

MINUTES

REGULAR MEETING OF CITY COUNCIL

2009 06 08

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, F. Manzo, P. Mick

OFFICIALS: J. Fratesi, D. Irving, N. Kenny, P. McAuley, N. Apostle, B. Freiburger, J. Dolcetti, S. Hamilton-Beach, R. Tallon, M. Wozny, D. McConnell, D. Scott

1. **ADOPTION OF MINUTES**

Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that the Minutes of the Regular Council Meeting of 2009 05 25 be approved. CARRIED.

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

3. **APPROVE AGENDA AS PRESENTED**

Moved by Councillor F. Manzo

Seconded by Councillor S. Butland

Resolved that the Agenda for the 2009 06 08 City Council Meeting as presented be approved. CARRIED.

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Norma Elliott, Director of Programs and Staff; and Dale Kenney, Director of Community Relations and Finance, Women in Crisis Algoma Inc. were in attendance concerning Proclamation – Women in Crisis Day.
- (b) Glenda Gies on behalf of Waste Diversion Ontario (WDO) was in attendance concerning information on the roles, responsibilities and programs offered by Waste Diversion Ontario.

- 4. (c) Several residents of Pawating Place Cooperative were in attendance concerning agenda item 5.(r).
- (d) Jay Zwierschke, President and C.E.O., Elementa Group Inc. was in attendance concerning agenda item 6.(3)(a).
- (e) Paul Cassan; Ed Lofstrom; Fiore Giunti, 47 Powley Road; Lee Ann Robert, 668 Fifth Line East; Wilma Deplonty, 8 Powley Road; and Lisa Lofstrom were in attendance concerning agenda item 6.(6)(a).
- (f) Marc Stanghetta was in attendance concerning agenda item 6.(6)(b).
- (g) Ray Stortini was in attendance concerning agenda item 7.(b).

PART ONE – CONSENT AGENDA

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

Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that all the items listed under date 2009 06 08 - Part One - Consent Agenda [save and except 5.(u) Officially Read Not Dealt With] be approved as recommended. CARRIED.

- (a) Correspondence from AMO was received by Council.
- (b) Correspondence from the Town of Smith Falls (concerning provincial grants to public libraries); Oxford County (concerning a request for legislation to grant municipalities the authorization to eliminate capping in any/all of the protected property classes); Township of South Stormont (concerning a request to the Ministry of Health and Long Term Care to provide a simultaneous EMS and Fire dispatch); City of Ottawa (concerning an OMB decision in the Village of Manotick); City of Kingston (concerning a request that the Province locate the Energy Czar detailed in the Green Energy Act in Kingston); Greater Toronto Area Countryside Mayors Alliance (concerning the 'Buy American' provisions in the American Recover and Reinvestment Act); Town of Fort Erie (concerning including hospitals under the jurisdiction of the Ombudsman); and Town of Hawkesbury (concerning investments made by Canadians in industries being protected against being moved outside of the country) was received by Council.

5. (c) The letter of request for a temporary street closing was accepted by Council.
1) on Queen Street (East to Spring) and for a by-law to prohibit uninvited vendors from locating on the festival grounds in conjunction with the 2009 Buskerfest Festival being held August 7, 8 and 9, 2009.
The relevant By-laws 2009-113 and 2009-114 are listed under Item 10 of the Minutes.
- (d) Letters from:
1) The Premier of Ontario in response to a Council resolution concerning St. Marys Renewable Energy Centre;
2) Muscular Dystrophy Canada thanking the SSM Professional Fire Fighters Association who raised \$2,045.00 in 2008-09.
3) Wallaceburg Disaster Relief Committee concerning a request for financial assistance from all municipalities in Ontario
were received by Council.
- Moved by Councillor F. Manzo
Seconded by Councillor S. Butland
Whereas a severe flood occurred in February 2009 in the community of Wallaceburg Ontario, and the municipality has been declared a Disaster Area;
and
Whereas the Wallaceburg Disaster Relief Committee is seeking financial assistance from all municipalities in Ontario and has set a fundraising target of \$41,500.00 to assist flooding victims in the community of Wallaceburg;
Now therefore be it resolved that City Council authorizes a donation of \$250.00 (with funds to come from the Unforeseen Expense Account) on behalf of the City of Sault Ste. Marie to the Wallaceburg Relief Fund to assist the residents of that community in coping with the aftermath of the severe flooding, be approved.
CARRIED.
- (e) The letter requesting permission for a private property liquor license extension was accepted by Council.
- Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
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:
Portuguese Canadian Association of Sault Ste. Marie
5 Cornwall Street
Annual Picnic – August 2, 2009 from 12:00 noon to 7:00 p.m. CARRIED.
- (f) The letter from the Coordinator, Relay for Life requesting an exemption to the Noise By-law for the event at the John Rhodes Community Centre on June 19th and 20th was accepted by Council. The relevant By-law 2009-118 is listed under Item 10 of the Minutes.

5. (g) **Appointments to Boards and Committees**

Moved by Councillor F. Manzo

Seconded by Councillor S. Butland

Resolved that citizen John Walker be nominated to the Community Theatre Centre Management Board from June 8, 2009 to December 31, 2010. CARRIED.

(h) **Staff Travel Requests**

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

Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2009 06 08 be approved as requested. CARRIED.

(i) **Property Tax Appeals**

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

Moved by Councillor F. Manzo

Seconded by - Councillor S. Butland

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 2009 06 08 be approved and the tax records be amended accordingly. CARRIED.

(j) **Ermatinger-Clergue National Historic Site – Targeted Wage Subsidy Application – Events Coordinator**

The report of the Curator, Ermatinger-Clergue National Historic Site was received by Council.

Moved by Councillor F. Manzo

Seconded by Councillor J. Caicco

Resolved that the report of the Curator Ermatinger Clergue National Historic Site dated 2009 06 08 concerning Ermatinger-Clergue National Historic Site - Targeted Wage Subsidy Application - Events Coordinator be received as information. CARRIED.

(k) **Firearms By-law Exemption - Ermatinger-Clergue National Historic Site – Special Events**

The report of the Curator, Ermatinger-Clergue National Historic Site was accepted by Council. The relevant By-law 2009-115 is listed under Item 10 of the Minutes.

5. (l) **Resurfacing of City Streets – 2009 – Miscellaneous Construction Program – Revision**
The report of the Director of Engineering Services was accepted by Council.
- Moved by Councillor F. Manzo
Seconded by Councillor S. Butland
Resolved that the report of the Director of Engineering Services dated 2009 06 08 concerning Resurfacing of City Streets - 2009 Miscellaneous Construction Program Revision be accepted and the recommendation that the resurfacing program be revised to include:
1. Wellington Street from East Street to North Street;
 2. Bingham Street;
 3. Landslide Road from Fish Hatchery Road southerly towards Old Garden River Road
- be approved. CARRIED.
- (m) **Contract 2007-4E – Trunk Road Improvements – Closure of Lake Street at Trunk Road**
The report of the Design and Construction Engineer was accepted by Council. The relevant By-law 2009-116 is listed under Item 10 of the Minutes.
- (n) **Contract 2009-8E – Third Line Extension – Great Northern Road to 1,000 Metres Easterly**
The report of the Design and Construction Engineer was accepted by Council. The relevant By-laws 2009-119 and 2009-120 are listed under Item 10 of the Minutes.
- (o) **Contract 2009-9E – Carpin Beach Road Bridge Replacement**
The report of the Design and Construction Engineer was accepted by Council. The relevant By-laws 2009-122 and 2009-123 are listed under Item 10 of the Minutes.
- (p) **Proposed Sale of 276 Wellington Street East to Shaw Milling Ltd.**
The report of the City Solicitor was accepted by Council. The relevant By-law 2009-117 is listed under Item 10 of the Minutes.
- (q) **Provincial Offences Inter-Municipal Agreement**
The report of the Assistant City Solicitor was accepted by Council. The relevant By-law 2009-111 is listed under Item 10 of the Minutes.
- (r) **Effectiveness of the Pilot Community Bus Service to Pawating Place**
The report of the Transit Manager was accepted by Council.

5. (r) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that the report of the Transit Manager dated 2009 05 25 concerning Effectiveness of the Pilot Community Bus Service to Pawating Place be accepted and the recommendation that the current level of transit service to Pawating Place be maintained and reviewed annually be approved. CARRIED.
- (s) **Youth Crime Project Status Report**
The report of the Sault Ste. Marie Innovation Centre was received by Council.
- Moved by Councillor F. Manzo
Seconded by Councillor S. Butland
Resolved that the report of the Sault Ste. Marie Innovation Centre, prepared for the Council Committee on Youth Crime, dated May 28, 2009 entitled 'Youth Crime Project Status Report' be received as information. CARRIED.
- (t) The letter from Councillor Terry Sheehan concerning "Save CBC North" Petition Campaign was received by Council.
- (u) **Infrastructure Stimulus Funding – Next Round**
The report of the Chief Administrative Office was received by Council.
- Mover
Seconder
Resolved that the report of the Chief Administrative Officer dated 2009 06 08 concerning Infrastructure Stimulus Funding - Next Round be accepted and the recommendation that Council authorize an allocation of up to \$415,000.00 to the architect firm of EPOH to carry out Phases I and II (Schematic Design - Programming and Design Development) for the West End Community Centre (WECC) project, said amount to come from those funds which have already been set aside as the municipal share for these projects, be approved. OFFICIALLY READ NOT DEALT WITH (NO MOVER OR SECONDER).

PART TWO – REGULAR AGENDA

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

6. (3) **ENGINEERING**

- (a) **Elementa (Formerly EnQuest) Proposal for an Energy-From-Waste Plant in the City of Sault Ste. Marie**
The report of the Land Development and Environmental Engineer was accepted by Council. The Elementa Group report entitled 'Clean Energy Proposal' and the Letter of Support for the Elementa project from the Executive Director, Development Sault Ste. Marie were received by Council.

6. (3)
(a)

Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco

Resolved that the report of the Land Development and Environmental Engineer dated 2009 06 08 concerning Elementa (formerly EnQuest) Proposal for a Energy-from-Waste Plant in the City of Sault Ste. Marie be accepted and the recommendation that the City negotiate an agreement with Elementa for the long term provision of all residential curbside waste (i.e., five-year contract plus five-year renewal option) that would address the concerns/risks to the City, including but not limited to the following:

1. There shall be no guarantee or liability associated with the quantity or quality of waste provided by the City;
2. Elementa shall agree to the \$60.00 per tonne tipping fee subject to annual CPI adjustment, and this cost shall not be negotiable during the term of the contract;
3. all Federal, Provincial, and local permits and approvals shall be the responsibility of Elementa;
4. Elementa shall carry insurance acceptable to the City to cover fire and explosion risks;
5. the City's Fifth Line landfill site shall not be considered an option for the location of the Elementa plant; and

Furthermore that the City's Waste Management EA consultant team shall facilitate and assist the City in the agreement negotiations; and

Furthermore that Elementa must construct and have in operation the energy-from-waste plant to process Sault Ste. Marie's curbside MSW within 5 years of the MOE approval of the energy-from-waste plant; and

Furthermore approve the continuance of the landfill operation and the City's continuing investigation through the completion of the overall waste management EA study,
be approved. CARRIED.

6. (6)

PLANNING

- (a) **Application No. A-16-09-Z.OP – Ed Lofstrom – 626 Fifth Line East and 32 Powley Road – Request to Permit the Sale and Service of Utility Trailers, Recreational Trailers and Recreational Vehicles**

The report of the Planning Division was received by Council.

Moved by Councillor L. Turco
Seconded by Councillor S. Butland

Resolved that the report of the Planning Division dated 2009 06 08 concerning Application No. A-16-09-Z.OP – Ed Lofstrom be accepted and the Planning Director's recommendation that City Council rezone the southern portion of the property at 626 Fifth Line East by way of a Special Exception to the Rural Area zoning subject to the nine (9) conditions contained in the report be endorsed.
DEFEATED.

6. (6)
(a)

Recorded Vote

For: Mayor J. Rowsell, Councillors J. Caicco, L. Turco, B. Hayes, S. Myers, T. Sheehan

Against: Councillors D. Celetti, L. Tridico, F. Fata, S. Butland, F. Manzo, P. Mick

Absent: Councillor O. Grandinetti

- (b) **Application No. A-17-09-Z – Marc Stanghetta – 1351 Great Northern Road -
– Request to Permit a Motor Vehicle Sales and Parts Dealer**

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 2009 06 08 concerning Application No. A-17-09-Z – Marc Stanghetta be accepted and the Planning Director's recommendation that City Council approve the rezoning of the subject property from "R.1" (Estate Residential) zone, to "R.1", with a Special Exception to permit a motor vehicle sales and parts dealer, subject to the four (4) 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 J. Caicco
Seconded by Councillor S. Butland

Whereas the orderly conduct of any legislative body is best pre-determined by way of procedures which are clearly articulated in writing; and

Whereas the conduct of meetings by municipal Councils in Ontario is regulated in part by provisions contained in the Municipal Act and in part by procedural by-laws which may be passed from time to time by the respective municipal Councils; and

Whereas the Municipal Act is reviewed on a regular basis and it is recommended by AMO that municipalities regularly review their by-laws, including any procedural by-law it may have for the conduct of Council meetings; and

Whereas the City of Sault Ste. Marie Council procedural by-law has not been reviewed during this term of Council;

7. (a) Now therefore be it resolved that a committee of appropriate City staff (CAO, City Solicitor and City Clerk) and three members of Council (Councillors J. Cacicco, L. Turco and D. Celetti) be formed to undertake a review of the current procedural by-law and to report back to Council on recommended changes, if any, which might be considered and which would improve how City Council meetings are currently conducted. CARRIED.
- (b) Moved by Councillor L. Tridico
Seconded by Councillor F. Fata
Whereas the former James Street mall area is an important historic neighbourhood to residents of this City; and
Whereas the area has not undergone any significant maintenance or reconstruction for 40 or more years; and
Whereas there is a need for this area to be developed once again as a business and retail area for the neighbourhood residents and for all residents of this City;
Now therefore be it resolved that appropriate staff undertake a review of the possible revitalization of the former James Street mall area and report back to City Council at the earliest opportunity. CARRIED.
- (c) Moved by Councillor B. Hayes
Seconded by Councillor J. Caicco
Whereas water is our most valuable resource and practicing water conservation benefits you and your community; and
Whereas it is recognized that half the water we use is wasted and that between 40% and 50% of household water usage is consumed in your bathroom and that your toilet is responsible for 30% of your total bathroom consumption; and
Whereas new low-flush toilets use less than ½ the water of older models resulting in possible savings on your water bill of close to \$100.00 per year; and
Whereas several municipalities in Ontario and across Canada currently offer a low-flush toilet rebate program;
Now therefore be it resolved that appropriate staff report back to Council on the implications of offering a toilet replacement rebate program in Sault Ste. Marie. CARRIED.
- (d) Moved by Councillor J. Caicco
Seconded by Councillor S. Butland
Whereas Algoma University recently was approved to become an independent University, free of its history of affiliation with Laurentian University in Sudbury, Ontario; and
Whereas the Board of Governors is currently in the process of rewriting its by-laws to confirm its new status as an autonomous institution; and
Whereas the City of Sault Ste. Marie has been very instrumental in the growth and development of Algoma throughout its history, including in the recent bid for independence; and

7. (d) Whereas it is important, like other universities, that the Board of the new institution reflects the local, regional and national mandate and scope and that it is therefore desirous that there be representation from the City;
Now therefore be it resolved that City Council, in response to the request from the President of Algoma University, on behalf of its Board of Directors, agrees to appoint a Member of City Council to the Board of Governors. CARRIED.

The letter from the President of Algoma University was received by Council.

- (e) Moved by Councillor S. Butland
Seconded by Councillor J. Caicco
Whereas Tom Van Hoof and Tim Schryer recently won the National Doubles Dart Championship in Alberta after successfully winning the local, district and provincial competitions;
Be it resolved that Council write a letter of congratulations to these two individuals on their significant accomplishment. 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 2009 06 08 be approved. CARRIED.

- (a) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-96 being a by-law to stop up, close and convey an unopened portion of Alfred Street, Brooks Subdivision, Plan 2674 be read a third time and passed in Open Council this 8th day of June, 2009. CARRIED.

- (b) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-111 being a by-law to authorize an inter-municipal agreement between the City and the Municipal Partners for the provision of Provincial Offences administration, revenue sharing and prosecutorial services be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.

10. (c) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-112 being a by-law to appoint inspectors under the Building Code Act, 1992 and municipal law enforcement officers under the Police Services Act be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.
- (d) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-113 being a by-law to permit the temporary street closing of Queen Street from East Street to Spring Street to facilitate the 2009 Buskerfest be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.
- (e) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-114 being a by-law to prohibit vendors from locating on or near the Buskerfest grounds on Queen Street from East Street to Spring Street be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.
- (f) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-115 being a by-law to exempt the Ermatinger-Clergue National Historic Site from By-law 2009-168 being a by-law to prohibit the discharge of firearms in the municipality be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.
- (g) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-116 being a by-law to authorize the temporary closing of Lake Street along the south side of Trunk Road from June 8, 2009 to August 31, 2009 for road reconstruction be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.
- (h) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-117 being a by-law to approve the sale of the property at 276 Wellington Street East to Shaw Milling Limited for the price of \$35,000.00 subject to the 3 conditions contained in the offer from the purchaser which are (1) that the zoning remain General Commercial, (2) that the building on the site be removed by its owner and (3) that the billboard on the north side be relocated to the north west corner of the property be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.

10. (i) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-118 being a by-law to amend By-law 80-200 and By-law 4100 dealing with the 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 8th day of June, 2009. CARRIED.
- (j) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-119 being a by-law to authorize an agreement between the City and R. M. Belanger Ltd. for the reconstruction of Third Line East to be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.
- (k) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-120 being a by-law to authorize the temporary closing of Third Line East from Great Northern Road to 1,000 metres easterly from June 9, 2009 to August 31, 2009 be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.
- (l) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-122 being a by-law to authorize an agreement between the City and Harold Phillips Haulage for the removal and replacement of the Carpin Beach Road Bridge be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.
- (m) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that By-law 2009-123 being a by-law to authorize the temporary closing of Carpin Beach Road at the bridge, necessary for the removal and replacement of the Carpin Beach Road Bridge be read three times and passed in Open Council this 8th day of June, 2009. CARRIED.

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

- (a) Moved by Councillor S. Butland
Seconded by Councillor B. Hayes
Resolved that Council suspend Procedure By-law 99-100 to allow for continued debate beyond the 5-hour time limit. CARRIED.

11. (b) Moved by Councillor F. Manzo
Seconded by Councillor J. Caicco
Resolved that Council shall now go into Caucus to:
1. discuss one labour relations matter concerning 2009 collective bargaining;
and
2. discuss proposed acquisition of property located on Fifth Line East; and
3. discuss proposed disposition of property located on Queen Street West; and
Further be it resolved that should the said caucus meeting be adjourned,
Council may reconvene in caucus to continue to discuss the same matters
without the need for a further authorizing resolution. CARRIED.

Councillor L. Tridico declared a pecuniary interest concerning one matter at the
2009 06 08 Council Caucus Meeting.

12. **ADJOURNMENT**

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

"Pat Mick"
ACTING MAYOR

"Donna P. Irving"
CLERK