

MINUTES

REGULAR MEETING OF CITY COUNCIL

2004 07 05

4:30 P.M.

COUNCIL CHAMBERS

PRESENT: Mayor J. Rowswell, Councillors J. Caicco, P. Mick, L. Turco, J. Curran, D. Celetti, J. Collins, T. Sheehan, S. Butland, B. Hayes, F. Manzo, N. DelBianco, D. Amaroso

OFFICIALS: J. Fratesi, D. Irving, B. Davies, B. Freiburger, J. Dolcetti, D. McConnell, N. Apostle, B. Strapp, L. Bottos, P. McAuley, D. Elliott

1. **ADOPTION OF MINUTES**

Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that the Minutes of the Regular Council Meeting of 2004 06 14 be approved. CARRIED.

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

3. **PASSING OF ACCOUNTS**

Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that the accounts of 2004 06 11 in the amount of \$7,502,238.78 and payrolls properly certified be passed and paid and the payrolls of the periods 2004 05 23 to 2004 06 05 in amounts of Hourly \$1,559,948.70 and Salaried \$326,545.37 as certified and paid be confirmed. CARRIED.

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

Councillor D. Celetti declared a pecuniary interest – employed by Algoma Central Railway.

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

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

3. Mayor J. Rowswell declared a pecuniary interest – China Steel is client of engineering firm.

Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that the accounts of 2004 06 18 in the amount of \$1,309,498.98 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 J. Curran declared a pecuniary interest – member of Rotary Club of Sault Ste. Marie.

Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that the accounts of 2004 06 25 in the amount of \$1,538,070.27 and payrolls properly certified be passed and paid and the payrolls of the periods 2004 06 06 to 2004 06 19 in amounts of Hourly \$1,591,542.36 and Salaried \$327,583.36 as certified and paid be confirmed. CARRIED.

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

4. **DELEGATIONS/PROCLAMATIONS**

- (a) John Bothwell, Board Member, Spina Bifada Association was in attendance concerning Proclamation – Spina Bifada Month.
- (b) Dr. Celia Ross, President, Algoma University College was in attendance to provide an update to Council on the progress of the ICT Building and associated projects being undertaken by Algoma University College.
- (c) Jacques Landry, Fish and Wildlife Technical Specialist, Ministry of Natural Resources was in attendance concerning nuisance bear control in the City.
- (d) Frank Provenzano was in attendance concerning agenda item 6.(6)(a).
- (e) Fausto DiTommaso was in attendance concerning agenda item 6.(6)(b).
- (f) Craig Burgess and Ryszard Brzezinski were in attendance concerning agenda item 6.(6)(c).
- (g) Bob Dumanski was in attendance concerning agenda item 6.(6)(d).

4. (h) Peter Bortolussi, Cherrie O'Brien, Pastor Gene Monin, Craig Martynuk and Orlando and Lorena Tridico were in attendance concerning agenda item 6.(6)(e).
- (i) Donna Gulley and Thornley Virene were in attendance concerning agenda item 6.(6)(f).

PART ONE – CONSENT AGENDA

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

Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that all the items listed under date 2004 07 05 – Part One – Consent Agenda, [save and except 5.(r) Part 2 deferred to July 26, 2004] be approved as recommended. CARRIED.

- (a) The letter from the Minister of Natural Resources dated June 16, 2004 concerning the new Bear Wise Program, a nuisance bear management strategy was received by Council.
- (b) The request from Downtown Association for a street closing on Queen Street from East to Dennis in conjunction with Midnight Magic being held on Friday, July 16, 2004 was accepted by Council. The relevant By-law 2004-135 is listed under item 10 of the Minutes.
- (c) The request from the resident of 467 Doncaster Road for a street closing on Doncaster from 65 Nichol Avenue to 401 Doncaster Road in conjunction with a Street Gathering being held on August 14, 2004 was accepted by Council. The relevant By-law 2004-136 is listed under item 10 of the Minutes.
- (d) Correspondence from the City of Kingston (concerning the Rent Bank and Rent Supplement Programs); the Township of Hornepayne (concerning VON cost cutting measures); the Township of MacDonald, Meredith and Aberdeen Additional (concerning proposed amendments to the Planning Act) was received by Council.
- (e) Correspondence concerning requests for permission to hold Special Occasion permit events at outdoor municipal facilities was accepted by Council.

5. (e) Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the following requests to hold Special Occasion permit events at municipal facilities on the stated dates and times be endorsed by City Council:
- 1) Roberta Bondar Pavilion
A Thymely Manner Restaurant Inc. – Webb Wedding
July 24, 2004 – 4:30 p.m. to 12:30 a.m.
 - 2) Roberta Bondar Pavilion
Marconi Club Italian Festival
August 1, 2004 – 2:00 P.M. to 11:00 P.M. CARRIED.

(f) **Council Travel**

Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that Arena Study Review Committee Members Mayor John Rowswell, Councillor James Caicco, Councillor Stephen Butland and Councillor Lou Turco be authorized to travel on the Arena Tour of four facilities being held on July 11 – 13, 2004 at an estimated cost of \$400.00 each, be approved. CARRIED.

(g) **Staff Travel Requests**

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

Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the staff travel contained in the report of the Chief Administrative Officer dated 2004 07 05 be approved as presented. CARRIED.

(h) **RFP – Landfill Scales Software**

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

Moved by Councillor S. Butland
Seconded by Councillor J. Collins
Resolved that the report of the Manager of Purchasing dated 2004 07 05 be endorsed and that the proposal to supply, install and provide training of Landfill Scales Software, required by the Public Works and Transportation Department, be awarded as recommended. CARRIED.

(i) **Property Tax Appeals**

The report of the City Tax Collector was accepted by Council.

Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that pursuant to Section 357 and 358 of the Municipal Act, 2001, the adjustments for tax accounts outlined on the City Tax Collector's reports of 2004 07 05 be approved and the tax records be amended accordingly. CARRIED.

5. (j) **Tax Registration and Tax Sale**
The report of the City Tax Collector was accepted by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the report of the City Tax Collector dated 2004 07 05 concerning Tax Registration and Tax Sale be accepted and the recommendation to commence Tax Sale Proceedings on the properties listed in the report be approved. CARRIED.
- (k) **Vacant Unit Tax Rebate Program – Commercial and Industrial Properties**
The report of the City Tax Collector was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor F. Manzo
Resolved that pursuant to Section 364 of the Municipal Act, 2001, the adjustments, under the vacant unit tax rebate program, for tax accounts outlined on the City Tax Collector's reports of 2004 06 24 be approved and the tax records be amended accordingly. CARRIED.
- (l) **Financing of the Sewage Treatment Plant**
The report of the Commissioner of Finance and Treasurer was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor J. Collins
Resolved that the report of the Commissioner of Finance and Treasurer dated 2004 07 05 concerning Financing of the Sewage Treatment Plant be accepted and the recommendation that Council approve the financing plan for East End Sewage Treatment Plant as recommended from the sewer surcharge and reserves be approved. CARRIED.
- (m) **Arena Study Review Committee – Fundraising Subcommittee**
The report of the Commissioner of Community Services was accepted by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the report of the Commissioner of Community Services dated 2004 07 05 concerning Arena Study Review Committee – Fundraising Subcommittee be accepted as information. CARRIED.
- (n) **Arena Study Review Committee – Travel for Non-Committee Members**
The report of the Commissioner of Community Services was accepted by Council.

5. (n) Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the report of the Commissioner of Community Services dated 2004 07 05 concerning Arena Study Review Committee – Travel for Non-Committee Members be accepted and the recommendation that the City cover the cost of hotel rooms and per diem for Ken Lajambe, Kevin Hodgson and Dr. Lou Lukenda to travel on the Arena Tour of four facilities being held on July 11 – 13, 2004 be approved. CARRIED.
- (o) **Tour - Arena Study Review Committee**
The report of the Assistant Manager, Recreation and Culture was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor J. Collins
Resolved that the report of the Assistant Manager, Recreation and Culture dated 2004 07 05 concerning Tour - Arena Study Review Committee be accepted and the recommendation that Mark Kontulainen, PRAC representative on the Arena Study Review Committee be authorized to travel on the Arena Tour of four facilities being held on July 11 – 13, 2004 at a cost of \$400.00 to be allocated from the PRAC travel budget be approved. CARRIED.
- (p) **Competition Outline for Commissioned Work for Municipal Gifts to Dignitaries**
The report of the Manager of Recreation and Culture was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor J. Collins
Resolved that the report of the Manager of Recreation and Culture on behalf of the Cultural Advisory Board dated 2004 07 05 concerning Proposed Competition Outline for Commissioned Work for Municipal Gifts to Dignitaries (dated March 2004) be accepted and the recommended Competition Outline as presented be approved. CARRIED.
- (q) **Tender Award - East End Water Pollution Control Plant**
The report of the Manager of Construction and Environmental Engineering was accepted by Council.

5. (q) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that the report of the Manager of Construction and Environmental Engineering dated 2004 07 05 concerning Tender Award – East End Water Pollution Control Plant be accepted and the recommendation to:
1) award the tender for reconstruction of the East End Water Pollution Plant to North America Construction Ltd. at a cost of \$45,021,771.00;
2) submit a request OSTAR for additional program funding of \$12,942,895.00; and
3) defer reconstruction of the Outfall for the East End Plant and reconstruction of Pim Street Pumping Station/CSO tank until the City has sufficient funding or until grant funding is obtained, be approved. CARRIED.
- (r) **Link Road From Highway 17 (New) to Trunk Road**
The report of the Commissioner of Engineering and Planning was received by Council.

Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the report of the Commissioner of Engineering and Planning dated 2004 07 05 concerning Link Road from Highway 17 (new) to Trunk Road be accepted and the recommendation that (1) City Council reaffirm the City's position that Council request that the Minister of Transportation, the Honourable Harinder Takhar make a firm commitment to complete Highway 17 (new) in accordance with their scheduled dates for two lanes by 2006 and four lanes by 2008; and (2) furthermore, although a level crossing is suitable as an interim measure, if the timelines set out above are not adhered to, then an overpass should be constructed, be approved. Note: Recommendation (1) – CARRIED; Recommendation (2) – DEFERRED to July 26th.
- (s) **Contract 2004-6E – Milling and Asphalt Resurfacing**
The report of the Manager of Construction and Environmental Engineering was accepted by Council. The relevant By-law 2004-138 is listed under item 10 of the Minutes.
- (t) **Municipal Class EA Planning and Design Process**
The report of the Commissioner of Engineering and Planning was accepted by Council.

Moved by Councillor S. Butland
Seconded by Councillor F. Manzo
Resolved that the report of the Commissioner of Engineering and Planning dated 2004 07 05 concerning Municipal Class EA Planning and Design Process be accepted as information. CARRIED.
- (u) **Truck Route Project – Property Acquisition**
The report of the City Solicitor was accepted by Council. The relevant By-law 2004-137 is listed under item 10 of the Minutes.

5. (v) **Request to Occupy a Portion of Hess Street Opposite 29 Hess Street**
The report of the City Solicitor was accepted by Council. The relevant By-law 2004-144 is listed under item 10 of the Minutes.
- (w) **Para Bus Advisory Committee and Accessibility Advisory Committee**
The report of the Transit Manager was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor J. Collins
Resolved that the report of the Transit Manager dated 2004 06 17 concerning Para Bus Advisory Committee and Accessibility Advisory Committee be accepted and the recommendation that the Para Bus Advisory Committee be consolidated with the transportation subcommittee of the Accessibility Advisory Committee be approved. CARRIED.
- (x) **Removal of School Crossing Guard at the Cathcart/Huron Street Intersection**
The report of the Deputy Commissioner of Public Works and Transportation was accepted by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2004 06 28 concerning Removal of School Crossing Guard at the Cathcart/Huron Street Intersection be accepted and the recommendation that starting September 1st, 2004 the school crossing guard be removed at the Cathcart/Huron intersection and that the principal at Etienne Brule School be notified of the change and be requested to inform the families of the children involved be approved. CARRIED.
- (y) **Traffic Signals – Fifth Line at Great Northern Road**
The report of the Commissioner of Public Works and Transportation was accepted by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the report of the Commissioner of Public Works and Transportation dated 2004 06 16 concerning Traffic Signals at Fifth Line at Great Northern Road be accepted as information. CARRIED.
- (z) **Urn Garden Columbariums**
The report of the Manager of Cemeteries was accepted by Council.

5. (z) Moved by Councillor S. Butland
Seconded by Councillor F. Manzo
Resolved that the report of the Manager of Cemeteries dated 2004 05 09 concerning Urn Garden Columbariums be accepted and the recommendation that staff proceed with tendering for the construction of two companion columbarium units at an estimated cost of \$35,000.00 with funds for the Cemetery Reserve be approved. CARRIED.
- (aa) **Mausoleum Crypt Plates**
The report of the Manager of Cemeteries was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor J. Collins
Resolved that the report of the Manager of Cemeteries dated 2004 05 14 concerning Policy for Mausoleum Crypt Plates Layout (Carl Mann request dated 2004 05 16) be accepted and the recommendation that the present policy concerning crypt plaque layout remain unchanged be approved. CARRIED.
- (bb) **Municipal Ditch Maintenance**
The report of the Commissioner of Public Works and Transportation was accepted by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that the report of the Commissioner of Public Works and Transportation dated 2004 06 22 concerning Municipal Ditch Maintenance be accepted as information. CARRIED.
- (cc) **2004 Sidewalk and Curb Repair Programs**
The report of the Commissioner of Public Works and Transportation was accepted by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the report of the Commissioner of Public Works and Transportation dated 2004 06 25 concerning the 2004 Curb and Sidewalk Repair Programs be accepted as information. CARRIED.
- (dd) Correspondence from the Chair, Sault Ste. Marie Physician Recruitment and Retention Committee was received by Council.
- (ee) **Architectural Request for Proposals for Multi-Use Spectator Facility**
The report of the Commissioner of Community Services on behalf of the Arena Study Review Committee was accepted by Council. The relevant By-law 2004-146 is listed under item 10 of the Minutes.

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES

6. (6) PLANNING

- (a) **Status of Application No. A-4-00-Z.OP – Ken Pierman – 1032 Great Northern Road – Status of the Review of Soils and Site Remediation Work**
The report of the Planning Division was received by Council.

Mover - Councillor S. Butland

Seconder - Councillor F. Manzo

Resolved that the report of the Planning Division dated 2004 07 05 concerning Application No. A-4-00-Z.OP – Pierman Construction be accepted and the recommendation that City Council direct the Legal Department to proceed with enforcing the existing zoning and that this file be closed. Further, that Council's decision with a copy of this report be forwarded to the Ministry of Environment with a copy of Conestoga-Rovers & Associates finding with respect to the property. OFFICIALLY READ NOT DEALT WITH. MOVER/SECONDER REMOVED THEIR NAMES FROM RESOLUTION.

- (b) **Application No. A-22-04-Z – 548 Great Northern Road – Fausto DiTommaso - Request to Rezone in Order to Redevelop the Site for General Business Purposes**

The report of the Planning Division was accepted by Council.

Moved by Councillor D. Amaroso

Seconded by Councillor N. DiBianco

Resolved that condition No. 2 in the Planning Director's report concerning A-22-04 – 190 sq. metres of landscaping – BE AMENDED to read "120 up to 190 sq. metres". CARRIED.

Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that the report of the Planning Division dated 2004 07 05 concerning Application No. A-22-04-Z – Fausto DiTommaso be accepted and the recommendation that City Council approve the request subject to the 3 conditions contained in the report be endorsed, AS AMENDED. CARRIED.

- (c) **Application No. A-23-04-Z – 350 and 358 Lake Street – Burgess Enterprises (Sault) Limited - Request the Amendment in Order to Add a Car Wash and Nine Self Storage Units as Permitted Uses on the Subject Property**

The report of the Planning Division was accepted by Council.

6. (6)

(c) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that the report of the Planning Division dated 2004 07 05 concerning Application No. A-23-04-Z – Craig Burgess be accepted and the recommendation that City Council rezone the property by way of a Special Exception to the existing “B.3” (General Business) zone to add a car wash and self storage units as additional permitted uses be endorsed. CARRIED.

(d) **Application No. A-24-04-OP – 1230 Third Line West – Nadia Sartor - Request the Amendment in Order to Allow the Property to be Severed Creating One Additional Lot**

The report of the Planning Division was accepted by Council.

Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the report of the Planning Division dated 2004 07 05 concerning Application No. A-24-04-OP – Nadia Sartor be accepted and the recommendation that City Council approve the application subject to approval of Official Plan Amendment No. 85 be endorsed. CARRIED.

(e) **Application No. A-25-04-Z – 119 Gore Street – Martin Fiser – Request that the Zoning be Amended in Order to Allow the Subject Property to be Utilized as an Adult Entertainment Parlour**

The report of the Planning Division was accepted by Council.

Mover - Councillor S. Butland
Seconder - Councillor D. Amaroso
Resolved that the report of the Planning Division dated 2004 07 05 concerning Application No. A-25-04-Z – Martin Fiser be accepted and the recommendation that City Council approve amending the existing Zoning Bylaw by way of a Special Exception to permit an adult entertainment parlour be endorsed. DEFEATED.

Recorded Vote

For: Councillors J. Caicco, J. Curran, D. Celetti, S. Butland, D. Amaroso

Against: Mayor J. Rowswell, Councillors P. Mick, L. Turco, J. Collins, T. Sheehan, B. Hayes, F. Manzo, N. DelBianco

Absent: Nil

6. (6)
(f)

Application No. A-26-04-Z.OP – 1418 Queen Street East – Donna Gulley - Request the Rezoning in Order to Use the Property for Commercial Purposes

The report of the Planning Division was received by Council.

Mover - Councillor S. Butland

Seconders - Councillor J. Caicco

Resolved that Application No. A-26-04-Z.OP BE DEFERRED to the next Council Meeting (July 26, 2004) to allow the applicant and the neighbour's representative to meet with the Planning Director to determine whether a less intensive zoning with appropriate neighbourhood safeguards might be agreeable to all parties for Council's consideration. CARRIED.

Mover - Councillor S. Butland

Seconders - Councillor J. Collins

Resolved that the report of the Planning Division dated 2004 07 05 concerning Application No. A-26-04-Z.OP – Donna Gulley 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) Mover - Councillor B. Hayes

Seconders - Councillor P. Mick

Whereas 5 traffic studies with engineering reports have been prepared in the past 10 years;

Whereas these studies have concluded that additional traffic control is not warranted at the Pine/Pleasant intersection;

Whereas the sheer number of studies conducted indicates that this intersection is of major concern to the residents of Ward 3 in general and the P-Patch in specific, regardless of studies that suggest traffic control is not warranted;

Whereas a petition with 47 names have been submitted (attached) that once again supports the request for a three way stop;

Whereas numerous complaints have come to the Councillors of Ward 3 requesting a three way stop at the Pine/Pleasant intersection;

Whereas St. Paul's School with one of the highest elementary school attendance records in the City has relocated its school bus loading zone adjacent to the Pine/Pleasant intersection creating additional vehicular and pedestrian traffic at this intersection;

Whereas this intersection is also a school crossing zone, a 3 way stop of which arguably will add protection for the children attending St. Paul's School and ease the apprehension of the school crossing guard;

Whereas the stop lights installed at McNabb and Pentagon have not served the purpose of diverting traffic from the Pine/Pleasant intersection as per their original intent;

7. (a) Therefore be it resolved that City Council requests that the Public Works and Transportation Department honour the concerns of the residents who have signed the petition and proceed to install a three way stop at the corner of Pine and Pleasant and furthermore that the 3 way stop be installed as soon as possible to take advantage of the slower summer traffic as the result of St. Paul's being closed for the summer so that motorists become familiar with the three way stop prior to school starting again in September. TABLED TO JULY 26, 2004 COUNCIL MEETING.
- (b) Mover - Councillor J. Caicco
Seconded - Councillor B. Hayes
Whereas the Sault is recognized as a 4 season destination; and
Whereas City Council supports a healthy lifestyle; and
Whereas City Council supports activities for youth; and
Whereas many Canadians frequent the snowpark in Sault, Michigan; and
Whereas Searchmont has discontinued its tubing park;
Now therefore be it resolved that City Council request the Park and Recreation Advisory Committee undertake a feasibility study regarding establishing a toboggan and tubing park and concession at Finn Hill or a site to be determined; and
Furthermore that City Council authorize Councillors Caicco and Hayes to seek partnerships with Service Clubs and/or other funding agencies should it be determined that such a snow park is feasible. TABLED TO JULY 26, 2004 COUNCIL MEETING.
- (c) Moved by Councillor J. Collins
Seconded by Councillor B. Hayes
Whereas citizens of Sault Ste. Marie have seen a significant increase in the number of bears within city limits and are concerned about their safety and the safety of their children; and
Whereas citizens have begun organizing a political meeting to discuss their concerns; and
Whereas as of April 14, 2004 Sault Ste. Marie City Police have seen an increase of 145 calls over last year concerning bears;
Therefore in accordance with the Memorandum of Understanding signed between the Sault Ste. Marie Police Services and the Ministry of Natural Resources;
Be it resolved that City Council request the Sault Ste. Marie Police Service coordinate with M.N.R. officials and our M.P.P. David Oraziotti to hold a community meeting within the next two weeks. The purpose of this meeting is to offer concerned residents a forum to communicate their fears and concerns to ministry officials while also providing the M.N.R. an opportunity to inform and educate citizens about Bear Wise and what can be done to help manage our growing bear population. CARRIED.

Councillor J. Caicco declared a pecuniary interest – spouse employed by Ministry of Natural Resources.

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 J. Caicco

Seconded by Councillor F. Manzo

Resolved that all the by-laws listed under Item 10 of the Agenda under date 2004 07 05 be approved. CARRIED.

(a) Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that By-law 2004-130 being a by-law to remove the holding provision at 9 and 25 Sunnyside Beach Road subject to various conditions imposed on the property be read three times and passed in Open Council this 5th day of July, 2004. (Mario and Frank Naccarato) CARRIED.

(b) Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that By-law 2004-132 being a by-law to establish as a street and assume for public use a portion of the Creery Avenue road allowance be read three times and passed in Open Council this 5th day of July, 2004. CARRIED.

(c) Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that By-law 2004-133 being a by-law to stop up, close and authorize the conveyance of a portion of the Creery Avenue road allowance be read a first and second time in Open Council this 5th day of July, 2004. CARRIED.

(d) Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that By-law 2004-134 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 5th day of July, 2004. CARRIED.

(e) Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that By-law 2004-135 being a by-law to permit the temporary closing of Queen Street East from East Street to Dennis Street to facilitate the Downtown Association event "Midnight Magic" be read three times and passed in Open Council this 5th day of July, 2004. CARRIED.

10. (f) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that By-law 2004-136 being a by-law to permit the temporary closing of Doncaster Road from 65 Nichol Avenue to 401 Doncaster Road to facilitate a street gathering on August 14, 2004 be read three times and passed in Open Council this 5th day of July, 2004. CARRIED.
- (g) Moved by Councillor S. Butland
Seconded by Councillor F. Manzo
Resolved that By-law 2004-137 being a by-law to authorize the acquisition of various properties to facilitate the Truck Route project be read three times and passed in Open Council this 5th day of July, 2004. CARRIED.

Councillor J. Caicco declared a pecuniary interest – employer involved in a number of property sales.

Recorded Vote

For: Mayor J. Rowswell, Councillors P. Mick, L. Turco, J. Curran, J. Collins, T. Sheehan, S. Butland, B. Hayes, D. Amaroso

Against: Councillors D. Celetti, F. Manzo

Absent: Councillor N. DelBianco

- (h) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that By-law 2004-138 being a by-law to authorize an agreement between the City and Lafarge Materials and Construction Inc. for the milling and asphalt resurfacing of various City streets (Contract 2004-6E) be read three times and passed in Open Council this 5th day of July, 2004. CARRIED.
- (i) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that By-law 2004-139 being a by-law to adopt Amendment No. 82 to the Official Plan be read three times and passed in Open Council this 5th day of July, 2004. (Mar-Li Investments) CARRIED.
- (j) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that By-law 2004-140 being a by-law to amend Sault Ste. Marie Zoning By-laws 4500 and 4501 concerning lands located at 12 Champlain Street and 62 Blake Street and further be it resolved that By-law 2004-141 being a by-law to designate 12 Champlain Street and 62 Blake Street as an area of site plan control be read three times and passed in Open Council this 5th day of July, 2004. (Mar-Li Investments) CARRIED.

10. (k) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that By-law 2004-142 being a by-law to authorize an agreement with the City and Mario Naccarato and Frank Naccarato acknowledging that the city will not be providing municipal services to 9 and 25 Sunnyside Beach Road be read three times and passed in Open Council this 5th day of July, 2004. CARRIED.
- (l) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that By-law 2004-143 being a by-law to adopt Amendment No. 85 to the Official Plan be read three times and passed in Open Council this 5th day of July, 2004. (Nadia Sartor) CARRIED.
- (m) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that By-law 2004-144 being a by-law to authorize a Licence of Occupation between the City and Maureen McLeod with respect to Hess Street opposite Civic No. 29 Hess Street be read three times and passed in Open Council this 5th day of July, 2004. CARRIED.
- (n) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that By-law 2004-146 being a by-law to authorize an agreement between the City and Ellis, Pastore and Oswin Consultants Inc. for the provision of architectural services for a new multi-use spectator facility be read three times and passed in Open Council this 5th day of July, 2004. CARRIED.

Recorded Vote

For: Mayor J. Rowswell, Councillors J. Caicco, L. Turco, J. Curran, J. Collins, T. Sheehan, S. Butland, B. Hayes, D. Amaroso

Against: Councillors D. Celetti, F. Manzo

Absent: Councillors P. Mick, N. DelBianco

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 S. Butland
Resolved that City Council suspend By-law 99-100 Section 3(2) to allow this Council Meeting to exceed 5 hours in length. CARRIED.

11. (b) Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that this Council shall now go into Caucus to discuss one personal matter about identifiable individuals, one legal matter (solicitor client advice) and one Labour Relations matter. CARRIED.

12. **ADJOURNMENT**

Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that this Council shall now adjourn. CARRIED.

_____"John Rowswell"_____

MAYOR

_____"Donna P. Irving"_____

CLERK