

MINUTES

REGULAR MEETING OF CITY COUNCIL

2002 10 21

5:00 P.M.

COUNCIL CHAMBERS

PRESENT: Mayor J. Rowsell, Councillors D. Jones, P. Vaudry, J. Caicco, T. Ryma, L. Turco, B. Hayes, F. Manzo, P. Mick, N. DelBianco, D. Oraziotti, B. Irwin

ABSENT: Councillor D. Amaroso

OFFICIALS: J. Fratesi, M. White, L. Bottos, J. Elliott, B. Freiburger, M. Brechin, D. McConnell

1. **ADOPTION OF MINUTES**

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the Minutes of the Regular Council Meeting of 2002 10 07 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 2002 10 04 in the amount of \$12,657,400.85 and payrolls properly certified be passed and paid and the payrolls of the periods 2002 09 15 to 2002 09 28 in amounts of Hourly \$1,403,433.13 and Salaried \$450,602.76 as certified and paid be confirmed. CARRIED.

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

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

Councillor D. Oraziotti declared a pecuniary interest - employed by Algoma District School Board.

3. Councillor T. Ryma declared a pecuniary interest - employed by CTV Television.

Moved by Councillor N. DelBianco

Seconded by Councillor P. Mick

Resolved that the accounts of 2002 10 11 in the amount of \$3,282,145.50 be passed and paid. CARRIED.

Councillor P. Vaudry declared a pecuniary interest - employed by Algoma Steel Inc.

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

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Bruce Strapp, President and C.E.O., Economic Development Corporation; Paul Foisy and Ian McMillan, representatives from City Snowmobile Task Committee; and Bob Rollins of the Wilderness Riders were in attendance concerning agenda item 6.(8)(a).
- (b) Several delegations were in attendance concerning agenda item 7.(a).
- (c) Ed Dawson was in attendance concerning agenda item 7.(d).
- (d) Frank Mareello and Mr. Silvers 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 L. Turco

Seconded by Councillor B. Hayes

Resolved that all the items listed under date 2002 10 21 - Part One - Consent Agenda be approved as recommended. CARRIED.

- (a) Correspondence from the Federation of Canadian Municipalities (concerning Federal Response Softwood Lumber issue); the Association of Municipalities of Ontario (concerning the new flu control standard); and the Township of St. Joseph (concerning area Board representation on the Sault Area Hospitals Board) was received by Council.

5. (b) The letter from the Minister of Environment and Energy responding to a recent resolution of Council was received by Council.
- (c) The letter from Union Gas Limited concerning the retroactive rate adjustment was received by Council.
- (d) **Staff Travel Requests**
The report of the Chief Administrative Officer was accepted by Council.
- Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that the travel requests contained in the report of the Chief Administrative Officer dated 2002 10 21 be approved as requested. CARRIED.
- (e) **Traffic Concerns**
The report of the Chief Administrative Officer was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Chief Administrative Officer dated 2002 10 21 concerning Traffic Concerns be accepted as information. CARRIED.
- (f) **2003 Property Tax Classes**
The report of the City Tax Collector was accepted by Council. The relevant by-law 2002-217 is listed under item 10 of the Minutes.
- (g) **Contract 2002-14E - Bike Path Construction (Shannon Road Extension - Trunk to McNabb)**
The report of the Manager of Construction and Environmental Engineering was accepted by Council. The relevant by-law 2002-218 is listed under item 10 of the Minutes.
- (h) **Ontario Municipal Board Hearing into Appeal by Neighbours of McRain Developments Inc. - Proposed Rezoning for 11 White Oak Drive**
The report of the City Solicitor was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the City Solicitor dated 2002 10 21 concerning Ontario Municipal Board Hearing into Appeal by Neighbours of McRain Developments Inc. - Proposed Rezoning for 11 White Oak Drive be accepted as information. CARRIED.
- (i) **Ontario Municipal Board Hearing - Mario Naccarato - 633 Wallace Terrace**
The report of the Assistant City Solicitor was accepted by Council.

5. (i) Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Resolved that the report of the Assistant City Solicitor dated 2002 10 21 concerning Ontario Municipal Board Hearing - Mario Naccarato - 633 Wallace Terrace be accepted as information. CARRIED.
- (j) **940 and 948 Second Line West - Avery Brothers Limited - Zoning By-law 2002-62 - Appeal to the Ontario Municipal Board**
The report of the City Solicitor was accepted by Council.
- Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that the report of the City Solicitor dated 2002 10 21 concerning 940 and 948 Second Line West - Avery Brothers Limited - Zoning By-law 2002-62 - Appeal to the Ontario Municipal Board be accepted as information. CARRIED.
- (k) **Humane Society Building a Livestock Holding Area at 962 Second Line East**
The report of the City Solicitor was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the City Solicitor dated 2002 10 21 concerning the Building of a Livestock Holding Area by the Sault Ste. Marie Humane Society be accepted as information. CARRIED.

PART TWO - REGULAR AGENDA

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

6. (1) **ADMINISTRATIVE**

- (a) **Ward 2 Councillor - Filling the Vacant Office**
The report of the City Clerk was accepted by Council.

Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that City Council hereby accepts the resignation of Ward 2 Councillor Tony Ryma effective October 21, 2002; and further resolved that the office of City Councillor - Ward 2 be declared vacant. CARRIED.

Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the City Clerk dated 2002 10 21 concerning Ward 2 Councillor - Filling the Vacant Office be accepted; and

6. (1)
(a) Further resolved that the vacancy be filled by the Appointment Process at a Special Council Meeting to be held on November 4th, 2002 at 4:30 p.m.; and Further be it resolved that City Council express its intention to nominate and appoint Jody Curran (former Ward 2 Councillor and 3rd place candidate in the November 2000 Municipal Election) to the vacant office of Ward 2 Councillor at the Special Council Meeting on November 4th, 2002; and Further be it resolved that the City Clerk be instructed to prepare and bring forward for Council's endorsement at the November 4th, 2002 Special Meeting, an appropriate resolution giving effect to said appointment. CARRIED.

6. (3) **ENGINEERING**

(a) **Operational Specifications for Sewage Treatment Plants and Related Facilities**

The report of the Commissioner of Engineering and Planning was received by Council.

Moved by Councillor N. DelBianco

Seconded by Councillor D. Oraziatti

Whereas City Council directed staff to obtain Operational Specifications for our Sewage Treatment Plants; and

Whereas Operational Specifications will be necessary by any company that oversees the operation of the plants; and

Whereas additional decisions may still be made regarding the operation of the Sewage Treatment Plants while the request is asked;

Therefore be it resolved that the Operational Specifications be sent out for a R.F.P. Request for Proposal with time lines attached for Council's final approval. CARRIED.

Moved by Councillor N. DelBianco

Seconded by Councillor L. Turco

Resolved that the report of the Commissioner of Engineering and Planning dated 2002 10 21 concerning Operational Specifications for Sewage Treatment Plants and Related Facilities be accepted and the recommendation to retain Kresin Engineering Corporation to develop the Operational Specifications at a cost of \$80,000. to \$95,000. with funds to come from the Sanitary Sewer Surcharge Account be approved. WITHDRAWN BY MOVER AND SECONDER.

6. (6) **PLANNING**

(a) **Application No. A-29-02-Z.OP - Frank Marrello - 1280 Second Line West - Request in Order to Permit the Storing and Parking of Four Commercial Vehicles**

The report of the Planning Division was accepted by Council.

6. (6)
(a) Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Resolved that the report of the Planning Division dated 2002 10 21 concerning Application No. A-29-02-Z.OP - Frank Marrello be accepted and the recommendation that City Council deny the application be endorsed. CARRIED.

6. (8) **BOARDS AND COMMITTEES**

- (a) **City Corridor Snowmobile Trail Final Report, September 2002**
The report of the City Snowmobile Task Committee was accepted by Council.

Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that the report of the City Snowmobile Task Committee dated 2002 10 09 be accepted and the recommendations to 1) accept in principle the City Corridor Snowmobile Final Report by ESG; 2) request a report from City staff identifying the appropriate lead department and costs of addressing priorities identified in the ESG report; and 3) authorize the committee to engage ESG to provide an Implementation Plan based upon their report at a cost not to exceed \$5,000. with funding from the Economic Development Corporation be approved. CARRIED.

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

- (a) **Request to Amend the Smoking By-law 2000-140**
Note: The following material concerning this matter was received by Council: Council resolutions on this topic (January 14 and September 23, 2002); a copy of By-law 2000-140; a summary of the "Smoke-Free" petition submitted to the City Clerk's Department; submissions received from those opposed to the request to amend By-law 2000-140; and a submission from those in favour of the request to amend By-law 2000-140.

Moved by Councillor B. Irwin
Seconded by Councillor P. Mick
Be it resolved that the effective date for the proposed smoking by-law be amended to May 31, 2003. DEFEATED.

Recorded Vote

For: Councillors P. Vaudry, T. Ryma, P. Mick, B. Irwin

Against: Mayor J. Rowswell, Councillors D. Jones, J. Caicco, L. Turco, B. Hayes, F. Manzo, N. DelBianco, D. Oraziatti

Absent: Councillor D. Amaroso

7. (a) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Whereas the City of Sault Ste. Marie is in the process of passing a smoke-free by-law and the question regarding this issue be put on the ballot for the next Municipal Election in November of 2003;
Therefore be it resolved that City Council have this issue of a Smoking By-law put on the next Municipal Election ballot November 2003 so that the electorate has their right to vote. DEFEATED

Moved by Councillor P. Vaudry
Seconded by Councillor D. Oraziotti
Whereas City Council passed a by-law (By-law 2000-140) on June 12, 2000 which restricted smoking in public places; and
Whereas the restrictions on smoking in public places are phased in and fully implemented by May 31, 2004; and
Whereas City Council, by resolution dated January 14, 2002 agreed that Sault Ste. Marie should "Go for the Gold" and strive for 100% smoke free in public places in our community; and
Whereas it is recognized that many local establishments and organizations have made business decisions on the basis of the phasing-in of the by-law; and
Whereas it is the intention of City Council to "Go for the Gold" and become 100% smoke free;
Now therefore be it resolved that the City Solicitor be instructed to prepare and bring forward to City Council for its consideration a by-law which achieves 100% smoke free in public places and which becomes effective on June 1, 2004, after all of the restrictions contained in the current by-law have become effective. CARRIED.

Recorded Vote

For: Mayor J. Rowswell, Councillors D. Jones, P. Vaudry, J. Caicco, T. Ryma, P. Mick, N. DelBianco, D. Oraziotti, B. Irwin

Against: Councillor L. Turco, B. Hayes, F. Manzo

Absent: Councillor D. Amaroso

- (b) Moved by Councillor B. Irwin
Seconded by Councillor P. Vaudry
Whereas PUC Distribution Inc. (PUC) operates as an electricity distribution business serving the City of Sault Ste. Marie; and
Whereas PUC has a power supply contract with Great Lakes Power (GLP) dating back to 1928, which is of mutual benefit to both parties and to electricity users in Sault Ste. Marie; and

7. (b) Whereas the contract is for an all inclusive fixed price (excluding taxes) until December 31, 2003, with the ability to extend the contract to December 31, 2008 if a price can be agreed upon by the parties and is approved by the Ontario Energy Board (OEB); and
Whereas PUC continues to receive power through the GLP transmission system which GLP has agreed will be under the operating control of the Independent Electricity Market Operator (IMO); and
Whereas effective May 1, 2002 due to the new electricity market rules, PUC is now being invoiced by the Independent Market Operator (IMO) for various fees imposed by the IMO which are being billed in addition to the amounts being billed to PUC by GLP under the contract; and
Whereas the imposition of the fees charged by the IMO under the new market rules result in additional annual charges in excess of \$3 million to the ratepayers of Sault Ste. Marie; and
Whereas the PUC was in a unique situation prior to market opening and migration to the new market rules affect Sault Ste. Marie to a greater extent than other communities in the Province and impedes the operation of the existing contract between GLP and PUC; and
Whereas the OEB has stated in Decision RP-2000-0069 that "one size may not fit all" and the PUC had understood that it was Government policy that electricity restructuring would not negatively impact existing contracts between municipal utilities and private utilities like GLP; and
Whereas the result of strictly applying the new market rules would be contrary to the intent of Bill 35 in that one of the objectives is "to protect the interests of consumers with respect to prices and the reliability and quality of electricity service",
Now Therefore Be It Resolved that the Provincial Government be asked to review the unique situation in Sault Ste. Marie in order to provide a fair and equitable solution to the citizens of Sault Ste. Marie as a result of the Government's deregulation of the electricity market. CARRIED.
- (c) Moved by Councillor B. Hayes
Seconded by Councillor B. Irwin
Whereas the role of Council is to ensure the financial integrity of the municipality; and
Whereas the role of Council is to ensure that administrative practices and procedures are in place to implement the decisions of Council; and
Whereas numerous requests for funding come forward on a regular basis; and
Whereas controls exist to assist in managing risk and promoting effective governance; and
Whereas ongoing monitoring activities should be conducted to periodically assess risk and the effectiveness of controls to manage risk;
Now therefore be it resolved that City Council request the Finance Department to prepare a report identifying municipalities that currently have a Finance and/or Audit Committee in place and the structure and terms and conditions of that committee. CARRIED.

- (d) Moved by Councillor F. Manzo
Seconded by Councillor P. Vaudry
Resolved that City Council accept the petition and submission from the residents of Red Pine Drive regarding snow plowing and garbage collection and forward the submission and petition to City staff for study and report back to Council before the November 18, 2002 Council Meeting. CARRIED.
- (e) Moved by Councillor P. Mick
Seconded by Councillor B. Irwin
Whereas the existing Sault Ste. Marie District Jail, which houses Phase II Young Offenders, is slated for closure in January 2003; and
Whereas approximately 30 local citizens are employed (10 full time and 20 part time) in the existing young offender facility with an annual estimated payroll of \$1.6 million; and
Whereas there has been no plan announced for housing young offenders locally; and
Whereas the closest Phase II Young Offender facility is located in the Sudbury District, 305 km to the east of us; and
Whereas escort costs for these young offenders could easily exceed \$500,000.00 annually; and
Whereas each trip would take a vehicle and two officers off our streets; and
Whereas the Provincial Government must do its part in the stabilization of Sault Ste. Marie's economy and employment situation; and
Whereas our geographic location and caseload warrants a local facility;
Therefore be it resolved that City Council request an immediate meeting with the appropriate provincial ministers to plan for a viable local alternative and solution for the housing of Young Offenders in the Algoma District. 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 L. Turco
Seconded by Councillor P. Mick
Resolved that all the by-laws listed under item 10 of the Agenda under date 2002 10 21 be approved. CARRIED.
- (a) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2002-215 being a by-law to amend Sault Ste. Marie Zoning By-law 4500 concerning lands located on the south side of Second Line West approximately 97m west of Allen's Side Road be read three times and passed in Open Council this 21st day of October, 2002. (David Oliver) CARRIED.

10. (b) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2002-216 being a by-law to adopt Amendment No. 56 to the Official Plan be read three times and passed in Open Council this 21st day of October, 2002. (Nicola Romano) CARRIED.
- (c) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2002-217 being a by-law to establish optional tax classes for the 2003 taxation year be read three times and passed in Open Council this 21st day of October, 2002. CARRIED.
- (d) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2002-218 being a by-law to authorize an agreement with the City and Palmer Construction Group Inc. for the construction of a bike path along the Shannon Road extension between Trunk Road and McNabb Street be read three times and passed in Open Council this 21st day of October, 2002. (Contract 2002-14E) CARRIED.

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

- (a) Moved by Councillor
Seconded by Councillor
Resolved that City Council suspend provisions of By-law 99-100 dealing with Council's Rules of Procedure to allow for continued consideration of agenda items passing the 5 hour maximum time length. CARRIED.
- (b) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that this Council shall now go into Caucus to discuss one legal matter, one property matter and two personnel matters. CARRIED.

12. **ADJOURNMENT**

Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Resolved that this Council shall now adjourn. CARRIED.

"JOHN ROWSWELL"
MAYOR

"DONNA P. IRVING"
CLERK