

MINUTES

REGULAR MEETING OF CITY COUNCIL

2006 01 23

4:00 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, P. McAuley, N. Apostle, B. Freiburger, J. Dolcetti, J. Luszka, D. Scott, F. Coccimiglio, J. King, L. Rosso, D. McConnell

1. **ADOPTION OF MINUTES**

Moved by Councillor S. Butland

Seconded by Councillor F. Manzo

Resolved that the Minutes of the Regular Council Meeting of 2006 01 09 and Budget Meeting of 2006 01 16 be approved. CARRIED.

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

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Benita Brogno, President; Donna Gregg, General Manager; and Mr. Bon Soo were in attendance concerning Proclamation - Ontario Winter Carnival Bon Soo Time.
- (b) Richard Folz was in attendance concerning agenda item 5.(a).

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 2006 01 23 - Part One - Consent Agenda, save and except 5.(r) and 5.(v), be approved as recommended. CARRIED.

- (a) Correspondence from Richard Folz, 273 Pittsburg Avenue, requested that Council approve free parking for Veterans and a suggestion that the new truck route be named "Veterans Way Bypass" was received by Council.

Moved by Councillor F. Manzo

Seconded by Councillor B. Hayes

Resolved that the request from the resident of 273 Pittsburg Avenue (Richard Folz) that the City pass a by-law to allow free parking at meters and municipal parking lots for veterans who display a veteran license plate on their vehicle and also that the City consider naming the new truck route "Veterans Way Bypass" BE REFERRED to the appropriate city departments for review and report back to Council. CARRIED.

- (b) Correspondence from AMO was received by Council.
- (c) Correspondence from the Town of Greater Napanee (concerning support for resolution regarding Richmond Landfill Expansion); the City of Kingston (concerning short and long term strategies to mitigate energy crisis impact on low income households and cold weather exposure on homeless population in Kingston area) and the Township of South Stormont (concerning Private Members Bill 25 - An Act to preserve the gravesites of former Premiers of Ontario) was received by Council.
- (d) The letter from the Airport Manager, Sault Ste. Marie Airport Development Corporation requesting an exemption to the Noise By-law for events at the Airport Fairgrounds for the Winter Season was accepted by Council. The relevant By-law 2006-19 is listed under item 10 of the Minutes.
- (e) The letter from David Oraziotti, M.P.P. Sault Ste. Marie to the Mayor and Clerk-Treasurer, Town of Thessalon concerning the Alternate Financing and Procurement (AFP) Strategy as it relates to the construction of the new Sault Area Hospital was received by Council.

5. (f) The letter from the Director Michigan Department of Transportation and the Director Department of Labor and Economic Growth to Mayor Rowswell concerning an Update on Sault Ste. Marie as a Multi-Modal Hub - Michigan's Northern Gateway was received by Council.

(g) **Staff Travel Requests**

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

Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2006 01 23 be approved as requested. CARRIED.

(h) **Tender for Interior Restoration (Painting & Plastering) at Ermatinger Old Stone House**

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

Moved by Councillor J. Caicco

Seconded by Councillor J. Collins

Resolved that the report of the Manager of Purchasing dated 2006 01 23 be endorsed and that the tender pertaining to Interior Restoration at Ermatinger Old Stone House, required by the Community Services Department, be awarded as recommended. CARRIED.

(i) **Property Tax Appeals**

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

Moved by Councillor S. Butland

Seconded by Councillor F. Manzo

Resolved that pursuant to Sections 354 and 357 of the Municipal Act, 2001, the adjustments for tax accounts outlined on the Acting City Tax Collector's report of 2006 01 23 be approved and the tax records be amended accordingly. CARRIED.

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

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

Moved by Councillor S. Butland

Seconded by Councillor J. Collins

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 Acting City Tax Collector's reports of 2006 01 23 be approved and the tax records be amended accordingly. CARRIED.

5. (k) **Low Income Seniors and Low Income Disabled Tax Relief Program**

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

Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that the report of the Acting City Tax Collector dated 2006 01 23 concerning Low Income Seniors and Low Income Disabled Tax Relief Program be accepted as information. CARRIED.

(l) **2006 Interim Tax Billing**

The report of the Acting City Tax Collector was accepted by Council. The relevant By-law 2006-20 is listed under item 10 of the Minutes.

(m) **Downloaded Provincial Costs**

The report of the Commissioner of Finance and Treasurer was accepted by Council.

Moved by Councillor J. Caicco

Seconded by Councillor J. Collins

Resolved that the report of the Commissioner of Finance and Treasurer dated 2006 01 23 concerning Downloaded Provincial Costs be accepted as information. CARRIED.

(n) **User Fee By-law**

The reports of the Manager of Budgets and Revenue and the Acting City Tax Collector were accepted by Council. The relevant By-law 2006-3 is listed under item 10 of the Minutes.

Moved by Councillor J. Collins

Seconded by Councillor F. Manzo

Whereas staff have indicated there will be a \$60,000.00 deficit to administer lottery license fees; and

Whereas both break-open tickets and raffles contribute to lottery license revenues; and

Whereas the proposed increase in collections will adversely impact charitable organizations;

Therefore be it resolved that Council DEFER the resolution 5.(n) until staff prepare a report detailing administration functions and associated costs with the intent to identify potential areas to reduce costs. DEFEATED.

5. (n) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2006-3 regarding user fees include a return to a license fee of 3% for all break-open (Nevada) tickets effective April 1, 2006 (with raffle license fees to remain at 1% and bingo license fees at 0% until further review on or before July 1, 2006) and that Council receive the report of the Treasurer dated January 23, 2006 concerning such fees be approved. CARRIED.

(o) **City Council Resolution to Address Customer Service Request System and Current Policies**

The report of the Manager of Information Technology was accepted by Council.

Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that the report of the Manager of Information Technology dated 2006 01 23 concerning City Council Resolution to Address Customer Service Request System and Current Policies be accepted and the recommendation that the City continue with the current practices, procedures and software now in place be approved. CARRIED.

(p) **Accessibility Centre Funding Partnership With Barrier Free in Algoma Association (BFIA)**

The report of the Municipal Accessibility Coordinator was accepted by Council.

Moved by Councillor J. Caicco

Seconded by Councillor F. Manzo

Resolved that the report of the Municipal Accessibility Coordinator dated 2006 01 04 concerning Accessibility Centre Funding Partnership with Barrier Free in Algoma Association (BFIA) be accepted and the recommendations that Council authorize a partnership between the Accessibility Centre and BFIA to deliver projects related to accessibility and the hiring of 1.5 persons on contract to be employed at the Accessibility Centre to provide project services from funding secured by BFIA through the National Child Benefit Strategy be approved. CARRIED.

(q) **Second Reading of Bill 206 - An Act to Revise the Ontario Municipal Employees Retirement System Act, 2005**

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

Moved by Councillor J. Caicco

Seconded by Councillor J. Collins

Whereas City Council passed a resolution on November 14, 2005 not to support Bill 206 and requesting that the Government of Ontario reconsider the advisability of proceeding with the bill; and

Whereas no municipal government in Ontario has expressed support for Bill 206; and

5. (q) Whereas the Canadian Union of Public Employees is actively opposing Bill 206; and
Whereas the Minister of Municipal Affairs and Housing has sent a letter to Council indicating the Government of Ontario's intention to proceed with the Bill 206 and that the bill has been introduced into the legislature for second reading; Therefore be it resolved that Sault Ste. Marie City Council reconfirms that it does not support Bill 206, and requests that the Government of Ontario reconsider the advisability of proceeding with Bill 206 in its current form; and Further be it resolved that David Oraziotti, Sault Ste. Marie M.P.P.; the Honourable John Gerretsen, Minister of Municipal Affairs and Housing; the Honourable Dalton McGuinty, Premier of Ontario; and the Association of Municipalities of Ontario be advised that this Council does not support proposed changes to OMERS contained in Bill 206. CARRIED.

Councillor L. Turco declared a pecuniary interest - spouse employed by Police Services and enrolled in OMERS.

(r) **External Defibrillators Supplementary Budgetary Request**

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

Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Resolved that the report of the Commissioner of Human Resources dated 2006 01 23 concerning External Defibrillators Supplementary Budgetary Request be accepted and the recommendation that Council approve the immediate installation of defibrillator units at Memorial Gardens, John Rhodes, McMeeken Centre, Civic Centre, Seniors Drop-In Centre and Seniors Steelton Centre at an estimated cost of \$35,000.00 with funds to come from the OMERS Premium Reduction Reserve be approved. OFFICIALLY READ NOT DEALT WITH. TABLED TO THE FEBRUARY 6, 2006 COUNCIL MEETING.

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

(s) **Memorial Tower**

The report of the Commissioner of Community Services was accepted by Council.

Moved by Councillor S. Butland

Seconded by Councillor F. Manzo

Resolved that the report of the Commissioner of Community Services dated 2006 01 23 concerning Memorial Tower be accepted and the recommendation that the retention of the Memorial Tower be considered as fulfilling the City's Cultural Policy requirements of Section 3.3(i) for the new Sports and Entertainment Centre be approved. CARRIED.

5. (t) **Funding Application - Celebrate Canada Program**
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 2006 01 23 concerning Funding Application - Celebrate Canada Program be accepted and the recommendation that Council authorize the City of Sault Ste. Marie funding application to the 2006 Canadian Heritage - Celebrate Canada Program be approved. CARRIED.
- (u) **Engineering Services - Goulais Avenue Reconstruction**
The report of the Director of Engineering Design and Buildings was accepted by Council. The relevant By-law 2006-15 is listed under item 10 of the Minutes.
- (v) **Landfill Site - Second Weigh Scale Revised Budget Estimate**
The report of the Manager of Construction and Environmental Engineering was received by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that the report of the Manager of Construction and Environmental Engineering dated 2006 01 23 concerning Landfill Site - Second Weigh Scale Revised Budget Estimate be accepted and the recommendation that Council approve the revised budget estimate of \$600,000.00 with funds to come from the Waste Disposal Site Reserve be approved. OFFICIALLY READ NOT DEALT WITH. TABLED TO THE FEBRUARY 6, 2006 COUNCIL MEETING.
- (w) **Prince Wind Farm - Maki Road Realignment**
The report of the Director of Engineering Design and Buildings was accepted by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that the report of the Director of Engineering Design and Buildings dated 2006 01 23 concerning Prince Wind Farm - Maki Road Realignment be accepted as information. CARRIED.
- (x) **Report of the Water Strategy Expert Panel**
The report of the Commissioner of Engineering and Planning was accepted by Council.

5. (x) Moved by Councillor S. Butland
Seconded by Councillor F. Manzo
Resolved that the report of the Commissioner of Engineering and Planning dated 2006 01 23 concerning Report of the Water Strategy Expert Panel be accepted and the recommendation that Council support the position of North Bay Council in opposing the recommendations contained in the Report of the Water Strategy Panel; and
Further resolved that Sault Ste. Marie City Council is specifically opposed to:
- Any legislation that would require the consolidation of "cluster communities" in the North that would effectively result in the cross-subsidization of water rates;
 - Any legislation that would require the establishment of a corporate utility entity to hold the assets and operate water and wastewater systems;
 - Any action that eliminates senior level of government subsidy for sustainable water systems;
 - Any action in setting pricing and rate recommendations that would restrict local autonomy; and
- Further that a copy of this resolution be forwarded to the Minister of Public Renewal Infrastructure, David Oraziatti, M.P.P. Sault Ste. Marie, City of North Bay, AMO and FONOM be approved. CARRIED.

- (y) **Gateway Project Environmental Site Specific Risk Assessment**
The report of the Planning Division was accepted by Council. The relevant By-law 2006-18 is listed under item 10 of the Minutes.

Moved by Councillor S. Butland
Seconded by Councillor J. Collins
Resolved that the report of the Planning Division dated 2006 01 23 concerning the Gateway Project Environmental Site Specific Risk Assessment be accepted and the Planning Director's recommendation that City Council approve a contract with Conestoga-Rovers and Associates to provide a peer review of the risk assessment for the Gateway property at an estimated cost of \$8,082.00; with only tasks 1 and 2 proceeding at this time at an estimated cost of \$3,203.00 be endorsed. CARRIED.

- (z) **Community Improvement Plans**
Reports of the Chief Administrative Officer and Planning Director were accepted by Council.

Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that the reports of the Chief Administrative Officer and Planning Director dated 2006 01 23 concerning Community Improvement Plans be accepted and the recommendation that Council authorize Public Notice of its intent to consider designating the City of Sault Ste. Marie as a Community Improvement Project Area as per Part IV, Section 28 of the Planning Act be endorsed. CARRIED.

5. (aa) **Sale of 140 Gore Street**

The report of the City Solicitor was accepted by Council.

Moved by Councillor J. Caicco

Seconded by Councillor J. Collins

Resolved that the report of the City Solicitor dated 2006 01 23 concerning Sale of 140 Gore Street be accepted and the recommendation that Council declare the property surplus, advertise the property for sale and obtain a valuation of the property be approved. CARRIED.

(bb) **Private Member Bill 123 - Transparency in Public Matters Act, 2005**

The report of the City Solicitor was accepted by Council.

Moved by Councillor S. Butland

Seconded by Councillor F. Manzo

Resolved that the report of the City Solicitor dated 2006 01 23 concerning Private Member's Bill 123 - Transparency in Public Matters Act 2005 be accepted as information. CARRIED.

(cc) **Summary of Bill 53 - The Stronger City of Toronto for a Stronger Ontario Act, 2005**

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

Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Resolved that the report of the Assistant City Solicitor dated 2006 01 23 concerning Summary of Bill 53 - The Stronger City of Toronto for a Stronger Ontario Act 2005 be accepted as information. CARRIED.

(dd) **Proposed Sale of Waterlot Abutting 3 McPhail Street**

The report of the City Solicitor was accepted by Council.

Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that the report of the City Solicitor dated 2006 01 23 concerning Proposed Sale of Waterlot Abutting 3 McPhail Street be accepted and the recommendation that Council declare the property surplus and authorize the sale of the property be approved. CARRIED.

(ee) **Closed Meetings of Council - Ontario Court of Appeal Decision - RSJ Holdings Inc. v. The Corporation of the City of London**

The report of the City Solicitor was accepted by Council.

5. (ee) Moved by Councillor J. Caicco
Seconded by Councillor F. Manzo
Resolved that the report of the City Solicitor dated 2006 01 23 concerning Closed Meetings of Council - Ontario Court of Appeal Decision - RSJ Holdings Inc. v. The Corporation of the City of London be accepted as information. CARRIED.
- (ff) **Ravina Street Sidewalk Snowplowing**
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 2006 01 23 concerning Ravina Street Sidewalk Snowplowing be accepted and the recommendation that the sidewalk on the east side of Ravina Street be added immediately to the list of sidewalks plowed each winter season by Public Works and Transportation be approved. CARRIED.
- (gg) **Purchase of Pre-Owned Transit Buses**
Reports of the Chief Administrative Officer and Transit Manager were accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor F. Manzo
Resolved that the reports of the Chief Administrative Officer and Transit Manager dated 2006 01 23 concerning Purchase of Pre-Owned Transit Buses be accepted and the recommendation that Council authorize the purchase and financing of seven pre-owned transit buses from Capital Bus Sales of Quebec City in accordance with terms and conditions set out therein; and
Further resolved that the Manager of Transit and appropriate staff be authorized to travel to inspect the vehicles prior to completion of the transaction and taking delivery be approved. CARRIED.
- (hh) **Bear Wise Program**
The report of the Chair Sault Ste. Marie Police Services Board was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor J. Collins
Resolved that the report of the Chair Sault Ste. Marie Police Services Board dated 2005 12 02 concerning Bear Wise Program BE REFERRED to the Legal and Finance Departments for review and report back to Council. CARRIED.

5. (ii) Correspondence from the Ontario Lottery and Gaming Corporation advising that the quarterly payment of the 5% allocation from October 1, 2005 to December 31, 2005 is \$372,518.00 was received by Council.

PART TWO – REGULAR AGENDA

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

- (a) Moved by Councillor P. Mick
Seconded by Councillor L. Turco
Whereas North America is too dependent on fossil fuels for electricity, transportation and heating; and
Whereas energy prices have reached record highs; and
Whereas we should be reducing green-house gas emissions in accordance with the Kyoto Protocol; and
Whereas our local Public Utilities, along with other Electrical Distributors, are encouraging conservation and will be taking part in ongoing education initiatives to inform the public of best practices;
Therefore be it resolved that Sault Ste. Marie City Council lead by example and encourage all of our municipal departments and partners to strongly consider innovative ways to conserve energy, i.e., solar cladding on new and renovated buildings to deliver heat and ventilation, waste to energy projects, passive solar heating for swimming pools, expanded use of LED lighting, and any of the multitude of solutions to the energy crunch which are the highlighted topics in our municipal and electrical magazines, and conference and workshops.
CARRIED.

- (b) Moved by Councillor F. Manzo
Seconded by Councillor D. Celetti
Resolved that City Council congratulates former Sault Ste. Marie City Councillor Derik Brandt on his new employment as Chief Administrative Officer with South Glengarry Township (Lancaster Ontario) and wish him success in his future endeavours. 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 S. Butland

Seconded by Councillor J. Collins

Resolved that all the by-laws listed under Item 10 of the Agenda under date 2006 01 23 be approved. CARRIED.

(a) Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that By-law 2006-3 being a by-law to establish user fees and service charges and to repeal By-law 2005-6 be read three times and passed in Open Council this 23rd day of January, 2006. CARRIED.

(b) Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that By-law 2006-15 being a by-law to authorize an agreement with the City and Totten Sims Hubicki Associates to prepare design drawings for the proposed reconstruction of Goulais Avenue between Bonney Street and Wallace Terrace be read three times and passed in Open Council this 23rd day of January, 2006. CARRIED.

(c) Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that By-law 2006-17 being a by-law to designate 455 Albert Street West as an area of site plan control be read three times and passed in Open Council this 23rd day of January, 2006. (Mario Naccarato) CARRIED.

(d) Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that By-law 2006-18 being a by-law to authorize an agreement with the City and Conestoga-Rovers to provide a peer review of the risk assessment for the Gateway property be read three times and passed in Open Council this 23rd day of January, 2006. CARRIED.

(e) Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that By-law 2006-19 being a by-law to amend By-laws 80-200 and By-law 4100 dealing with the exemption from the noise control by-laws for various events to be held at the Airport Fairgrounds be read three times and passed in Open Council this 23rd day of January, 2006. CARRIED.

(f) Moved by Councillor S. Butland

Seconded by Councillor J. Collins

Resolved that By-law 2006-20 being a by-law to provide for Interim Tax Levies be read three times and passed in Open Council this 23rd day of January, 2006. CARRIED.

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

- (a) Moved by Councillor J. Caicco
Seconded by Councillor J. Collins
Resolved that this Council shall now go into Caucus to discuss one property (possible land acquisition) and one personal matter about an identifiable individual; 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. Caicco
Seconded by Councillor J. Collins
Resolved that this Council shall now adjourn. CARRIED.

"John Rowswell"

MAYOR

"Donna P. Irving"

CLERK