

MINUTES

REGULAR MEETING OF CITY COUNCIL

2008 06 09

4:30 P.M.

COUNCIL CHAMBERS

PRESENT: Mayor J. Rowswell, Councillors J. Caicco, L. Turco, B. Hayes, D. Celetti, O. Grandinetti, S. Myers, L. Tridico, F. Fata, T. Sheehan, S. Butland, P. Mick

ABSENT: Councillor F. Manzo (illness)

OFFICIALS: J. Fratesi, M. White, B. Freiburger, J. Elliott, N. Kenny, J. Dolcetti, S. Turco, D. McConnell, D. Elliott

1. **ADOPTION OF MINUTES**

Moved by Councillor O. Grandinetti

Seconded by Councillor J. Caicco

Resolved that the Minutes of the Regular Council Meeting of 2008 05 26 be approved. CARRIED.

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

3. **APPROVE AGENDA AS PRESENTED**

Moved by Councillor O. Grandinetti

Seconded by Councillor S. Butland

Resolved that the Agenda for the 2008 06 09 City Council Meeting as presented be approved. CARRIED.

4. **DELEGATIONS/PROCLAMATIONS**

(a) Mr. Goertzen was in attendance concerning agenda item 5.(u).

(b) Bob Davies, Chief of Police was in attendance concerning agenda item 6.(5)(a).

(c) Mark Inglis and Dave Richardson, Marshall Macklin Monaghan Group and John Smale were in attendance concerning agenda item 6.(6)(b).

PART ONE – CONSENT AGENDA

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

Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Resolved that all the items listed under date 2008 06 09 - Part One - Consent Agenda be approved as recommended. CARRIED.

- (a) Correspondence from AMO was received by Council.
- (b) Letters of request for temporary street closings were accepted by Council.
 - 1) on downtown streets in conjunction with ROTARYFEST 2008 (July 19th) and also to request a by-law to prohibit vendors from locating near the grounds of ROTARYFEST 2008;
 - 2) on Queen Street from East to Dennis Streets in conjunction with Lemonade Days (July 18th); and
 - 3) on Doncaster Road in conjunction with a Street Gathering (August 9th)
 - 4) on Hudson Street from Cathcart Street (189 Hudson Street) to Albert Street (159 Hudson Street) in conjunction with a Canada Day Block Party (July 1st). The relevant By-laws 2008-110, 2008-111, 2008-112, 2008-118 and 2008-120 are listed under Item 10 of the Minutes.

Moved by Councillor J. Caicco

Seconded by Councillor S. Butland

Resolved that City Council approves the use of available Clergue Park green space (July 12th to 20th); the Civic Centre north green space (July 12th to 20th); and the Civic Centre north and south parking lots (July 17th evening, July 18th and 19th). CARRIED.

- (c) The letter from the Chair, Relay for Life requesting an exemption to the Noise By-law for the event at the John Rhodes Community Centre on June 13th and 14th was accepted by Council. The relevant By-law 2008-116 is listed under Item 10 of the Minutes.
- (d) Correspondence from the City of Belleville (concerning the government allowing municipalities to raise revenue by a carbon tax levy); and the City of Kingston (concerning amendments to the Ontario Building Code and concerning Bill 64 An Act to Amend the Pesticide Act) was received by Council.
- (e) The News Release from Development Sault Ste. Marie announcing Sunwing Charter Airline to fly directly from Sault Ste. Marie to Cuba was received by Council.

5. (f) The letter from the CEO, OLG concerning the Ontario Lottery and Gaming Corporation's current commitment to the city and suggestions for future involvement in local initiatives was received by Council.

(g) **Council Travel**

Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Resolved that Councillor Lou Turco be authorized to travel to (1) AMO Annual President's Meeting being held in London, Ontario (2 days in June) at an estimated cost of \$1,000.00 to the City; and (2) FONOM Board Meeting being held in North Bay, Ontario (2 days in July) at no cost to the City be approved. CARRIED.

(h) **Staff Travel Requests**

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

Moved by Councillor J. Caicco

Seconded by Councillor S. Butland

Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2008 06 09 be approved as requested. CARRIED.

(i) **Property Tax Appeals**

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

Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

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 2008 06 09 be approved and the tax records be amended accordingly. CARRIED.

(j) **Echoes Drum Festival Request for Financial Assistance**

The report of the Manager of Finance and Audits was accepted by Council.

Moved by Councillor J. Caicco

Seconded by Councillor S. Butland

Resolved that the report of the Manager of Finance and Audits dated 2008 06 09 concerning Echoes Drum Festival Request for Financial Assistance be accepted and the recommendation that Council DENY the request for additional financial assistance by the Echoes Drum Festival be approved. CARRIED.

(k) **Memorandum of Agreement - Operation of the Recreational Lock**

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

5. (k) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that the report of the Commissioner of Community Services dated 2008 06 09 concerning Memorandum of Agreement - Operation of the Recreational Lock be accepted and the recommendation that Council approve a one-year extension until July 14, 2009 of the agreement between the Corporation of the City of Sault Ste. Marie and Parks Canada for the operation of the Recreational Lock be approved. CARRIED.

(l) **Contract 2008-4E - Reconstruction of Franklin Street (Wallace Terrace to Henrietta Street) - Location of Proposed Sidewalk**

The report of the Design and Construction Engineer was accepted by Council.

Moved by Councillor D. Celetti

Seconded by Councillor F. Fata

Whereas Franklin Street is scheduled for reconstruction this year as a local improvement and the current design of the project includes a boulevard and sidewalk on the west side of the street; and

Whereas 15 out of a total 17 property owners on the west side of the street have signed a petition to construct a curb face sidewalk instead of a boulevard and sidewalk;

Now therefore be it resolved that engineering staff undertake the necessary arrangements with the contractor that is doing the reconstruction project to have the sidewalk redesigned to a curb face sidewalk to reflect the wishes of the majority of the property owners on the west side of Franklin Street. CARRIED.

(m) **Update on 2008 Capital Works and Bridges**

The report of the Director of Engineering Services was accepted by Council.

Moved by Councillor L. Turco

Seconded by Councillor T. Sheehan

Resolved that item 5.(m) BE AMENDED deleting the amounts for Shannon/Retta/Franklin shortfall and Korah Road Reconstruction and adding the following - Hub Trail Reserve - \$1,072,000.00 and inserting the following wording: and further that Council supports the construction of Shannon/Retta/Franklin and Korah Road and that these shortfalls/funds come from future capital works funding. CARRIED.

5. (m) Moved by Councillor J. Caicco
 Seconded by Councillor S. Butland
 Resolved that the report of the Director of Engineering Services dated 2008 06 09 concerning Update on 2008 Capital Works and Bridges be accepted and the recommendation that the following revisions to the 2008 Capital Works Program:
- | | |
|--|----------------|
| Available Funds: | |
| 2007 Misc Const. allowance for single lane bridges (carryover) | \$ 136,000.00 |
| 2008 budget for bridges | \$3,000,000.00 |
| Total Available | \$3,136,000.00 |
| Recommended Revisions to 2008 Program: | |
| Reconstruct four single lane bridges to two lanes | |
| \$300,000.00 each | \$1,200,000.00 |
| Other bridge work | 500,000.00 |
| Shannon/Retta/Franklin shortfall | 452,000.00 |
| Korah Road Reconstruction (Moss to Cooper) | 620,000.00 |
| Hub Trail Funding | 358,000.00 |
| Total Estimate Revisions | \$3,130,000.00 |
- be approved AS AMENDED. CARRIED.
- (n) **Contract 2008-5E - Reconstruction of Korah Road (Moss Road to Cooper Street)**
 The report of the Design and Construction Engineer was accepted by Council. The relevant By-laws 2008-113 and 2008-114 are listed under Item 10 of the Minutes.
- (o) **Biannual Bridge Inspections - Consulting Services**
 The report of the Director of Engineering Services was accepted by Council.
- Moved by Councillor S. Butland
 Seconded by Councillor J. Caicco
 Resolved that the report of the Director of Engineering Services dated 2008 06 09 concerning Biannual Bridge Inspections - Consulting Services be accepted and the recommendation that the City retain M. R. Wright and Associates to complete the biannual bridge inspections at the upset limit fee of \$33,000.00 with funds to come from the 2008 Miscellaneous Construction budget be approved. CARRIED.
- (p) **Elimination of Any Ban on Clotheslines - Energy Conservation Leadership Act O. Reg. 97/08**
 The report of the City Solicitor was accepted by Council.

5. (p) Moved by Councillor J. Caicco
Seconded by Councillor S. Butland
Resolved that the report of the City Solicitor dated 2008 06 09 concerning Elimination of Any Ban on Clotheslines - Energy Conservation Leadership Act O. Reg. 97/08 be accepted as information. CARRIED.
- (q) **Clergue Park Waterfront Walkway**
The report of the Planning Division was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Resolved that the report of the Planning Division dated 2008 06 09 concerning the Clergue Park Waterfront Walkway be accepted and the Planning Director's recommendation that City Council authorize the placement of 25 flagpoles with flags representing the various countries of the original immigrants to Sault Ste. Marie adjacent to the Russ Ramsay Way entrance to Clergue Park at an estimated total cost of \$50,000.00 be endorsed. CARRIED.
- (r) **Cemetery Condition**
The report of the Manager of Cemeteries was accepted by Council.
- Moved by Councillor J. Caicco
Seconded by Councillor S. Butland
Resolved that the report of the Manager of Cemeteries dated 2008 06 09 concerning Cemetery Condition be accepted and the recommendation that the cemetery be sprayed with an appropriate pesticide at a cost of approximately \$68,000.00 with funds to come from the Cemetery Reserve account be approved. CARRIED.
- (s) **Signage at Intersection of Carmen's Way and Conmee Avenue**
The report of the Deputy Commissioner of Public Works and Transportation was accepted by Council.
- Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2008 06 09 concerning Signage at Intersection of Carmen's Way and Conmee Avenue be accepted and the recommendation that an 8-hour pedestrian count be carried out at the Carmen's Way/Conmee Avenue intersection and if warranted pedestrian ahead signs be installed be approved. CARRIED.
- (t) **Trim-A-Tree Program**
The report of the Manager of Cemeteries was accepted by Council.

5. (t) Moved by Councillor J. Caicco
Seconded by Councillor S. Butland
Resolved that the report of the Manager of Cemeteries dated 2008 06 09 concerning Trim-A-Tree Program be accepted and the recommendations that:
1) Cemetery staff continue to follow the rules and regulations set out in By-law 99-208;
2) Cemetery staff not become involved in a Trim-A-Tree Program; and
3) Cemetery staff send a letter to the owner of gravesites advising that the tree will be removed if it is not trimmed within a 6-month period rather than relying solely on the red tag be approved. CARRIED.
- (u) **Centre Street Right-of-Way**
The report of the Commissioner of Public Works and Transportation was accepted by Council.

Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Resolved that the report of the Commissioner of Public Works and Transportation dated 2008 06 09 concerning Centre Street Right-of-Way (between 617 and 621 Boundary Road) be accepted as information. CARRIED.
- (v) **Proposed Speed Reduction - Trunk Road**
The report of the Commissioner of Public Works and Transportation was accepted by Council.

Moved by Councillor J. Caicco
Seconded by Councillor S. Butland
Resolved that the report of the Commissioner of Public Works and Transportation dated 2008 06 09 concerning Proposed Speed Reduction - Trunk Road be accepted and the recommendation that the 80 kph posted speed on Trunk Road from the Husky Truck Stop to the easterly city limit be reduced to 70 kph and that Schedule K of By-law 77-200 be amended be approved. CARRIED.
- (w) **Surface Treatment Program - 2008**
The report of the Commissioner of Public Works and Transportation was accepted by Council.

Moved by Councillor J. Caicco
Seconded by Councillor S. Butland
Resolved that the report of the Commissioner of Public Works and Transportation dated 2008 06 09 concerning Surface Treatment Program 2008 be accepted as information. CARRIED.
- (x) The letter from the Minister of Indian Affairs concerning the evacuation of Fort Albany was received by Council.

5. (y) The letter requesting permission for a private property liquor license extension was accepted by Council.

Moved by Councillor J. Caicco

Seconded by Councillor S. Butland

Resolved that City Council has no objection to the proposed extended licensed area as detailed in the written request for a liquor license extension on private property for an outdoor event on the following stated date and times:

Great Northern Retirement Home

Family Fun Day

July 11, 2008 from 2:00 to 7:00 p.m. CARRIED.

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES

6. (5) LEGAL

(a) Amendments to By-law 2005-154 - City's Taxi By-law

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

Moved by Councillor D. Celetti

Seconded by Councillor S. Butland

Be it resolved that item 6.(5)(a) BE REFERRED back to Police Services Board to be dealt with at the next full meeting of the Board and that the Board report back to Council with any recommendations. CARRIED.

Mayor J. Rowsell declared a pecuniary interest - engineering firm does business with RBB Innovations.

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

6. (6) PLANNING

(a) Application No. A-14-08-OP - D. S. Urso Surveying Ltd. - 2599 Base Line - Request to Amend Official Plan to Consider Severance Application to Create One Additional Lot for Rural Residential Purposes

The report of the Planning Division was accepted by Council.

6. (6)

(a) Moved by Councillor O. Grandinetti
Seconded by Councillor J. Caicco

Resolved that the report of the Planning Division dated 2008 06 09 concerning Application No. A-14-08-OP - D.S. Urso Surveying Limited be accepted and the Planning Director's recommendation that City Council approve Official Plan Amendment No. 150, which facilitates the severance of the subject property by way of a notwithstanding clause to the Rural Area policies for one (1) additional rural residential lot be endorsed. CARRIED.

(b) **Hub Trail Development Along Shannon Road/Shingwauk Street**

The report of the Planning Division dated 2008 05 26 was received by Council. The report of MMM Group dated June 9, 2008 concerning the Hub Trail on Shannon Road was received by Council.

Moved by Councillor S. Myers
Seconded by Councillor O. Grandinetti

Pursuant to Council Procedure By-law 99-100 Section 71(3), resolved that City Council RECONSIDER the Planning Director's recommendation concerning the Hub Trail Development Along Shannon Road/Shingwauk Street [which was voted 'defeated' at the 2008 05 26 Council Meeting]; and that Council waive any provisions in its Procedural By-law with respect to Notice. CARRIED.

Moved by Councillor S. Myers
Seconded by Councillor O. Grandinetti

Resolved that the recommendation of the Planning Director concerning the Hub Trail Development Along Shannon Road/Shingwauk Street BE AMENDED to address safety concerns by the enforcement of a NO parking zone during 'daylight hours' on the section of the east side of Shannon Road that is designated the Hub Trail. DEFEATED.

Moved by Councillor S. Myers
Seconded by Councillor O. Grandinetti

Resolved that the report of the Planning Division dated 2008 05 26 concerning the Hub Trail Development Along Shannon Road/Shingwauk Street be accepted and the Planning Director's recommendation that City Council support the construction of the Hub Trail portion of the Shannon Road reconstruction project as recommended by staff and MMM Group utilizing a 2.7 meter asphalt surface within the northerly boulevard of Shingwauk Street and the easterly boulevard of Shannon Road be endorsed. CARRIED.

6. (6)
(b)

Recorded Vote

For: Mayor J. Rowsell, Councillors J. Caicco, L. Turco, B. Hayes, D. Celetti, O. Grandinetti, S. Myers, L. Tridico, F. Fata, T. Sheehan, S. Butland, P. Mick

Against: Nil

Absent: Councillor F. Manzo

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

- (a) Moved by Councillor S. Butland
Seconded by Councillor P. Mick

Whereas vegetable oil has become a useful commodity with some value; especially in the production of bio fuel; and

Whereas presently the Corporation and commercial establishments (restaurants and banquet halls) pay for the oil to be collected and transported to Southern Ontario/Quebec; and

Whereas a local firm "Greenstar Biodiesel Systems" could produce a quality biofuel with the locally collected "grease"; and

Whereas City Transit is in the midst of a successful pilot on one city bus and one parabus using a 5% formula of biodiesel; and

Whereas it is likely that much of this presently designated waste product may end up in the landfill or in the sewer system or simply disposed of; and

Whereas it may prove feasible economically and environmentally to facilitate a collection system for this vegetable oil to be processed into biodiesel to service an extensive (if not all) transit vehicles;

Therefore be it resolved that Council authorize the Environmental Initiative Committee (a.k.a. Green Committee) to begin discussions with appropriate staff, Restaurant Association and principals of Greenstar Biodiesel Systems as well as any other potential interested supplier of biodiesel to investigate the potential implementation of the above concept of local collection, local production and local distribution of biodiesel fuels for Sault Ste. Marie and district. OFFICIALLY READ NOT DEALT WITH (WITHDRAWN BY MOVER).

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. Caicco

Resolved that all the by-laws listed under Item 10 of the Agenda and Addendum under date 2008 06 09 [save and except 2008-154] be approved. CARRIED.

(a) Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Resolved that By-law 2008-104 being a by-law to amend the Taxi By-law 2005-154 be read three times and passed in Open Council this 9th day of June, 2008. OFFICIALLY READ NOT DEALT WITH.

Mayor J. Rowsell declared a pecuniary interest - engineering firm does business with RBB Innovations.

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

(b) Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Resolved that By-law 2008-110 being a by-law to permit the temporary street closing of Doncaster Road to permit a street gathering between the hours of 12 noon to 12 midnight on August 9, 2008 be read three times and passed in Open Council this 9th day of June, 2008. CARRIED.

(c) Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Resolved that By-law 2008-111 being a by-law to permit the temporary closing of Queen Street from East Street to Dennis Street to facilitate the annual summer late night shopping event be read three times and passed in Open Council this 9th day of June, 2008. CARRIED.

(d) Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Resolved that By-law 2008-112 being a by-law to permit the temporary street closing of various streets to facilitate Rotaryfest 2008 on July 19, 2008 be read three times and passed in Open Council this 9th day of June, 2008. CARRIED.

10. (e) Moved by Councillor S. Butland

Seconded by Councillor J. Caicco

Resolved that By-law 2008-113 being a by-law to authorize an agreement between the City and Palmer Construction Group Inc. for the reconstruction of Korah Road from Moss Road to Cooper Street including construction of a new sanitary sewer from Lamming Avenue to Cooper Street be read three times and passed in Open Council this 9th day of June, 2008. CARRIED.

- (f) Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Resolved that By-law 2008-114 being a by-law to permit the temporary street closing of Korah Road from Moss Road to Cooper Street from June 15, 2008 until October 30, 2008 be read three times and passed in Open Council this 9th day of June, 2008. CARRIED.
- (g) Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Resolved that By-law 2008-115 being a by-law to adopt Amendment No. 150 to the Official Plan be read three times and passed in Open Council this 9th day of June, 2008. (D. S. Urso Surveying Ltd.) CARRIED.
- (h) Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Resolved that By-law 2008-116 being a by-law to amend By-law 80-200 and By-law 4100 for an exemption from the noise control by-laws for the Canadian Cancer Society's Annual Relay for Life Event be read three times and passed in Open Council this 9th day of June, 2008. CARRIED.
- (i) Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Resolved that By-law 2008-117 being a by-law to designate an area of the City of Sault Ste. Marie as an Industrial Community Improvement Project Area be read three times and passed in Open Council this 9th day of June, 2008. CARRIED.
- (j) Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Resolved that By-law 2008-118 being a by-law to prohibit vendors from locating near the grounds of Rotaryfest 2008 be read three times and passed in Open Council this 9th day of June, 2008. CARRIED.
10. (k) Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Resolved that By-law 2008-120 being a by-law to permit the temporary street closing of Hudson Street from Cathcart Street (189 Hudson Street) to Albert Street (159 Hudson Street) between the hours of 10:00 a.m. to 4:00 p.m. on July 1, 2008 be read three times and passed in Open Council this 9th day of June, 2008. 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 S. Butland

Resolved that this Council shall now go into Caucus to discuss two labour relations matters; 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 S. Butland

Seconded by Councillor J. Caicco

Resolved that this Council shall now adjourn. CARRIED.

"J. Rowswell"

MAYOR

"Donna P. Irving"

CLERK