

## **MINUTES**

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

**2005 08 15**

**4:30 P.M.**

### **COUNCIL CHAMBERS**

**PRESENT:** Acting Mayor S. Butland, Councillors J. Caicco, P. Mick, J. Curran, D. Celetti, J. Collins, B. Hayes, F. Manzo, N. DelBianco, D. Amaroso

**ABSENT:** Mayor J. Rowswell, Councillors L. Turco, T. Sheehan

**OFFICIALS:** D. Irving, L. Bottos, N. Apostle, B. Freiburger, J. Dolcetti, D. McConnell, J. Febraro

1. **ADOPTION OF MINUTES**

Moved by Councillor J. Curran

Seconded by Councillor D. Amaroso

Resolved that the Minutes of the Regular Council Meeting of 2005 07 25 be approved. CARRIED.

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

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Don MacDonald, President Sault Ste. Marie Real Estate Board was in attendance to provide a brief update on the Sault Ste. Marie Housing Market.
- (b) Lorena Tridico and Monique Erb were in attendance concerning agenda item 5.(x).
- (c) Doug Clute was in attendance concerning agenda item 5.(aa).

## **PART ONE – CONSENT AGENDA**

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

Moved by Councillor J. Curran

Seconded by Councillor D. Celetti

Resolved that all the items listed under date 2005 08 15 - Part One - Consent Agenda [save and except 5.(x) - deferred to September 26 and 5.(l) - defeated] be approved as recommended. CARRIED.

- (a) Correspondence from AMO was received by Council.
- (b) News Releases from the Ministry of Government Services, Ministry of Natural Resources, Ministry of Municipal Affairs and Housing and The Conservation Council of Ontario were received by Council.
- (c) Correspondence from the Township of Wellington North (concerning the Ontario Municipal Partnership Fund); Thunder Bay District Social Services Administration Board (concerning National Child Benefit Supplement Clawback); Townships of Clearview and Springwater and the Town of Wasaga Beach (concerning unfair treatment for non-contract police municipalities); and the City of Clarence-Rockland (concerning the formula used to calculate municipal debt capacity) was received by Council.

Moved by Councillor P. Mick

Seconded by Councillor J. Caicco

Resolved that Sault Ste. Marie City Council endorse the resolution of Thunder Bay requesting that the Province stop the practice of clawing back the National Child Tax Benefit Supplement which affects the children most at risk in the province. CARRIED.

- (d) Requests for Special Occasion Permits for events at municipal facilities were accepted by Council.

Moved by Councillor T. Sheehan

Seconded by Councillor D. Amaroso

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) Strathclair Park Ball Field "A"
  - Smack Daddy's OSA Slow Pitch Tournament
  - August 19, 2005 - 5:00 to 9:30 p.m.
  - August 20 and 21, 2005 - 12:00 noon to 9:30 p.m.
- 2) Roberta Bondar Pavilion
  - Sault Area Hospital Foundation Chilifest
  - September 11, 2005 - 12:00 noon to 5:00 p.m. CARRIED.

5. (e) **Staff Travel Requests**

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

Moved by Councillor T. Sheehan

Seconded by Councillor D. Celetti

Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2005 08 15 be approved as requested. CARRIED.

(f) **CUPE Local 67 Daycare - Memorandum of Settlement**

The report of the Manager of Human Resources Services was accepted by Council.

Moved by Councillor J. Curran

Seconded by Councillor D. Amaroso

Resolved that the report of the Manager of Human Resources Services dated 2005 08 15 concerning CUPE Local 67 Daycare - Memorandum of Settlement be accepted; and further that the Memorandum of Settlement between CUPE Local 67 Daycare and the City of Sault Ste. Marie be approved for ratification by City Council and that the appropriate by-law be presented at a future Council Meeting. CARRIED.

(g) **Property Tax Appeals**

The report of the Assessment and Collections Supervisor was accepted by Council.

Moved by Councillor J. Curran

Seconded by Councillor D. Celetti

Resolved that pursuant to Section 357 of the Municipal Act, 2001, the adjustments for tax accounts outlined on the City Tax Collector's report of 2005 08 15 be approved and the tax records be amended accordingly. CARRIED.

(h) **2005 Tax Apportionments**

The report of the Assessment and Collections Supervisor was accepted by Council.

Moved by Councillor T. Sheehan

Seconded by Councillor D. Amaroso

Resolved that pursuant to Section 356 of the Municipal Act that the apportionment for the tax account(s) outlined on the list dated August 15, 2005, certified by the City Tax Collector, be approved to amend the Tax Roll in accordance with the report. CARRIED.

(i) **Vacant Unit Tax Rebate Program - Commercial and Industrial Properties**

The report of the Assessment and Collections Supervisor was accepted by Council.

5. (i) Moved by Councillor T. Sheehan  
Seconded by Councillor D. Celetti  
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 report of 2005 08 15 be approved and the tax records be amended accordingly. CARRIED.
- (j) **Queenstown Board of Management (O/A The Downtown Association) - 2005 Budget Estimates and 2004 Audit Report**  
The report of the Commissioner of Finance and Treasurer was accepted by Council.
- Moved by Councillor J. Curran  
Seconded by Councillor D. Amaroso  
Resolved that City Council acknowledge receipt of the Queenstown Board of Management (O/A The Downtown Association) Audit for the year 2004, as prepared by BDO Dunwoody LLP Chartered Accountants and Advisors and that Council approve the Queenstown Board of Management Budget Estimates for the year 2005. CARRIED.
- (k) **Sault Ste. Marie Can-Am Chinook Salmon Derby (The St. Joseph Island Hunters and Anglers Association Inc.) - Request for Financial Assistance**  
The report of the Manager of Finance and Audits was accepted by Council.
- Moved by Councillor J. Curran  
Seconded by Councillor D. Celetti  
Resolved that the report of the Manager of Finance and Audits dated 2005 08 15 concerning Sault Ste. Marie Can-Am Chinook Salmon Derby - Request for Financial Assistance be accepted and the recommendation that the request for Financial Assistance be approved and further that the Sault Ste. Marie Can-Am Chinook Salmon Derby be "grandfathered" and thus exempt from the ineligibility criteria be approved. CARRIED.
- (l) **Policy for Filling Council Vacancies**  
The report of the City Clerk was received by Council.
- Moved by Councillor T. Sheehan  
Seconded by Councillor D. Amaroso  
Resolved that the report of the City Clerk dated 2005 07 11 concerning Policy for Filling Council Vacancies be accepted as information; and  
Further resolved that a Council Vacancy Review Committee comprised of at least 3 Councillors be established to develop a Council Vacancy Replacement Policy for consideration by Council at a future Council Meeting be approved. DEFEATED.

5. (m) **Cultural Advisory Board Community Recognition Award**

The report of the Manager of Recreation and Culture was accepted by Council.

Moved by Councillor T. Sheehan

Seconded by Councillor D. Celetti

Resolved that the report of the Manager of Recreation and Culture dated 2005 08 15 concerning Cultural Advisory Board Community Recognition Award be accepted and the recommendation of the Cultural Advisory Board that the recipient for the 2005 Cultural Advisory Board Community Recognition Award be Roy Sutton - Performing Arts be endorsed. CARRIED.

(n) **Algoma Farmers' Market**

The report of the Assistant Manager Recreation and Culture was accepted by Council.

Moved by Councillor J. Curran

Seconded by Councillor D. Amaroso

Resolved that the report of the Assistant Manager Recreation and Culture dated 2005 08 15 concerning Algoma Farmers' Market [Council resolution dated 2005 07 11] be accepted as information. CARRIED.

(o) **Petition by Residents of Churchill Avenue and Farwell Terrace**

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

Moved by Councillor F. Manzo

Seconded by Councillor D. Celetti

Resolved that agenda item 5.(o) BE DEFERRED to the August 29<sup>th</sup> Council Meeting in order to allow residents of the area to be in attendance. DEFEATED.

Moved by Councillor J. Curran

Seconded by Councillor D. Celetti

Resolved that the report of the Commissioner of Engineering and Planning dated 2005 08 15 concerning Petition by Residents of Churchill Avenue and Farwell Terrace Requesting Relocation of Overhead Power Lines be accepted as information. CARRIED.

(p) **Queen Street - Pim Street to Dennis Street - Street Lighting and Receptacles**

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

5. (p) Moved by Councillor T. Sheehan  
Seconded by Councillor D. Amaroso  
Resolved that the report of the Commissioner of Engineering and Planning dated 2005 08 15 concerning Queen Street - Pim to Dennis Streets - Street Lighting and Receptacles be accepted and the recommendation that Council authorize the allocation of up to \$130,000.00 plus taxes to carry out the necessary repairs required to satisfy the Ontario Electrical Safety Code for the street lighting receptacles on Queen Street from Pim to Dennis Streets with funds to come from the Unforeseen Expense Account be approved. CARRIED.
- (q) **City Contract 2004-13E - Demolition and Removal of Structures**  
The report of the Manager of Construction and Environmental Engineering was accepted by Council.
- Moved by Councillor T. Sheehan  
Seconded by Councillor D. Celetti  
Resolved that the report of the Manager of Construction and Environmental Engineering dated 2005 08 15 concerning City Contract 2004-13E - Demolition and Removal of Structures be accepted as information. CARRIED.
- (r) **Civic Centre Chiller Repair Cost**  
The report of the Director of Engineering Design and Buildings was accepted by Council.
- Moved by Councillor J. Curran  
Seconded by Councillor D. Amaroso  
Resolved that the report of the Director of Engineering Design and Buildings dated 2005 08 15 concerning Civic Centre Chiller Repair Cost be accepted as information. CARRIED.
- (s) **East Davignon Creek Storm Sewer Aqueduct Repairs**  
The report of the Director of Engineering Design and Buildings was accepted by Council.
- Moved by Councillor J. Curran  
Seconded by Councillor D. Celetti  
Resolved that the report of the Director of Engineering Design and Buildings dated 2005 08 15 concerning East Davignon Creek Storm Sewer Aqueduct Repairs be accepted and the recommendation that the repairs to the East Davignon Aqueduct roof deck four construction joints be carried out as soon as possible at an estimated cost of \$200,000.00 with funds to come from the Sewer Levy Fund be approved. CARRIED.

5. (t) **2643 Great Northern Road - Appeal by Kim Ledger to the Ontario Municipal Board of Council's Refusal to Enact an Official Plan Amendment and a Zoning By-law Amendment (Monster Muffler)**

The report of the City Solicitor was accepted by Council.

Moved by Councillor T. Sheehan

Seconded by Councillor D. Amaroso

Resolved that the report of the City Solicitor dated 2005 08 15 concerning 2643 Great Northern Road - Appeal by Kim Ledger to the OMB of Council's Refusal to Enact an Official Plan Amendment and a Zoning By-law Amendment (Monster Muffler) be accepted as information. CARRIED.

(u) **Pet Overpopulation**

The report of the Assistant City Solicitor was accepted by Council.

Moved by Councillor T. Sheehan

Seconded by Councillor D. Celetti

Resolved that the report of the Assistant City Solicitor dated 2005 08 15 concerning Pet Overpopulation [Paul Labelle suggestion that the City pass a by-law mandating pet owners to spay/neuter their pets] be accepted and the recommendation that no action be taken at this time be approved. CARRIED.

(v) **Status Report on Connection Between Wal-Mart and Home Depot Parking Lots**

The report of the City Solicitor was accepted by Council.

Moved by Councillor J. Curran

Seconded by Councillor D. Amaroso

Resolved that the report of the City Solicitor dated 2005 08 15 concerning Status Report on Connection Between Wal-Mart and Home Depot Parking Lots be accepted as information. CARRIED.

(w) **Two-Hour Limit on Parking in the Bruce Street Parking Lot**

The report of the City Solicitor was accepted by Council. The relevant By-law 2005-123 is listed under item 10 of the Minutes.

(x) **Local Improvement for Sanitary Sewer and Private Drain Connections on Queen Street West From Hudson to George Streets**

The report of the City Solicitor was received by Council.

Moved by Councillor D. Amaroso

Seconded by Councillor N. DelBianco

Resolved that agenda item 5.(x) Local Improvement for Sanitary Sewer and Private Drain Connections on Queen Street West from Hudson to George Streets BE DEFERRED until September 26, 2005 in order to allow the owners abutting Queen Street an opportunity to meet to review the report. CARRIED.

5. (x) Recorded Vote

For: Councillors J. Caicco, P. Mick, J. Curran, D. Celetti, J. Collins,  
F. Manzo, N. DelBianco, D. Amaroso

Against: Acting Mayor S. Butland, Councillor B. Hayes

Absent: Councillors L. Turco, T. Sheehan, Mayor J. Rowsell

Moved by Councillor J. Curran

Seconded by Councillor D. Celetti

Resolved that the report of the City Solicitor dated 2005 08 15 concerning Local Improvement for Sanitary Sewer and Private Drain Connections on Queen Street West from Hudson to George Streets be accepted and the recommendation that the City Solicitor be authorized to bring forward a by-law for the August 29<sup>th</sup> Council Meeting under Section 5 of Ontario Regulation 119/03 for a Local Improvement to be imposed on the owners abutting Queen Street from Hudson Street to George Street for sanitary sewer and private connections be approved. OFFICIALLY READ NOT DEALT WITH.

(y) Three Year Agreement for the Provision of Plans Examination and Building Inspection Services Between the City and the Township of Prince

The report of the City Solicitor was accepted by Council. The relevant By-law 2005-131 is listed under item 10 of the Minutes.

(z) Proposed Federal-Provincial Invasive Alien Species Management Centre

The report of the Planning Division was accepted by Council.

Moved by Councillor T. Sheehan

Seconded by Councillor D. Amaroso

Resolved that the report of the Planning Division dated 2005 08 15 concerning the Proposed Federal-Provincial Invasive Alien Species Management Centre be accepted and the Planning Director's recommendation that City Council accept this report as information and approve a maximum of \$5,000.00 from the City's 2005 Economic Diversification Fund for presentation and travel expenses related to the proposed Invasive Alien Species Management Centre in Sault Ste. Marie be endorsed. CARRIED.

(aa) Multimodal Transportation Initiative Business Case

The report of the C.E.O., Economic Development Corporation was accepted by Council. The letter from Mayor Rowsell on this item was received by Council.



5. (aa) Moved by Councillor J. Curran  
Seconded by Councillor D. Amaroso  
Resolved that the report of the C.E.O., Economic Development Corporation dated 2005 08 15 concerning Multimodal Transportation Initiative Business Case be accepted and the recommendations contained therein be approved. CARRIED.

Councillor D. Celetti declared a pecuniary interest - employed by CN Railway.

## **PART TWO – REGULAR AGENDA**

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

#### 6. (6) **PLANNING**

(a) **Application No. A-23-05-OP – 864 Fifth Line East - Dr. Brynlea and Mike Barbeau - Request Rezoning in Order to Create One Additional Lot**

The report of the Planning Division was accepted by Council.

Moved by Councillor T. Sheehan

Seconded by Councillor D. Celetti

Resolved that the report of the Planning Division dated 2005 08 15 concerning Application No. A-23-05-OP - Dr. Brynlea and Mike Barbeau be accepted and the Planning Director's recommendation that City Council approve Official Plan Amendment No. 103 to the City of Sault Ste. Marie Official Plan conditional upon the following: 1. That the applicant obtain an occupancy permit for the existing house on the subject property be endorsed. CARRIED.

(b) **Application No. A-24-05-OP – 540 Third Line West - Jason Ferguson - Request Rezoning in Order to Create One Additional Lot**

The report of the Planning Division was accepted by Council.

Moved by Councillor J. Curran

Seconded by Councillor D. Amaroso

Resolved that the report of the Planning Division dated 2005 08 15 concerning Application No. A-24-05-OP - Jason Ferguson be accepted and the Planning Director's recommendation that City Council approve Official Plan Amendment No. 104 to the City of Sault Ste. Marie Official Plan be endorsed. CARRIED.

7.

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

- (a) Moved by Councillor B. Hayes  
Seconded by Councillor F. Manzo  
Whereas the appearance and operations of the Museum Ship Norgoma is a direct reflection of our waterfront and may be perceived in a negative way by tourists and local residents alike; and  
Whereas the Norgoma appears to require some external repairs; and  
Whereas the volunteer board of the Norgoma was unsuccessful in their application to HRDC for necessary funding to fund staff positions for the purpose of conducting tours on a regular basis resulting in the Norgoma being closed to the public with significant regularity this summer;  
Now therefore be it resolved that City Council direct staff to meet with the Board of the Norgoma to discuss the current status of the Museum Ship Norgoma and report back to Council. CARRIED.

(b) **Notice of Motion**

Moved by Councillor T. Sheehan  
Seconded by Councillor B. Hayes  
Whereas the residents of Sault Ste. Marie were recently shocked and saddened by the sudden death of Carmen Provenzano; and  
Whereas Carmen Provenzano, in several different capacities, served the City of Sault Ste. Marie and area residents with great integrity, passion and tenacity; and  
Whereas Carmen Provenzano was instrumental in achieving a number of great things for our Community, including but not limited to, securing \$50 million in loan guarantees from the Federal government allowing the successful restructuring of Algoma Steel Inc., funding required for the new Transportation Corridor, funding required for the new Sports and Entertainment Centre and funding required for the East End Sewage Treatment Plant and related works; and  
Whereas Carmen Provenzano worked tirelessly with a number of corporations, organizations and individuals resolving issues and successfully meeting objectives; and  
Whereas over the years a number of streets, facilities, parks and events have been named in honour of outstanding community members including those who have politically represented the residents of Sault Ste. Marie such as J. McMeekin, John Rhodes and Nicholas Trobovich,

7. (b) Now therefore be it resolved that City Council authorizes the formation of a Committee to consist of Members of City Council, City Staff, members of the Provenzano family and other Community members which will review the various ways in which our City might properly honour and commemorate the significant contributions that have been made to Sault Ste. Marie by the late Carmen Provenzano and further that this Committee be asked to bring forward its recommendations to City Council for consideration and approval.

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. Curran

Seconded by Councillor D. Amaroso

Resolved that all the by-laws listed under Item 10 of the Agenda under date 2005 08 15 be approved. CARRIED.

- (a) Moved by Councillor J. Curran

Seconded by Councillor D. Amaroso

Resolved that By-law 2005-123 being a by-law to amend By-laws 69-80 and 81-357 to create a municipal parking lot on Bruce Street be read three times and passed in Open Council this 15<sup>th</sup> day of August, 2005. CARRIED.

- (b) Moved by Councillor J. Curran

Seconded by Councillor D. Amaroso

Resolved that By-law 2005-131 being a by-law to authorize a three year Agreement for the Provision of Plans Examination and Building Inspection Services between the City and the Township of Prince be read three times and passed in Open Council this 15<sup>th</sup> day of August, 2005. CARRIED.

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

12.

**ADJOURNMENT**

Moved by Councillor T. Sheehan

Seconded by Councillor D. Amaroso

Resolved that this Council shall now adjourn. CARRIED.

\_\_\_\_\_  
"John Rowsell"

**MAYOR**

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"Donna P. Irving"

**CLERK**