hayes
Resolved that the report of the Director of Engineering Design and Buildings dated October 6, 2003 concerning Civic No. 84 Shannon Road be accepted and the recommendation that the Corporation proceed to hire the forces necessary to carry out the remedial action itemized in the Residential Standards Order dated September 17, 2003 and recover the costs by adding them to the taxes of the subject property be approved. OFFICIALLY READ NOT DEALT WITH. TABLED TO NOVEMBER 24, 2003 COUNCIL MEETING.
- (s) **Civic No. 356 Third Line East – Road Maintenance Agreement**
The report of the Director of Engineering Design and Buildings was received by Council. The relevant By-law 2003-215 is listed under item 10 of the Agenda and will be read with all other by-laws listed under that item. OFFICIALLY READ NOT DEALT WITH. REMOVED FROM AGENDA AT STAFF'S REQUEST.
- (t) **Second Line Reconstruction – Power Line Relocation**
The report of the Commissioner of Engineering and Planning was accepted by Council.

Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Commissioner of Engineering and Planning dated 2003 10 20 concerning Second Line Reconstruction – Power Line Relocation be accepted as information. CARRIED.
- (u) **Parking on Tancred Street to Facilitate Professional Development Day on October 31, 2003**
The report of the City Solicitor was accepted by Council. The relevant By-law 2003-222 is listed under item 10 of the Minutes.
- (v) **Application No. A-29-03-Z – South Side of Wallace Terrace Between Goulais Avenue and Goetz Street – Request to Circulate Public Notice to Property Owners Amending Section 42 of By-law 4500 as it Pertains to Added Setback Requirements**
The report of the Planning Division was accepted by Council.

Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Planning Division dated 2003 10 20 concerning Application No. A-29-03-Z – City of Sault Ste. Marie be accepted and the Planning Director's recommendation that City Council authorize a Notice of Public Hearing regarding Section 42 of By-law 4500 (added setback requirements) to affected property owners on the south side of Wallace Terrace between Goulais Avenue and Goetz Street be endorsed. CARRIED.

5. (w) **Ontario Lottery and Gaming Corporation – Jobs Study**
The report of the Planning Division was accepted by Council. The relevant By-law 2003-223 is listed under item 10 of the Minutes.
- Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Planning Division dated 2003 10 20 concerning Ontario Lottery and Gaming Corporation Jobs Study be accepted and the recommendation that Council authorize engaging BDO Dunwoody (replacing KPMG who were approved on October 6, 2003 but have now declined the work) to prepare the first component of a OLGC Jobs Study at a cost of \$20,000.00 with funds from the Economic Diversification Strategy Fund be approved. CARRIED.
- Councillor B. Hayes declared a pecuniary interest – employed by Ontario Lottery and Gaming Corporation.
- (x) **Status of Waste Disposal Sites in Sault North**
The report of the Commissioner of Engineering and Planning was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Commissioner of Engineering and Planning dated 2003 10 20 concerning Status of Waste Disposal Sites in Sault North be accepted as information, and BE REFERRED to our Provincial Member of Parliament, MPP David Oraziotti with a request that the Province resolve the Sault North waste disposal problem. CARRIED.
- (y) The letter from the Ontario Lottery and Gaming Corporation concerning the quarterly payment of 5% from July 03 to September 03 in the amount of \$480,977.00 was received by Council.
- (z) **Property Tax Class Determination – 2004 Tax Billing**
The report of the City Tax Collector was accepted by Council. The relevant By-law 2003-224 is listed under item 10 of the Minutes.
- (aa) **Outdoor Rink/Playground Maintenance Agreement – Littner Park (Eastside Rink)**
The report of the City Solicitor was accepted by Council. The relevant By-law 2003-225 is listed under item 10 of the Minutes.

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES

6. (6) PLANNING

(a) Application No. 11-03-D.C. – 59 Lansdowne Avenue – Jeff Hinich and Britta Wolfert – Request for Removal of the Holding Provision from the Subject Property to Accommodate a Proposed Bed and Breakfast Establishment

The report of the Planning Division was accepted by Council.

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the report of the Planning Division dated 2003 10 20 concerning Application No. 11-03-D.C. – 59 Lansdowne Avenue - J. Hinich and B. Wolfert be accepted and the recommendation that City Council approve the application be endorsed. CARRIED.

7. UNFINISHED BUSINESS, NOTICE OF MOTIONS AND RESOLUTIONS PLACED ON AGENDA BY MEMBERS OF COUNCIL

(a) Moved by Councillor B. Irwin Seconded by Councillor J. Caicco

Whereas the government of Ontario previously extended the border of Northern Ontario to include areas of Central Ontario; and

Whereas this decision dilutes government funding mechanisms such as the Northern Ontario Heritage Fund Corporation and programs such as the Northern Tax Incentive Zone;

Be it resolved that the City of Sault Ste. Marie urges the provincial government to restore the previous geographic definition of Northern Ontario. CARRIED.

Recorded Vote

For: Mayor J. Rowsell, Councillors D. Jones, P. Vaudry, J. Caicco, P. Mick, J. Curran, B. Hayes, F. Manzo, N. DelBianco, B. Irwin, D. Amaroso

Against: Nil

Absent: Councillor L. Turco

(b) Moved by Councillor J. Caicco Seconded by Councillor B. Irwin

Whereas the residents of Bristol Place have requested consideration for the conversion of their street from Class “B” service to Class “A” services; and

7. (b) Whereas there appears to be no other solution to the recurring problem of standing water in the ditches and the residents are requesting an engineering review of their problem so that future consideration may be given to street reconstruction to Class "A" standard;
Now therefore be it resolved that the Engineering Department be asked to review this problem and make appropriate recommendations to City Council about possible solutions including Class "A" conversion. CARRIED.
- (c) Moved by Councillor P. Vaudry
Seconded by Councillor D. Amaroso
Whereas James D. Greco will be retiring from the bench as a Justice of the Ontario Court of Justice in November 2003 after serving for almost 36 years; and
Whereas his service of distinction has also included a significant contribution to his community in many areas including Algoma University College; and
Whereas Judge Greco served several terms on the Sault Ste. Marie Medal of Merit Committee and was a recipient of such honour himself; and
Whereas Judge Greco not only worked hard at anything he was involved in but always brought his sense of humour and his sense of balance to the table; and
Whereas Judge Greco has earned and enjoyed the respect of the citizens of Sault Ste. Marie as a result of his very successful career;
Now therefore be it resolved that City Council acknowledges Judge James Greco's many years of service to the bench and to Sault Ste. Marie and wishes both he and wife Lorna and their family many years of happiness in his retirement. CARRIED.
- (d) Moved by Councillor N. DelBianco
Seconded by Councillor B. Irwin
Whereas Algoma Health Unit's study on cancer identifies that lifestyle choices are likely responsible for much higher rates of death from certain cancers in the Algoma District; and
Whereas City Council regularly makes decisions which may promote healthier lifestyles, such as Council supporting the development of trails from our City Trail Master Plan, or promoting and supporting safe cycling from our Cycling Master Plan, or supporting the development of parks, such as our skateboard park;
Now therefore be it resolved that the Algoma Health Unit and others be encouraged to identify examples of lifestyle choices that City Council may develop and support in an effort to promote healthier lifestyles which will foster a healthier community. CARRIED.
- (e) Moved by Councillor P. Vaudry
Seconded by Councillor D. Amaroso
Whereas Tony Martin has served as Sault Ste. Marie's Member of the Provincial Legislature for approximately 13 years; and

7. (e) Whereas during that period of time Tony has assisted many individuals with constituency concerns and has worked hard to assist the community during some very difficult times; and
Whereas Sault Ste. Marie residents of every political party affiliation have always described Tony as a hard working and caring individual and simply a "good man";
Now therefore be it resolved that City Council on behalf of the Municipality and on behalf of the citizens of Sault Ste. Marie extends its heartfelt appreciation to Tony Martin for his years of dedicated service to the community. CARRIED.

8. **COMMITTEE OF THE WHOLE FOR THE PURPOSE OF SUCH MATTERS AS ARE REFERRED TO IT BY THE COUNCIL BY RESOLUTION**

9. **ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE**

10. **CONSIDERATION AND PASSING OF BY-LAWS**

Moved by N. DelBianco

Seconded by P. Mick

Resolved that all the by-laws listed under item 10 of the Agenda under date 2003 10 20 [save and except 2003-215 (removed from agenda at request of staff)] be approved. CARRIED.

- (a) Mover Councillor N. DelBianco

Seconder Councillor P. Mick

Resolved that By-law 2003-215 being a by-law to authorize an agreement between the City and Rod St. John and Laura St. John for the maintenance of that portion of Third Line East upon which Civic No. 356 Third Line East fronts be read three times and passed in Open Council this 20th day of October, 2003. OFFICIALLY READ NOT DEALT WITH. REMOVED FROM AGENDA AT REQUEST OF STAFF.

- (b) Moved by Councillor N. DelBianco

Seconded by Councillor P. Mick

Resolved that By-law 2003-216 being a by-law to authorize the construction of sanitary sewer and private drain connection and Class "A" pavement on Bruce Street from Salisbury Avenue to Pim Street under Section 3 of the Municipal Act, 2001, Ontario Regulation 119/03, be read a first and second time in Open Council this 20th day of October, 2003. CARRIED.

- (c) Moved by Councillor N. DelBianco

Seconded by Councillor P. Mick

Resolved that By-law 2003-217 being a by-law to authorize the construction of sanitary sewer and private drain connection and Class "A" pavement on Pine Street from MacDonald Avenue to McNabb Street under Section 3 of the

10. (c) Municipal Act, 2001, Ontario Regulation 119/03, be read a first and second time in Open Council this 20th day of October, 2003. CARRIED.
- (d) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that By-law 2003-218 being a by-law to authorize the construction of sanitary sewer and private drain connections on Gloucester Street from Cathcart Street to Wellington Street West under Section 3 of the Municipal Act, 2001, Ontario Regulation 119/03, be read a first and second time in Open Council this 20th day of October, 2003. CARRIED.
- (e) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that By-law 2003-219 being a by-law to authorize the construction of sanitary sewer and private drain connection and Class "A" pavement on Queen Street East from Church Street to Simpson Street under Section 3 of the Municipal Act, 2001, Ontario Regulation 119/03, be read a first and second time in Open Council this 20th day of October, 2003. CARRIED.
- (f) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that By-law 2003-220 being a by-law to authorize an agreement with the City and General Contracting Ltd. for servicing and roadway improvements on Base Line Industrial Site 1B be read three times and passed in Open Council this 20th day of October, 2003. CARRIED.
- (g) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that By-law 2003-221 being a by-law to permit the temporary closing of Queen Street East from Simpson Street to Andrew Street, Simpson Street from Victoria Avenue to Queen Street East, and Queen Street East from Pine Street to Simpson Street to facilitate the Santa Claus Parade be read three times and passed in Open Council this 20th day of October, 2003. CARRIED.
- (h) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that By-law 2003-222 being a by-law to allow parking on Tancred Street and London Street on October 31st, 2003 from 8:00 a.m. to 4:30 p.m. to facilitate a Professional Development Day be read three times and passed in Open Council this 20th day of October, 2003. CARRIED.

10. (i) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that By-law 2003-223 being a by-law to authorize an agreement with BDO to prepare materials in support of more public sector jobs in Sault Ste. Marie be read three times and passed in Open Council this 20th day of October, 2003. CARRIED.

Councillor B. Hayes declared a pecuniary interest – employed by Ontario Lottery and Gaming Corporation.

- (j) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that By-law 2003-224 being a by-law to establish optional tax classes for the 2004 taxation year be read three times and passed in Open Council this 20th day of October, 2003. CARRIED.

- (k) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that By-law 2003-225 being a by-law to authorize an agreement between the City and Northern Neighbourhood Community Facilities Inc. for the purpose of locating playground equipment and operating an outdoor ice facility commencing September 1, 2003 and terminating August 31st, 2004 and annually thereafter until cancelled, be read three times and passed in Open Council this 20th day of October, 2003. CARRIED.

11. **QUESTIONS BY, NEW BUSINESS FROM, OR ADDRESSES BY MEMBERS OF COUNCIL CONCERNING MATTERS NOT OTHERWISE ON AGENDA**

12. **ADJOURNMENT**

Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that this Council shall now adjourn. CARRIED.

"JOHN ROWSWELL"

MAYOR

"DONNA P. IRVING"

CLERK