

MINUTES

REGULAR MEETING OF CITY COUNCIL

2005 04 11

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, M. White, L. Bottos, J. Dolcetti, D. McConnell, N. Apostle, P. McAuley, B. Freiburger, J. Luszka, L. McCoy, D. Elliott

1. **ADOPTION OF MINUTES**

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the Minutes of the Regular Council Meeting of 2005 03 21 be approved. CARRIED.

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

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Theresa Sharp, Chair, Volunteer Appreciation Dinner Planning Committee was in attendance concerning Proclamation – National Volunteer Week.
- (b) Lt(N) Robert Pihlaja, Executive Officer, RCSCC Royal Sovereign; and Lt(NL) Brenda St. Louis, Executive Officer, NLCC Newman were in attendance concerning Proclamation – Navy League Week.
- (c) Lorraine Silk, President of Parkinson's Support Group was in attendance concerning Proclamation – Parkinson's Disease Awareness Month.
- (d) Jody Rebek, Project Manager, Communities Quality Initiative and Dr. Harry Swards were in attendance concerning agenda item 5.(a).
- (e) Donna Hilsinger was in attendance concerning agenda item 5.(b).

4. (f) Jim Miller, Chair, Sault Trails Advocacy Committee was in attendance concerning agenda items 5.(c) and 6.(6)(e).
- (g) Tom Vair, Business Manager, Innovation Centre was in attendance concerning agenda item 5.(e).
- (h) Mayor Rowswell addressed Council concerning his presentation – 10 Year Community Forecast – Through the Mayor’s Eyes.
- (i) Mike Marecki and Samuel Vresk was in attendance concerning agenda item 6.(6)(a).
- (j) Angelo Foggia was in attendance concerning agenda item 6.(6)(b).
- (k) John Lucas and Ed Belanger were in attendance concerning agenda item 6.(6)(d).

PART ONE – CONSENT AGENDA

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

Moved by Councillor N. DelBianco

Seconded by Councillor P. Mick

Resolved that all the items listed under date 2005 04 11 - Part One - Consent Agenda and Addendum #1 be approved as recommended. CARRIED.

L. Turco declared a pecuniary interest to 5.(mm) – spouse employed by Police Services.

- (a) Communities Quality Initiative information was received by Council.
- (b) Correspondence from J. J. Hilsinger concerning the Tour d’Afrique was accepted by Council.

Moved by Councillor J. Collins

Seconded by Councillor B. Hayes

Whereas it is good to recognize and support significant accomplishments by members of our community; and

Whereas on January 15, 2005 our very own J. J. Hilsinger embarked on the ‘Tour d’Afrique’ bicycle trip covering 11,500 kms over 120 days through Africa starting in Cairo, Egypt and ending in Cape Town, South Africa; and

5. (b) Whereas Mr. Hilsinger has made his trip more than just a personal endeavour by riding for two very important causes – The Algoma Regional Cancer Centre in Sault Ste. Marie and HIV/AIDS in Africa, garnering favourable national publicity for Sault Ste. Marie as a generous and caring community;
Therefore be it resolved that City Council recognize J. J. Hilsinger's significant personal accomplishment by encouraging members of our community to support J. J. and visit www.youbetican.com to make a donation to The Sault Area Hospital Foundation and the Stephen Lewis Foundation. CARRIED.
- (c) The progress report from the Chair, Sault Trails Advocacy Committee was received by Council.
- (d) The letter from Andre Riopel concerning the HUB Trail, snowmobiles and the transportation corridor was received by Council.
- (e) Correspondence from the Sault Ste. Marie Innovation Centre was accepted by Council.
- Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Resolved that the amended funding request from the Sault Ste. Marie Innovation Centre BE REFERRED to the 2005 Budget as an Economic Development Fund item. CARRIED.
- (f) The letter from the Rotary Club Fund Raiser/Public Relations Coordinator was accepted by Council.
- Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that City Council approves the use of Clergue Park and the Old A.B. McLean site (July 10 – 17, 2005) and the Civic Centre north and south parking lots and green space (July 15 evening and July 16, 2005) and Civic Centre ramp (July 16, 2005) for Rotaryfest 2005 activities. CARRIED.
- (g) Correspondence from AMO was received by Council.
- (h) Correspondence from the Municipality of Grey Highlands and Township of Huron-Kinloss (concerning Ontario grain and oilseed producers) and the Regional Municipality of Niagara (concerning long term viability of Ontario Farmers) was received by Council.
- (i) Correspondence from the Association of Municipal Tax Collectors of Ontario concerning the tax capping program was received by Council.
- (j) Correspondence from the Customs Excise Union Douanes Accise concerning a Canadian Border Patrol was received by Council.

5. (k) The letter from the President, Sault College to the Mayor concerning college funding was accepted by Council.

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that City Council support the call for reinvestment in Ontario's colleges as outlined in the recent Rae report and further that City Council urge the Province to commit to the Rae report recommendations and begin making major investments into colleges in the spring 2005 Ontario Budget. CARRIED.

(l) **Council Travel**

Moved by Councillor N. DelBianco

Seconded by Councillor P. Mick

Resolved that Mayor John Rowswell be authorized to attend 7th Annual Ontario Global Traders Awards Ceremony being held in Thunder Bay, Ontario in April 2005 at an estimated cost of \$1,000.00. CARRIED.

Moved by Councillor L. Turco

Seconded by Councillor B. Hayes

Resolved that Mayor John Rowswell and a representative of the Multi-Modal Transportation Committee be authorized to travel to Hearst, Ontario to make a presentation on behalf of the committee at the Northern Ontario Value-Added Seminar in April 2005 at an estimated cost of \$1,500.00. CARRIED.

(m) **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 staff travel requests contained in the report of the Chief Administrative Officer dated 2005 04 11 be approved as requested. CARRIED.

(n) **C.U.P.E. Local 3 PWT Collective Bargaining – Memorandum of Settlement**

The report of the Commissioner of Human Resources was accepted by Council.

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the report of the Commissioner of Human Resources dated 2005 04 11 concerning Collective Bargaining – Memorandum of Settlement be accepted; and further that the Memorandum of Settlement between C.U.P.E. Local 3 PWT 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.

5. (o) **United Transportation Union (U.T.U.) Local 104 Collective Bargaining – Memorandum of Settlement**

The report of the Commissioner of Human Resources was accepted by Council.

Moved by Councillor N. DelBianco

Seconded by Councillor P. Mick

Resolved that the report of the Commissioner of Human Resources dated 2005 04 11 concerning Collective Bargaining – Memorandum of Settlement be accepted; and further that the Memorandum of Settlement between the United Transportation Union (U.T.U.) Local 104 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.

(p) **Vacant Unit Tax Rebate Program – Commercial and Industrial Properties**

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

Moved by Councillor L. Turco

Seconded by Councillor B. Hayes

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 04 11 be approved and the tax records be amended accordingly. CARRIED.

(q) **Property Tax Appeals**

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

Moved by Councillor L. Turco

Seconded by Councillor P. Mick

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 04 11 be approved and the tax records be amended accordingly. CARRIED.

(r) **Tender for Trees and Shrubs**

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

Moved by Councillor N. DelBianco

Seconded by Councillor B. Hayes

Resolved that the report of the Manager of Purchasing dated 2005 04 11 be endorsed and that the tender for the supply and delivery of Trees and Shrubs, required by the Parks Division of the Public Works and Transportation Department, be awarded as recommended. CARRIED.

(s) **Tender for Protective Playground Surfacing**

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

5. (s) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Manager of Purchasing dated 2005 04 11 be endorsed and that the tender for the supply and delivery of Protective Playground Surfacing, required by the Parks Division of the Public Works and Transportation Department, be awarded as recommended. CARRIED.
- (t) **Mould Remediation and Restoration – William Brown Meeting Room and Adjacent Areas**
The report of the Manager of Purchasing was accepted by Council.
- Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Resolved that the report of the Manager of Purchasing dated 2005 04 11 be endorsed and that the quotation for Mould Remediation and Restoration in the William Brown Meeting Room and adjacent areas, required by Building Services, be awarded as recommended and funding be provided from the Facilities Maintenance Reserve. CARRIED.
- (u) **Tender for Athletic Field Marking Paint**
The report of the Manager of Purchasing was accepted by Council.
- Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that the report of the Manager of Purchasing dated 2005 04 11 be endorsed and that the tender for the supply and delivery of Athletic Field Marking Paint, required by the Parks Division of the Public Works and Transportation Department, be awarded as recommended. CARRIED.
- (v) **Tender for One (1) 40' Low Floor Transit Bus**
The report of the Manager of Purchasing was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Manager of Purchasing dated 2005 04 11 be endorsed and that the tender for the supply and delivery of One (1) 40' Low Floor Transit Bus, required by the Transit Division of the Public Works and Transportation Department, be awarded as recommended. CARRIED.
- (w) **2005 Budget Meeting**
The report of the Commissioner of Finance and Treasurer was accepted by Council.

5. (w) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Commissioner of Finance and Treasurer dated April 11, 2005 concerning the 2005 Budget Meeting be accepted as information. CARRIED.
- (x) **Ontario Municipal Partnership Fund**
The report of the Commissioner of Finance and Treasurer was accepted by Council.

Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Resolved that the report of the Commissioner of Finance and Treasurer dated April 11, 2005 concerning the Ontario Municipal Partnership Fund be accepted as information. CARRIED.
- (y) **2005 Roadway Construction Budget**
The report of the Commissioner of Finance and Treasurer and the letter from the Association of Municipalities of Ontario concerning gas tax revenue were accepted by Council.

Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that the report of the Commissioner of Finance and Treasurer dated April 11, 2005 concerning the 2005 Roadway Construction Budget be accepted and the recommendation to authorize the financing plan for 2005 Roadway Construction as outlined in the report be approved. CARRIED.
- (z) **Funding Application – Celebrate Canada Program**
The report of the Assistant Manager, Recreation and Culture was accepted by Council.

Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Assistant Manager, Recreation and Culture dated 2005 04 11 concerning Funding Application – Celebrate Canada Program be accepted and the City of Sault Ste. Marie application to the 2005 Canadian Heritage – Celebrate Canada Program be approved. CARRIED.
- (aa) **Ermatinger-Clergue National Historic Site – Ermatinger Old Stone House – Interpretation/Restoration Project**
The report of the Manager of Recreation and Culture was accepted by Council.

5. (aa) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Manager of Recreation and Culture dated 2005 04 05 concerning Ermatinger-Clergue National Historic Site – Ermatinger Old Stone House – Interpretation/Restoration Project be accepted and the recommendation to enter into an agreement with Chris Tossell, Architect for the planning/design phase of the project at a cost of \$39,000.00 plus disbursements be approved. CARRIED.
- (bb) **Sault Recreation Hockey Association (SRHA) – Dissolution of Hockey Program**
The reports of the Commissioner of Community Services and the Manager of Finance and Audits were accepted by Council.
- Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Resolved that the report of the Commissioner of Community Services dated 2005 04 11 concerning Sault Recreation Hockey Association (SRHA) – Dissolution of Hockey Program be accepted and the recommendation to provide a financial assistance grant to the Soo Pee Wee Hockey League in the following amounts: \$7,500.00 in 2005/2006; \$5,000.00 in 2006/2007; and \$2,500.00 in 2007/2008 be approved. CARRIED.
- (cc) **Landfill Site Weigh Scale**
The report of the Director of Engineering Design and Buildings was accepted by Council.
- Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that the report of the Director of Engineering Design and Buildings dated 2005 04 11 concerning Landfill Site Weigh Scale be accepted and the recommendation to retain the firm of Totten Sims Hubicki Associates to carry out the design, prepare tender documents and provide construction administration be approved. CARRIED.
- (dd) **City and E.D.C./P.U.C. GIS Contract Renewal**
The report of the Director of Engineering Design and Buildings was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Director of Engineering Design and Buildings dated 2005 04 11 concerning City and E.D.C./P.U.C. GIS Contract Renewal be accepted and the recommendation to enter into an agreement with the Innovation Centre to renew the City/P.U.C. GIS Contract for a 5-year term with the City's portion of the annual fee being \$253,000.00 be approved. CARRIED.

5. (ee) **Contract 2005-2E – Transportation Corridor – Part B – Wellington Street West to Second Line East**

The report of the Manager of Construction and Environmental Engineering was accepted by Council. The relevant By-laws 2005-63 and 2005-64 are listed under item 10 of the Minutes.

(ff) **2005 Capital Road Construction and Connecting Link Plans**

The report of the Manager of Construction and Environmental Engineering was accepted by Council.

Moved by Councillor N. DelBianco

Seconded by Councillor P. Mick

Resolved that the report of the Manager of Construction and Environmental Engineering dated 2005 04 11 concerning 2005 Capital Road Construction and Connecting Link Plan be accepted and the recommendations to approve the 2005 Capital Construction Program at a cost of \$9,946,000.00; to allocate the \$1,600,000.00 surplus from the 2004/2004 Capital Works Program to offset the construction cost shortfall for the Transportation Corridor and to consider increasing the Capital Construction Budget by \$500,000.00 per year at the 2006 Budget deliberations be approved. CARRIED.

(gg) **Advanced Groundwater Pilot Projects**

The report of the City Solicitor was accepted by Council.

Moved by Councillor L. Turco

Seconded by Councillor B. Hayes

Whereas the Ministry of Environment (the Ministry) has established the Municipal Groundwater Supply Vulnerability Pilot Studies Project (Pilot Study) for the purpose of building on the previous groundwater studies funded by the Ministry; and

Whereas the purpose of the Pilot Study is to further assess and delineate existing wellhead protection areas and to help establish the protocols and tools to be used in future studies that will define variations in wellhead vulnerability based on vertical travel times and which will contribute to the development and implementation of source protection plans; and

Whereas the Public Utilities Commission (the PUC) has been approached by the Ministry to undertake one of these pilot studies with respect to the municipal wells that supply drinking water to the City of Sault Ste. Marie and adjacent jurisdictions; and

Whereas the PUC conducted the original Ministry funded groundwater study in 2002-2003 as the lead agency in conjunction with area participants which included the City of Sault Ste. Marie, Prince Township, the Algoma Health Unit, the Ministry of Environment, the Sault Ste. Marie Region Conservation Authority, the Sault North Planning Board and the Batchewana First Nations; and

- 5 (gg) Whereas the Ministry desires to fund the cost of the Pilot Study up to a maximum of \$15,000 (excluding applicable taxes) to be provided to the City of Sault Ste. Marie through a transfer of payment agreement; and
Now therefore be it resolved that the Council of the City of Sault Ste. Marie hereby acknowledges the funding provided by the Ministry and furthermore authorizes the Ministry to advance the funds to the PUC in order to conduct the Pilot Study under an agreement to be signed by the PUC with the Ministry.
CARRIED.
- (hh) **City Purchase of Carricato House at 237 St. George's Avenue – Transportation Corridor**
The report of the City Solicitor was accepted by Council. The relevant By-law 2005-65 is listed under item 10 of the Minutes.
- (ii) **City Acquisition of Peter and Elizabeth Smith Property – 392 Fifth Line East – Adjacent to the Fifth Line Landfill Site**
The report of the City Solicitor was accepted by Council. The relevant By-law 2005-56 is listed under item 10 of the Minutes.
- (jj) **Designating Lots 27, 28 and 29 in the Laura Gardens Subdivision as Not Being Subject to Part Lot Control**
The report of the City Solicitor was accepted by Council. The relevant By-law 2005-57 is listed under item 10 of the Minutes.
- (kk) **City Purchase From Joseph Gonyea (Operating as Timber Products Company) and Algoma Steel Inc. for Proposed Transportation Corridor**
The report of the City Solicitor was accepted by Council. The relevant By-law 2005-61 is listed under item 10 of the Minutes.
- (ll) **City Sale to Frank Marrello for Relocation of His Trucking Business – 110 Yates Avenue**
The report of the City Solicitor was accepted by Council. The relevant By-law 2005-55 is listed under item 10 of the Minutes.
- (mm) **Two Year Renewal of Community Police Partnership Program Involving the Province, the City and Police Services Board**
The report of the City Solicitor was accepted by Council. The relevant By-law 2005-69 is listed under item 10 of the Minutes.
- (nn) **City Purchase of 182-200 Conmee Avenue - Transportation Corridor**
The report of the City Solicitor was accepted by Council. The relevant By-law 2005-70 is listed under item 10 of the Minutes.
- (oo) **Bear Wise Hazard Assessment and Awareness Project**
The report of the Assistant City Solicitor was accepted by Council.

5. (oo) Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Resolved that the report of the Assistant City Solicitor dated 2005 04 11 concerning Bear Wise Hazard Assessment and Awareness Project be accepted and the recommendation that the City proceed with the installation of bear-proof garbage containers in City parks, further public awareness campaigns and the creation of a seasonal liaison position; all conditional on the City receiving adequate funding from the Ministry of Natural Resources be approved. CARRIED.
- (pp) **Ontario Municipal Board Appeal by Martin Fiser and 1584866 Ontario Inc. to Permit an Adult Entertainment Parlour at 119 Gore Street**
The report of the Assistant City Solicitor was accepted by Council.
- Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that the report of the Assistant City Solicitor dated 2005 04 11 concerning Ontario Municipal Board Appeal by Martin Fiser and 1584866 Ontario Inc. to Permit an Adult Entertainment Parlour at 119 Gore Street be accepted as information. CARRIED.
- (qq) **Public Works Equipment Needs – 2005**
The report of the Commissioner of Public Works and Transportation was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Commissioner of Public Works and Transportation dated 2005 04 11 concerning Public Works Equipment Needs for 2005 be approved. CARRIED.

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES

6. (6) PLANNING

- (a) **Application No. A-9-05-Z – 114 Tancred Street – Theresa Marecki – Request to Allow the Subject Property to be Utilized for Warehousing and a Shop for a Carpenter or Other Building Trade**
The report of the Planning Division was accepted by Council.

6. (6)

- (a) Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick

Resolved that the report of the Planning Division dated 2005 04 11 concerning Application No. A-9-05-Z – Mike Marecki be accepted and the Planning Director's recommendation that City Council approve the application subject to the 2 conditions contained in the report be endorsed. CARRIED.

- (b) **Application No. A-11-05-Z – 727 Old Goulais Bay Road – Angelo Foggia – Request to Permit the Construction of a Single Detached Residential Dwelling**

The report of the Planning Division was accepted by Council.

- Moved by Councillor L. Turco
Seconded by Councillor B. Hayes

Resolved that the report of the Planning Division dated 2005 04 11 concerning Application No. A-11-05-Z – Angelo Foggia be accepted and the Planning Director's recommendation that City Council approve the rezoning of the subject property removing the Holding Zone and further that City Council authorize City staff to return the application fee of \$600.00 to the applicant be endorsed. CARRIED.

Mayor J. Rowsell declared a pecuniary interest – applicant is client of engineering firm.

- (c) **Application No. A-12-05-Z – 129 Second Line West, Suite 2 – Jennen Cho Enterprises Inc. – Request to add a “Dry Cleaning Establishment” to the Permitted Uses**

The report of the Planning Division was accepted by Council.

- Moved by Councillor L. Turco
Seconded by Councillor P. Mick

Resolved that the report of the Planning Division dated 2005 04 11 concerning Application No. A-12-05-Z – Jennen Cho Enterprises Inc. be accepted and the Planning Director's recommendation that City Council approve the rezoning of the subject property by amending the existing Special Exception No. 659 to add a “Dry Cleaning Establishment” as an additional permitted use be endorsed. CARRIED.

- (d) **Application No. A-13-05-Z – 7 North Eden Street – John T. Lucas – Request to Allow the Existing Lot to be Severed Creating One Additional Lot**

The report of the Planning Division was accepted by Council.

6. (6)
(d) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that the report of the Planning Division dated 2005 04 11 concerning Application No. A-13-05-Z – John T. Lucas be accepted and the Planning Director's recommendation that City Council approve the severance of the property subject to the 2 conditions contained in the report be endorsed. CARRIED.
- (e) **Proposed Hub Trail Concept and Design Study**
The report of the Planning Division was accepted by Council.
- Moved by Councillor N. DelBianco
Seconded by Councillor P. Mick
Resolved that the report of the Planning Division dated 2005 04 11 concerning the Proposed Hub Trail Concept and Design Study be accepted and the Planning Director's recommendation that the proposed Hub Trail Concept and Design Study be considered for funding in the 2005 Budget deliberations at a cost not to exceed \$45,000.00 to be paid from the City's 5% Subdividers Reserve be endorsed. CARRIED.
7. **UNFINISHED BUSINESS, NOTICE OF MOTIONS AND RESOLUTIONS PLACED ON AGENDA BY MEMBERS OF COUNCIL**
- (a) Moved by Councillor F. Manzo
Seconded by Councillor D. Celetti
Whereas Pope John Paul II through the 26 years of his pontificate was recognized not only as a great spiritual leader but also as a recognized world leader; and
Whereas Pope John Paul II was greatly respected not only by Roman Catholics but by people of all races and religions;
Therefore be it resolved that City Council formally express its condolences on the passing of Pope John Paul II; and
Further that this resolution be communicated to the Vatican through Jean-Louis Plouffe, Bishop of Sault Ste. Marie. CARRIED.
- (b) Moved by Councillor N. DelBianco
Seconded by Councillor L. Turco
Whereas the non-smoking by-law was established in 2004 due to the dangers of second-hand smoke; and
Whereas in some locations individuals are gathering in front of non-smoking, public areas rather than utilizing designated smoking areas; and
Whereas these occurrences create hardships for adjacent business owners and pedestrians alike;

7. (b) Therefore be it resolved that the City's Legal Department investigate by-laws in other communities which prevent smoking 25 feet from public entrances where existing business are adversely affected. CARRIED.

- (c) Moved by Councillor N. DelBianco
Seconded by Councillor D. Amaroso
Whereas the City of Sault Ste. Marie is now responsible for the administration of the E.M.S. through the District of Social Services Administration Board; and
Whereas the E.M.S. was placed in our Fire Halls as a temporary measure; and
Whereas City Council made a commitment to purchase the M.T.O. site in 2004 with the long-term plan to move the No. 4 Fire Hall there and create a E.M.S. Centre which would utilize the M.T.O. building to reduce the capital costs of the Centre; and
Whereas City Council planned to sell the remainder of the property not required for the new Fire and E.M.S. Centre to help fund the new facility; and
Whereas Sault College has made a request for a portion of that property which will have some negative financial income towards the Fire and E.M.S. Centre;
Therefore be it resolved that:
1) Council reconfirm its commitment to a new No. 4 Fire Hall and E.M.S. Centre;
2) Staff initiate a reserve fund using a portion of the funds from the sale of the F. J. Davey Home, as approved by Council. DEFERRED.

Moved by Councillor L. Turco
Seconded by Councillor T. Sheehan
Resolved that agenda item 7.(c) BE DEFERRED to a future meeting of Council.
CARRIED.

- (d) Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Whereas the government of the United States has announced that all persons entering the United States by land will require passports by the end of December 2007; and
Whereas the demand for Canadian passports will significantly increase especially for residents of cities which border the United States such as Sault Ste. Marie;
Now therefore be it resolved that City Council request that the Government of Canada consider the establishment of a passport office in Sault Ste. Marie to deal with this new requirement (cc M.P. Tony Martin). CARRIED.

- (e) Moved by Councillor B. Hayes
Seconded by Councillor J. Collins
Whereas in February of 2004 Council approved the truck route with anticipated costs of \$15.1 million with the City's share being \$3.9 million and the Federal and Provincial Share \$5.6 million respectively; and

7. (e) Whereas it was determined that the City share of \$3.9 million would be used for the purpose of property acquisition and would come from the 2005 and 2006 Capital Construction Program; and
Whereas it has been determined that truck route property acquisition costs will be approximately \$6.3 million as opposed to \$3.9 million originally approved by Council; and
Whereas it has been determined that truck route construction costs will be approximately \$1.4 million above the combined Provincial Federal Grant of \$11.2 million; and
Whereas there is an additional \$553,000.00 in miscellaneous unfounded costs in relation to the truck route that must be covered by the City; and
Whereas the total share of truck route costs funded by the City originally estimated at \$3.9 million and now anticipated at \$8,264,000.00 and therefore \$4,364,000.00 over-budget (excluding an additional \$1.682 million for the City's share of Second Line between Farwell and Korah);
Now therefore be it resolved that staff report back to Council identifying the assumptions made with respect to the original budget of \$15.1 million as well as a report that identifies all information provided to Council with respect to increased costs over budget and Council's subsequent approval for those costs.
CARRIED.

Recorded Vote

For: Mayor J. Rowswell, Councillors J. Caicco, L. Turco, J. Collins, T. Sheehan, B. Hayes, N. DelBianco, D. Amaroso

Against: Councillors P. Mick, J. Curran, D. Celetti, S. Butland, F. Manzo

Absent: Nil

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 N. DelBianco

Seconded by Councillor B. Hayes

Resolved that all the by-laws listed under Item 10 of the Agenda and Addendum #1 under date 2005 04 11, save and except 2005-61 and 2005-71, be approved. CARRIED.

10. (a) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-53 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 11th day of April, 2005. CARRIED.
- (b) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-54 being a by-law to authorize the conveyance of 962 People's Road and 101 Goulais Avenue to Habitat for Humanity be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (c) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-55 being a by-law to authorize the sale of industrial lands located at 110 Yates Avenue to Frank Marrello be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (d) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-56 being a by-law to acquire the property known as 392 Fifth Line East adjacent to the Fifth Line Landfill site be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (e) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-57 being a by-law to designate lots 27, 28 and 29, Plan IM-535, Laura Gardens Subdivision as not being subject to part lot control be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (f) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-58 being a by-law to permit the temporary street closing of various streets to facilitate Rotaryfest 2005 on July 16, 2005 be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (g) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-59 being a by-law to prohibit vendors from locating near the grounds of Rotaryfest 2005 be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.

10. (h) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-60 being a by-law to amend By-law 2005-37 (a by-law to prohibit the feeding and attracting of pigeons on private property within the City of Sault Ste. Marie) be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (i) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-61 being a by-law to authorize the acquisition of 0.34 acres of property located on Conmee Avenue for the proposed Transportation Corridor from Joseph Gonyea (operating as Timber Products Company) and a portion of 150 Conmee Avenue from Algoma Steel Inc. be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.

Recorded Vote

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

Against: Councillor F. Manzo

Absent: Nil

- (j) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-63 being a by-law to authorize an agreement between the City and Rainone Construction Limited for the reconstruction of underground services, excavation, grading, paving and surface works for the Transportation Corridor from Wellington Street West to Second Line East (Contract No. 2005-2E) be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (k) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-64 being a by-law to permit the temporary closing of various streets from May 2, 2005 to October 31, 2005 to facilitate the construction of the transportation corridor be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.

10. (l) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-65 being a by-law to authorize the acquisition of 237 St. George's Avenue as part of the Transportation Corridor be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (m) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-66 being a by-law to adopt Amendment No. 95 to the Official Plan be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (n) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-67 being a by-law to amend Sault Ste. Marie Zoning By-law 4500 and 4501 concerning lands located at 1076 Great Northern Road and further be it resolved that By-law 2005-68 being a by-law to designate 1076 Great Northern Road as an area of site plan control be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (o) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-69 being a by-law to authorize an agreement with the City, the Province and the Sault Ste. Marie Police Services Board to renew the Community Police Partnership Program be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (p) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-70 being a by-law to authorize the acquisition of 182-200 Conmee Avenue from 823672 Ontario Limited for the proposed Transportation Corridor be read three times and passed in Open Council this 11th day of April, 2005. CARRIED.
- (q) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-71 being a by-law to amend Sault Ste. Marie Zoning By-law 4500 regarding lands located at 727 Old Goulais Bay Road be read three times and passed in Open Council this 11th day of April, 2005. (Angelo Foggia) CARRIED.

Mayor J. Rowsell declared a pecuniary interest – staff of engineering firm own property abutting applicant.

10. (r) Moved by Councillor N. DelBianco
Seconded by Councillor B. Hayes
Resolved that By-law 2005-72 being a by-law to amend Sault Ste. Marie Zoning By-law 4500 and 4501 concerning lands located at 129 Second Line West be read three times and passed in Open Council this 11th day of April, 2005.
CARRIED.

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 P. Mick
Resolved that this Council shall now go into Caucus to discuss one property 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

"Malcolm White"

DEPUTY CLERK