

MINUTES

REGULAR MEETING OF CITY COUNCIL

2003 10 06

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, M. Murray, B. Freiburger, M. Brechin, D. : McConnell, N. Apostle, P. McAuley, M. Kukoraitis, J. Snizek

ABSENT: Councillor L. Turco

1. **ADOPTION OF MINUTES**

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the Minutes of the Regular Council Meeting of 2003 09 22 be approved. CARRIED.

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

3. **PASSING OF ACCOUNTS**

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the accounts of 2003 09 19 in the amount of \$2,238,150.41 and payrolls properly certified be passed and paid and the payrolls of the periods 2003 08 31 to 2003 09 13 in amounts of Hourly \$1,430,929.44 and Salaried \$331,370.24 as certified and paid be confirmed. CARRIED.

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

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

3. Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the accounts of 2003 09 26 in the amount of \$502,263.15 be passed and paid. CARRIED.

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

4. **DELEGATIONS/PROCLAMATIONS**

- (a) David Orazietti was in attendance to officially resign from City Council now that he has been elected M.P.P. for Sault Ste. Marie.

Moved by Councillor J. Caicco
Seconded by Councillor B. Irwin
Be it resolved that City Council congratulates David Orazietti on his recent election as Member of Provincial Parliament for Sault Ste. Marie and respectfully accepts his resignation as City Councillor for Ward One; and
Further be it resolved that City Council thanks Mr. Orazietti for his contributions to City Council and the community during the past six years. CARRIED.

Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that City Council hereby accepts the resignation of Ward 1 Councillor David Orazietti effective October 6, 2003; and
Further that the office of City Councillor Ward 1 be declared vacant; and
Further resolved that pursuant to the Ontario Municipal Act Section 263(5) [which states that if a vacancy occurs within 90 days before Voting Day of a regular election the municipality is not required to fill the vacancy] that City Council direct that the vacancy remain unfilled for the remainder of the current term of office. CARRIED.

Recorded Vote

For: Mayor J. Rowswell, 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) Jim Baraniuk, Executive Director, Children's Aid Society of Algoma was in attendance concerning Proclamation – Child Abuse and Neglect Prevention Month.

4. (c) Don Kaupp, Assistant Fire Chief was in attendance concerning Proclamation – Fire Prevention Week.
- (d) Larry Berto, President, Sault Ste. Marie Real Estate Board was in attendance to update Council on the local housing statistics.
- (e) Marilyn MacBeth on behalf of the Kidney Foundation of Canada and “Sydney the Kidney” was in attendance concerning the 1st Annual Fun Run/Walk called “All Walks of Life” being held on October 11th.
- (f) Tanna Elliott, Chair Planning Committee, Provincial Interurban Conference on Acquired Brain Injury was in attendance concerning this conference being held on October 23rd and 24th in Sault Ste. Marie.
- (g) Greg Horsford and Dale Dinner were in attendance concerning agenda item 5.(i).
- (h) Jim Miller on behalf of Sault Trails Advisory Committee (STAC) was in attendance concerning agenda item 5.(n).
- (i) Sandra Galloway was in attendance concerning agenda item 6.(6)(a).
- (j) Donna Langevin was in attendance concerning agenda item 6.(6)(b).
- (k) Rita Markoff was in attendance concerning agenda item 6.(6)(c).

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 06 - Part One - Consent Agenda, [save and except 5.(i) – deferred to October 20, 2003 Council Meeting,] be approved as recommended. CARRIED.

- (a) Correspondence from the Village of Point Edward (concerning Trillium Foundation funding) was received by Council.

5. (a) Moved by Councillor B. Irwin
Seconded by Councillor D. Amaroso
Be it resolved that the City of Sault Ste. Marie supports the resolution adopted by the Village of Point Edward urging an increase in funding for the Trillium Foundation (forward to Premier of Ontario; D. Oraziotti, M.P.P.; Northern Municipalities; AMO; Trillium Foundation). CARRIED.

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

- (b) Correspondence from Mayor Jim Gordon, Chair, Implementation Management Committee to develop the business plan for the Northern Ontario Medical School (NOMS) concerning a study project “Creating a Sustainable Health Research Industry: A Proposal to Leverage Health Care Assets in Northern Ontario” and the formation of a Health Research Study Advisory Committee to oversee the study project was received by Council.

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Whereas the Northern Medical School Implementation Management Committee is conducting a Study Project “Creating a Sustainable Health Research Industry: A Proposal to Leverage Health Care Assets in Northern Ontario” to look at health research and innovation opportunities across the North; and

Whereas a Health Research Study Advisory Committee consisting of community leaders across the North, the Northern Medical School and health research stakeholders will be formed to oversee this Study; and

Whereas this Study Project has the potential to provide the North with thousands of good jobs;

Now therefore be it resolved that City Council approve a financial contribution of \$5,000. toward this initiative (with funds from the Economic Development Fund) and further that Mayor John Rowsell be appointed to the Health Research Study Advisory Committee to serve as an interim member of the Committee until City Council makes its 2004 appointments to Boards and Committees in December. CARRIED.

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

- (c) Correspondence from the Ministry of Transportation concerning the City’s application for Federal and Provincial funding of a new Truck Route was received by Council.

- (d) **Staff Travel Requests**

The report of the Chief Administrative Officer was accepted by Council.

5. (d) 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 06 be approved as requested. CARRIED.
- (e) **Quotation for One (1) Mid-Size Cargo Van**
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 6, 2003 be endorsed and that the quotation for One (1) Mid-Size Cargo Van, required by the Engineering and Planning Department, be awarded as recommended. CARRIED.
- (f) **Tender for Removal and Replacement of Sod – Queen Elizabeth Main Football Field**
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 6, 2003 be endorsed and that the tender for the Removal and Replacement of Sod at Queen Elizabeth Main Football Field, required by the Parks Division, Public Works and Transportation Department, be awarded as recommended. CARRIED.
- (g) **2002 Financial Statements**
The report of the Commissioner of Finance and Treasurer and the 2002 Consolidated Financial Statements and Non-Consolidated Financial Statements were accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Commissioner of Finance and Treasurer dated 2003 10 06 concerning 2002 Financial Statements be accepted and further that the 2002 Consolidated Financial Statements and 2002 Non-Consolidated Financial Statements be approved. CARRIED.
- (h) **Agreement With the Soo Thunderbirds Hockey Club Inc.**
The report of the Commissioner of Community Services was accepted by Council.

5. (h) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Commissioner of Community Services dated 2003 10 06 concerning Agreement with the Soo Thunderbirds Hockey Club be accepted and the recommendation that Council approve the repayment plan for the Soo Thunderbirds outstanding account as detailed and that the interest be frozen for the length of the repayment plan be approved. CARRIED.
- (i) **Civic No. 84 Shannon Road – Residential Standards**
The report of the Director of Engineering Design and Buildings was received by Council.
- Moved by Councillor P. Vaudry
Seconded by Councillor F. Manzo
Resolved that agenda item 5.(i) BE DEFERRED to the October 20, 2003 Council Meeting in order to allow the property owner of 84 Shannon Road an opportunity to complete the required repairs by October 20th. CARRIED.
- Mover Councillor N. DelBianco
Seconder 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.
- (j) **East End Water Pollution Control Plant – Wastewater Characterization Study**
The report of the Manager of Construction and Environmental Engineering was accepted by Council. The relevant By-law 2003-206 is listed under item 10 of the Minutes.
- (k) **Lane Closing Application – Rosedale Park Subdivision**
The report of the City Solicitor was accepted by Council. The relevant By-laws 2003-213 and 2003-214 are listed under item 10 of the Minutes.
- (l) **Application No. A-5-02-Z – James and Shirley Furkey – 395 Pineshore Drive – Remove Holding Provision – Archeological Analysis of the Site**
The report of the Planning Division was accepted by Council.

5. (l) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Planning Division dated 2003 10 06 concerning Application No. A-5-02-Z – James and Shirley Furkey be accepted and the recommendation that City Council remove the Holding Provision as it pertains to the subject property be endorsed. CARRIED.

(m) **Ontario Lottery and Gaming Corporation Jobs Study**

The report of the Planning Division was accepted by Council. The relevant By-laws 2003-207 and 2003-208 are 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 06 concerning Ontario Lottery and Gaming Corporation Jobs be accepted and the recommendation that Council authorize engaging KPMG at a cost of \$20,000.; and Hawn and Associates at a cost of \$18,500.; (with funds from the Economic Diversification Strategy Fund) to prepare a study in support of more jobs at the OLG headquaters in Sault Ste. Marie, be approved. CARRIED.

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

(n) **Voyageur Trail Opening – Link Trail – Phase 1**

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 06 concerning the Voyageur Trail Opening Link Trail Phase 1 be accepted as information. CARRIED.

(o) **Amendments to the Urban Service Line and Truck Route By-laws – Industrial Land Development Strategy – Site 1B – Intersection of Base Line and Leigh’s Bay Road**

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 06 concerning Amendments to the Urban Service Line and Truck Route By-laws – Industrial Land Development Strategy – Site 1B – Intersection of Base Line and Leigh’s Bay Road be accepted and the Planning Director’s recommendation be endorsed. CARRIED.

5. (p) **Review of Council Representation on Boards and Committees**
The report of the Committee to Review Council Representation on Boards and Committees was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Committee to Review Council Representation on Boards and Committees dated September 2003 be accepted as information and further that the report BE REFERRED to the new City Council for its consideration during the Boards and Committees appointment process in December 2003. CARRIED.
- (q) Correspondence from Councillor Frank Manzo concerning the issue of pelletizing garbage was received by Council.

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES

6. (6) PLANNING

- (a) **Application No. A-7-03-D.C. – Sandra and David Galloway – 742 Wellington Street West – Request in Order to Accommodate a Proposed Bed and Breakfast Establishment Within the Existing Single Family Residence**
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 06 concerning Application No. A-7-03-D.C. – Sandra and David Galloway be accepted and the recommendation that City Council approve the application to remove the Holding Provision in order to accommodate a Bed and Breakfast establishment limited to two rooms within the existing single family residence be endorsed. CARRIED.

- (b) **Application No. A-27-03-Z – The Pregnancy Centre – 179 McDougald Street – Request in Order to Permit in Addition to Residential Units, General Offices, Counselling and Service Delivery Provided by the Pregnancy Centre**
The report of the Planning Division was accepted by Council.

6. (6)
(b) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Planning Division dated 2003 10 06 concerning Application No. A-27-03-Z – the Pregnancy Centre be accepted and the recommendation that City Council approve the application subject to the 2 conditions contained in the report be endorsed. CARRIED.

- (c) **Application No. A-28-03-Z – Rita Markhoff – 256 Beverley Street – Request in Order to Legalize the Existing Apartment in the Converted Garage**
The report of the Planning Division was received by Council.

Moved by Councillor F. Manzo
Seconded by Councillor P. Mick
Resolved that agenda item 6.(6)(c) Rita Markhoff, 256 Beverley Street, BE DEFERRED to a future Council Meeting in order to allow the applicant an opportunity to meet with staff to further review the matter for conditions to approve the application. CARRIED.

Mover Councillor N. DelBianco
Seconder Councillor B. Hayes
Resolved that the report of the Planning Division dated 2003 10 06 concerning Application No. A-28-03-Z – Rita Markhoff be accepted and the recommendation that City Council DENY the request be endorsed. OFFICIALLY READ NOT DEALT WITH.

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

- (a) Correspondence from Councillor F. Manzo concerning water sewer charges was received by Council.

Moved by Councillor F. Manzo
Seconded by Councillor B. Hayes
Whereas the present water sewer charges are a concern to the homeowners and constituents of this city; and
Whereas sewer charges are charged for the extra water that is used in the summer time and does not enter the sanitary sewers; and
Whereas homeowners and constituents use more water in the summer time than they do in the winter; and
Whereas the homeowners and constituents in the summer time wash cars, water lawns and gardens, wash driveways and city sidewalks, wash outside windows, etc. and none of this water enters the sanitary sewers; and
Whereas the homeowners and constituents are charged for the water used and 100% towards sewer charges; and

7. (a) Whereas in the Detroit Newspaper of August 24, 2003 many homeowners have installed a second water meter for water used outside and have a savings on their water-sewer bills; and
Whereas a copy of the Detroit Newspaper is distributed to all members of City Council;
Therefore be it resolved that City Council take some sincere interest in resolving such sewer charges for water that does not enter the sanitary sewer and still the homeowners are charged for the sewer charges; and
Further be it resolved that City Council request the public utilities to study the feasibility of putting a cap on the water sewer charges used in the summer; and
Further that a committee be established to conduct the necessary study and report back to City Council. CARRIED.

Recorded Vote

For: Councillors P. Vaudry, J. Caicco, P. Mick, B. Hayes, F. Manzo, N. DelBianco, D. Amaroso

Against: Mayor J. Rowsell, Councillors D. Jones, J. Curran, B. Irwin

Absent: Councillor L. Turco

- (b) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick

Whereas the residents in the area of West Street (Albert Street West/Queen Street West) have over the years requested that the trains using the trackage in their neighbourhood refrain from the blowing of whistles and sounding of bells at the various neighbourhood crossings; and

Whereas City Council on behalf of these residents have made various requests which have resulted in the discontinuance of the use of the whistles but not the bells which continue to unnecessarily disturb the residents of the area; and

Whereas Transport Canada has advised that they do not regulate the use of whistles or bells at crossings on private property; and

Whereas the railroad crossings at Algoma Steel Inc's #2 gate are on property which is owned by CN Rail but over which Algoma Steel Inc has an easement for the purpose of pedestrian and vehicular crossings;

Now therefore be it resolved that this Council on behalf of the residents of the neighbourhood request CN Rail and Algoma Steel Inc to work together toward a safe solution which results in the silent crossing of trains in such a way that needless disturbance is not created for the neighbours and that the City offers any assistance that may be required to this end. 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 Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that all the by-laws listed under item 10 of the Agenda under date 2003 10 06 be approved. CARRIED.

(a) Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that By-law 2003-205 being a by-law to appoint Municipal Law Enforcement Officers to enforce the by-laws on various properties and to amend Schedule "A" to By-law 90-305 be read three times and passed in Open Council this 6th day of October, 2003. CARRIED.

(b) Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that By-law 2003-206 being a by-law to authorize an agreement with the City and the Ministry of the Environment to receive from the Ministry an additional \$30,000. in funding for the Wastewater Characterization Study for the design of the East End Water Pollution Control Plant be read three times and passed in Open Council this 6th day of October, 2003. CARRIED.

(c) Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that By-law 2003-207 being a by-law to authorize an agreement with the City and Hawn & Associates Inc. to do a study to identify the benefits of the Ontario Lottery and Gaming Corporation (OLGC) and its employees to living and working in Sault Ste. Marie be read three times and passed in Open Council this 6th day of October, 2003. CARRIED.

(d) Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that By-law 2003-208 being a by-law to authorize an agreement with the City and KPMG to prepare materials in support of more public sector jobs being located in Sault Ste. Marie be read three times and passed in Open Council this 6th day of October, 2003. CARRIED.

(e) Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that By-law 2003-209 being a by-law to remove the "Holding" provision on the property located at 395 Pineshore Drive be read three times and passed in Open Council this 6th day of October, 2003. CARRIED.

10. (f) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2003-210 being a by-law to amend Sault Ste. Marie Zoning By-law 4500 concerning lands located at 742 Wellington Street West be read three times and passed in Open Council this 6th day of October, 2003. (Galloway) CARRIED.
- (g) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2003-211 being a by-law to amend Sault Ste. Marie Zoning By-laws 4500 and 4501 regarding lands located at 177 – 179 McDougald Street be read three times and passed in Open Council this 6th day of October, 2003. (Pregnancy Centre) CARRIED.
- (h) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2003-213 being a by-law to assume for public use and establish as a public lane a lane in the Rosedale Park “B” Subdivision be read three times and passed in Open Council this 6th day of October, 2003. CARRIED.
- (i) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2003-214 being a by-law to stop up, close and authorize the conveyance of a lane in the Rosedale Park “B” Subd., be read a first and second time this 6th day of October, 2003. CARRIED.

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

- (a) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that this Council shall now go into Caucus to discuss one legal (solicitor client privilege) and one property (disposition of municipal land) matter. CARRIED.

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