

MINUTES

REGULAR MEETING OF CITY COUNCIL

2009 10 26

4:30 P.M.

COUNCIL CHAMBERS

PRESENT: Mayor J. Rowsell, Councillors L. Turco, B. Hayes, D. Celetti, O. Grandinetti, S. Myers, L. Tridico, F. Fata, S. Butland, F. Manzo, P. Mick

ABSENT: Councillors J. Caicco (out of town), T. Sheehan (out of town)

OFFICIALS: J. Fratesi, M. White, L. Bottos, B. Freiburger, J. Elliott, L. Girardi, N. Apostle, J. Dolcetti, D. McConnell, S. Hamilton-Beach

1. **ADOPTION OF MINUTES**

Moved by Councillor L. Turco

Seconded by Councillor B. Hayes

Resolved that the Minutes of the Regular Council Meeting of 2009 10 13 be approved. CARRIED.

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

3. **APPROVE AGENDA AS PRESENTED**

Moved by Councillor L. Turco

Seconded by Councillor P. Mick

Resolved that the Agenda for the 2009 10 26 City Council Meeting as presented be approved. CARRIED.

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Janice Pettalia, President, Sault Ste. Marie and District Community Social Service was in attendance concerning Proclamation – Community Social Service Workers Appreciation Day.
- (b) Proclamation – Crohn's and Colitis Awareness Month.
- (c) Shirley Tomlinson, 4H Director was in attendance concerning Proclamation – National 4H Month.

4. (d) Rob Stenta, Transition Support Worker, Community Living Algoma was in attendance with an update to Council concerning the Community Recycling Depot.
- (e) Carrie DiCorpo was in attendance concerning agenda item 5.(p).
- (f) John Febbraro was in attendance concerning agenda item 5.(q).
- (g) Mike Wozny and Jay Zwierschke, Elementa were in attendance concerning agenda item 6.(3)(a).
- (h) Sandra Houston, Executive Director, Arts Council of Sault Ste. Marie and District was in attendance concerning agenda item 6.(8)(a).
- (i) Mike Marinovich, Chair, Destiny Sault Ste. Marie and Bruce Strapp CEO, Economic Development Corporation were in attendance concerning agenda item 6.(8)(b).

PART ONE – CONSENT AGENDA

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

Moved by Councillor L. Turco

Seconded by Councillor B. Hayes

Resolved that all the items listed under date 2009 10 26 - Part One - Consent Agenda [save and except 5.(l)] be approved as recommended. CARRIED.

- (a) Correspondence from AMO was received by Council.
- (b) Correspondence from the City of Mississauga (concerning harmonization of the Federal G.S.T. and Provincial P.S.T.); Algoma Public Health (concerning Greyhound bus transportation); and the City of North Bay (concerning Mayor to Mayor Campaign launched in Buy American Battle) was received by Council.
- (c) The letter from the Minister of Transport in response to a council resolution was received by Council.
- (d) Correspondence from Ontario Lottery and Gaming advising that the quarterly payment of the 5% allocation from July 1, 2009 to September 30, 2009 is \$404,405.00 was received by Council.
- (e) **Staff Travel Requests**
The report of the Chief Administrative Officer was accepted by Council.

5. (e) 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 2009 10 26 be approved as requested. CARRIED.
- (f) **2010 Council Meeting Schedule**
The report of the City Clerk was accepted by Council.
- Moved by Councillor L. Tridico
Seconded by Councillor B. Hayes
Resolved that the report of the City Clerk dated 2009 10 26 concerning 2010 Council Meeting Schedule be accepted and further that the recommended 2010 Council Meeting Schedule be approved. CARRIED.
- (g) **Tender for Parking Lot Snow Removal**
The report of the Manager of Purchasing was accepted by Council.
- Moved by Councillor L. Tridico
Seconded by Councillor P. Mick
Resolved that the report of the Manager of Purchasing dated 2009 10 26 be endorsed and that the tender for Snow Plowing and Removal from Municipal Parking Lots, required by the Parking Division of the Public Works and Transportation Department be awarded as recommended. CARRIED.
- (h) **Tender for Civic Centre HVAC Upgrade – Phase 2**
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 2009 10 26 be endorsed and that the tender for Civic Centre HVAC Upgrade – Phase 2, required by the Building Services Division of the Engineering and Planning Department be awarded as recommended. CARRIED.
- (i) **By-law on Smoking in Parks and Outdoor Recreation Facilities - Update**
The report of the Commissioner of Community Services was accepted by Council. The relevant By-law 2009-155 is listed under Item 10 of the Minutes.
- (j) **Request for Financial Assistance for National/International Sports Competitions**
The report of the Manager of Recreation and Culture was accepted by Council.

5. (j) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that the report of the Manager of Recreation and Culture dated 2009 10 26 concerning Request for Financial Assistance for National/International Sports Competitions be accepted and the recommendation to provide a \$200.00 grant to Shane Rock (Swim Canada Canadian Age Group National Championships) be approved. CARRIED.

(k) **Financial Assistance Requests**

The report of the Manager of Recreation and Culture was accepted by Council.

Moved by Councillor L. Tridico
Seconded by Councillor B. Hayes

Resolved that the report of the Manager of Recreation and Culture dated 2009 10 26 concerning Financial Assistance Requests be accepted and the recommendation that appropriate staff develop a new policy for financial assistance requests for competitions that fall outside the existing policies for sport and cultural competitions be approved. CARRIED.

(l) **Placing Question of Boxing Day Store Closing on the Ballot for November 8, 2010 Election**

The report of the City Solicitor was accepted by Council.

Moved by Councillor S. Myers
Seconded by Councillor P. Mick

Resolved that the report of the City Solicitor dated 2009 10 26 concerning Placing Question of Boxing Day Store Closing on the Ballot – November 8, 2010 Election be accepted and that the wording of the question recommended in the report be used to prepare the required by-law for consideration at a future meeting of Council. DEFEATED.

Councillor L. Tridico declared a pecuniary interest – family owns a retail business.

Moved by Councillor B. Hayes
Seconded by Councillor S. Myers

Resolved that the report of the City Solicitor dated 2009 10 26 concerning Placing Question of Boxing Day Store Closing on the Ballot – November 8, 2010 Election be reconsidered. CARRIED.

Councillor L. Tridico declared a pecuniary interest – family owns a retail business.

5. (l) Moved by Councillor S. Myers
Seconded by Councillor P. Mick
Resolved that the report of the City Solicitor dated 2009 10 26 concerning Placing Question of Boxing Day Store Closing on the Ballot – November 8, 2010 Election be accepted and that the wording of the question recommended in the report be used to prepare the required by-law for consideration at a future meeting of Council. CARRIED.

Councillor L. Tridico declared a pecuniary interest – family owns a retail business.

- (m) **NOHFC Funding for Upgrades to Huron Central Line Between Sudbury and Sault Ste. Marie**

The report of the City Solicitor was accepted by Council. The relevant By-law 2009-173 is listed under Item 10 of the Minutes.

- (n) **Emerald Ash Borer – Treatment of Queenstown Ash Trees – Council Update**

The report of the Manager of Parks was received by Council.

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

Resolved that the report of the Manager of Parks dated 2009 10 26 concerning Emerald Ash Borer – Treatment of Queenstown Ash Trees – Council Update be received as information. CARRIED.

- (o) **Request for Information on the Winter Control Budget**

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

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

Resolved that the report of the Commissioner of Public Works and Transportation dated 2009 10 26 concerning Request for Information on the Winter Control Budget be received as information. CARRIED.

- (p) **Request for a School Guard in the Pinewood School Area to Better Improve Safety of the Students**

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

5. (p) Moved by Councillor L. Tridico
Seconded by Councillor B. Hayes
Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2009 10 26 concerning Request for School Guard in the Pinewood School Area to Better Improve Safety of the Students be accepted and the recommendations to 1) not provide a school crossing guard; 2) continue to monitor the number of children crossing; and 3) consider a sidewalk for the area under the Capital Works Construction Program be approved. CARRIED.
- (q) **Sale of 3 Acres of Land on the South Side of Yates Avenue to Ellsin Environmental Limited and the Granting of a First Right of Refusal for Additional Property on the South Side of Yates Avenue to Ellsin**
The report of the City Solicitor was accepted by Council.
- Moved by Councillor L. Tridico
Seconded by Councillor P. Mick
Resolved that the report of the City Solicitor dated 2009 10 26 concerning Sale of 3 Acres of Land on the South Side of Yates Avenue to Ellsin Environmental Limited and the Granting of a First Right of Refusal for Additional Property on the South Side of Yates Avenue to Ellsin be accepted and the recommendations that:
- 1) Council sell Part 1 on Plan 1R-11773 to Ellsin Environmental Limited (or another company as directed by Ellsin for \$20,000.00 per acre;
 - 2) and that Council grant a first right of refusal to Ellsin for the balance of the property on the south side of Yates Avenue for three years
- be approved. CARRIED.

PART TWO – REGULAR AGENDA

6. **REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**
6. (3) **ENGINEERING**
- (a) **Elementa Waste Provision Agreement – 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 relevant By-law 2009-178 is listed under Item 10 of the Minutes.

6. (6) **PLANNING**

(a) **Application No. A-22-09-OP – City of Sault Ste. Marie – Request to Amend Rural Area Policies of Official Plan to Permit the Creation of Not More than One Severance Per Lot**

The report of the Planning Division was accepted by Council.

Moved by Councillor L. Tridico

Seconded by Councillor P. Mick

Resolved that the report of the Planning Division dated 2009 10 26 concerning Application No. A-22-09-OP – filed by the City of Sault Ste. Marie be accepted and the Planning Director's recommendation that City Council approve Official Plan Amendment No. 167 to amend the Rural Area policies of the Official Plan to amend Part VI Section 2.3.6 to permit the creation of not more than one (1) severance per lot, starting on the day of the passing of this amendment be endorsed. CARRIED.

6. (8) **BOARDS AND COMMITTEES**

(a) **American Wind Symphony Orchestra Event**

The report of the Arts Council of Sault Ste. Marie and District was received by Council.

Moved by Councillor L. Turco

Seconded by Councillor B. Hayes

Resolved that the report of the Arts Council of Sault Ste. Marie and District concerning the American Wind Symphony Orchestra Event held in Sault Ste. Marie this summer be received as information; and

Further that Council express its sincere appreciation to all individuals and organizations who contributed to the success of this event. CARRIED.

(b) **Destiny Sault Ste. Marie Progress Report**

The report entitled Destiny Sault Ste. Marie 2009 Progress Report was received by Council.

Moved by Councillor L. Turco

Seconded by Councillor P. Mick

Resolved that the report of Destiny Sault Ste. Marie concerning Destiny Sault Ste. Marie 2009 Progress Report be received as information; and

Further that Council express its thanks to Destiny Sault Ste. Marie Steering Committee, Resource Members and staff for their contributions towards the 2009 Progress Report. CARRIED.

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

- (a) Moved by Councillor S. Myers
Seconded by Councillor P. Mick
Whereas a number of complaints are being received around the issue of dogs not being kept on leash in accordance with the City bylaw; and
Whereas the Humane Society Officers who enforce the City's animal related bylaws are facing a challenge seeking the identity of offenders; and
Whereas there may be an alternative involving Police Services in conjunction with the Humane Society staff; and
Whereas there may also be merit in designating a specific On Leash area of Bellevue Park as a "Dog Run" as is the case in other communities' park areas;
Therefore be it resolved that the appropriate staff review this situation and report back to Council within one month with recommendations to address this matter.
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 L. Turco
Seconded by Councillor P. Mick
Resolved that all the by-laws listed under Item 10 of the Agenda and Addendum under date 2009 10 26 be approved. CARRIED.
- (a) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2009-155 being a by-law to amend by-law 2003-7 (a by-law to regulate smoking in public places) be read three times and passed in Open Council this 26th day of October, 2009. CARRIED.
- (b) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2009-173 being a by-law to authorize an agreement between Northern Ontario Heritage Fund Corporation (NOHFC) and the City of Sault Ste. Marie for the purpose of funding for upgrades to the Huron Central Line between Sudbury and Sault Ste. Marie be read three times and passed in Open Council this 26th day of October, 2009. CARRIED.

10. (c) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2009-174 being a by-law to appoint Municipal Law Enforcement Officers to enforce the by-laws on various private properties and to amend Schedule "A" to by-law 90-305 be read three times and passed in Open Council this 26th day of October, 2009. CARRIED.
- (d) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2009-175 being a by-law to authorize a contract between the City and Avery Construction Ltd. for the construction of various portions of the Hub Trail in the general areas of Tarentorus School, Sutton Park and Anna McCrea School (Contract 2009-15E) be read three times and passed in Open Council this 26th day of October, 2009. CARRIED.
- (e) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2009-176 being a by-law to authorize an agreement between the City and Kresin Engineering Corporation for professional services in connection with the construction of various portions of the Hub Trail in the general areas of Tarentorus School, Sutton Park and Anna McCrea School be read three times and passed in Open Council this 26th day of October, 2009. CARRIED.
- (f) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2009-177 being a by-law to assume for public use and establish as public streets various parcels of land conveyed to the City be read three times and passed in Open Council this 26th day of October, 2009. CARRIED.
- (g) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2009-178 being a by-law to authorize an agreement between the City and Elementa Group Inc. regarding Elementa's proposal for converting waste to energy be read three times and passed in Open Council this 26th day of October, 2009. CARRIED.
- (h) Moved by Councillor L. Turco
Seconded by Councillor P. Mick
Resolved that By-law 2009-179 being a by-law to authorize an agreement between FedNor and the City of Sault Ste. Marie for the purpose of funding for upgrades to the Huron Central Line between Sudbury and Sault Ste. Marie be read three times and passed in Open Council this 26th day of October, 2009. CARRIED.

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

- (a) Moved by Councillor L. Turco
Seconded by Councillor B. Hayes
Resolved that this Council shall now go into Caucus to discuss
1) one labour relations matter about an identifiable individual; and
2) proposed acquisition of property for McNabb/South Market Streets extension;
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 L. Tridico
Seconded by Councillor P. Mick
Resolved that this Council shall now adjourn. CARRIED.

"Lorena Tridico"

ACTING MAYOR

"Donna P. Irving"

CLERK