

MINUTES

REGULAR MEETING OF CITY COUNCIL

2005 12 12

5:00 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, L. Bottos, N. Apostle, P. McAuley, B. Freiburger, D. McConnell, M. Kukoraitis, D. Elliott

1. **ADOPTION OF MINUTES**

Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that the Minutes of the Regular Council Meeting of 2005 11 28 be approved. CARRIED.

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

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Ron Sonke, on behalf of Horizon Capital, was in attendance to receive the 2005 Community Development Award.
- (b) Joyce Ferguson-Mowat, Public Health Inspector, Algoma Health Unit was in attendance concerning Proclamation - Environmental Public Health Week.
- (c) Jerry Bumbaco, Gino Cavallo and Joe Maione, on behalf of a committee organizing a Ron Francis Day in Sault Ste. Marie on February 23rd, were in attendance concerning agenda item 7.(a).
- (d) Franco Pastore, on behalf of EPOH Inc. Architects was in attendance to update Council on the new Sports and Entertainment Centre.
- (e) Nicholas Chornyj was 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 J. Collins

Seconded by Councillor S. Butland

Resolved that all the items listed under date 2005 12 12 - Part One - Consent Agenda (save and except 5.(f) OFFICIALLY READ NOT DEALT WITH) be approved as recommended. CARRIED.

- (a) Correspondence from AMO was received by Council.

Mover Councillor S. Butland

Seconder Councillor J. Caicco

Whereas Environment Canada has recently announced project funding of up to \$50,000.00 under the Invasive Alien Species Partnership Program; and

Whereas applications must be received no later than December 16, 2005; and

Whereas the City is an active member of Science Enterprise Algoma;

Therefore be it resolved that City Council authorize a funding application in partnership with Science Enterprise Algoma to undertake a Public Awareness Outreach Program for the prevention, detection and management of Invasive Species throughout the Algoma region, and further that the City contribute \$5,000.00 from the previously approved \$25,000.00 Invasive Alien Species Budget. CARRIED.

Moved by Councillor J. Collins

Seconded by Councillor J. Caicco

Whereas the provincial Standing Committee on Regulations and Private Bills has recommended Private Members Bill 123 Transparency in Public Matters Act for Third Reading without the amendment requested by AMO; and

Whereas the proposed legislation includes municipal council and committees; and

Whereas the proposed legislation adds requirements to notice provisions, open meetings, minutes, forms of meetings, among other matters, all of which are addressed in the Municipal Act, which would create confusion for council, administration and the public; and

Whereas the Municipal Act is currently under review and is being informed by input from the municipal and private sectors among others; and

Whereas the Association of Municipalities of Ontario and others have urged the Provincial Government to remove any reference to municipal councils or council committees from this legislation and allow transparency and accountability issues to continue to be regulated under the Municipal Act;

5. (a) Therefore be it resolved that the City of Sault Ste. Marie urges the Minister of Municipal Affairs and Housing to vote against the Bill if the reference to "municipal councils" is not deleted in the Bill, and that a copy of this resolution be provided to Caroline Di Cocco, M.P.P., Sarnia-Lambton and to David Oraziotti, M.P.P., Sault Ste. Marie. CARRIED.

- (b) Correspondence from the Town of Midland (concerning the Provincial Municipal fiscal gap); City of Cornwall (concerning Interest Arbitration Awards); Township of Coleman (concerning Bill 124); Township of St. Joseph (concerning the new hospital project); Township of South Algonquin and Town of Halton Hills (concerning current value assessment and MPAC) was received by Council.

Moved by Councillor B. Hayes

Seconded by Councillor J. Caicco

Resolved that Sault Ste. Marie City Council supports the resolution of the Town of Midland (No. 2005-242) passed October 24, 2005 in which the Province of Ontario is requested to end its continued downloading of provincial programs and use of municipal property tax dollars for the subsidization of provincial health and social services programs; and

That the Provincial Government work with the Association of Municipalities of Ontario to develop a plan to begin the uploading of provincial program costs back to where they belong; and

Further that a copy of this resolution be provided to the Town of Midland, AMO and to David Oraziotti, M.P.P. Sault Ste. Marie. CARRIED.

- (c) The letter from MPAC in response to a recent Council resolution concerning MPAC Open House(s) was received by Council.

- (d) The letter from Union Gas concerning natural gas prices was received by Council.

- (e) **Staff Travel Requests**

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

Moved by Councillor F. Manzo

Seconded by Councillor S. Butland

Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2005 12 12 be approved as requested. CARRIED.

- (f) **Proposed Amendment to 2006 Council Meeting Schedule**

The report of the City Clerk was received by Council.

5. (f) Moved by Councillor J. Collins
Seconded by Councillor J. Caicco
Resolved that the report of the City Clerk dated 2005 12 12 concerning Proposed Amendment to 2006 Council Meeting Schedule be accepted and the recommendation that the Schedule be amended by cancelling the January 23, 2006 meeting and scheduling a meeting on the following day - Tuesday, January 24, 2006 be approved. OFFICIALLY READ NOT DEALT WITH.
- (g) **2006 Budget**
The report of the Commissioner of Finance and Treasurer was accepted by Council.
- Moved by Councillor J. Collins
Seconded by Councillor S. Butland
Resolved that the report of the Commissioner of Finance and Treasurer dated 2005 12 12 concerning 2006 Budget - Committee of the Whole Meeting on January 16, 2006 commencing at 3:00 p.m. be accepted as information. CARRIED.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Whereas it has been identified that there are many supplemental items that staff have identified in preparation for the 2006 Budget;
Now therefore be it resolved that Council direct the C.A.O. to prioritize these requests in order of anticipated timeline; and
Further that those items deemed as necessary for 2006 be prioritized in order of importance. CARRIED.
- (h) **Borrowing By-laws for 2006**
The report of the Commissioner of Finance and Treasurer was accepted by Council. The relevant By-laws 2005-204 and 2005-205 are listed under item 10 of the Minutes.
- (i) **Library Materials Proposal**
The report of the Municipal Accessibility Coordinator was accepted by Council.
- Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that the report of the Municipal Accessibility Coordinator dated 2005 11 15 concerning Library Materials Proposal be accepted and the recommendation that the Sault Ste. Marie Public Library Board be allocated up to \$10,000.00 from the Corporate Barrier Removal Budget for the purchase of accessible library materials be approved. CARRIED.

5. (j) **Mike Zuke Outdoor Rink - Bay View Recreation Committee**
The report of the Commissioner of Community Services was accepted by Council.
- Moved by Councillor F. Manzo
Seconded by Councillor S. Butland
Resolved that the report of the Commissioner of Community Services dated 2005 11 28 concerning Mike Zuke Outdoor Rink - Bay View Recreation Committee be accepted as information. CARRIED.
- (k) **Soo Thunderbirds Hockey Club**
The report of the Commissioner of Community Services was accepted by Council.
- Moved by Councillor J. Collins
Seconded by Councillor J. Caicco
Resolved that the report of the Commissioner of Community Services dated 2005 12 12 concerning Soo Thunderbirds Hockey Club be accepted as information. CARRIED.
- (l) **Engineering Services for the Environmental Assessment for Long Term Solid Waste Disposal**
The report of the Manager of Construction and Environmental Engineering was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor F. Manzo
Resolved that the report of the Manager of Construction and Environmental Engineering dated 2005 12 12 concerning Engineering Services for the Environmental Assessment for Long Term Solid Waste Disposal be accepted and the recommendation that Council authorize a Request for Proposals to be issued to qualified consultants to conduct the Environmental Assessment for long-term solid waste disposal; and
Further that any contract entered into with such consultants contain the following provisions:
(1) that a "phased in" approach be employed for the EA to take advantage of any EA legislative reforms or emerging technologies which may occur over the next few years; and
(2) that the contracts can be terminated by the City and/or altered through negotiations by both parties to incorporate any such changes be approved. CARRIED.
- (m) **Enquest Proposal**
The report of the Commissioner of Engineering and Planning was accepted by Council.

5. (m) Moved by Councillor J. Collins
Seconded by Councillor S. Butland
Resolved that the report of the Commissioner of Engineering and Planning dated 2005 12 12 concerning Enquest Proposal be accepted and the recommendation that Council amend condition #2 of its earlier resolution dated 2005 11 14 to read "that the lease agreement not be finalized until such time as Enquest receives a Certificate of Approval from the MOE and that reasonable protections are put in place in the lease between the City and Enquest to minimize the City's exposure to liability keeping in mind that with MOE's current stance, that liability cannot be eliminated" be approved. CARRIED.
- (n) **Zoning By-law 2005-74 - John Lucas - 7 North Eden Street**
The report of the Assistant City Solicitor was accepted by Council.
- Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that the report of the Assistant City Solicitor dated 2005 12 12 concerning Zoning By-law 2005-74 - John Lucas - 7 North Eden Street be accepted as information. CARRIED.
- (o) **Public Sector Employment Strategy**
The report of the Planning Division was accepted by Council.
- Moved by Councillor F. Manzo
Seconded by Councillor S. Butland
Resolved that the report of the Planning Division dated 2005 12 12 concerning the Public Sector Employment Strategy be accepted and the Planning Director's recommendation that City Council accept the Public Sector Employment Study as information and request that Destiny Sault Ste. Marie undertake responsibility for the ongoing implementation of the study recommendations be endorsed. CARRIED.
- (p) **Red Pine Drive - Snowplowing**
The report of the Commissioner of Public Works and Transportation was accepted by Council.
- Moved by Councillor J. Collins
Seconded by Councillor J. Caicco
Resolved that the report of the Commissioner of Public Works and Transportation dated 2005 12 12 concerning Red Pine Drive - Snowplowing be accepted and the recommendation that the City pay the cost of a contractor providing snowplowing on Red Pine Drive for one year only at an estimated cost of \$4,000.00 plus G.S.T. with funds to come from the Winter Maintenance Budget be approved. CARRIED.

5. (q) **Stewardship Ontario Waste Audit**

The report of the Waste Diversion Supervisor was accepted by Council.

Moved by Councillor J. Collins

Seconded by Councillor S. Butland

Resolved that the report of the Waste Diversion Supervisor dated 2005 12 12 concerning Stewardship Ontario Waste Audit be accepted and the recommendation that staff participate in the 2006 Waste Audit Program at no cost to the City be endorsed. CARRIED.

(r) **Petition to Stop Plowing Sidewalk on Elizabeth Street (East Side) From Queen Street East to McMeeken Street**

The report of the Commissioner of Public Works and Transportation was accepted by Council.

Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that the report of the Commissioner of Public Works and Transportation dated 2005 12 12 concerning Petition to Stop Plowing Sidewalk on Elizabeth Street (East Side) From Queen Street East to McMeeken Street be accepted and the recommendation that sidewalk plowing be discontinued in this one short block of Elizabeth Street be approved. CARRIED.

(s) **Lottery Licence Fee Extension - Bingo**

The report of the Acting City Tax Collector was accepted by Council. The letter from Greenbelt Charities Association was received by Council.

Moved by Councillor J. Collins

Seconded by Councillor J. Caicco

Resolved that the report of the Acting City Tax Collector dated 2005 12 12 concerning Lottery Licence Fee Extension - Bingo be accepted and the recommendation that the bingo licence fee be waived for a 6-month period and that By-law 2005-129 be amended to reflect this change effective immediately be approved. CARRIED.

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

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES

6. (6) PLANNING

(a) Application No. A-29-05-Z.OP - 721 Wellington Street East - Fail Safe Air Vest Corporation and Nicholas Chornyj - Request to Rezone in Order to Permit Light Industrial Research and Assembly and Office Uses on the Subject Property

The report of the Planning Division was accepted by Council.

Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that the report of the Planning Division dated 2005 12 12 concerning Application No. A-29-05-Z.OP - Fail Safe Air Vest Corporation and Nicholas Chornyj be accepted and the Planning Director's recommendation that City Council approve the rezoning of the subject property from "I" (Institutional) zone to "I" (Institutional) zone with a Special Exception, subject to the 2 conditions contained in the report be endorsed. CARRIED.

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

(a) Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Whereas Ron Francis has retired after 23 years of exceptional accomplishments in the NHL; and

Whereas his records include:

- 20 years of 20 goals or more

- 1,249 assists, second only to Wayne Gretzky

- 2 Stanley Cups

- a veritable lock to be inducted into the Hockey Hall of Fame in 2007; and

Whereas he has been recognized by all with whom he has come in contact: players, coaches, fans, management, owners to be an exemplary individual not only in ability but also in character; and

Whereas Sault Ste. Marie should be justifiably proud of Ron's accomplishments; and

Whereas he will be suitably recognized by the Carolina Hurricane Franchise with the retirement of his #10 sweater on January 28th;

Therefore be it resolved that Thursday, February 23rd be declared Ron Francis Day in Sault Ste. Marie and he be acknowledged in an appropriate manner by the community. CARRIED.

7. (b) Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Whereas the Neighbourhood Association of Greenview Lane - Par Avenue has expressed an interest in deeding their resident-owned neighbourhood park to the City of Sault Ste. Marie;
Be it resolved that appropriate staff prepare a report on the following:
1) the legal implications and associated costs of such a transfer;
2) the need and desirability of additional park space in this area;
3) any other potential costs associated with the transfer such as fencing, playground equipment, access, maintenance, etc.;
4) comments from affected City departments. Councillors Caicco and Butland will solicit input from the neighbourhood which could be included in the report for Council's consideration at such time as the report is tabled. CARRIED.
- (c) Moved by Councillor B. Hayes
Seconded by Councillor D. Amaroso
Whereas Council authorized the establishment of a committee of Council, staff and an independent chair to review the role of the Mayor and CAO; and
Whereas Council defeated a motion to have George Cuff speak to Council and senior staff concerning Mayor and CAO duties; and
Whereas Council recently approved a comparative salary study for non-union staff; and
Whereas a performance appraisal system is being established for senior management; and
Whereas in order to do a comparative salary review as well as performance appraisal a current updated CAO job description (By-law 80-380) is required;
Now therefore be it resolved that Council authorize the establishment of a committee to develop the CAO job description (By-law 80-380) and furthermore that the committee shall consist of City Clerk Donna Irving, City Solicitor Lorie Bottos, and Commissioner of Finance and Treasurer Bill Freiburger as staff representatives; Councillors Bryan Hayes, Debbie Amaroso and Pat Mick as Council representatives. CARRIED.
- (d) Moved by Councillor T. Sheehan
Seconded by Councillor J. Curran
Whereas there are 113,800 Federal Government Jobs in Ottawa - Gatineau;
and
Whereas there are an additional 22,200 Federal Government Jobs in Toronto;
and
Whereas Sault Ste. Marie has traditionally ranked last in the number of Federal Government Jobs, when compared to other Northern Ontario Cities;

7. (d) Therefore be it resolved that the Mayor be asked to write a letter to each Federal Candidate, on behalf of Council, explaining the importance of these Federal Government Jobs in respect to diversifying the local economy and that the letter request that each candidate respond to Council in a timely manner in regards to what they as an individual and what their party will do to significantly increase Federal Government Jobs in Sault Ste. Marie. 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 F. Manzo

Seconded by Councillor J. Caicco

Resolved that all the by-laws listed under Item 10 of the Agenda under date 2005 12 12 be approved. CARRIED.

- (a) Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that By-law 2005-188 being a by-law to stop up, close and authorize the conveyance of a portion of a lane in the Lyons "A" Subdivision, Plan 6061 be read a third time and passed in Open Council this 12th day of December, 2005 after notice thereof had been published once a week for four consecutive weeks and after Council had met to hear every person who claims that his or her land will be prejudicially affected by the by-law and who had applied to be heard. CARRIED.

- (b) Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that By-law 2005-204 being a by-law to authorize the borrowing of \$25,000,000.00 to finance capital expenditures for short and long term purposes be read three times and passed in Open Council this 12th day of December, 2005. CARRIED.

- (c) Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that By-law 2005-205 being a by-law to authorize the borrowing of \$10,000,000.00 to meet current expenditures until taxes are collected be read three times and passed in Open Council this 12th day of December, 2005. CARRIED.

10. (d) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2005-206 being a by-law to authorize a collective agreement between the City and the Sault Ste. Marie Emergency Medical Services Division be read three times and passed in Open Council this 12th day of December, 2005. CARRIED.

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

- (a) Moved by Councillor F. Manzo
Seconded by Councillor S. Butland
Resolved that this Council shall now go into Caucus to discuss one item containing personal matters about identifiable individuals and one Labour/Employee Relations item; and
Further be it resolved that should the said Caucus meeting be adjourned, Council may reconvene in Caucus prior to the next meeting of Council to discuss the same matter(s). CARRIED.

12. **ADJOURNMENT**

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

"John Rowswell"

MAYOR

"Donna P. Irving"

CLERK