

## **MINUTES**

### **REGULAR MEETING OF CITY COUNCIL**

**1999 08 09**

**4:30 P.M.**

### **COUNCIL CHAMBERS**

**PRESENT:** Mayor S. Butland, Councillors C. Swift, D. Oraziotti, B. Irwin, J. Curran, M. Borowicz, D. Brandt, R. Niro, S. Lepore, D. Amaroso, D. Jones, M. Pascuzzi, P. Vaudry

**OFFICIALS:** J. Fratesi, D. Irving, L. Bottos, W. Lamming, G. Mason, M. Murray, M. Brechin, D. McConnell

1. **ADOPTION OF MINUTES**

Moved by Councillor B. Irwin  
Seconded by Councillor D. Jones  
Resolved that the Minutes of the Regular Council Meeting of 1999 07 26 be approved. CARRIED

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

3. **PASSING OF ACCOUNTS**

Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Amaroso  
Resolved that the accounts of 1999 07 30 in the amount of \$547,922.19 and payrolls properly certified be passed and paid and the payrolls of the periods 1999 07 11 to 1999 07 24 in amounts of Hourly \$1,224,890.12 and Salaried \$885,132.57 as certified and paid be confirmed. CARRIED

Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Jones  
Resolved that the accounts of 1999 07 23 in the amount of \$2,535,174.92 be passed and paid. CARRIED

Councillor R. Niro declared a pecuniary interest – employed by Work Wear Corporation of Canada

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Proclamation – “FARMERS MARKET WEEK”
- (b) A representative of the Humane Society was in attendance concerning Agenda Item 4.(b). Proclamation – “NATIONAL HOMELESS ANIMALS DAY”
- (c) Rick McGee of Sault College, on behalf of Sal-Dan Development and others, was in attendance concerning Agenda Item 5.(g)
- (d) Udo Rauk was in attendance concerning Agenda Item 5.(f).
- (e) Gerry Nori, on behalf of Greenbelt Bingo, and Michael O'Neill, Henry Zakrocki and Kirk Kinghorn were in attendance concerning Agenda Item 6.(1)(a).
- (f) David Lidstone and Amelia Guzzo were in attendance concerning Agenda Item 6.(6)(b).

**PART ONE - CONSENT AGENDA**

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

Moved by - Councillor B. Irwin

Seconded by - Councillor D. Jones

Resolved that all the items listed under date 1999 08 09 - Part One - Consent Agenda be approved as recommended. CARRIED

- (a) Correspondence from the Municipality of Arran-Elderslie (concerning provincial funding for maintenance and restoration of community centres and arenas); was accepted by Council.
- (b) Correspondence concerning requests for permits to hold Special Occasion Permit events at outdoor municipality facilities were accepted by Council.

Moved by Councillor J. Curran

Seconded by Councillor D. Amaroso

Resolved that the following request to hold Special Occasion Permit events at an outdoor municipal facility on the stated dates and times be endorsed by Council:

Roberta Bondar Park

The River Society (The Sault Ste. Marie Salmon Derby)

Friday, August 27 - 6:00 p.m. – 10:00 p.m.

Saturday, August 28 - 12 Noon – 11:00 p.m.

Sunday, August 29 - 12 Noon – 5:00 p.m. CARRIED

(c) **Staff Travel Request**

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

Moved by - Councillor B. Irwin

Seconded by - Councillor D. Amaroso

Resolved that the staff travel request contained in the report of the Chief Administrative Officer dated 1999 08 09 be approved. CARRIED

(d) **Tender for Two (2) Para-Transit Mini Buses (99CK03)**

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

Moved by - Councillor B. Irwin

Seconded by - Councillor D. Jones

Resolved that the report of the Manager of Purchasing, dated 1999 07 29, be endorsed and that the Tender for the supply and delivery of Two (2) Para-Transit Mini Buses, as required by our Transit Division, be awarded as recommended. CARRIED

(e) **Granting of Easement – Property to the east of Wellington Square Mall**

The report of the City Solicitor was accepted by Council. The relevant By-law 99-161 is listed under Item 10 of the Minutes.

(f) **Eliminating the South Half of 345 Queen Street East from The Queenstown Business Improvement Area – Major Contracting (Algoma) Limited**

The report of the City Solicitor was received by Council. The relevant By-law 99-166 is listed under Item 10 of the Minutes.

Moved by - Councillor C. Swift

Seconded by - Councillor D. Amaroso

Resolved that Agenda Item 5.(f) – Elimination of south half of 345 Queen Street East from Queenstown Business Improvement Area be deferred to the August 30, 1999 Council Meeting at the request of the Queenstown Association in order to hold an information meeting with City Staff. CARRIED

## **PART TWO - REGULAR AGENDA**

### **5. COMMUNICATIONS AND THE CONSIDERATION AND REFERRAL THEREOF**

#### **(g) Request for Proposals – Memorial Gardens Replacement**

Correspondence from Sal-Dan Developments concerning a replacement facility for the Memorial Gardens was accepted by Council.

Moved by - Councillor B. Irwin

Seconded by - Councillor D. Amaroso

Resolved that the appropriate staff be directed to issue a Request for Proposals (RFP) for the construction of a state-of-the-art, multi-purpose arena complex.  
CARRIED

#### **(h) Correspondence from Mayor Butland concerning trans-polar cargo flights was accepted by Council.**

Moved by - Councillor J. Curran

Seconded by - Councillor D. Jones

Resolved that Mayor Butland be authorized to invite M. Tretheway to a consultation meeting in Sault Ste. Marie, at a cost of \$4,500 plus expenses to be funded from the Special Economic Development Fund. CARRIED

#### **(i) Moved by - Councillor J. Curran**

Seconded by - Councillor D. Amaroso

Resolved that the following request for a liquor licence extension on private property for an outdoor event on the stated date and time be endorsed by City Council:

G. Verdi Hall – August 21, 1999

CARRIED

### **6. REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**

#### **6. (1) ADMINISTRATIVE**

#### **(a) Greenbelt Bingo – Relocation Application**

The report of the City Clerk was received by Council.

Moved by - Councillor J. Curran

Seconded by - Councillor D. Jones

Whereas at its regular meeting of 1999 08 09, City Council has considered the matter of a relocation of Greenbelt Bingo from its present location on Highway 17 North at the city limit to the junction of Second Line East and Black Road; and Whereas at its regular meeting City Council allowed both the applicant and other interested parties the opportunity to provide input concerning this relocation; and Whereas City Council feels that this relocation does not adversely affect the fair and equal access to the charitable gaming marketplace and that the total number of bingo halls in the market area is not affected;

Be It Resolved that City Council approve the relocation proposal as submitted by Greenbelt Bingo. DEFEATED

Councillor B. Irwin declared a pecuniary interest – employed by Ontario Lottery Corporation

Councillor M. Borowicz declared a pecuniary interest – daughter employed by Sarlo O'Neill.

Councillor P. Vaudry declared a pecuniary interest – Member of Conservation Authority

#### RECORDED VOTE

FOR: Councillors J. Curran, D. Orazietti, S. Lepore, M. Pascuzzi

AGAINST: Mayor S. Butland, Councillors R. Niro, D. Jones, C. Swift, D. Amaroso, D. Brandt

Moved by - Councillor C. Swift

Seconded by - Councillor D. Amaroso

Be It Resolved that agenda item 6.(1)(a) be accepted for Option "C" from the City Clerk's report. (Option "C" directs that a Public Forum be held prior to Council's decision). CARRIED

Councillor B. Irwin declared a pecuniary interest – employed by Ontario Lottery Corporation

Councillor M. Borowicz declared a pecuniary interest – daughter employed by Sarlo O'Neill

Councillor P. Vaudry declared a pecuniary interest – member of Conservation Authority

#### RECORDED VOTE

FOR: Mayor S. Butland, Councillors R. Niro, J. Curran, D. Jones, C. Swift, D. Amaroso, D. Brandt, S. Lepore, M. Pascuzzi

AGAINST: Councillor D. Orazietti

6. (5) **LEGAL**

(a) **Sidewalk – Northern Avenue**

The report of the City Solicitor was received by Council.

Moved by - Councillor M. Borowicz

Seconded by - Councillor D. Brandt

Resolved that Agenda Item 6.(5)(a) concerning Sidewalk – Northern Avenue be deferred to the September 13, 1999 Council Meeting in order that an information meeting be held involving the interested parties. CARRIED

Moved by - Councillor B. Irwin

Seconded by - Councillor D. Amaroso

Resolved that the report of the City Solicitor dated 1999 07 12 be accepted and that City staff be authorized to proceed under Section 8 of the Local Improvement Act concerning a sidewalk on the north side of Northern Avenue from Willow Avenue to Tadcaster Place in accordance with the provisions of the Local Improvement Act. OFFICIALLY READ NOT DEALT WITH

(b) **Appeals to Zoning By-law 99-117 – First Professional Big Box Store off of Great Northern Road**

The report of the City Solicitor was accepted by Council.

Moved by - Councillor B. Irwin

Seconded by - Councillor D. Amaroso

Resolved that the report of the City Solicitor dated 1999 08 09 concerning appeals to Zoning By-law 99-117 (First Professional Management Inc.) be accepted and that application be made to the Ontario Municipal Board. CARRIED

6. (6) **PLANNING**

(a) **Application No. A-16-99-Z – Request to remove the Holding provision subject to the conditions as stated in By-law No. 99-130 – Sar-Gin Developments (Sault) Limited**

The report of the Planning Division was accepted by Council.

Moved by - Councillor B. Irwin

Seconded by - Councillor D. Amaroso

Resolved that the report of the Planning Division under date 1999 07 29 concerning Application No. A-16-99-Z – Sar-Gin Developments (Sault) Limited, be accepted and the Planning Director's recommendation, be endorsed. CARRIED

(b) **Application No. A-27-99-Z – A request to amend Zoning By-law 4500 – S & T Electrical Contractors Limited**

The report of the Planning Division was accepted by Council.

Moved by - Councillor B. Irwin

Seconded by - Councillor D. Jones

Resolved that the report of the Planning Division under date 1999 07 28 concerning Application No. A-27-99-Z – S. & T. Electrical Contractors Ltd. be accepted and the Planning Director's recommendation, be endorsed.  
CARRIED

(c) **Application No. 13-99-D.C. – Bed & Breakfast Craig & Stephanie Martynuck**

The report of the Planning Division was received by Council.

Moved by - Councillor P. Vaudry

Seconded by - Councillor M. Pascuzzi

Resolved that Agenda Item 6. (6) (c) - Application No. 13-99-D.C. – Bed and Breakfast – Craig and Stephanie Martynuck be deferred at the request of the area residents to the September 13<sup>th</sup>, 1999 Council Meeting. CARRIED

Moved by - Councillor B. Irwin

Seconded by - Councillor D. Amaroso

Resolved that the report of the Planning Division under date 1999 07 30 concerning Application No. 13-99-D.C.- Craig and Stephanie Martynuck, be accepted and the Planning Director's recommendation, be endorsed.  
OFFICIALLY READ – NOT DEALT WITH

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

(a) Moved by - Councillor B. Irwin

Seconded by - Councillor P. Vaudry

WHEREAS City Council has set aside funds for the purpose of creating an Economic Development Fund; and

WHEREAS City Council through the Council Committee on Job Creation, has recently undertaken an economic priority setting exercise;

BE IT RESOLVED that appropriate staff and the Economic Development Corporation be asked to develop criteria for use of the Economic Development Fund, a process for consideration and approval of proposed initiatives, and a reporting mechanism so that community residents can monitor expenditures and results achieved;

FURTHER BE IT RESOLVED that no additional expenditures be made from the Economic Development Fund until such criteria, approval process and reporting considerations are adopted by City Council;

FURTHER BE IT RESOLVED that the above requirements be prepared for Council consideration by its first regular meeting in September. CARRIED

- (b) Moved by - Councillor P. Vaudry  
 Seconded by - Councillor M. Borowicz  
 WHEREAS the Council of the City of Sault Ste. Marie on January 29, 1990 passed Resolution 5.(e) believing it to be in accordance with the provisions of the Municipal Act of Ontario Part VII and more specifically Section 104(a) in the intent of maintaining goodwill, harmony and sound and responsible fiscal management; and  
 WHEREAS the resolution was revoked by an Ontario Court Justice who ruled that the City did not have the authority to pass the aforementioned resolution; and  
 WHEREAS there persists within Canada a misreading of the purpose and intent of the resolution; and  
 WHEREAS Sault Ste. Marie is embarking on a series of positive National and International economic initiatives;  
 NOW THEREFORE BE IT RESOLVED that the, January 29, 1990 resolution 5.(e) be officially rescinded. OFFICIALLY READ – NOT DEALT WITH  
 (Ruled as Out of Order by Mayor Butland)
- (c) Moved by - Councillor D. Brandt  
 Seconded by - Councillor S. Lepore  
 Whereas the “language resolution” was struck down by the courts because it was beyond the City’s authority; and  
 Whereas it is not legally possible to rescind a resolution that has already been struck down by the courts;  
 Be It Resolved that a notation be added to the Minutes of the Regular Meeting of City Council of January 29, 1990 to include the following beside item 5(e); N.B. “This resolution was struck down by the courts on June 30, 1994 and therefore has no effect.” CARRIED

#### RECORDED VOTE

FOR: Mayor S. Butland, Councillors R. Niro, M. Borowicz, J. Curran, D. Jones, D. Oraziatti, P. Vaudry, C. Swift, D. Amaroso, D. Brandt, B. Irwin, S. Lepore, M. Pascuzzi  
 AGAINST: Nil  
 ABSENT: Nil

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

- Moved by: - Councillor B. Irwin  
 Seconded by: - Councillor D. Jones  
 Resolved that all the by-laws listed under Item 10 of the Agenda under date 1999 08 09 be approved, same and except 99-166 (deferred to August 30), 99-167 (removed at the request of the Treasurer). CARRIED
- (a) Moved by - Councillor B. Irwin  
 Seconded by - Councillor D. Amaroso  
 Resolved that By-law 99-167 being a by-law to provide for an interim tax levy for capped property tax classes for 1999 for commercial, industrial and multi-



residential property be read three times and passed in Open Council this 9<sup>th</sup> day of August, 1999. OFFICIALLY READ – NOT DEALT WITH (Removed at the request of the Treasurer)

- (b) Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Amaroso  
Resolved that By-law 99-166 being a by-law to amend By-law 76-419, as amended, by deleting 332 Bay Street from the Queenstown Business Improvement Area be read three times and passed in Open Council this 9<sup>th</sup> day of August, 1999. DEFERRED TO THE AUGUST 30, 1999 COUNCIL MEETING
- (c) Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Amaroso  
Resolved that By-law 99-53 being a by-law to authorize the construction of sanitary sewer, private drain connections and Class “A” pavement on Lake Street from McNabb Street to Paladin Avenue on the initiative plan under Section 12 of the Local Improvement Act, be read a third time and passed in Open Council this 9<sup>th</sup> day of August, 1999. CARRIED
- (d) Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Amaroso  
Resolved that By-law 99-54 being a by-law to authorize the construction of sanitary sewer, private drain connections and Class “A” pavement on Lake Street from MacDonald Avenue to McNabb Street on the initiative plan under Section 12 of the Local Improvement Act, be read a third time and passed in Open Council this 9<sup>th</sup> day of August, 1999. Carried
- (e) Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Amaroso  
Resolved that By-law 99-145 being a by-law to amend Sault Ste. Marie Zoning By-law 4500 concerning 12 Second Line West and;  
Further Be It Resolved that By-law 99-146 being a by-law to designate 12 Second Line West an area of site plan control be read three times and passed in Open Council this 9<sup>th</sup> day of August, 1999. (Paul Temelini) CARRIED
- (f) Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Amaroso  
Resolved that By-law 99-160 being a by-law to amend By-law 99-100 being a by-law to regulate the proceedings of the Council of the Corporation of the City of Sault Ste. Marie be read three times and passed in Open Council this 9<sup>th</sup> day of August, 1999. CARRIED
- (g) Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Amaroso  
Resolved that By-law 99-161 being a by-law to grant a right-of-way easement to Howard Barsanti for access to his property east of the Wellington Square Mall be read three times and passed in Open Council this 9<sup>th</sup> day of August, 1999. CARRIED

- (h) Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Amaroso  
Resolved that By-law 99-164 being a by-law to amend Sault Ste. Marie Zoning By-law 4500 and 4501 concerning lands located across from 1655 Trunk Road to permit a billboard sign be read three times and passed in Open Council this 9<sup>th</sup> day of August, 1999. CARRIED
- (i) Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Amaroso  
Resolved that By-law 99-165 being a by-law to amend By-law 99-130 to remove the Holding Provision on 2 St. Thomas Street be read three times and passed in Open Council this 9<sup>th</sup> day of August, 1999. CARRIED

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

- (a) Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Jones  
Resolved that this Council shall now go into Caucus to discuss one property acquisition and one labour relations matter. CARRIED

12. **ADJOURNMENT**

Moved by - Councillor B. Irwin  
Seconded by - Councillor D. Jones  
Resolved that this Council shall now adjourn. CARRIED

“STEPHEN E. BUTLAND”

**MAYOR**

“DONNA P. IRVING”

**CLERK**