

## **AGENDA**

### **REGULAR MEETING OF CITY COUNCIL**

**2009 03 23**

**4:30 P.M.**

### **COUNCIL CHAMBERS**

#### **1. ADOPTION OF MINUTES**

Mover - Councillor B. Hayes  
Seconder - Councillor L. Tridico

Resolved that the Minutes of the Regular Council Meeting of 2009 03 09 be approved.

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

#### **3. APPROVE AGENDA AS PRESENTED**

Mover - Councillor B. Hayes  
Seconder - Councillor L. Turco

Resolved that the Agenda for the 2009 03 23 City Council Meeting as presented be approved.

#### **4. DELEGATIONS/PROCLAMATIONS**

- (a) Kim Seabrook on behalf of the Sault Ste. Marie Chapter Autism Ontario and Matthew Dougherty will be in attendance concerning Proclamation – Autism Awareness Month.
- (b) Mary Jane Yorke, Manager; Dr. Pat Zehr and Jim Aquino, Members; Sault Ste. Marie Physician Recruitment and Retention Committee will be in attendance concerning agenda item 6.(8)(a).
- (c) Raimo Viitala, Chair, Finn Grand Fest 2010 will be in attendance concerning agenda item 6.(8)(b).

## **PART ONE – CONSENT AGENDA**

5.

### **COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**

Mover - Councillor P. Mick  
Seconder - Councillor L. Tridico

Resolved that all the items listed under date 2009 03 23 – Part One – Consent Agenda be approved as recommended.

- (a) Correspondence from AMO and FONOM is attached for the information of Council.
- (b) Correspondence from the Municipality of Middlesex Centre (concerning Department of Fisheries and Oceans requirements for drainage works and bridge reconstruction); Municipality of Thames Centre (concerning provincial support for long-term viability of waste diversion programs); Town of Mattawa (concerning request to reconsider federal and provincial funding formula); and Municipality of South Bruce (concerning funding for Ontario Conservation Authorities) is attached for the information of Council.
- (c) A letter from the Seniors Health Advisory Committee concerning seniors' health issues in the District of Algoma is attached for the information of Council.
- (d) Letters from Mayor Rowswell to the Minister of Energy and Infrastructure and the Minister of Transport, Infrastructure and Communities concerning Sault Ste. Marie's Global Transportation Gateway Strategy is attached for the information of Council.
- (e) A letter from the Premier of Ontario in response to a Council resolution concerning Northern Communities Grants is attached for the information of Council.
- (f) A letter from Barrier Free in Algoma Association concerning progress to their goal of Barrier Free Communities is attached for the information of Council.
- (g) **Council Travel**

Mover - Councillor P. Mick  
Seconder - Councillor L. Turco

Resolved that Mayor John Rowswell be authorized to travel to the Federation of Canadian Municipalities 72<sup>nd</sup> Annual Conference and Municipal Expo being held in Whistler, BC (4 days in June) at an estimated cost to the City of \$3,500.00 be approved.

5. (h) **Staff Travel Requests**  
A report of the Chief Administrative Officer is attached for the consideration of Council.
- Mover - Councillor B. Hayes  
Seconder - Councillor L. Tridico  
Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2009 03 23 be approved as requested.
- (i) **Tender for Civic Centre HVAC Upgrade – Phase 1**  
A report of the Manager of Purchasing is attached for the consideration of Council.
- Mover - Councillor B. Hayes  
Seconder - Councillor L. Turco  
Resolved that the report of the Manager of Purchasing dated 2009 03 23 be endorsed and that the tender for HVAC Upgrade – Phase 1 at the Civic Centre, required by the Building Services Division of the Engineering and Planning Department be awarded as recommended.
- (j) **2008 Honoraria and Expenses – Mayor and Council and Board and Commission Members**  
A report of the Commissioner of Finance and Treasurer is attached for the consideration of Council.
- Mover - Councillor P. Mick  
Seconder - Councillor L. Tridico  
Resolved that the report of the Commissioner of Finance and Treasurer dated 2009 03 23 concerning 2008 Honoraria and Expenses (Mayor, Council, Board and Commission Members) be received as information.
- (k) **Engineering Services – Stormwater Investigative Study**  
A report of the Director of Engineering Services is attached for the consideration of Council. The relevant By-law 2009-52 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (l) **Sewer Use By-law**  
A report of the Land Development and Environmental Engineer is attached for the consideration of Council. The relevant By-law 2009-50 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (m) **Pim Street Sewage Pumping Station Engineering Fees**  
A report of the Land Development and Environmental Engineer is attached for the consideration of Council.

5. (m) Mover - Councillor P. Mick  
Seconder - Councillor L. Turco  
Resolved that the report of the Land Development and Environmental Engineer dated 2009 03 23 concerning Pim Street Sewage Pumping Station – Engineering Fees be accepted and the recommendation that Council authorize the additional \$35,000.00 in engineering fees for a revised upset limit of \$610,000.00 in the engineering services contract between the City and Earth Tech Canada Inc. be approved.
- (n) **Council Resolution of January 12, 2009 Concerning Prohibiting Smoking in the Area of the Skateboard Facility**  
A report of the City Solicitor is attached for the consideration of Council. This is in response to a Council resolution dated 2009 01 12.  
Mover - Councillor B. Hayes  
Seconder - Councillor L. Tridico  
Resolved that the report of the City Solicitor dated 2009 03 23 concerning Prohibiting Smoking in the area of the Skateboard Facility be accepted and the recommendation that a committee, comprised of a member of the Parks and Recreation Advisory Committee and a board or staff member of Algoma Public Health, review and report back to City Council with a recommendation on dealing with outdoor smoking at City-owned property, parks and playgrounds; and  
Further resolved that City Council requests the Minister of Health and Long Term Care review this issue on a Province-wide basis for possible amendments to the Smoke-Free Ontario Act to address smoking near outdoor recreational facilities, be approved.
- (o) **Amendments to By-law 69-80 – Regulation of Parking in City-Owned Parking Lots**  
A report of the City Solicitor is attached for the consideration of Council. The relevant By-law 2009-53 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (p) **Lane Closing Application – Graham Subdivision**  
A report of the City Solicitor is attached for the consideration of Council. The relevant By-laws 2009-56 and 2009-57 are listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (q) **Mattress Recycling Operations**  
A report of the Waste Diversion Supervisor is attached for the consideration of Council. This is in response to a Council resolution dated 2009 02 09.

5. (q) Mover - Councillor B. Hayes  
Seconder - Councillor L. Turco  
Resolved that the report of the Waste Diversion Supervisor dated 2009 03 23 concerning Mattress Recycling Operations be accepted and the recommendation that Council approve funding in the amount of \$40,000.00 with funds to come from the Waste Diversion Reserve Account, to allow Community Living Algoma (CLA) to lease the required space for mattress and bulky furniture recycling, be approved.
- (r) **Proposed Six Month Extension of Refuse Contract With Municipal Waste and Recycling Inc. (Contract #2004WA19)**  
A report of the Deputy Commissioner of Public Works and Transportation is attached for the consideration of Council.  
  
Mover - Councillor P. Mick  
Seconder - Councillor L. Tridico  
Resolved that the report of the Deputy Commissioner Public Works and Transportation dated 2009 03 23 concerning Proposed Six Month Extension of Refuse Contract with Municipal Waste and Recycling Inc. (Contract #2004WA19) be accepted and the recommendation that Council authorize an extension of the curbside solid waste collection contract with Municipal Waste and Recycling for a six-month period from January 1, 2010 up to and including June 30, 2010, be approved.
- (s) **Municipal Special Waste Facility Stewards Funding**  
A report of the Waste Diversion Supervisor is attached for the consideration of Council.  
  
Mover - Councillor P. Mick  
Seconder - Councillor L. Turco  
Resolved that the report of the Waste Diversion Supervisor dated 2009 03 23 concerning Municipal Special Waste Facility Stewards Funding be accepted and the recommendation that Council place the Municipal Household Special Waste (MHSW) stewardship funds into a reserve account to further enhance the MHSW operations, be approved.
- (t) Correspondence from the Minister of the Environment concerning Implementation of the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement is attached for the information of Council.

## PART TWO – REGULAR AGENDA

6. **REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**
6. (6) **PLANNING**
- (a) **Application No. A-5-09-T – Sam Rainone – 99 Gibb Street – Request for Amendment to Utilize the Subject Property for an Automobile Repair Garage for an Additional Three Years in Addition to Single Detached Home**  
A report of the Planning Division is attached for the consideration of Council. This application was deferred at the 2009 02 23 Council Meeting at the request of the applicant's solicitor.
- Mover - Councillor B. Hayes  
Seconder - Councillor L. Tridico
- Resolved that the report of the Planning Division dated 2009 03 23 concerning Application No. A-5-09-T – Sam Rainone be accepted and the Planning Director's recommendation that City Council DENY the request for a temporary use zoning to permit an automobile repair garage on the subject property be endorsed.
- (b) **Application No. A-9-09-Z.OP – 2040653 Ontario Inc. – 725, 737, 739, 745, 747 Wellington Street West and Part of 28 Laura Street – Request to Rezone to Permit the Construction of a Pharmacy**  
A report of the Planning Division is attached for the consideration of Council.
- Mover - Councillor B. Hayes  
Seconder - Councillor L. Turco
- Resolved that the report of the Planning Division dated 2009 03 23 concerning Application No. A-9-09-Z.OP – 2040653 Ontario Inc. be accepted and the Planning Director's recommendation that City Council approve the application subject to the 4 (four) conditions contained in the report be endorsed.
- (c) **Application No. A-10-09-Z – Terry Rainone – 433 Franklin Street – Request to Rezone in Order to Construct a 5-Unit Townhouse With Frontage on Franklin Street, and a 6-Unit Townhouse With Frontage on Farwell Terrace**  
A report of the Planning Division is attached for the consideration of Council.
- Mover - Councillor P. Mick  
Seconder - Councillor L. Tridico
- Resolved that the report of the Planning Division dated 2009 03 23 concerning Application No. A-10-09-Z – Terry Rainone be accepted and the Planning Director's recommendation that City Council approve the application and rezone the subject property from "R.2" (Single Detached Residential) zone to "R.4" (Medium Density Residential) zone, and that the subject property be designated subject to Site Plan Control be endorsed.

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

(a) **Sault Ste. Marie Physician Recruitment and Retention – Report to Council – March 2009**

A report of the Sault Ste. Marie Physician Recruitment and Retention Committee is provided under separate cover for the consideration of Council. A News Release concerning Sault Ste. Marie Physician Recruitment and Retention Committee, Community Support Group development of a Welcome Package is attached for the information of Council.

Mover - Councillor P. Mick  
Seconder - Councillor L. Turco

Resolved that the report of the Sault Ste. Marie Physician Recruitment and Retention Office dated March 2009 concerning the Sault Ste. Marie Physician Recruitment and Retention Activity Report and Proposed 2009/2010 Budget request to the City in the amount of \$464,850.00 for the period April 1, 2009 to March 31, 2010 BE REFERRED to the 2009 Budget deliberations for Council's consideration and decision.

Mover - Councillor T. Sheehan  
Seconder - Councillor S. Myers

Resolved that City Council supports and endorses the efforts of the Sault Ste. Marie Physician Recruitment and Retention Committee in requesting the participation of the business community of Sault Ste. Marie and area in the preparation of appropriate Welcome Packages for prospective recruits for the practice of medicine in our city.

(b) **Conferences and Major Special Events Committee – Finn Grand Fest 2010**

A report of the Chair, Conferences and Major Special Events Committee is attached for the consideration of Council.

Mover - Councillor S. Myers  
Seconder - Councillor F. Fata

Resolved that the report of the Chair, Conferences and Major Special Events Committee dated 2009 03 23 concerning Finn Grand Fest 2010 be accepted and the recommendation that City Council authorize municipal financial support in the amount of \$10,000.00 for the Finn Grand Fest 2010 being held in Sault Ste. Marie July 2010, with funds to come from the 2009 Conferences and Major Special Events fund; and

Further that the Conferences and Major Special Events Committee will undertake a further funding review in late 2009 once any possible further requests for 2010 funding have been considered, be approved.

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

- (a) Mover - Councillor S. Myers  
Seconder - Councillor B. Hayes
- Whereas in 2008 City Council established an annual fund of \$20,000.00 to provide financial support and incentive to eligible groups to facilitate hosting certain conferences and major special events coming to Sault Ste. Marie; and Whereas since establishing this fund, there has been three applications approved by Council for financial support from this fund and one application currently being recommended for funding, and further applications are anticipated and encouraged; and
- Whereas there is one major special event, the 2010 Scotties Tournament of Hearts, for which the municipal funding estimated at \$70,000.00 is currently referred to the 2009 Budget as a supplementary item; and
- Whereas Tourism Sault Ste. Marie has already advised Council of a forthcoming funding request for the 2012 Adult Recreational Hockey Tournament which will require a funding amount similar or greater to the Scotties event; and
- Whereas Tourism Sault Ste. Marie has a goal of bringing one City-wide event annually which will require this level of support;
- Now therefore be it resolved that City Council consider increasing the existing fund of \$20,000.00 annually to \$100,000.00 annually; and
- Further that this budget request BE REFERRED to the 2009 Budget for Council's consideration as a supplementary item, be approved.
- (b) Mover - Councillor S. Butland  
Seconder - Councillor P. Mick
- Whereas electric vehicles may become commonplace in the near future; and Whereas the city has officially declared itself as the Alternative Energy Capital of North America and has pursued various environmental initiatives and technologies (biodiesel, reusable bags, styrofoam collection, hybrid vehicles, co-generation, wind and solar power, waste-to-energy etc.); and
- Whereas the Premier of Ontario has not only endorsed the concept of electric vehicles but also is pursuing innovative concepts and private-public partnerships to advance the introduction of electric vehicles into the Ontario marketplace; and
- Whereas preliminary discussion with local P.U.C. has indicated an interest in possible involvement in any electric vehicle initiative;
- Be it resolved that Sault Ste. Marie City Council inform the Minister of Transportation, the Honourable Jim Bradley and AMO that Sault Ste. Marie would be most interested in being a designated municipality in any policy direction, workshops, pilot projects or potential involvement in advancing the adoption of electric vehicles and ancillary infrastructure needed to further the initiative;

7. (b) Be it further resolved that Council refer this resolution and attached information to the Economic Development Corporation and Environmental Initiatives Committee for comment and consideration of any potential opportunities related to the likely, timely introduction of electric vehicles into the Province of Ontario.
- (c) Mover - Councillor L. Tridico  
Seconder - Councillor F. Manzo
- Whereas London Street from North Street to Francis Street is in extremely poor road condition and it has been over 60 years since this roadway was reconstructed; and
- Whereas residents in the area, school buses, as well as residents from all over the city use London Street on a daily basis as a thoroughfare;
- Now therefore be it resolved that the Commissioner of Public Works and Transportation and the Commissioner of Engineering and Planning be requested to report back to Council on the feasibility of reconstruction or resurfacing of this section of London Street during the 2009 construction season.

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**

By-laws before Council for THREE readings which do not require more than a simple majority.

**AGREEMENTS**

- (a) 2009-50 A by-law to regulate the chemical and physical characteristics of water and wastewater discharges to a sanitary or storm sewer system in the City of Sault Ste. Marie.  
A report from the Land Development and Environmental Engineer is on the agenda.
- (b) 2009-52 A by-law to authorize an agreement between the City and R.V. Anderson Associates Limited for the completion of the stormwater investigative study.  
A report from the Director of Engineering Services is on the agenda.

10. **LANE ASSUMPTION**

- (c) 2009-56 A by-law to assume for public use and establish as a public lane, a lane in the Graham Subdivision.  
A report from the City Solicitor is on the agenda.

**PARKING SECTION**

- (d) 2009-53 A by-law to amend By-law 69-80 which regulates the parking of vehicles on lands or buildings operated by the Parking Section.  
A report from the City Solicitor is on the agenda.

**TRAFFIC**

- (e) 2009-51 A by-law to amend Schedules "H" and "F" of Traffic By-law 77-200 regarding Denwood Drive. (Approved by Council on March 9, 2009.)

**ZONING**

- (f) 2009-55 A by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 regarding lands located at 741 Allen's Side Road.

By-laws before Council for **FIRST** and **SECOND** reading which do not require more than a simple majority.

**LANE CLOSING**

- (g) 2009-57 A by-law to stop up, close and authorize the conveyance of a lane in the Graham Subdivision.  
A report from the City Solicitor is on the agenda.

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

12. **ADDENDUM TO THE AGENDA**

13.

**ADJOURNMENT**

Mover - Councillor B. Hayes

Seconder - Councillor L. Turco

Resolved that this Council shall now adjourn.

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**MAYOR**

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**CLERK**

**MINUTES**

**REGULAR MEETING OF CITY COUNCIL**

**2009 03 09**

**3:00 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:** D. Irving, L. Bottos, B. Freiburger, J. Dolcetti, N. Apostle, D. McConnell, P. McAuley, R. Travaglini, M. Saunders

**1. ADOPTION OF MINUTES**

Moved by Councillor B. Hayes

Seconded by Councillor L. Tridico

Resolved that the Minutes of the Regular Council Meeting of 2009 02 23 be approved. CARRIED.

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

**3. APPROVE AGENDA AS PRESENTED**

Moved by Councillor B. Hayes

Seconded by Councillor L. Turco

Resolved that the Agenda for the 2009 03 09 City Council Meeting as presented be approved. CARRIED.

**4. DELEGATIONS/PROCLAMATIONS**

- (a) The representative on behalf of the Algoma Multicultural Centre was in attendance concerning Proclamation – Day to Eliminate Racism.
- (b) Gary Rainbird, Volunteer Disaster Management Program and Member Disaster Management Working Group, Sault Ste. Marie and District Branch, Canadian Red Cross was in attendance concerning Proclamation – Red Cross Month.

4. (c) Gord Miller, Environmental Commissioner of Ontario was in attendance concerning local environmental issues and opportunities for greater participation from the Corporation of the City of Sault Ste. Marie.
- (d) Dr. Ron Common, President; and Ben Pascuzzi, Chair Board of Governors, Sault College were in attendance concerning Sault College capital expansion plans.

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

Resolved that City Council receives the presentation of Dr. Ron Common, President Sault College entitled 'Sault College Campus Re-Build Master Plan 2009' as information; and

Further resolved that City Council expresses its support for the proposed redevelopment of Sault College and supports in principle the Sault College application to the Economic Development Fund for \$250,000.00 (over three years) to help in the continued development costs. CARRIED.

Councillor T. Sheehan declared a pecuniary interest – employed by Ministry of Training Colleges and Universities, Apprenticeship Branch.

- (e) Chris Sheridan, Founder, House of Kin Sudbury was in attendance concerning support from the City of Sault Ste. Marie for the House of Kin, agenda item 5.(c).
- (f) Kathy Keene and Jennifer Poirier, Co-Chairs Tarentorus Home and School Committee were in attendance concerning agenda item 5.(d).

### **PART ONE – CONSENT AGENDA**

#### **COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**

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

Resolved that all the items listed under date 2009 03 09 - Part One - Consent Agenda be approved as recommended. CARRIED.

- (a) Correspondence from AMO and OGRA was received by Council.

Moved by Councillor T. Sheehan  
Seconded by Mayor J. Rowswell

Resolved that Sault Ste. Marie City Council supports the application as filed by Pelmorex to the CRTC to keep "The Weather Network" as a Basic Cable Service as a service to our residents; and further that a copy of this resolution be forwarded to the CRTC and to Pelmorex Communications. CARRIED.

5. (b) Correspondence from the City of Cambridge (concerning internet filtering software on computers); and City of Sudbury (concerning regulation and provision of resources to monitor retirement homes) was received by Council.
- (c) The letter from the Founder, House of Kin Sudbury concerning support from the City of Sault Ste. Marie for the House of Kin was received by Council.

Moved by Councillor L. Turco

Seconded by Councillor P. Mick

Whereas City Council acknowledges that the House of Kin provides an important service to many citizens of Sault Ste. Marie while in Sudbury receiving health care treatments;

Be it resolved that the request for municipal financial support for the House of Kin at the platinum level of \$25,000, or on a per-capita basis, and in the future on an annual basis, BE REFERRED to the 2009 Budget for Council's consideration as a supplementary item, be approved. CARRIED.

- (d) The letter from the Co-Chairs, Tarentorus Home and School Committee concerning receiving a Let Them Be Kids Organization - Helping Hands Award for playground improvements at Tarentorus School and concerning sharing the Award with the City for updating the Cedar Heights Municipal Park was received by Council.

Moved by Councillor P. Mick

Seconded by Councillor B. Hayes

Resolved that City Council expresses its congratulations to the Tarentorus Home and School Committee on being a recipient of the Helping Hands Award from the Let Them Be Kids Organization for the Playground Improvement Project at Tarentorus Public School; and

Further resolved that the Committee's offer of a partnership with the City of Sault Ste. Marie for sharing the Let Them Be Kids Award to undertake updating the Cedar Heights Municipal Park at the corner of Northwood and Eastwood Streets BE REFERRED to the Manager of Parks, Public Works and Transportation for review and report back to City Council. CARRIED.

- (e) The letter dated 2009 02 11 from the Minister of Health in response to a letter dated 2008 12 15 from Mayor Rowswell concerning physician specialist services in Northern Ontario was received by Council.
- (f) Correspondence from Mayor Rowswell to the Minister of Health and Long Term Care concerning the effect of the Northern Ontario School of Medicine and specialists and specialist services on the future of health care in Northern Ontario was received by Council.

5. (f) Moved by Councillor P. Mick  
Seconded by Councillor L. Turco  
Resolved that City Council supports the position taken by Mayor Rowswell in a letter dated March 5, 2009 to the Honourable David Caplan, Minister of Health and Long Term Care regarding the intent of the Northern Ontario School of Medicine (NOSM) and Ministry policies for medical specialists and resulting health care services, ensuring access to full health care services and specialties for the residents of Northern Ontario; and  
Further that copies of the Mayor's letter and attachments, as well as a copy of this resolution be forwarded to the Councils of all Northern Ontario municipalities and to FONOM and NOMA with a request for resolutions of support to be forwarded to the Minister of Health and Long Term Care. CARRIED.
- (g) **Council Travel**  
Moved by Councillor P. Mick  
Seconded by Councillor L. Tridico  
Resolved that Councillors Steve Butland, James Caicco, Terry Sheehan, Susan Myers, Bryan Hayes, Lou Turco and Ozzie Grandinetti be authorized to travel to the 2009 AMO Annual Conference being held in Ottawa (4 days in August) at an estimated cost to the City of \$2,300.00 each be approved. CARRIED.
- (h) **Staff Travel Requests**  
The report of the Chief Administrative Officer was accepted by Council.  
Moved by Councillor P. Mick  
Seconded by Councillor L. Turco  
Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2009 03 09 be approved as requested. CARRIED.
- (i) **Federal Budget/Infrastructure Opportunities – Special Council Meeting – Tuesday, April 7<sup>th</sup>**  
The report of the Chief Administrative Officer was accepted by Council.  
Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that the report of the Chief Administrative Officer dated 2009 03 09 concerning Federal Budget/Infrastructure Opportunities be received as information; and  
Further resolved that City Council is authorized to meet in open Committee of the Whole session for the purpose of reviewing and discussing submissions for funding under the new Federal/Provincial Economic Stimulus Programs on Tuesday, April 7<sup>th</sup>, 2009 commencing at 4:30 p.m. in the Council Chambers, Civic Centre. CARRIED.

5. (j) **Immigration Portal, Contracts With Ministry of Citizenship and Immigration**

The report of the Manager, Information Technology Division was accepted by Council. The relevant By-law 2009-49 is listed under Item 10 of the Minutes.

(k) **Access to Recreation for Low Income Families**

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

Moved by Councillor B. Hayes

Seconded by Councillor L. Turco

Resolved that the report of the Commissioner of Community Services dated 2009 03 09 concerning Access to Recreation for Low Income Families be received as information. CARRIED.

(l) **711 Bay Street Seawall**

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

Moved by Councillor P. Mick

Seconded by Councillor L. Tridico

Resolved that the report of the Director of Engineering Services dated 2009 03 09 concerning 711 Bay Street Seawall be accepted and the recommendation that an allowance of \$25,000.00 be included in the Miscellaneous Construction budget for 2009 for immediate repairs to the damaged areas on the sheet pile wall in front of 711 Bay Street and that the permanent repairs be placed on the outstanding Miscellaneous Construction project list which is reviewed annually, be approved. CARRIED.

(m) **Haviland Crescent Sanitary Sewer**

The report of the Commissioner of Engineering and Planning was accepted by Council.

Moved by Councillor P. Mick

Seconded by Councillor L. Turco

Resolved that the report of the Commissioner of Engineering and Planning dated 2009 03 09 concerning Haviland Crescent Sanitary Sewer be accepted and the recommendation that the firm of STEM Engineering be retained to design and administer the project for replacement of the sanitary sewer from Haviland Crescent to Parker Street with funds to come from the 2009 sewer surcharge account be approved. CARRIED.

(n) **Sussex Road Bridge/Third Line at Bennett Creek Culvert Engineering Agreement**

The report of the Commissioner of Engineering and Planning was accepted by Council. The relevant By-law 2009-42 is listed under Item 10 of the Minutes.

5. (o) **Municipal Forest Fire Management Agreement**  
The report of the Fire Chief was accepted by Council. The relevant By-law 2009-43 is listed under Item 10 of the Minutes.
- (p) **Sale of 747 Wellington Street West to 2040653 Ontario Inc.**  
The report of the City Solicitor was accepted by Council.  
  
Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that the report of the City Solicitor dated 2009 03 09 be accepted regarding the sale of City property at the corner of Wellington Street West at Second Line and that the date for the waiving of conditions be extended to June 30, 2009 be approved in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.
- (q) **Licence Renewal – Ontario Realty Corporation – Air Quality Monitoring Station – 765 Bonney Street**  
The report of the City Solicitor was accepted by Council. The relevant By-law 2009-48 is listed under Item 10 of the Minutes.
- (r) **Bellevue Park Locomotive**  
The report of the Manager of Parks was accepted by Council.  
  
Moved by Councillor B. Hayes  
Seconded by Councillor L. Turco  
Resolved that the report of the Manager of Parks dated 2009 03 09 concerning Bellevue Park Locomotive be accepted and the recommendation that playground equipment resembling a locomotive NOT be purchased at this time be approved. CARRIED.
- (s) **No Stopping Zone on Denwood Drive**  
The report of the Commissioner of Public Works and Transportation was accepted by Council. The relevant By-law 2009-46 is listed under Item 10 of the Minutes.
- (t) **Request for Stop Sign at the Corner of Denwood Drive and Simon Avenue**  
The report of the Deputy Commissioner of Public Works and Transportation was accepted by Council.  
  
Moved by Councillor P. Mick  
Seconded by Councillor L. Tridico  
Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2009 03 09 concerning Request for Stop Sign at the Corner of Denwood Drive and Simon Avenue be accepted and the recommendation that a stop sign replace the existing yield sign at the southwest corner of Denwood Drive and Simon Avenue be approved. CARRIED.

## **PART TWO – REGULAR AGENDA**

6. **REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**
6. (6) **PLANNING**
- (a) **Application No. A-7-09-Z – Jeff and Catherine Baker – 161 Carufel Avenue – Request for Amendment to Legalize the Existing Triplex**  
The report of the Planning Division was accepted by Council.
- Moved by Councillor P. Mick  
Seconded by Councillor L. Turco
- Resolved that the report of the Planning Division dated 2009 03 09 concerning Application No. A-7-09-Z – Jeff Baker be accepted and the Planning Director's recommendation that City Council approve the request and rezone the property from "R.3" (Low Density Residential) zone to "R.3.S" (Low Density Residential) zone with a Special Exception to permit a triplex on the subject property subject to the following condition:
1. That the additional dwelling unit meets the Ontario Building Code in terms of fire safety be endorsed. CARRIED.
- (b) **Application No. A-8-09-Z – Barbara and Joel Chisholm – 741 Allen's Side Road – Request for Amendment to Permit a Single Detached Home and Barn**  
The report of the Planning Division was accepted by Council.
- Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico
- Resolved that the report of the Planning Division dated 2009 03 09 concerning Application No. A-8-09-Z – Barbara and Joel Chisholm be accepted and the Planning Director's recommendation that City Council approve the application and rezone the subject property from "R.1" (Estate Residential) zone to "R.1.S" (Estate Residential) zone with a Special Exception to permit the construction of a barn, and the keeping of not more than 4 riding horses only, in addition to those uses permitted in the "R.1" zone subject to the 2 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 S. Myers  
Seconded by Councillor P. Mick  
Whereas there is an ongoing loss of occupied office space and thus people, who are populating the Downtown area on a daily basis; and  
Whereas City Council can and should take a leadership role along with the Downtown Association Board in supporting future downtown development of which Supportive Housing may be one possible use;  
Now therefore be it resolved that a meeting be held at the earliest opportunity, with participants to include Mayor John Rowswell, interested members of City Council, appropriate City Staff, EDC and the Downtown Association Board. The purpose of the meeting would be to determine how to move forward specifically to address re-uses for unoccupied office space in the Downtown area. CARRIED.
- (b) Moved by Councillor S. Myers  
Seconded by Councillor T. Sheehan  
Whereas the Military Family Support Volunteers have been placing Yellow Ribbons around the City in order to express support for our local soldiers from Sault Ste. Marie who are serving in Afghanistan; and  
Whereas this is not an act of endorsement for the war; and  
Whereas destructive acts of graffiti and vandalism have been carried out damaging the ribbons which has been frustrating to members of the Military Family Support Volunteers and has added unnecessary work to their efforts; and  
Whereas such destructive acts may send a discouraging message to our troops;  
Now therefore be it resolved that all citizens be requested to display yellow ribbons wherever possible and further that any information seen or heard relating to acts of graffiti or vandalism be immediately reported to Police Services. CARRIED.
- (c) Moved by Councillor S. Butland  
Seconded by Councillor J. Caicco  
Whereas Destiny Sault Ste. Marie proposed early in 2004, the establishment of a new Invasive Species Centre in our City which would provide significant support to both the governments of Canada and Ontario in battling the ongoing damage and devastation which is caused by alien invasive pests to our aquatic and terrestrial ecosystems; and  
Whereas the total economic loss from such invasive species is estimated at between \$13 and \$35 billion annually in Canada; and

7. (c) Whereas this proposal has continuously enjoyed the support of not only City Council, but also our City's representatives in Federal and Provincial governments; and  
Whereas the City, in partnership with the senior levels of government, has prepared a professional and positive business case analysis for a Federal-Provincial Invasive Alien Species Management Centre, to assist and enhance efforts currently underway by various levels of government to deal with this serious problem; and  
Whereas Sault Ste. Marie already is home to significant research being done by both senior levels of government in areas of forestry, pest control and aquatic ecosystems, making our City a very logical location for such a new centre; and  
Whereas the Government of Ontario committed to developing an Invasive Species Centre in 2007 and announced as part of its Spring 2008 budget that it would commit \$15 million towards this very worthy project on the basis of Federal participation as well; and  
Whereas the recent 2009 Federal budget provides an opportunity for the Government of Canada to step forward and provide the matching funding that is required to see this project established in Sault Ste. Marie;  
Now therefore be it resolved that City Council authorizes Councillor James Caicco, its representative on the Alien Invasive Species Project Committee and appropriate City staff to work with our local senior government representatives and to meet, if necessary with appropriate officials of the Federal government to urge the Government of Canada to take immediate advantage of this great opportunity to partner with the Province and others to establish the Invasive Alien Species Management Centre in Sault Ste. Marie as proposed and further that Council authorizes any travel which may be required with respect to such meetings. (Copies of this resolution to be forwarded to Sault Ste. Marie M.P., Tony Martin and Sault Ste. Marie M.P.P., David Orazietti.) (TABLED TO A FUTURE COUNCIL MEETING.) OFFICIALLY READ NOT DEALT WITH.

(d) Moved by Councillor S. Butland  
Seconded by Councillor J. Caicco

Resolved that Randy Roy, Waste Diversion Supervisor be requested to prepare a report on the financial implications of the decreased value of recyclable products for the information of Council. 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 B. Hayes

Seconded by Councillor L. Tridico

Resolved that all the by-laws listed under Item 10 of the Agenda under date 2009 03 09 be approved. CARRIED.

- (a) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-9 being a by-law to authorize the construction of sanitary sewer and private drain connection and Class "A" Pavement on Shannon Road from Wellington Street East to Trunk Road under Section 3 of the Municipal Act, 2001, Ontario Regulation 586/06 be read a third time and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.
- (b) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-10 being a by-law to authorize the construction of sanitary sewer and private drain connection on Wellington Street East from Simpson Street to East Street under Section 3 of the Municipal Act, 2001, Ontario Regulation 586/06 be read a third time and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.
- (c) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-42 being a by-law to authorize an amended agreement between the City and M. R. Wright and Associates Co. Ltd. for the provision of engineering services for the Sussex Road Bridge be read three times and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.
- (d) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-43 being a by-law to authorize an agreement between the City and the Minister of Natural Resources regarding Municipal Forest Fire Management for the period April 1, 2009 to March 31, 2014 be read three times and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.
- (e) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-44 being a by-law to adopt Amendment No. 160 to the Official Plan Amendment be read three times and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.

10. (f) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-45 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-151 and 2008-195 concerning 677 MacDonald Avenue be read three times and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.

Recorded Vote

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

Against: Councillor L. Tridico

Absent: Councillor F. Manzo

- (g) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-46 being a by-law to amend Schedule "D" of Traffic By-law 77-200 be read three times and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.

- (h) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-47 being a by-law to authorize a Lease Agreement between the City and Hopital Regional De Sudbury Regional Hospital for 278.4 square feet of office space at 65 Old Garden River Road for the purpose of housing the site coordinator office be read three times and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.

- (i) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-48 being a by-law to authorize the renewal of a Lease Agreement between the City and Ontario Realty Corporation acting as agent on behalf of Her Majesty the Queen in Right Of Ontario as represented by the Minister of Energy and Infrastructure be read three times and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.

10. (j) Moved by Councillor B. Hayes  
Seconded by Councillor L. Tridico  
Resolved that By-law 2009-49 being a by-law to authorize the Agreement between the Corporation of the City of Sault Ste. Marie and Her Majesty the Queen in Right of Ontario as represented by the Minister of Citizenship and Immigration be read three times and passed in Open Council this 9<sup>th</sup> day of March, 2009. CARRIED.

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

12. **ADJOURNMENT**

Moved by Councillor P. Mick  
Seconded by Councillor L. Tridico  
Resolved that this Council shall now adjourn. CARRIED.

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**MAYOR**

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**CLERK**



200 University Ave, Suite 801  
Toronto, ON M5H 3C6  
Tel.: (416) 971-9856 | Fax: (416) 971-6191  
E-mail: amo@amo.on.ca

5(a)

## MEMBER COMMUNICATION

ALERT N°: 09/016

To the attention of the Clerk and Council  
March 17, 2009

FOR MORE INFORMATION CONTACT:  
Craig Reid , AMO Senior Policy Advisor  
(416) 971-9856 ext 334

ALERT

### Federal Rules Changed for Building Canada Fund Projects with Provincial Environmental Assessments until 2011

**Issue:** The federal government is moving forward with a two-year rule change for environmental assessments (EA) for projects that have completed provincial and municipal environmental approvals.

#### Background:

As part of its Budget tabled in January 2009, the Government of Canada committed to ensuring that infrastructure funding, including the Building Canada Fund (BCF), would be flowed to projects expediently. The government committed in the Budget to review the rules for federally mandated environmental assessments to ensure they did not unnecessarily duplicate municipal and provincial environmental processes and delay infrastructure projects.

To deliver on this, the Canadian Environmental Assessment Agency has developed new *Infrastructure Projects Environmental Assessment Adaptation Regulations* which enables a complete provincial EA to be substituted for the federal environmental assessment process, with the approval of the federal Minister of the Environment. The process to be substituted must include consideration of the factors set out in the *Canadian Environmental Assessment Act* (e.g. significance of adverse environmental effects), and that the public has access to environmental assessment documents and will be given an opportunity to participate.

Responsible federal authorities will retain decision-making responsibilities at the end of the environmental assessment which will have been informed by a provincial environmental assessment report. The federal Minister of the Environment will retain the ability to refer a project to a review panel under the Act.

In addition, the federal government has made additions to the *Exclusion List Regulations, 2007* to remove the requirement to conduct a federal EA for infrastructure projects which have been shown through federal EA experience to have insignificant effects including such projects as some types of buildings, bus and rapid transit systems, and new water supply systems. However, federal, provincial and municipal environmental laws continue to apply.

5(a)

ALERT

For road, bridge and transit projects located near environmentally sensitive areas, the regulations continue to require an environmental assessment unless specific criteria are met to provide environmental protection. In order to be excluded, these projects must be consistent with any law or management plan that is in place for that area. In addition, where the sensitive area is protected by the federal government, the total costs of the project must be less than \$10M and measures must be in place to protect the area in order to be excluded.

**Action:** For further information, members are encouraged to view the regulations on the Canadian Environmental Assessment Agency web site (<http://www.ceaa-acee.gc.ca/>) available by the afternoon of March 17, 2009.

The regulations will also be published in a special edition of the Canada Gazette (<http://canadagazette.gc.ca/>) on Thursday, March 20, 2009.

AMO will keep members informed of new information regarding infrastructure programs.

*This information is available in the Policy Issues section of the AMO website at [www.amo.on.ca](http://www.amo.on.ca).*

5(a)



200 University Ave, Suite 801  
Toronto, ON M5H 3C6  
Tel.: (416) 971-9856 | Fax: (416) 971-6191  
E-mail: amo@amo.on.ca



## MEMBER COMMUNICATION

FYI N°: 09-005

To the attention of the Clerk and Council  
March 13, 2009

FOR MORE INFORMATION CONTACT:  
Scott Vokey, AMO/LAS Energy Services  
Coordinator, (416) 971-9856 ext 357

### Province Hosting Workshops on Renewable Energy Approvals Process Proposed in Bill 150 (*Green Energy Act*)

**Issue:** AMO is circulating the invitation (attached) as a courtesy to the Ministry of the Environment. Those interested are invited to contact Zubair Shaheid directly. *This is not an AMO event.*

#### Background:

Staff from the Ministries of Environment, Municipal Affairs and Housing, and Natural Resources are working with the Ministry of Energy and Infrastructure to develop a new approvals process for renewable energy projects as set out in Schedules A, E, G, H, and K of the Bill.

Bill 150 will put planning approvals with the province. Minister Smitherman recognizes that some municipalities do not feel equipped to deal with renewable energy sources, whether biomass, biogas, wind or solar, and that others are having a challenge sorting through health and safety information to develop standards. He also recognizes that some municipalities will not want to see the province take on this function but with an emerging patchwork of planning standards, "the province has decided to assert its interests and is prepared to deal with the outcomes." Those interested in learning more about and providing input into the development of the new process are urged to attend the workshop.

*Bill 150, the Green Energy and Green Economy Act, 2009* also has the potential to fundamentally transform the legislative and regulatory environment governing energy conservation, generation, and planning in Ontario. For a synopsis of the numerous schedules in the Bill please see AMO Alert (09/14) from February 26, 2009.

**Action:** AMO staff are currently analyzing the Bill and will submit a full submission to the Standing Committee on General Government when it commences its review.

*This information is available in the Policy Issues section of the AMO website at [www.amo.on.ca](http://www.amo.on.ca).*

## Multi-Sector Workshops on Provincial Requirements for Renewable Energy Technologies

Join us at one of the workshops being held in Toronto the week of March 23, 2009. The objective of these workshops is to bring together stakeholders from across Ontario to brainstorm and provide advice on potential provincial requirements for renewable energy projects.

Workshops will be held on the following dates and locations:

Date	Monday March 23, 2009	Wednesday March 25, 2009	Thursday March 26, 2009
Time	1 pm to 5 pm	1 pm to 5 pm	1 pm to 5 pm
Location	North York Centre Library Auditorium 5120 Yonge St. Toronto, ON M2N 5N9	North York Centre Library Auditorium 5120 Yonge St. Toronto, ON M2N 5N9	Fairview Library 35 Fairview Mall Dr. Toronto, ON M2J 4S4

All workshops will have identical content, so as to allow the largest number of attendees to express their views.

Please complete the form below and fax back a copy to the attention of Zubair Shaheid, Ministry of the Environment, at (416) 327-1261 or e-mail to [zubair.shaheid@ontario.ca](mailto:zubair.shaheid@ontario.ca) by March 17, 2009.

Yes, I would like to attend one of the following workshops (please select one of the below):

- March 23, 2009 at the North York Centre Library Auditorium (Yonge and Sheppard)
- March 25, 2009 at the North York Centre Library Auditorium (Yonge and Sheppard)
- March 26, 2009 at the Fairview Library (Sheppard and Don Mills)

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

E-mail (required for confirmation): \_\_\_\_\_

Telephone: \_\_\_\_\_

**Sector that best describes your interest in the workshop (please select one):**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Renewable energy project developer | <input type="checkbox"/> Municipality         | <input type="checkbox"/> Non-governmental organization (NGO) |
| <input type="checkbox"/> Community organization             | <input type="checkbox"/> Public health agency | <input type="checkbox"/> Other (please specify): _____       |

**Area of Interest (please select all that apply):**

- Wind
- Solar
- Biomass/Biogas
- Water

**Special needs or accommodation requests:**



5(a)



200 University Ave, Suite 801  
Toronto, ON M5H 3C6  
Tel.: (416) 971-9856 | Fax: (416) 971-6191  
E-mail: amo@amo.on.ca



## MEMBER COMMUNICATION

FYI N°: 09-004

To the attention of the Clerk and Council  
March 5, 2009

FOR MORE INFORMATION CONTACT:  
Craig Reid, AMO Senior Policy Advisor  
(416) 971-9856 ext 334

### Pedestrian-Focused Communities Events for Municipalities

Ontarians Walking Now (OWN) is a two year project of Green Communities Canada assisting municipalities to focus on pedestrians by using planning processes to create sustainable, healthy and active communities.

OWN is offering a series of regional workshops this spring to assist municipal officials in creating walkable communities. Workshop participants will learn of urban and rural success stories and challenges to implementing pedestrian-focused communities. Participating municipalities will also receive a complementary StepsCount pedometer kit suitable for initiating a library lending or walking program.

The workshops will be of interest to: members of council, transportation and urban planners, as well as parks, public health, fitness and recreation professionals.

The workshop schedule is as follows:

**April 2 – Markham;** Keynote speaker: **Jody Rosenblatt Naderi**, Associate Professor, School of Landscape Architecture & Urban Planning, Texas A&M University

**April 6 – Sarnia;** Keynote speaker: **Gil Penalosa**, Executive Director, Walk & Bike for Life

**April 7 – Oshweken;** **Gil Penalosa**; Executive Director, Walk & Bike for Life

**April 23 – Ottawa;** Keynote speaker: **Sandy James**, City Planner & Greenways Planner, City of Vancouver

**May 14 – Blind River;** Keynote speaker: **Cynthia Nikitin**, Vice President, Project for Public Spaces (New York).

A **two-part webinar version** will also be available on **May 20 and 27** to focus on the needs of remote northern communities.

The workshop cost is \$50, with a group rate of \$150 for three to five individuals. Webinars are free.

For further information and to register, please visit [http://canadawalks.ca/project\\_own.asp](http://canadawalks.ca/project_own.asp) or contact Mandy Johnson at Green Communities Canada at 1-877-533-4098 or [mjohnson@greencommunitiescanada.org](mailto:mjohnson@greencommunitiescanada.org).

*This information is available in the Events section of the AMO website at [www.amo.on.ca](http://www.amo.on.ca).*



200 University Ave, Suite 801  
Toronto, ON M5H 3C6  
Tel.: (416) 971-9856 | Fax: (416) 971-6191  
E-mail: amo@amo.on.ca

5(a)

## MEMBER COMMUNICATION

ALERT N°: 09/015

**To the attention of the Clerk and Council**  
March 9, 2009

FOR MORE INFORMATION CONTACT:  
Milena Avramovic, AMO Senior Policy Advisor  
(416) 971-9856 ext 342

ALERT

### Pesticides Ban

#### Issue:

Pesticides ban takes effect April 22, 2009.

#### Background:

The ban prohibits the sale and use of pesticides for cosmetic purposes on lawns, gardens, parks and school yards, and includes many herbicides, fungicides and insecticides. Over 250 products will be banned for sale and more than 80 pesticide ingredients will be banned for cosmetic uses.

There are exceptions for public health or safety reasons such as fighting West Nile Virus, killing stinging insects like wasps, or controlling poison ivy and other plants poisonous to the touch. Agriculture and forestry are also exempted.

The ban takes the place of existing municipal pesticide bylaws; it establishes one set of rules across the province. The regulation can be viewed at:

[http://www.e-laws.gov.on.ca/html/source/regs/english/2009/elaws\\_src\\_regs\\_r09063\\_e.htm](http://www.e-laws.gov.on.ca/html/source/regs/english/2009/elaws_src_regs_r09063_e.htm)

#### Action

FYI

*This information is available in the Policy Issues section of the AMO website at [www.amo.on.ca](http://www.amo.on.ca).*

5(a)

**Donna Irving**

**From:** FONOM Reply [fonom.info@sympatico.ca]  
**Sent:** March 12, 2009 9:43 PM  
**To:** North Bay, City - Cathy Conrad; Greater Sudbury, City - Mark Mieto; Timmins, City - Joe Torlone (E-mail); j.fratesi (Internet); Donna Irving  
**Subject:** FONOM Delivers Funding Request to Finance Minister

## NEWS RELEASE

March 13, 2009

For Immediate Release

### **FONOM Delivers Funding Request to Finance Minister**

The **Federation of Northern Ontario Municipalities (FONOM)** is calling on the McGuinty government to recognize the special needs of Northern Ontario by increasing the Northern and Rural Communities Grant in the upcoming budget.

FONOM President, Councillor Mac Bain of North Bay, delivered a resolution support by 90 Northeastern municipalities to Finance Minister Dwight Duncan calling on the government to **increase the Northern and Rural Communities Grant by \$50 per household** in the North.

"This resolution has been supported by municipalities and organizations throughout Northeastern and Northwestern Ontario and includes Chambers of Commerce, the Northern Ontario Large Urban Mayors and 90 Northeastern municipalities. We recognize that this is a time of great economic challenge throughout the province and the country, however, what we are asking the government for is a relatively small amount for the Province, but which would be a major support for the 357,500 northern households affected." President Bain added, "We are asking the Province to recognized that northern municipalities have larger infrastructure deficits per household than other regions of Ontario. Additionally, northern municipalities have poorer fiscal health than other regions of Ontario."

The Northern Communities Grant is one of several components of the Ontario Municipal Partnership Fund (OMP) and provides funding to all northern municipalities based on number of households. The other major components are the Social Programs Grant, the Equalization Grant and the Police Services Grant. Recent changes to this funding program have seen great benefits to large cities in the south whose social program costs are very high relative to household incomes.

President Bain concluded, "We will be watching closely on March 26 when Minister Duncan delivers the province's budget and are hopeful that he and the McGuinty government will respond to the needs of Northern Ontario through an increase in this grant."

The FONOM membership is made up of 110 municipalities/towns/cities of Northeastern Ontario with the majority of delegates representing these areas. FONOM acts in an advocacy role in relation to political and economic issues of concern to Northern Ontario.

- 30 -

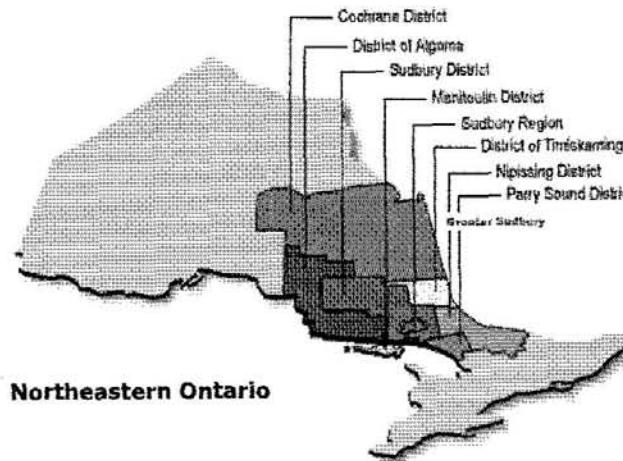
For more information, contact:  
President Mac Bain, 705-498-9510

THE 2009 FONOM/MMAH CONFERENCE IS PLEASED TO ANNOUNCE SENATOR LARRY CAMPBELL WILL BE THIS YEAR'S KEYNOTE SPEAKER.



*Senator Larry Campbell is a former mayor of the City of Vancouver and inspiration behind the popular CBC drama Da Vinci's Inquest. A Senator since 2005, Larry Campbell continues to advocate for Canadian municipalities.*

**Hope to see you there!**



Northeastern Ontario

**FONOM**  
The Federation of Northern Ontario Municipalities



For further information on venues, accommodations, and other local information contact, please visit the following site:

**[www.fonom.org](http://www.fonom.org)**

Please direct your conference inquiries to:

Vonda Croissant  
Executive Director, FONOM  
Tel (705) 752-2783  
Fax (705) 752-1138  
Email: [fonom.info@sympatico.ca](mailto:fonom.info@sympatico.ca)

May 6-8, 2009  
Sudbury, Ontario



**Working Together  
for a Greater Tomorrow**

FONOM-MMAH 2009 Municipal Conference

*Holiday Inn, 1696 Regent St., Sudbury, ON*

**FONOM**  
The Federation of Northern Ontario Municipalities



**Greater Grand  
Sudbury**

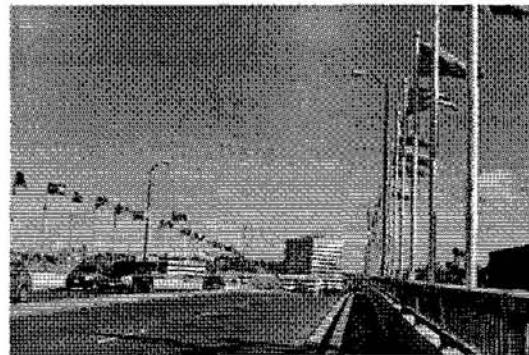
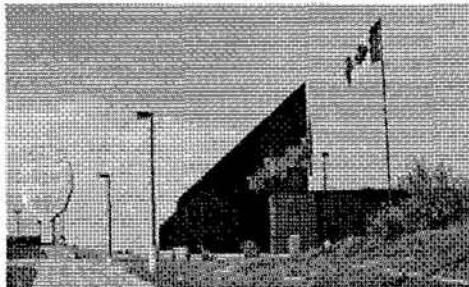
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Preparations are in full swing for the upcoming 2009 FONOM/MMAH Northeast Region Municipal Conference being held in the City of Greater Sudbury, May 6th-8th, 2009. This annual conference is a partnership between the Federation of Northern Ontario Municipalities and the Ministry of Municipal Affairs and Housing, Northeast Region.

#### **FONOM**

FONOM is the unified voice for the people of Northeastern Ontario municipalities. Its mission is to improve the quality of life for all citizens and to ensure the future of our youth.

The conference also hosts the annual FONOM business meeting. This is your chance to discuss your resolutions.



The 2009 FONOM/MMAH Conference will be hosted by the City of Greater Sudbury. From a mining town, Sudbury has evolved into a dynamic and diverse capital—the centre of government, education, healthcare, business and financial services for all of Northeastern Ontario.

Sudbury is situated within traditional Ojibwe lands and is a bilingual city with the third largest Francophone population in Canada outside of Quebec. Together people of many backgrounds, including people of Italian, Finnish, Polish, Chinese, Greek and Ukrainian ancestry, Sudbury's multilingual and multicultural fabric one of the most diverse in Canada.

If you haven't been to Sudbury lately—you just haven't been to Sudbury. Visitors are discovering that Sudbury is a special place to relax and enjoy major attractions, cultural celebrations and the great outdoors.

#### **Conference will offer:**

- Opportunities to meet and reconnect with your municipal colleagues from across Northeastern Ontario
- Update on provincial legislation
- Insights into various current municipal issues
- Information and advice on managing the current economy and getting ready for the new economy
- Ministers' Forum
- Banquet
- Annual Awards

#### **VENUE**

Holiday Inn  
1696 Regent Street  
Sudbury, ON  
Tel: 1-877-863-4780  
Website: [www.holidayinn.com](http://www.holidayinn.com)

Accommodation spaces are filled.  
Please see enclosed list for nearby hotels with shuttle service to venue.

**PLEASE PLAN TO JOIN US**

5(a)

**2009 FONOM - MMAH Municipal Conference**  
**"Working Together for a Greater Tomorrow" May 6 to 8, 2009**  
**Hosted by the City of Greater Sudbury**

(Please complete ONE FORM for each person attending)

Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Municipality or Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ E-mail: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell : \_\_\_\_\_

REGISTRATION TYPE	Check Appropriate Fee (GST Included)	
<b>Full Delegate Package</b> Includes all meals (2 breakfast, 3 lunches, 4 breaks, Welcome Reception on Weds and Banquet on Thurs), Trade Show, all sessions/workshops and a delegate portfolio.	Before April 17 <input type="checkbox"/>	\$270
	After April 18 <input type="checkbox"/>	\$290
<b>One Day – Wednesday, May 6<sup>th</sup></b> Includes lunch, afternoon break and Welcome Reception, all sessions on Wednesday, Trade Show and a delegate portfolio.	Before April 17 <input type="checkbox"/>	\$170
	After April 18 <input type="checkbox"/>	\$190
<b>One Day – Thursday, May 7<sup>th</sup></b> Includes breakfast, lunch, morning & afternoon breaks, all sessions/workshops on Thursday, Trade Show and a delegate portfolio. Does NOT include Banquet ticket – order below.	Before April 17 <input type="checkbox"/>	\$165
	After April 18 <input type="checkbox"/>	\$185
<b>One Day – Friday, May 8<sup>th</sup></b> Includes breakfast, lunch, morning break and Ministers' Forum and a delegate portfolio. It also includes the FONOM Annual Business Meeting if you are a municipal FONOM member.	Before April 17 <input type="checkbox"/>	\$155
	After April 18 <input type="checkbox"/>	\$175
<b>Companion Program</b> Companion package including opening keynote speaker on Wednesday as well as a ticket to the Thursday banquet.	Before April 17 <input type="checkbox"/>	\$150
	After April 18 <input type="checkbox"/>	\$170
<b>Extra Banquet Ticket</b> Any banquet attendee can note special dietary requirements below:	Before April 17 <input type="checkbox"/>	\$ 65
	After April 18 <input type="checkbox"/>	\$ 80
<b>Total Remitted</b>	\$	

**Enclose payment and send completed form to:**

FONOM  
P.O. Box 117  
Corbeil, ON P0H 1K0

Inquiries:  
Tel: 705 752-2783 Fax: 705 752-1138  
E-mail: [FONOM.info@sympatico.ca](mailto:FONOM.info@sympatico.ca)

Please register by April 17, 2009. Registrations are not final until payment is received.

**Cancellation Policy:** Registration fees, less a \$50 administration charge, are refundable only if written notification is received by Friday, April 17, 2009. No refunds will be made after April 17, 2009 however substitutions may be made without financial penalty.

FONOM collects, uses and discloses the information requested to promote the interests of the municipal sector. It may also be shared with selected third parties to generate operating revenues for FONOM. Under the Federal Personal Information Protection and Electronic Documents Act (PIPEDA) some of the information may constitute personal information. By filling out this form you agree that all personal information provided by you on the form may be collected, used and disclosed by FONOM for all purposes described above.



## 2009 FONOM-MMAH Conference

### **City of Greater Sudbury Accommodations Listing**

**HOST HOTEL:** **FULLY BOOKED**

The Holiday Inn Hotel is pleased to be the Host Hotel for the 2009 FONOM-MMAH Conference.

**Holiday Inn Hotel**  
1696 Regent Street  
Sudbury, ON P3E 3Z8  
(705) 522-3000 (800) 461-4822  
[www.hisudbury.ca](http://www.hisudbury.ca)

*Rate of \$122.00  
Block of 30 rooms available*

### **PARTNER HOTELS:**

The following hotels have room blocks set aside for the FONOM-MMAH Conference. Be sure to specify this room block when booking. A shuttle service will be available between the host and partner hotels each day. Should you decide to choose a hotel that is not listed on this page, transportation arrangements are your responsibility.

**Comfort Inn South**  
2171 Regent Street  
Sudbury, ON P3E 5V3  
(705) 522-1101 (800) 424-6423  
[www.comfortinnsudbury.com](http://www.comfortinnsudbury.com)

*Rate of \$109.99  
Block of 40 rooms available*

**Hampton Inn by Hilton Sudbury**  
2280 Regent Street  
Sudbury, ON P3E 0B4  
(705) 523-5200 (800) 426-7866  
[www.sudburyontario.hamptoninn.com](http://www.sudburyontario.hamptoninn.com)

*Rate of \$129.00  
Block of 75 rooms available*

**Homewood Suites**  
2270 Regent Street  
Sudbury, ON P3E 0B4  
(705) 523-8100 (800) 225-5466  
[www.homewoodsuites.com](http://www.homewoodsuites.com)

*Rates of \$149.00 and \$159.00  
Block of 40 suites available*

**Super 8**  
1956 Regent Street  
Sudbury, ON P3E 3Z9  
(705) 522-7600 (800) 800-8000  
[www.staynorth.com/html/sudbury.html](http://www.staynorth.com/html/sudbury.html)

*Rate of \$95.99  
Block of 40 rooms available*

5(b)

Municipality of Middlesex Centre  
10227 Ilderton Road  
RR 2  
Ilderton ON N0M 2A0  
Telephone: 519 666-0190  
Fax: 519 666-0271  
[www.middlesexcentre.on.ca](http://www.middlesexcentre.on.ca)



March 4, 2009

All Ontario Municipalities:

**Re: Resolution Regarding Department of Fisheries and Oceans Requirements pertaining to Drainage Works and Bridge Reconstruction**

The following Resolution #2009/017 was passed by the Council of the Municipality of Middlesex Centre on February 4, 2009:

WHEREAS the Department of Fisheries and Oceans review and approval of such matters as drain maintenance and construction and bridge reconstruction projects has proven to be a lengthy process resulting in unreasonable delays in the completion of Municipal Projects;

AND WHEREAS the cost of implementing the conditions for approving drain maintenance and construction or bridge reconstruction is an added cost passed on to those assessed for the drainage works and to Municipalities, respectively;

AND WHEREAS errors and inconsistencies in the drainage mapping, used for drain and waterway classifications, which includes man made open ditches, by the Department of Fisheries and Oceans could result in delays and increased additional costs;

AND WHEREAS given the relatively short and inflexible construction/maintenance season and the reluctance of the Department of Fisheries and Oceans to reduce in turn around time of approvals places an undue burden on the municipality;

NOW THEREFORE IT BE RESOLVED that the Municipality of Middlesex Centre petitions the Department of Fisheries and Oceans to review and shorten the time frame required for approval of drainage maintenance and construction and bridge reconstruction requests to allow for a more flexible and reasonable construction/maintenance season, especially where weather conditions warrant an extended season; and

FURTHER THAT the Municipality of Middlesex Centre petitions the Department of Fisheries and Oceans to delegate their authority for such matters to the local Conservation Authorities given their existing in-depth knowledge of these issues and mandate to protect the environment;

FURTHER THAT IT BE RESOLVED that this motion be forwarded to Fisheries and Oceans Canada, Association of Municipalities of Ontario, Minister of Municipal Affairs and Housing, Minister of Agriculture, Food and Rural Affairs, Minister of Natural Resources, local Conservation Authorities, local MPs and MPPs, Western Ontario Wardens Caucus.

Yours truly,

A handwritten signature in black ink that appears to read "Cathy Saunders".

Cathy Saunders, AMCT, MCIP, RPP  
Chief Administrative Officer/Clerk

**DISCLAIMER**

*This material is provided under contract as a paid service by the originating organization and does not necessarily reflect the view or positions of the Association of Municipalities of Ontario (AMO), its subsidiary companies, officers, directors or agents.*

Municipality of Thames Centre  
4305 Hamilton Road  
Dorchester, ON N0L 1G3

519-268-7334  
519-268-3928 fax

March 2, 2009

**RE: Municipal Impact - Collapse of Recycled Materials Commodities Market**

The Municipality of Thames Centre has been proactive in advancing our waste diversion program. In October of 2008 the Municipality increased our winter collection service levels to deliver the Blue Box program on a weekly basis all year round. The figures for this past December indicate a successful program adjustment with recycling tonnage increasing by 37%, and garbage tonnage reducing by 14%.

Despite this success, the global economic problems have had a direct impact on the value of recycled materials, and the viability of our Blue Box program. Our current service contract is with Halton Recycling Limited, who collects, process and markets our recycled materials on our behalf. We have estimated the cost impact to Thames Centre's 2009 program will be approximately \$150,000 on a total contract value of \$218,500 (representing a 67% cost impact).

The current WDO model which provides 50% funding of the Blue Box program will not reimburse the Municipality for these temporary program cost increases until 2011. It would be challenging for the Municipality to finance our portion of this temporary cost, but bridging the entire cost until 2011 is not possible.

As demonstrated by the February 23 announcement of Ontario's Plan for a Green Economy, the Province intends to grow environmental programs as part of their response to the current economic recession. Unlike many industries requiring support at this time, the level of support for recyclers is accurately measurable in real-time, can be scaled down as the market improves, and the situation is temporary since it will last only as long as the reduced market value for commodities.

We respectfully request the Province to provide immediate support to Municipalities and our private sector partners to secure the long-term viability our waste diversion programs.

Sincerely,

Jim Maudsley,  
Mayor, Municipality of Thames Centre

Cc: Steve Peters, M.P.P. Elgin-Middlesex-London  
Ms. Cliodhna McMullin, Chair Waste Diversion Ontario  
Ms. Sandra Banks, Chair Stewardship Ontario  
AMO (for circulation to all Ontario Municipalities)

5(b)



# Corporation of the Town of Mattawa

Telephone: (705) 744-5611 • Fax: (705) 744-0104

160 Water Street — P.O. Box 390

MATTAWA, ONTARIO P0H 1V0

March 9, 2009

Association of Municipalities of Ontario  
200 University Avenue, Suite 801  
Toronto, ON  
M5H 3C6

Dear Sir/Madam:

Council of the Town of Mattawa adopted Page 40 of Resolution Number 09-10, at their regular meeting of February 23, 2009 which stated:

"Therefore be it resolved that the Corporation of the Town of Mattawa petitions the Federal and Provincial Governments to negotiate a more feasible and accessible cost sharing plan to allow all municipalities, regardless of their financial situation, to participate in this great opportunity. And further that this resolution be forwarded to Federal and Provincial Government representatives, Association of Municipalities of Ontario, ROMA, FONOM and northern municipalities in Ontario for consideration and support."

A copy of the entire report is enclosed for your information.

Yours truly,

A handwritten signature in black ink, appearing to read "Wayne P. Belter".

Wayne P. Belter  
Administrator/Clerk/Treasurer

WPB/fd

c.c. Anthony Rota, MP  
Monique Smith, MPP  
ROMA  
FONOM  
Northern Ontario Municipalities

RECEIVED	
CITY CLERK	
MAR 13 2009	
NO.:	51176
DIST.:	

## THE CORPORATION TOWN OF MATTAWA

COMMITTEE: GENERAL GOVERNMENT SERVICES

CHAIRPERSON: COUNCILLOR G. THIBERT

DEPT. HEAD: WAYNE P. BELTER

TITLE: REQUEST TO RECONSIDER FEDERAL AND PROVINCIAL FUNDING FORMULA

Draft By-Law

Item

Policy Recommendation

---

### **Mayor D. Backer and Members of Council:**

Whereas the Federal Government tabled their budget on January 27, 2009 that will provide municipalities with funding for infrastructure that will stimulate economic activity.

Whereas the budget commits an additional 500 million dollars over the next two years, in new funding for the Community Component of the Building Canada Fund targeted to municipalities with populations under 100,000.

Whereas the program is cost-shared with one third of costs provided by the federal and provincial and municipal governments.

Whereas a new four billion dollar Infrastructure Stimulus Fund was announced in the budget as well and will make funding available for provincial, territorial and municipal infrastructure rehabilitation projects, including roads and sewers.

Whereas the Federal Government will cover up to fifty percent of costs with matching funding required from the province and municipalities.

Whereas most rural and small urban municipalities do not have access to in-house professional expertise to satisfy the funding requirements, they must seek outside costly services.

Whereas this would limit their ability to provide matching funds without major tax increases or incurring major debt.

### **Recommendation:**

Therefore be it resolved that the Corporation of the Town of Mattawa petitions the Federal and Provincial Governments to negotiate a more feasible and accessible cost sharing plan to allow all municipalities, regardless of their financial situation, to participate in this great opportunity. And further that this resolution be forwarded to Federal and Provincial Government representatives, Association of Municipalities of Ontario, ROMA, FONOM and northern municipalities in Ontario for consideration and support.

Respectfully submitted  
Councillor G. Thibert

5(b)



## MUNICIPALITY OF SOUTH BRUCE

DATE: March 10, 2009  
MOTION #M09-099

**MOVED BY:** Les Nichols

**SECONDED BY:** Mike McDonagh

**WHEREAS** all citizens of Ontario benefit , value and continue to demand increased services from Ontario's thirty six (36) Conservation authorities in their mandated areas of water, source water and environmental protection;

**AND WHEREAS** provincial funding to Ontario's Conservation Authorities has decreased by 87% since 1992 – (MNR funding transfer to C.A's – 1992 = \$58,900,000 - 2005 = \$7,600,000)

**AND WHEREAS** due to the shortfall in provincial funding; member municipalities now are required to fund approximately 40% of the Ontario Conservation Authorities budgets;

**AND WHEREAS** this results in an unfair per capita cost burden on property owners;

**THEREFORE BE IT RESOLVED** that the Municipality of South Bruce request the following action:

1. that Conservation Ontario implement and prioritize a major lobby effort against the Provincial Government and MNR to demand fair funding.
2. that our MPP's support this mandate and demand the government significantly increase funding to the thirty six Ontario Conservation Authorities

**AND THAT** this resolution be forwarded with a request for action to:

Conservation Ontario  
Ontario Ministry of Natural Resources  
Local MPP's  
Saugeen Valley and Maitland Valley Conservation Authorities  
Rural Ontario Municipalities Association (ROMA)  
Association for Municipalities of Ontario (AMO)

**AND FURTHER THAT** this resolution be circulated to all AMO member municipalities requesting their support.

**Contact Information:**

**Debra B. Roth, CMO**  
**Clerk, Municipality of South Bruce**  
**21 Gordon St E., P O Box 540**  
**Teeswater, Ontario N0G 2S0**

**DISCLAIMER**

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5(c)

March 3, 2009



Mayor John Rowswell & City Councillors  
4<sup>th</sup> Floor Civic Centre  
99 Foster Drive  
Sault Ste. Marie, ON P6A 5X6

Dear Mayor Rowswell and City Councillors:

I am writing on behalf of the Sault Ste. Marie and Algoma Seniors Health Advisory Committee (SHAC). The purpose of our committee is to determine and address seniors' health issues in the district of Algoma by lobbying, educating, and supporting initiatives for seniors.

SHAC is most concerned about hospital restructuring and cuts that are being forced by the provincial government through the newly formed LHINs (Local Health Integration Networks) on hospitals across Ontario. Most particularly we are troubled by the cuts to SAH and the recommended closure of Matthews Memorial Hospital in Richard's Landing. The province has set hospital funding at less than the rate of inflation for some time. Moreover, according to the Ontario Hospital Association (February 21, 2008), Ontario hospitals are funded less per person than hospitals in other provinces. This means, of course, that more and more hospitals are falling into deficit. It is not primarily a matter efficiency or quality of care. It is a matter of inadequate hospital budgets.

LHINs are not democratic. They are appointed by cabinet and answer to the Minister of Health. While they have community representation from well intentioned individuals they are bound by their role to force hospitals to eliminate deficits. They answer to the Health Minister in Toronto and not to local communities. That is why we feel it is important to direct concerns to the provincial government. We believe that, regardless of any local or regional solutions that may be proposed, until there is adequate funding the cuts to hospital services will continue.

A very large proportion of citizens in Sault Ste. Marie and the surrounding area are seniors to whom hospital services are of the utmost importance. It is discouraging and terrifying for many to contemplate a future where they will have to travel long distances from hospital to hospital for various services that are now all available in our home community. Traveling is inconvenient for some and impossible for others. Many have to rely on family members....if they have them. It is expensive. Highways are often treacherous or closed due to inclement weather. And time can mean the difference between life and death.

The closure of Matthews Memorial Hospital would not only severely impede necessary health care to Island residents; it would overwhelm an already overburdened SAH which would not have the capacity to take the influx of regional patients.

RECEIVED	
CITY CLERK	
MAR 11 2009	
NO.: _____	
DIST.: <i>Council agenda</i>	

In Sault Ste. Marie and Algoma citizens have spent much time fundraising and many have sacrificed in order to donate money towards building a new hospital, believing that it would improve care close to home. How upsetting to realize that not only our present hospital but even our new hospital will not deliver the services we need!

Hospitals are vital to the economic development of a community. Reducing hospital services can only hinder economic development. At a time of economic downturn surely it is important to do everything possible to keep our community attractive and viable. How will we recruit doctors to an area with depleted hospital services? How will we attract new industry, retain our present population? For some people health care is the determining factor in the decision of where to live, where to retire.

Seniors are worried, terribly worried and frustrated. Seniors Health Advisory Committee appeals to our elected representatives to act in the best interests of our community. We ask that you pressure our premier, Dalton McGuinty, to fund our Sault Area Hospital and Matthews Memorial Hospital adequately and **stop the cuts.**

Sincerely,



Evelyn Theriault, Chairperson  
Seniors Health Advisory Committee  
22 Grand Boulevard  
Sault Ste. Marie, ON P6B 4R7

ET/cd

5(d)

JOHN ROWSWELL, M.Eng., P.Eng., P.E.  
MAYOR



## THE CORPORATION OF THE CITY OF SAULT STE. MARIE

March 16, 2009

Ministry of Energy and Infrastructure  
Hearst Block, 4th Floor  
900 Bay Street  
Toronto, ON M7A2E1

Attention: The Honourable George Smitherman  
Minister of Energy & Infrastructure

Mr. Minister,

Subject: Sault Ste. Marie's Global Transportation Gateway Strategy

As you are likely already aware, within the community of Sault Ste. Marie, a major transportation infrastructure development strategy is underway that has Provincial, national and international implications for global commerce and economic development.

The City of Sault Ste. Marie is a natural and historical "hub" for marine, rail and truck transportation. It is a node for two North American railway systems (Canadian National and Canadian Pacific), a linkage between two national highway systems (the Trans Canada and U.S. Interstate systems), and a Great Lakes industrial port situated on the St. Lawrence Seaway – all part of global transportation networks that support international supply chains.

The Sault Ste. Marie Global Transportation Initiative consists of four transportation infrastructure initiatives which will support improvements to and further integration of regional, national and international seaway, rail and road transportation systems. The four components are:

1. Great Lakes deep water port and docking facilities
2. Upgrading of the HCR short line rail line between Sault Ste. Marie and Sudbury
3. Upgrading of the Canadian International Bridge plaza
4. Development of industrial land to further accommodate transportation-related businesses.

*naturally  
gifted*

... 2

The Honourable George Smitherman

Minister of Energy and Infrastructure

Subject: Sault Ste. Marie's Global Transportation Gateway Strategy (March 16, 2009)

Page 2

These initiatives are being lead by a Sault Ste. Marie Global Transportation Committee which has representation from key business, industry, transportation and economic development stakeholders including:

- Two multi-national corporations – Essar Steel Algoma and Tenaris Algoma Tubes;
- The Huron Central Railway (HCR – a short-line railway affiliated with CP Rail);
- The Joint International Bridge administration – which operates the jointly owned International Bridge (50% Canadian and 50% U.S.) between Sault Ste. Marie, Ontario and Sault Ste. Marie, Michigan;
- Local business and economic development organizations;
- The City of Sault Ste. Marie;
- Federal and Provincial government resource staff.

There is a collective understanding within our community that we must be much more competitive in a globalizing economy, perhaps because two of our major employers (Essar Steel Algoma and Tenaris Algoma Tubes) are privately owned multi-nationals.

The importance of a strong transportation network to sustaining and growing Sault Ste. Marie and northern Ontario industries as well as providing enhanced services for other community and Ontario business is significant, for example:

- In February 2008, the community, in partnership with the Federal and Provincial governments completed a comprehensive half million dollar Multi Modal study. This study identified a strategic opportunity for Sault Ste. Marie to become an international multimodal hub, linking container goods from Asia, through Sault Ste. Marie to the upper Great Lakes states. However, the study identified that inadequate rail infrastructure between Sault Ste. Marie and Sudbury was not only a barrier to multimodal development, but also a critical issue for even existing users located between Sault Ste. Marie and Sudbury.
- Essar Steel Algoma has plans to double steel production to 4.5 - 5 million tons annually, and privately indicated the potential for growth beyond this level in the future. This is part of Essar's global development strategy to establish a strong North American presence. The company is also proposing to establish a wide diameter pipe mill. Critical to any expansion is the need to increase capacity, to bring raw materials to their Sault Ste. Marie facility by ship and to export finished product either by ship, rail or truck. Similarly, Tenaris Algoma Tubes requires these same transportation facilities to maintain and grow its tube making business.
- A 2008 study of the Sault Ste. Marie International Bridge recommended the construction of improved access and approaches to the Canadian side of the International Bridge, new Border Service facilities (46 years old) and work areas which are necessary to provide sufficient space to handle existing and anticipated vehicular traffic, particularly trucks. The Joint International Bridge administration and the St. Mary's River Bridge Company (owners of the Canadian side of the bridge) have submitted a funding proposal to the Gateways and Border Crossings Fund, identifying required improvements to the bridge infrastructure.

The Honourable George Smitherman  
Minister of Energy and Infrastructure

Subject: Sault Ste. Marie's Global Transportation Gateway Strategy (March 16, 2009)

Page 3

#### The Importance of Government Support

There are a number of very sound reasons why government should be supporting the Sault Ste. Marie Global Transportation Initiative, including:

##### Congruence with Government Priorities:

- The longer term vision of Sault Ste. Marie as a gateway for international trade between the Asian Pacific region and the U.S. is consistent with the Federal government's Pacific Gateway Strategy;
- Private sector demand has already been demonstrated;
- Build Canada recognizes the need for investments in gateways and border crossings, short-line railway and short-sea shipping, all of which contribute to a growing economy;
- The Sault Ste. Marie Transportation Strategy outlines a ready-made list of initiatives that can be acted upon in a relatively short timeframe. Results will include significant immediate and strategic employment as well as long term prosperity.

##### Strategic Infrastructure for the Post-Recessionary Period:

- The Canadian and global economies will recover from the existing recession. When this occurs, the pressures facing North American transportation infrastructure will re-emerge. The Sault Ste. Marie transportation strategy will position the community as a competitive alternative to already congested and aging corridors and allow Canada to compete with the U.S. for freight movements into North America.

##### Economic Stability for the North:

- Northern Ontario has, and continues to cope with economic challenges and industry consolidation. The recent economic slowdown has severely impacted steel manufacturing, mining and forestry. Our proposal will support and grow existing and new industries regionally and nationally.

##### A Cleaner and Safer Environment:

- The Sault Ste. Marie Transportation Strategy provides the opportunity for significant environmental benefits through the diversion of freight movements from truck to marine and rail. This will result in huge reductions in pollution and highway congestion.

In order to ensure the survival of existing Sault Ste. Marie industries and create a climate for future growth, both for Ontario and Canada, it is important to act now to firmly establish Sault Ste. Marie as an International/Global Transportation Gateway.

We in Sault Ste. Marie have been working hard to ensure that we have done our part, including the establishment of the Global Transportation Committee. This committee has overseen a comprehensive proposal that was presented to, and well received by a number of Federal and Provincial staff, Ministries and Departments. While the Global Committee is responsible for overall project coordination, each initiative has a lead and sub committees have been established. Detailed project descriptions and costs are available and immediate "shovel ready" initiatives have been identified.

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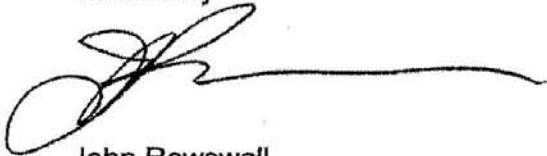
The Honourable George Smitherman  
Minister of Energy and Infrastructure

Subject: Sault Ste. Marie's Global Transportation Gateway Strategy (March 16, 2009)

Page 4

Our proposals are consistent with stated Government objectives and programs. As a community, we have our act together! We know where we need to go and are seeking your help to get there. Your assistance and support would be appreciated.

Yours truly



John Rowswell  
Mayor

cc

The Honourable John Baird, Minister of Transport, Infrastructure and Communities

The Honourable Stockwell Day, Minister of International Trade

The Honourable Lawrence Cannon, Minister of Foreign Affairs

The Honourable Tony Clement, Minister of Industry and FedNor

The Honourable Jim Bradley, Ontario Minister of Transportation

The Honourable Michael Gravelle, Ontario Minister of Northern Development and Mines

Tony Martin, MP, Sault Ste. Marie

David Orazietti, MPP, Sault Ste. Marie

5(d)

JOHN ROWSWELL, M.Eng., P.Eng., P.E.  
MAYOR



## THE CORPORATION OF THE CITY OF SAULT STE. MARIE

March 16, 2009

Transport, Infrastructure and Communities  
Place de Ville, Tower C  
29th Floor, 330 Sparks Street  
Ottawa, Ontario K1A 0N5

Attention: The Honourable John Baird  
Minister of Transport, Infrastructure and Communities

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gifted*

... 2

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Minister of Transport, Infrastructure and Communities

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Minister of Transport, Infrastructure and Communities

Subject: Sault Ste. Marie's Global Transportation Gateway Strategy (March 16, 2009)

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The Honourable John Baird

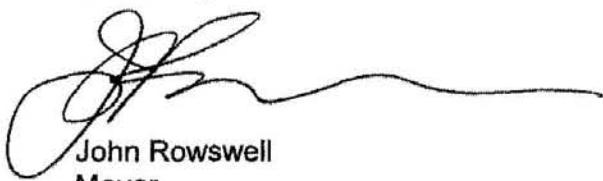
Minister of Transport, Infrastructure and Communities

Subject: Sault Ste. Marie's Global Transportation Gateway Strategy (March 16, 2009)

Page 4

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Yours truly



John Rowswell  
Mayor

cc

The Honourable Stockwell Day, Minister of International Trade

The Honourable Lawrence Cannon, Minister of Foreign Affairs

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The Honourable George Smitherman, Ontario Minister of Energy & Infrastructure

The Honourable Jim Bradley, Ontario Minister of Transportation

The Honourable Michael Gravelle, Ontario Minister of Northern Development and Mines

Tony Martin, MP, Sault Ste. Marie

David Orazietti, MPP, Sault Ste. Marie

5(e)

The Premier  
of Ontario  
Legislative Building  
Queen's Park  
Toronto, Ontario  
M7A 1A1

Le Premier ministre  
de l'Ontario  
Édifice de l'Assemblée législative  
Queen's Park  
Toronto (Ontario)  
M7A 1A1



March 4, 2009

Ms. Donna P. Irving  
City Clerk  
City of Sault Ste. Marie  
99 Foster Drive  
PO Box 580  
Sault Ste. Marie, Ontario  
P6A 5N1

Dear Ms. Irving:

Thank you for your letter dated January 28, expressing council's support for the resolution passed by the Federation of Northern Ontario Municipalities, the Northwestern Ontario Municipalities Association and the Northern Large Urban Mayors, regarding the Northern Communities Grant. I appreciate your keeping me informed of council's activities.

As this issue falls under the responsibility of the Honourable Dwight Duncan, Minister of Finance, I have sent a copy of your correspondence to him for his information. I trust that the minister will also take the board's position into consideration.

Thank you again for the information. Please accept my best wishes.

Yours truly,

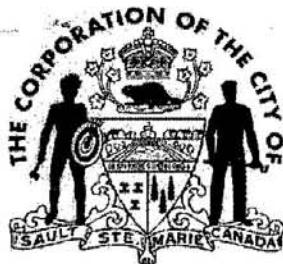
A handwritten signature in black ink that reads "Dalton McGuinty".

Dalton McGuinty  
Premier

c: The Honourable Dwight Duncan

RECEIVED	
CITY CLERK	
MAR - 9 2009	
NO.:	51169
DIST.:	Council





# CITY COUNCIL RESOLUTION

5(e)

Agenda Item

Date: January 26, 2009

MOVED BY  
SECONDED BY

Councillor  
Councillor

L. Turco  
S. Butland

Whereas the Provincial Municipal Fiscal and Service Delivery Review (PMFSDR) final report was released on October 31, 2008; and  
Whereas the PMFSDR Infrastructure Table concluded that the infrastructure investment gap per household for Northern Ontario municipalities is generally higher than other regions in Ontario; and  
Whereas the PMFSDR Fiscal Health Table concluded that the fiscal health of Northern municipalities is poorer than other regions of Ontario; and  
Whereas Northern Ontario municipalities are more reliant on funding from the Ontario Municipal Partnership Fund (OMPF) than other regions of Ontario; and  
Whereas many municipalities in Northern Ontario will see a reduction in their OMPF equal to their upload benefits resulting in very little net upload benefit for several years; and  
Whereas the net upload benefits per household for the Northern Ontario region are forecast to be well below the net upload benefits per household for all other regions of the Province; and  
Whereas the Province has committed to review the formula for distribution of the MMPF or its successor unconditional funding program before 2010;

.2

CARRIED  
 REFERRED

DEFEATED  
 OFFICIALLY READ NOT DEALT WITH

AMENDED

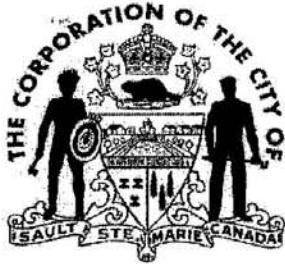
DEFERRED

  
SIGNATURE

C.A.O.  
 City Solicitor  
 Comm. Finance/Treasurer  
 Comm. Eng. & Planning  
 Comm. Human Resources

Comm. Community Services  
 Comm. P.W. & Transportation  
 City Clerk  
 Fire Chief  
 Police Chief

Mayor  
 Dir. Libraries  
 E.D.C.  
 Cons. Authority



# CITY COUNCIL RESOLUTION

5(e)

Agenda Item

Date: January 26, 2009

MOVED BY  
SECONDED BY

Councillor  
Councillor

L. Turco  
S. Butland

Page Two

Now therefore be it resolved that Sault Ste. Marie City Council supports and endorses the Federation of Northern Ontario Municipalities (FONOM), the Northwestern Ontario Municipalities Association (NOMA) and the Northern Large Urban Mayors (NOLUM) in their request to the Province of Ontario to increase the Northern Communities Grant by \$50.00 per household to ensure all municipalities in the North will receive the necessary 'required support'; and

Further resolved that a copy of this resolution be forwarded to the Premier of Ontario, the Minister of Finance, FONOM, AMO and to Sault Ste. Marie M.P.P. David Orazietti.

CARRIED  
 REFERRED

DEFEATED  
 OFFICIALLY READ NOT DEALT WITH

AMENDED

DEFERRED

A handwritten signature in black ink, appearing to read "J. H." followed by a long horizontal line.

SIGNATURE

C.A.O.  
 City Solicitor  
 Comm. Finance/Treasurer  
 Comm. Eng. & Planning  
 Comm. Human Resources

Comm. Community Services  
 Comm. P.W. & Transportation  
 City Clerk  
 Fire Chief  
 Police Chief

Mayor  
 Dir. Libraries  
 E.D.C.  
 Cons. Authority

5(f)



Barrier Free in Algoma  
Association

March 6<sup>th</sup>, 2008

Dear Mayor Rowswell and Councillors of Sault Ste. Marie,

We are sending this letter in appreciation of our recent opportunity to speak to you and your Councillors about Barrier Free in Algoma Association. We would like to thank you for making time in your City Council agenda on October 20<sup>th</sup>, 2008 and for passing a resolution in support of a partnership with BFAA. The interest and enthusiasm you and your council showed for this project is much appreciated.

With the resolutions received at your meeting and other Council Meetings from the Algoma District, BFAA will soon apply for funding from various sources, both private and public. The resolution you passed will be used as an indication of strong support from the community, as well as the consistent need in Algoma for more accessibility related services.

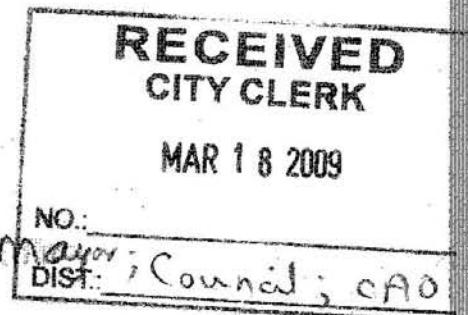
Once funding is established, BFAA will first move forward with the Vulnerable Persons Registry project, which requires extensive research on accessibility related services in each municipality. With a team of employees (one located within your municipality) simultaneously working on this research throughout the Algoma District, we will certainly be getting one step closer to our goal of 'Barrier Free Communities'.

We will be sure to keep you and your council updated on our progress on an ongoing basis. Thank you, once again, for agreeing to become a partner with Barrier Free in Algoma Association.

Sincerely,

P. Vaudry  
Peter Vaudry

K. Delvecchio  
Katey Delvecchio



5(h)

Joseph M. Fratesi, B.A. LL.B.  
Chief Administrative Officer



99 Foster Drive  
P.O. Box 580, Civic Centre  
Sault Ste. Marie, Ontario  
Canada P6A 5N1  
(705) 759-5347  
(705) 759-5952 (Fax)  
E-Mail:  
[j.fratesi@cityssm.on.ca](mailto:j.fratesi@cityssm.on.ca)  
[b.berlingieri@cityssm.on.ca](mailto:b.berlingieri@cityssm.on.ca)

2009 03 23

Mayor John Rowswell and  
Members of City Council  
Civic Centre

**RE: STAFF TRAVEL REQUESTS**

Dear Council:

The following staff travel requests are presented to you for approval:

1. **Gary Barnes - Public Works & Transportation**  
Managing Composting Operations  
April, 2009  
Barrie, ON  
Estimated total cost to the City - \$1,752.15  
Estimated net cost to the City - \$ 1,752.15
2. **Roy Dewar – Human Resources – Health & Safety Division**  
IAPA Health & Safety Conference  
April, 2009  
Toronto, ON  
Estimated total cost to the City - \$ 2,397.00  
Estimated net cost to the City - \$ 2,397.00
3. **Bob Camirand and Brad Miller – Public Works – Transit Division**  
Ontario Transportation Conference  
April, 2009  
Toronto, ON  
Estimated total cost to the City - \$ 2,888.64  
Estimated net cost to the City - \$ 2,888.64
4. **Peter Niro – Human Resources**  
OMHRA Spring Workshop  
April, 2009  
Ottawa, ON  
Estimated total cost to the City - \$1,480.11  
Estimated net cost to the City - \$ 1,480.11

5. **Jason Mihailiuk – Community Services – Community Centres Division**  
Ice Maintenance and Equipment Operations  
April, 2009  
Guelph, ON  
Estimated total cost to the City - \$ 2,523.00  
Estimated net cost to the City - \$ 2,523.00
6. **Bard St. Germain – Community Services – Community Centres Division**  
Advanced Refrigeration Facility Operator  
April, 2009  
Guelph, ON  
Estimated total cost to the City - \$ 2,863.00  
Estimated net cost to the City - \$ 2,863.00
7. **Renee Wysynski – Office of the Mayor**  
International Association of Administrative Professionals  
May, 2009  
North Bay, ON  
Estimated total cost to the City - \$1,200.00  
Estimated net cost to the City - \$ 1,200.00
8. **Dan Crozier – Fire Services**  
Pre-build Meeting 2 Pumper/Rescue Vehicles  
April, 2009  
Charlotte, Michigan  
Estimated total cost to the City - \$286.00  
Estimated net cost to the City - \$ 286.00

Yours truly,



Joseph M. Fratesi  
Chief Administrative Officer

JMF: bb

5(i)

Ralph Robertson  
Manager of Purchasing



Finance Department  
Purchasing Division

2009 03 23

Mayor John Rowswell and  
Members of City Council,  
Civic Centre.

**Re: Tender for Civic Centre HVAC Upgrade – Phase 1**

Attached hereto for your information and consideration is a summary of the tenders received for HVAC Upgrade – Phase 1 at the Civic Centre as required by the Engineering & Planning Department, Building Services Division.

The tender was publicly advertised and tender documents forwarded to all firms on our bidders list. A public opening of the tenders received was held March 3, 2009, with Councillor Lou Turco representing City Council.

The tenders received have been thoroughly evaluated and reviewed with Met Energy Systems, the consultant for the project, and with Mr. Jerry Dolcetti, Commissioner of Engineering & Planning. The low tendered price, meeting specifications, has been identified on the attached summary. A copy of the Engineer's Report is attached for your reference.

The funds for this project come from the Ventilation Systems account previously approved by Council.

**RECOMMENDATION**

It is therefore my recommendation that the tender for HVAC Upgrade – Phase 1 at the Civic Centre, be awarded to Henderson Metal & Fabricating Co. Ltd., at their low tendered price of \$143,194.80, including taxes.

This report is submitted for Council's approval.

Respectfully submitted,

R. Robertson

Ralph Robertson  
Manager of Purchasing

RR:nt  
Attach.

Recommended for approval,

W. Fr

W. Freiburger  
Commissioner of Finance & Treasurer

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi  
Chief Administrative Officer

**FINANCE DEPARTMENT  
PURCHASING DIVISION  
BUDGET: \$182,000.00**

**RECEIVED: March 3, 2009  
File #2009AD01**

**SUMMARY OF TENDERS  
HVAC UPGRADE - PHASE 1 - CIVIC CENTRE**

---

<b><u>Firm</u></b>	<b><u>Total Tendered Price (G.S.T. extra)</u></b>	<b><u>Remarks</u></b>
Henderson Metal Fabricating Co. Ltd. Sault Ste. Marie, ON	\$136,376.00	Meets specifications Bid Bond submitted
S & T Electrical Contractors Limited Sault Ste. Marie, ON	\$144,000.00	Meets specifications Bid Bond submitted

NOTE: The low tendered price, meeting specifications, is boxed above.

It is my recommendation that the low quoted price, submitted by Henderson Metal Fabricating, be accepted.

Ralph Robertson  
Manager of Purchasing

(125)

5(i)



## Facsimile transmission

MET ENERGY SYSTEMS  
Consulting Engineering  
477 Queen Street East, Suite 204  
Sault Ste. Marie, ON P6A 1Z5  
Tel: (705) 942-3344  
Fax: (705) 942-1477  
[tsjanzen@meteng.on.ca](mailto:tsjanzen@meteng.on.ca)

**ATTENTION:** Tim Gowans      **DATE:** March 5th, 2009  
**COMPANY:** City of Sault Ste. Marie      **MET REF.:** 08M76  
**FROM:** Michael Gold      **DOCUMENT NO.:** F-001  
**COPIES:** Ralph Robertson, Tim Janzen      **FAX NO.:**  
**SUBJECT:** CIVIC CENTRE HVAC UPGRADE – PHASE 1  
TENDER RECOMMENDATION  
**NO. PAGES:** 7 (including this page)

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Tim,

We have reviewed the tenders received for the Civic Centre HVAC Upgrade on Tuesday, March 3rd, 2009. We are recommending that the project be awarded to **Henderson Metal** for a total contract amount of **\$143,194.80** including GST, as stated on the bid form attached.

If you have any questions or concerns, feel free to contact us.

Regards

A handwritten signature in black ink, appearing to read "Michael Gold".

Michael Gold  
MET Energy Systems

5(i)

**HVAC UPGRADE – PHASE 1**

Civic Centre

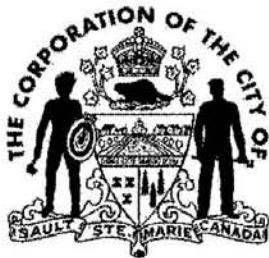
Sault Ste. Marie, ON

**MET PROJECT No. 08M76**

	Contractor	Tender Bid	Additional GST	Total Price	Addendums Inc.	Time to Complete	Bonding
1	Henderson Metal	\$136,376.80	\$6,818.80	\$143,194.80	1 & 2	15 Weeks	Bid Bond \$15,000 Agreement to Bond 50% Performance 50% Labour and Material
2	S & T Group	\$144,000.00	\$7,200.00	\$151,200.00	1 & 2	16 Weeks	Bid Bond \$15,000 Agreement to Bond 100% Performance, 50% Labour and Material

5(j)

**William Freiburger, CMA**  
Commissioner of Finance  
and Treasurer



**Finance Department**

2009 03 23

Mayor John Rowswell  
and Members of City Council

**Re: 2008 Honoraria and Expenses -  
Mayor & Council and Board & Commission Members**

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In accordance with Section 284(1) of The Municipal Act, attached is a Summary of Mayor & Council and Board & Commission Members Honoraria and Expenses paid during 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "WF".

W. Freiburger, CMA  
Commissioner of Finance & Treasurer

WF/kl

attachment

A handwritten signature in black ink, appearing to read "J. Fratesi".

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi  
City Administrative Officer

The Corporation of the City of Sault Ste. Marie  
Finance Department

5(j)

**Summary of Honoraria and Expenses paid during 2008  
for Mayor & Council, Board and Commission Members**

Sec. 284(1) The Municipal Act

By-law 86-134/89-199/87-145/  
95-055/01-219

**Mayor & Councillors**

**Mayor**

J. Rowswell	- Honorarium	59,713.38	
	- Car Allowance	4,118.42	
	- Travel - Conferences	7,224.11	
	- Other City Business	<u>10,750.93</u>	81,806.84

**Councillors**

S. Butland	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	2,205.25	
	- Other City Business	<u>793.65</u>	24,520.42
J. Caicco	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	<u>2,548.52</u>	24,070.04
D. Celetti	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	<u>257.15</u>	21,778.67
F. Fata	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	<u>257.15</u>	21,778.67
O. Grandinetti	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	<u>257.15</u>	21,778.67
B. Hayes	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	<u>5,080.32</u>	26,601.84

**Summary of Honoraria and Expenses paid during 2008  
for Mayor & Council, Board and Commission Members**

F. Manzo	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	<u>257.15</u>	21,778.67
P. Mick	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	<u>2,803.50</u>	24,325.02
S. Myers	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	<u>2,796.16</u>	24,317.68
T. Sheehan	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	<u>3,055.78</u>	24,577.30
L. Tridico	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	257.15	
	- Other City Business	<u>1,084.20</u>	22,862.87
L. Turco	- Honorarium	19,234.42	
	- Car Allowance	2,287.10	
	- Travel - Conferences	832.15	
	- Executive Meetings	<u>2,210.23</u>	24,563.90

**Association of Municipalities of Ontario (AMO)**

Councillor L. Turco - Costs paid by AMO 3,517.58

**Summary of Honoraria and Expenses paid during 2008  
for Mayor & Council, Board and Commission Members**

**Committee of Adjustment**

By-law 86-134/94-29

F. DelBosco	- Honorarium	989.04
R. Dumanski	- Honorarium	989.04
M. Barsanti	- Honorarium	989.04
A. Gualazzi	- Honorarium	1,235.00
M. Sanzostti	- Honorarium	989.04

**Court of Revision**

By-law 86-134

C. Barban	- Honorarium	41.20
G. Bernardi	- Honorarium	34.14
T. Henderson	- Honorarium	0.00

**Fence View Committee**

By-law 86-134

F. DelBosco	- Honorarium	50.00
R. O'Neill	- Honorarium	50.00
L. Robibaro	- Honorarium	50.00

**Historic Sites Board**

No Remuneration 0.00

**Parks and Recreation Advisory Committee**

By-law 86-134/94-2

J. Bumbacco	- Honorarium	1,550.00
G. Cavallo	- Honorarium	1,270.00
R. Craftchick	- Honorarium	1,200.00
D. Greenwood	- Honorarium	1,200.00
M. Kontulainen	- Honorarium	1,200.00
T. Mauro	- Honorarium	1,200.00
S. Milne	- Honorarium	1,200.00
B. Rushon	- Honorarium	1,200.00

**Summary of Honoraria and Expenses paid during 2008  
for Mayor & Council, Board and Commission Members**

**Planning Advisory Committee**

Resolution November 6, 1989

C. Barban	- Honorarium	100.00
P. Berlingieri	- Honorarium	200.00
M. Devuono	- Honorarium	160.00
S. Farrell	- Honorarium	200.00
D. Godfrey	- Honorarium	160.00
C. Meincke	- Honorarium	200.00
W. Mezzomo	- Honorarium	200.00

**Police Services Board**

By-law 86-134

Judge J. Greco	- Honorarium	2,058.94
R. Ten Brinke	- Honorarium	1,799.98
I. MacKenzie	- Honorarium	1,784.12
B. O'Neill	- Honorarium	1,784.12

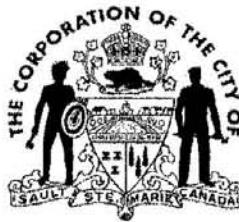
**Residential Standards**

By-law 86-134

C. Barban	- Honorarium	34.14
G. Bernardi	- Honorarium	41.20
S. Farrell	- Honorarium	34.14

Jerry D. Dolcetti, RPP  
Commissioner

Don J. Elliott, P. Eng.  
Director of Engineering Services



ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

Tel: (705) 759-5378  
Fax: (705) 541-7165

5(k)

2009 03 23

File: B-07-06

Mayor John Rowswell  
Members of Council

**Re: Engineering Services – Stormwater Investigative Study**

At the regular meeting of 2008 12 15, Council approved retaining the team of Dennis Consultants (R. V. Anderson Associates)/Walker Engineering/Hydro-Com for completion of the Stormwater Investigative Study. The original budget was \$240,000. The upset limit in the agreement is \$174,000, excluding water sample analysis. The overall project cost is expected to be \$200,000, including sampling costs. Great Lakes Sustainability funding has been secured for two-thirds of this work. The City's portion of the work was budgeted in the 2008 capital works budget.

By-Law 2009-52, authorizing execution of an engineering agreement between the City and Dennis Consulting (R. V. Anderson Associates Ltd) can be found elsewhere on this evening's agenda and is recommended for approval.

Respectfully submitted,

Don J. Elliott, P. Eng.  
Director of Engineering Services

Recommended for Approval:

Jerry D. Dolcetti, RPP  
Commissioner  
Engineering & Planning Department

RECOMMENDED FOR APPROVAL

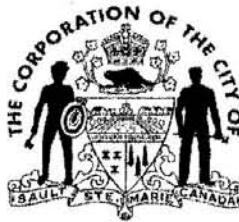
Joseph M. Frajese  
Chief Administrative Officer

/bb

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Jerry D. Dolcetti, RPP  
Commissioner

Don J. Elliott, P. Eng.  
Director of Engineering Services



ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

Tel: (705) 759-5378  
Fax: (705) 541-7165

5(1)

2009 03 23

Mayor John Rowswell and  
Members of City Council

**RE: Sewer Use By-law**

**Purpose:**

The purpose of this report is to recommend to Council a by-law updating the Sewer use By-law 4440.

**Background:**

The previous By-law has been in effect since 1968. The Engineering Department has been working on a revised Sewer Use By-law for some time. The MOE Model Sewer Use By-law as well as several other municipality's By-laws have formed the basis for the document.

A review and meeting has been held with staff from the following areas: Legal, Public Works and Transportation and Building.

This By-law will serve as a tool to regulate the chemical and physical characteristics of water and wastewater discharges to a sanitary or storm sewer system within our municipality. Given the age of its predecessor, the MOE has encouraged the City to complete this update.

**Recommendation:**

By-law 2009-50 is recommended for approval.

Respectfully submitted,

Susan Hamilton Beach, P. Eng  
Land Development &  
Environmental Engineer

Recommended for approval,

Jerry Dolcetti, RPP  
Commissioner  
Engineering & Planning Department

/bb

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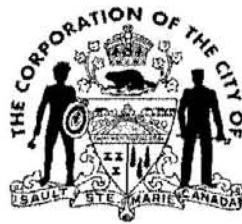
RECOMMENDED FOR APPROVAL

Joseph M. Frateci  
Chief Administrative Officer

5(m)

Jerry D. Dolcetti, RPP  
Commissioner

Don J. Elliott, P. Eng.  
Director of Engineering Services



ENGINEERING & PLANNING DEPARTMENT

Engineering & Construction Division

Tel: (705) 759-5378  
Fax: (705) 541-7165

2009 03 23

File: 2007 - 7E  
A-03-5-07

Mayor John Rowswell and  
Members of City Council

**Re: Pim Street Sewage Pumping Station  
Engineering Fees**

At the 2008 12 01 meeting, Council approved the revised upset limit of **\$575,000** for engineering services in the contract between the City and EarthTech Canada Inc. (AECOM). The additional engineering was due to delays which were the responsibility of the contractor.

It was anticipated substantial completion would be reached by November 30, 2008; however, further delays have resulted in additional engineering fees. This will require an increase of \$35,000 to the upset limit in order to complete the project. We can advise that the contractor has now reached substantial completion as of February 3<sup>rd</sup>, 2009. It is anticipated that these fees will complete the project in full. The contractor is aware of the substantial liquidated damages which will more than cover the additional fees incurred by the City.

It is recommended that Council approve the additional **\$35,000** in engineering fees for a revised upset limit of **\$610,000** in the engineering services contract between the City and Earth Tech Canada Inc. (AECOM). As stated in the previous report, the consultant and engineering staff will work together to resolve the issue of liquidated damages with the contractor in due course.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan Hamilton Beach".

Susan Hamilton Beach, P. Eng  
Land Development &  
Environmental Engineer

/bb

F:\ENGINEERING DATA\COUNCIL\Hamilton-Beach\2009\Pim St Pump Station - 2009 03 23.doc

Recommended for approval,

A handwritten signature in black ink, appearing to read "Jerry Dolcetti".

Jerry Dolcetti, RPP  
Commissioner  
Engineering & Planning Department

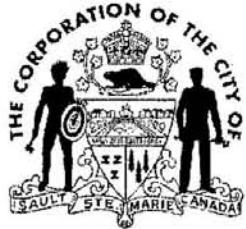
RECOMMENDED FOR APPROVAL

A handwritten signature in black ink, appearing to read "Joseph M. Fratesi".

Joseph M. Fratesi  
Chief Administrative Officer

LORIE BOTTO  
CITY SOLICITOR

NUALA KENNY  
ASSISTANT CITY SOLICITOR



LEGAL  
DEPARTMENT

File No. R.1.2.1

REPORT TO: Mayor John Rowswell and Members of Council

REPORT FROM: Lorie A. Bottos, City Solicitor

DATE: 2009 03 23

**Re: Council Resolution of January 12, 2009  
Concerning Prohibiting Smoking in the Area  
of the Skateboard Facility**

**PURPOSE**

The purpose of this report is to respond to the following Council resolution which was passed on January 12, 2009:

"WHEREAS the City of Sault Ste. Marie By-law 2003-7 regulates smoking in public places and city buildings in the City of Sault Ste. Marie; and

WHEREAS a new outdoor skateboard park is scheduled to open for public use in 2009; and

WHEREAS the Algoma Public Health Board has passed a resolution (#2008-104) requesting that City Council amend By-law 2003-7 to identify the new public skateboard park as a designated 100 percent tobacco-free site;

NOW THEREFORE BE IT RESOLVED that Sault Ste. Marie City Council supports and endorse the position of the Algoma Public Health Board; and

FURTHER that the request for the appropriate amendment to By-law 2003-7 BE REFERRED to the City Solicitor for review and report back to City Council."

**ATTACHMENTS**

1. Algoma Public Health resolution #2008-104.
2. Copy of By-law 2003-7.
3. Letter from Nick Apostle to me summarizing the comments of the Parks and Recreation Advisory Committee (PRAC) which considered this issue at its January 21, 2009 meeting.

**BACKGROUND AND COMMENT**

On March 2, 2009, Nick Apostle and I met with Dr. Alan Northan, Janet Allen, Sherri Cleaves, and Susan Kniahnicki of Algoma Public Health.

Across the Province some municipalities are moving towards regulating smoking in outdoor areas, mainly around playground equipment in parks. The cities of Toronto, Orillia, Collingwood, Belleville, New Tecumseh, Ottawa and Woodstock have passed some form of regulatory by-law. The cities of Barrie, Thunder Bay and Peterborough are going down the same road.

The request in the Council resolution was to identify the public skateboard park as a designated 100 percent tobacco-free site. The intent in the resolution was also to ban chewing tobacco. However, the legislation (*Smoke-Free Ontario Act*) as it is now worded does not give the authority to ban chewing tobacco. Therefore, any regulation that Council decides to apply would deal with lighted tobacco.

The resolution that Council passed referred specifically to the outdoor skateboard park. Point 1 in the letter from Nick Apostle to me identifies that the skateboarders feel that they are being targeted by this resolution. At least one member of PRAC was contacted by skateboarders asking why they are being targeted.

Presumably, their (skateboarders) feeling is that since smoking is a health issue it is of no consequence that the skateboard park is a new facility. The concern over health should apply equally to other outdoor activities such as those attending football games at Queen Elizabeth Park or watching soccer at Strathclair.

Another issue with the skateboard park is that there are no plans to erect a fence around the skateboard facility. Therefore, what constitutes the skateboard park? It would be better if the park had some clear delineation so that the inspectors from Algoma Public Health who have the responsibility to enforce the by-law to identify the boundaries of the skateboard park.

I think it is fair to say the request to Council to regulate smoking outdoors is not going to stop with the skateboard park. There will be other requests to regulate outdoor smoking. For example, I have received complaints about people smoking

along the waterfront walkway. Should smoking along the waterfront walkway be prohibited? What about smoking at the Roberta Bondar Pavilion or the beach at Pointe Des Chenes?

Getting back to the Council resolution regarding an appropriate amendment to the by-law, certainly an amendment can be put into the by-law adding "skateboard park" to the definition section and then putting a section in the by-law prohibiting smoking in the area of the skateboard park. For enforcement purposes there will have to be a method of determining what constitutes the skateboard park. Perhaps putting in the by-law that the skateboard park is defined as an area within a certain distance of the structure itself will suffice. It will be up to Algoma Public Health to determine how enforceable that provision is.

The feeling at the meeting that involved Algoma Public Health officials as well as Nick Apostle and I was that there should be a small committee struck involving someone from PRAC, either a board or staff member from Algoma Public Health, and whomever else Council sees fit to be on the committee to determine what other cities are doing on the wider issue of smoking at parks as well as outdoor recreation facilities.

As was the case with the indoor smoking issue, it is unlikely that the Province will act very quickly to deal with this issue. The Province will leave it to each municipality to address the issue within its own boundaries.

One point that Council must be made aware of is that the by-law does put an onus on the proprietor of a public place, which would include the skateboard park, to ensure compliance with the by-law and prohibit smoking in the public place. If the Algoma Public Health inspectors feel that the City and its employees are not doing enough to prohibit smoking a charge could be laid against the City. Presumably, it would be sufficient for the City to avoid such a charge being laid by having its employees from time to time inspect the skateboard park to ensure that no one is smoking and if someone is smoking to ask that person to stop smoking.

### **RECOMMENDATION**

As indicated above, since this issue of regulating outdoor smoking is unlikely to stop with the skateboard park, Council may be better served by striking the committee and asking the committee to report back within a short period of time, perhaps two months, on a recommendation to deal with outdoor smoking at City owned property in general instead of focusing only on the skateboard park. Additionally, following this course of action seems to be fairer in that it does not "target" skateboarders.

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However, if Council wishes to deal with the skateboard park in isolation the type of wording for such an amendment is indicated above.

Council may also want to consider passing a resolution asking the Minister of Health and Long term Care to review this issue on a Province-wide basis for possible amendments to the Smoke-Free Ontario Act to address smoking near outdoor recreational facilities.

Respectfully submitted,



Lorie Bottos  
City Solicitor

LAB/dh

Attachments

cc: Mr. Nick Apostle, Commissioner, Community Services  
Dr. Allan Northan, Algoma Public Health

RECOMMENDED FOR APPROVAL



Joseph M. Fratesi  
Chief Administrative Officer

Council Reports\2009\Smoking - skateboard park 23 Mar 09

Algoma  
PUBLIC HEALTH  
Santé publique Algoma

RESOLUTION NO. 2008-104

DATE: November 19, 2008

MOVED: Myers

SECONDED: Capillo

WHEREAS health units across the province have begun to work with their local sport and recreation clubs and municipalities to put Tobacco Free policies in place.

WHEREAS tobacco free sport and recreation facilities and sites provide a safe and healthy environment for youth that break the connection between sports and tobacco industry product use.

WHEREAS tobacco free recreation and sport sites encourage positive tobacco free role modeling for youth and support the process of changing society norm around tobacco use and youth.

THE THEREFORE, the Algoma Public Health Board formally requests that the Municipal Council of Sault Ste. Marie amend Municipal Bylaw #2003-7 to include the city's new skate board park scheduled to open in 2009 as a designated 100% Tobacco Free Site.

CARRIED: Chair's Signature



Chair - Guido Caputo

Vice Chair - John Currie

Janet Blake

Rosario Capillo

Lila Cyr

Karen Mariuich

Susan Myers

Gorden Post

Scot Reinhardt

Ron Rody

Anthony Rossi

THE CORPORATION OF THE CITY OF SAULT STE. MARIE  
BY-LAW NUMBER 2003-7

**SMOKING:** (R.1.2.1) - A by-law to regulate smoking in public places and city buildings in the City of Sault Ste. Marie.

**WHEREAS** Subsection 213(2) of the *Municipal Act*, R.S.O. 1990, C. M.45 as amended, authorizes the council of a local municipality to pass a by-law regulating the smoking of tobacco in public places and workplaces within the municipality and designating public places or workplaces or classes or parts of such places as places in which smoking tobacco or holding lighted tobacco is prohibited;

**AND WHEREAS** section 115 of the *Municipal Act*, 2001 will continue to provide this authority when it comes into force on January 1, 2003;

**AND WHEREAS** it has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants in the Corporation of the City of Sault Ste. Marie;

**AND WHEREAS** it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants of the City of Sault Ste. Marie to ensure that all public places and City buildings will be free from second hand smoke;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF SAULT STE. MARIE ENACTS AS FOLLOWS:

PART I

1. **DEFINITIONS**

1.0 In this by-law,

1.1 "**City**" means the Corporation of the City of Sault Ste. Marie;

1.2 "**City building**" means any building, owned, operated or leased by the City;

1.2(a) "**City entranceway**" means an area within a four metre radius surrounding the public entrances to John Rhodes Centre located at 280 Elizabeth Street, the McMeeken Centre Arena at 616 Goulais Avenue;  
*[AMENDED by By-law 2007-154]*

1.3 "**inspector**" means any employee or class of employee of the Algoma Health Unit authorized by the Medical Officer of Health to carry out an inspection under and to enforce the provisions of this by-law, or a person or class of person appointed by Council of the City as a municipal by-law enforcement officer to enforce this by-law or a police officer;

1.4 "**outdoor patio**" means an outdoor area or partially enclosed outdoor area that is adjacent to an establishment where food or beverages are sold and where food or beverages or both are consumed by the public;

(a) "**Outdoor area**" means an area that:

- (a) is not covered by a temporary or permanent roof; or
- (b) if covered by a temporary or permanent roof,

- (i) at least 35 percent of the total wall area, calculated from the floor to a height of 2.44 metres above the floor, must be open to the movement of outdoor air;
- (ii) does not share open doors with a public place except when being opened to enter or exit the indoor area;
- (iii) does not share open windows with a public place;
- (iv) must not be used as the main entrance to the public place; and
- (v) does not share thermostat controlled heating or air conditioning with a public place.

[AMENDED by By-law 2005-13]

- (c) There shall be no structure or part thereof located within .3 m. of the exposed perimeter walls.

[AMENDED by By-law 2005-33]

- (d) If covered by a temporary or permanent roof, there shall be no structure within .5 metres of such temporary or permanent roof."

[AMENDED by By-law 2005-33]

1.5 "**person**" includes a corporation;

1.6 "**proprietor**" means the person who ultimately controls, governs or directs the activity carried on within a public place and includes the person actually in charge of the premises at any particular time;

1.7 "**public place**" means any building, structure, vessel, vehicle or conveyance, or part thereof, whether covered by a roof or not, to which the public has access as of right or by invitation, expressed or implied, whether or not a fee is charged for entry but does not include an outdoor patio or a street, road or highway.

1.8 "**smoke**" or "**smoking**" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment, but does not include smoke or smoking where smoke or smoking is used in a stage production of a theatrical performance and does not include or prohibit the holding of lit tobacco if the activity is carried out for traditional Aboriginal cultural or spiritual purposes.

## PART II

### 2. **PUBLIC PLACES AND CITY BUILDINGS**

2.1 No person shall smoke in any public place within the City, or in a City building, whether or not a No Smoking sign is posted.

2.1.1. No person shall smoke at any City entranceway.  
[AMENDED by By-law 2007-154]

2.2 Every proprietor of a public place shall:

- (i) ensure compliance with this bylaw;
- (ii) prohibit smoking in the public place;
- (iii) post No Smoking signs in accordance with Part III of this bylaw in conspicuous locations at every entrance and washrooms in the public place indicating that smoking is prohibited in the public place;
- (iv) ensure that no smoking related paraphernalia including ashtrays or matches are placed or permitted to remain in the public place.

2.3 The City shall:

- (i) prohibit smoking in City buildings;
- (ii) post No Smoking signs in accordance with Part III of this bylaw in conspicuous locations at every entrance and washrooms in City buildings indicating that smoking is prohibited in City buildings;
- (iii) ensure that no smoking related paraphernalia including ashtrays or matches are placed or permitted to remain in City buildings.

**PART III**

3. **SIGNAGE REQUIRED**

- 3.1 Every proprietor and the City shall post and maintain in conspicuous locations at each entrance to the facility and in the washrooms, a sign at least 14 centimetres (5.5 inches) by 14 centimetres (5.5 inches) in size that includes a depiction of the international No Smoking symbol at least 7.5 centimetres (3 inches), and lettering at least 0.8 centimetres (5/16 inch) high and at least 0.2 centimetres (1/16 inch) wide at the narrowest point, with the rest of the letter sized proportionately, which reads "No Smoking - The Corporation of the City of Sault Ste. Marie".
- 3.2 Where a No Smoking sign is required to be placed or posted under this by-law, the sign shall have the proportions, characteristics and minimum measurements as set out in Section 3.1 as depicted in "Schedule A" and consist of two (2) contrasting colours, or if the lettering and graphic symbol are to be applied directly to surface or to be mounted on a clear panel, the lettering and graphic symbol shall contrast with the background.
- 3.3 Despite the fact that the symbol referred to in Schedule "A" is a cigarette, it is deemed to include a lighted cigar, cigarette, pipe or any other lighted smoking instrument.
- 3.4 Deviations from the colour or content of the sign prescribed by this section that do not affect the substance or that are not calculated to mislead do not vitiate the sign.
- 3.5 Any sign prohibiting smoking that refers to an old bylaw of the City is deemed to be referring to this by-law.

**PART IV**

4. **WORKPLACES**

- 4.1 Where an employer, within the meaning of the *Smoking in the Workplace Act*, R.S.O. 1990, C. S.13, designates a lunch room or cafeteria for employees as a smoking area, the employer shall also designate an area of equal or greater size as a lunch room or cafeteria for workers who do not smoke.
- 4.2 Despite section 4.1, no person shall smoke in any part of a workplace that is a public place.

**PART V****5. INSPECTIONS**

- 5.1 An inspector may, at any reasonable time, enter any public place or City building for the purpose of determining compliance with this by-law.

**PART VI****6. OFFENCES AND ENFORCEMENT**

- 6.1 Any person who contravenes any of the provisions of this by-law, or who hinders or obstructs an inspector lawfully carrying out the enforcement of this by-law, is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, chapter 33, as amended.

**PART VII****7. CONFLICTS**

- 7.1 If a provision of this by-law conflicts with an Act or Regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

**PART VIII****8. SEVERABILITY**

- 8.1 if any section or sections of this by-law or part thereof, is found in any court of law to be illegal or void or beyond the power of the City to enact, such section or sections or part thereof shall be deemed to be severable and all other sections or parts of the by-law shall be deemed to be separate and independent thereof and to be enacted as such.

**PART IX****9. REPEAL**

- 9.1 By-law 2000-140 is repealed, effective May 31<sup>st</sup>, 2004

**PART X****10. EFFECTIVE DATE**

- 10.1 This by-law comes into effect on June 1<sup>st</sup>, 2004.

READ THREE TIMES and PASSED in Open Council this 13th day of January, 2003.

"John Rowswell"

---

MAYOR – JOHN ROWSWELL

"Donna Irving"

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CLERK – DONNA P. IRVING

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**SCHEDULE "A" TO BY-LAW 2003-7**



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## Office Consolidation

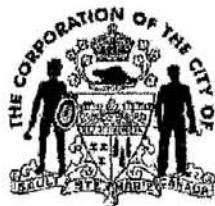
**SMOKING BY-LAW 2003-7**

passed 13 January 2003  
effective 1 June 2004

AMENDING BY-LAWS	DATE PASSED	AMENDMENT
2005-13	24 January 2005	Addition of 1.4(a) - definition of "patio"
2005-33	21 February 2005	Addition of 1.4(a)(c) and 1.4(a)(d) re outdoor structures
2007-154	10 September 2007	Addition of: 1.2(a) definition of City entranceway at John Rhodes and McMeeken Centres 2.1.1 prohibition – smoking at City entranceways

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NICHOLAS J. APOSTLE  
COMMISSIONER COMMUNITY SERVICES



COMMUNITY SERVICES DEPARTMENT  
Community Centres Division  
Municipal Day Nurseries Division  
Recreation & Culture Division

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

February 3, 2009

FEB 04 2009

**LEGAL DEPARTMENT**

**MEMO TO:** L. Bottos, City Solicitor

**SUBJECT:** Skatepark – Comments Requested From City Council on Request  
From Algoma Public Health to Have the Skatepark be Designated a  
100% Tobacco Free Site

At their meeting of January 12, 2009, City Council asked for the Parks and Recreation Advisory Committee's comments on the following resolution:

**MOVED BY** Councillor S. Myers  
**SECONDED BY** Councillor J. Caicco

*Whereas the City of Sault Ste. Marie By-law 2003-7 regulates smoking in public places and city buildings in the City of Sault Ste. Marie; and*

*Whereas a new outdoor skate board park is scheduled to open for public use in 2009; and*

*Whereas the Algoma Public Health Board has passed a resolution (#2008-104) requesting that City Council amend By-law 2003-7 to identify the new public skate board park as a designated 100% tobacco-free site;*

*Now therefore be it resolved that Sault Ste Marie City Council supports and endorses the position of the Algoma Public Health Board; and*

*Further that the request for the appropriate amendment to By-law 2003-7 BE REFERRED to the City Solicitor for review and report back to City Council.*

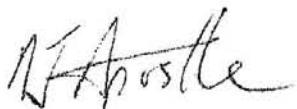
The Parks & Recreation Advisory Committee held a special meeting on January 21, 2009 to address Council's request. The following are the comments they agreed to:

1. The Parks & Recreation Advisory Committee is quite concerned that the resolution targets skateboarders and feel strongly that this is not appropriate. The Committee members have received correspondence and communication

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from members of the public that the resolution is targeting skateboarders and portrays an improper image of this group.

2. The Committee supports further research into what other municipalities and Provinces do in this area before implementing any by-law or policy and, that the investigation be in conjunction with the Legal Department and Algoma Public Health.
3. Any resolution/by-law should address outdoor recreation facilities, parks and playgrounds in a broader concept.
4. The resolution refers to the Skatepark being 100% tobacco free. The Parks & Recreation Advisory Committee's opinion is that this statement is too broad and needs to be narrowed down so that it is enforceable.



Nicholas J. Apostle  
Commissioner Community Services

jb/reccull/pmc/skateboarding/2008/skatepark comments from pmac on smoke free request from APH

cc: P.R.A.C.  
J. Cain

5(0)

LORIE BOTTOSS  
CITY SOLICITOR

NUALA KENNY  
ASSISTANT CITY SOLICITOR



LEGAL  
DEPARTMENT

File No. P.1.2.6

REPORT TO: Mayor John Rowswell and Members of Council

REPORT FROM: Lorie A. Bottos, City Solicitor

DATE: 2009 03 23

**Re: Amendments to By-law 69-80 – Regulation of Parking in  
City-owned Parking Lots**

On June 9, 1969, Council passed By-law 69-80 which regulates parking on City-owned lots. Since 1969 several by-laws have been passed amending clauses in By-law 69-80 and inserting additional parking lots as they have been designated. However, a recent review of the by-law by City staff determined that a re-draft of By-law 69-80 was required in order to up-date references, insert gender-neutral terms, and change units of measurement from imperial to metric. Bylaw 2009-53 does not introduce any substantive changes into bylaw 69-80.

Although the text of By-law 69-80 is being up-dated, the by-law number will remain the same since the signs posted in the parking lots refer to By-law 69-80.

**RECOMMENDATION**

By-law 2009-53 appears elsewhere on the agenda and is recommended for approval.

Respectfully submitted,

A handwritten signature of Lorie Bottos.

Lorie Bottos  
City Solicitor

LAB/dh

RECOMMENDED FOR APPROVAL

A handwritten signature of Joseph M. Fratesi.

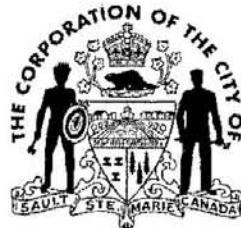
Joseph M. Fratesi  
Chief Administrative Officer

cc: Mr. Art Gagnon, Assistant Manager, Transit/Parking

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LORIE BOTTO  
CITY SOLICITOR

NUALA KENNY  
ASSISTANT CITY SOLICITOR



LEGAL  
DEPARTMENT

Map No. 17

**REPORT TO:** Mayor John Rowswell  
and Members of City Council

**REPORT FROM:** Lorie Bottos  
City Solicitor

**DATE:** 2009 03 23

**SUBJECT:** **LANE CLOSING APPLICATION  
GRAHAM SUBDIVISION**

We have received a petition from the owner who abuts them to close and convey the following public laneways:

East/west laneway lying north of Queen Street East and east of Gore Street together with a portion of north/south laneway lying south of Albert Street East.

Another alternative the owner is looking at is relocating the east/west lane to the north limit of 122 Gore Street so there still will be access off of Gore Street. However even if that does not happen the owners of property to the north of 122 Gore Street have access to the rear of their properties from a laneway running off of Albert Street East.

For your information and convenience a plan showing the subject laneway is attached. Appropriate by-laws have been prepared for your consideration and appear elsewhere on your agenda.

Yours truly,

Handwritten signature of L. A. Bottos.

L. A. Bottos  
City Solicitor  
/sd

RECOMMENDED FOR APPROVAL

Handwritten signature of Joseph M. Fratesi.  
Joseph M. Fratesi  
Chief Administrative Officer

c.c. Catherine Taddo  
Municipal Services Engineer

The Corporation of the City of Sault Ste. Marie  
P.O. Box 580 ~ 99 Foster Drive ~ Sault Ste. Marie, ON P6A 5N1

Telephone: (705) 759-5400 ~ Fax: (705) 759-5405

[www.cityssm.on.ca](http://www.cityssm.on.ca)

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### WELLINGTON

481	AUTO REPAIR GARAGE	19	PARKING	21	PARKING	29	OFFICE
180	COM	SF	29				
171	PARKING	SF	23				
172	COM OFFICE	SF	23				
173	REST. COM 2F	SF	23				
29	COM	SF	23				
28	COM	4F	8				

### BLUCHER STREET

48 2F	49 51 55 67 81 85						
38 SF	SFSFSFSF 2F 5F						
32 2F	7						
28 SF							
26 SF							
22 2F							
20 2F							
18 2F							
14 2F							
12 SF							
11 SF							
10 SF							

### ABBOTT STREET

69 71	81	85	89				
SFSF	SF	2F	SF	SF			

### STREET

103	105	111	115	119	123	129	131	133	SF
									3F
									3F
									SF
									SF
									VL
									SF
									SF
									SF
164	166 168	174	176	178	180	182	184		17

### ALBERT

801	PARKING	19	23	27	35	37	39	47	51	59	71	75	79	2F	1
SP	EF	SF	SF	SF	SF	2F	VL	SF	SF	SF	SF		SF	137	
421-010	COR 2F														
421-012	COR 2F														
421-008	COR														
152	COM														
153	SF														
154	COM														
155	COM														
156	PARKING														
157	PARKING														
158	7F														
159	OFFICE														
160	TAVER														
2	16-	22	26	30	34	38	40		6						

### SUBJECT LANEWAYS 2F

### COM

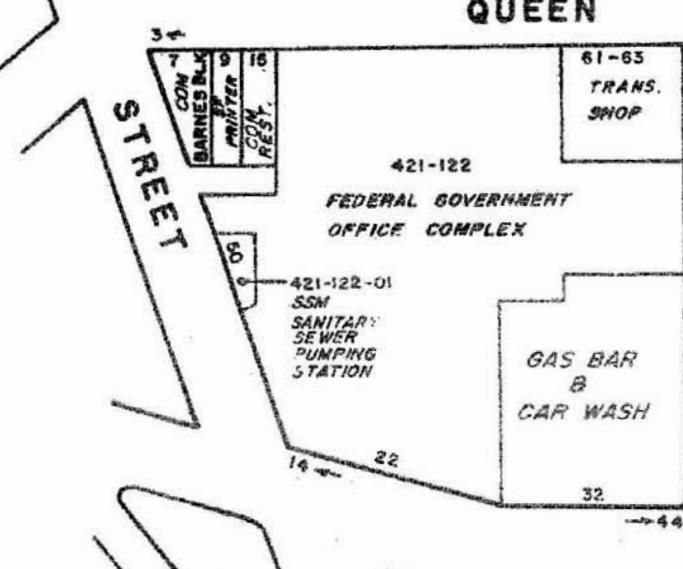
111

### TANCRE

114	COM				
	COM				
	AUTO				
	SERVICE				
	GARAGE				
100					
126					

### OFFICES

### QUEEN



109	121	125
OFFICE	LAUNDRY	COM
	421-125	
78	SF	

421-147

72			

SSM

FIRE HALL

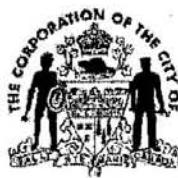
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50	11	

BAY

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Randall Roy  
Waste Diversion  
Supervisor



Public Works &  
Transportation  
Department

2009 03 23

Mayor J. Rowswell  
And Members of City Council  
Civic Centre

#### **RE: MATTRESS RECYCLING OPERATIONS**

On February 9, 2009, Council passed the following resolution:

"Whereas the unique partnership between Community Living Algoma and the City of Sault Ste. Marie in the area of electronics and styrofoam has proven to be most successful;  
Be it resolved that Public Works and Transportation prepare a report on the feasibility and advisability of extending the partnership to include the acceptance of mattresses and furniture by Community Living Algoma to disassemble these items for ultimate transport and recycling."

#### **Background**

The CLA recycling program has been successful in diverting six transport loads of computers and seven transport loads of polystyrene from the landfill. This translates into approximately 1,250 cu meters of space that was saved at the landfill as a result of this program.

CLA has identified additional materials that could be diverted from the landfill. These materials include mattresses and furniture. Both of these materials are bulky and hard to handle at the landfill. The mattresses, when buried, continue to float to the top and when they breakdown the metal components end up wrapping around the wheels of the packer. The furniture bin fills up quickly and requires time and resources to continually empty and dispose of the material. Approximately one to one and a half tonnes of these materials are buried in the landfill every day. The majority of the material in these products is recyclable. Although industry will not take the outer material as a recyclable waste because of the possible contamination, the foam, the wood and the steel can all be separated and recycled. Currently there are markets available for these materials and as markets improve the value of these products will increase.

2009 03 23

Page 2

### **Discussion**

CLA, through the "Moving On" office, has the staff to handle the dismantling and recycling of the foam, wood and steel. Markets have been found for the foam but it has to be baled or compacted to ensure maximum tonnage for every shipment. CLA is investigating the purchase of a down stroke baler and are actively investigating funding for the acquisition of this equipment. There will be a quantity of waste from the outer materials of the products that will have to be stored in closed containers and disposed of at the landfill.

CLA, through the property owner, will need to change the zoning of this the building at 185 Wilson Street from M2 to M3 and the property owner has agreed to do this. The Ministry of the Environment has been contacted and the addition of this program complies with the Environmental Protection Act. CLA is working on a procedure and work plan to ensure a safe work environment for their employees.

CLA recognizes that other municipalities have businesses that are recycling these products and are cognizant of the fact that these businesses may want to expand to this municipality in the future. In order to ensure that there is no conflict with any of these industries, CLA will work with any industry partners and will maintain competitive fees with any industry that opens this form of recycling business within our municipality. The goals of CLA are not to create a competitive market but to find opportunities for clients to obtain constructive work while providing a needed service to the community.

### **Costs**

The cost to the municipality would be \$40,000. This money is needed to cover the lease of additional floor space for this operation. This cost has been discussed with Bill Freiburger, City Treasurer and monies are available from the Waste Diversion Reserve Account.

CLA is proposing a charge of \$10.00 per unit which is the industry standard. The receipts from the charge and the now industry funded computer program will give CLA an opportunity to become self sufficient.

### **Summary**

The benefits of removing these wastes from the landfill would extend the life of the landfill. Approximately one percent of landfill waste could be diverted during the first year. Staff currently spends time and money each year removing mattress and furniture springs from the equipment. By removing this material from the landfill we would recognize additional savings in equipment repair and downtime. The municipality would have to consider accepting the outer materials (covering materials) at the landfill at no charge to ensure that the program remains profitable.

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2009 03 23

Page 3

**Recommendation**

It is recommended that Council approve funding in the amount of \$40,000 to allow CLA to lease the required space for the mattress and bulky furniture and that the funds come from the Waste Diversion Reserve Account.

All of which is respectfully submitted,



Randall Roy  
Waste Diversion Supervisor

Recommended for approval,

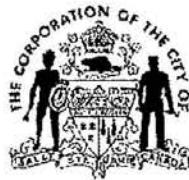


J. M. Elliott, P. Eng.  
Deputy Commissioner

RR:cmr

\pwt\DeptShare\Council\2009\CLA Mattress Recycling Operations

James M. Elliott, P. Eng.  
Deputy Commissioner



Public Works &  
Transportation Department

2009 03 23

Mayor John Rowswell  
And Members of Council  
Civic Centre

**RE: PROPOSED SIX MONTH EXTENSION OF REFUSE CONTRACT WITH  
MUNICIPAL WASTE AND RECYCLING INC. (CONTRACT #2004WA19)**

In April of 2009 staff will be issuing a request for proposals for the curbside solid waste collection contract presently being carried out by Municipal Waste and Recycling Inc. The contract held by Municipal Waste and Recycling Inc. (Contract # 2004WA19) is in its fifth and final year and will be complete as of December 31, 2009. This refuse contract covers a portion of semi-urban and urban areas of the City and all rural areas.

As a result of the difficulties in initiating a new contract during the winter months, staff is recommending a six month extension that will allow Municipal Waste to continue to June 30, 2010. It is felt by staff that with the new contract, there could be major changes in the way refuse is collected (mechanical collection/refuse containers) and it would be very difficult for both the contractor and staff to implement these changes during the winter season.

The extension has been discussed with Municipal Waste and Recycling and they have agreed with the additional six-month period based on the same terms as the existing contract.

**Recommendations**

It is recommended that Council approve the extension of the curbside solid waste collection contract with Municipal Waste and Recycling and that it be extended for a six-month period from January 1, 2010 up to and including June 30, 2010.

Respectfully submitted,

J. M. Elliott, P. Eng.  
Deputy Commissioner

JME:cmr

RECOMMENDED FOR APPROVAL

Joseph M. Fratesi  
Chief Administrative Officer

\pwt\DeptShare\Council 2009\Recycling Contract Extension with Municipal Waste and Recycling

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The Corporation of the City of Sault Ste. Marie  
Public Works and Transportation Department  
128 Sackville Road ~ Sault Ste. Marie, ON P6B 4T6  
Telephone: (705) 759-5207 ~ Fax: (705) 541-7010  
[www.cityssm.on.ca](http://www.cityssm.on.ca)

**Randall Roy**  
**Waste Diversion**  
**Supervisor**



**Public Works &**  
**Transportation**  
**Department**

2009 03 23

Mayor J. Rowswell  
 And Members of City Council  
 Civic Centre

**RE: MUNICIPAL SPECIAL WASTE FACILITY STEWARDS FUNDING**

On July 1, 2009 Stewardship Ontario through the designated MHSW (Municipal Household Special Waste) program began paying for the transportation and processing of designated wastes.

**Background**

The Minister of the Environment through the Waste Diversion Organization legislated Stewardship Ontario to implement a stewardship program for phase one material collected at municipal household special waste facilities. The program came into effect on July 1, 2008 and the municipality was paid for the costs incurred for any designated material shipped for processing after that date. The phase one materials shipped included paint, solvents, anti-freeze and household batteries.

**Discussion**

The Household Special Waste facility operates three days a week for six months of the year. There are substantial costs associated with expanding the operation to include a 40-hour work week and winter operation. The Minister of the Environment has asked Waste Diversion Ontario to prepare a plan for phase two of the Municipal Household Special Waste program. The Minister has outlined the phase two plan with full funding for all phase one and phase two products. Currently the municipality is looking at receiving up to \$50,000.00 per year and if phase two is implemented that could increase considerably.

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Page 2

The residents of Sault Ste Marie are asking for increased access to the Household Special Waste Facility. With an increase of over one thousand cars last year the facility is operating at capacity. It is felt that the funds received as part of this program should be put into a reserve account for future enhancement of the MHSW operations.

**Recommendation**

It is recommended that Council place the MHSW stewardship funds in a reserve account to further enhance the MHSW operations.

All of which is respectfully submitted,

*Randall Roy*

Randall Roy  
Waste Diversion Supervisor

Recommended for approval,

*J. M. Elliott*

J. M. Elliott, P. Eng.  
Deputy Commissioner

RR:cmr

\pwt\DeptShare\Council 2009\Municipal Special Waste Facility Stewards Funding

RECOMMENDED FOR APPROVAL  
*J. Fratesi*  
Joseph M. Fratesi  
Chief Administrative Officer

5(+)

**Ministry of the Environment**

**Office of the Minister**

135 St. Clair Avenue West  
12<sup>th</sup> Floor  
Toronto ON M4V 1P5  
Tel: 416-314-6790  
Fax: 416-314-6748

**Ministère de l'Environnement**

**Bureau du ministre**

135, avenue St. Clair Ouest  
12<sup>e</sup> étage  
Toronto (Ontario) M4V 1P5  
Tél.: 416 314-6790  
Téléc.: 416 314-6748



**Ministry of Natural Resources**

**Office of the Minister**

Room 6630, Whitney Block  
99 Wellesley Street West  
Toronto ON M7A 1W3  
Tel: 416-314-2301  
Fax: 416-314-2216

**Ministère des Richesses naturelles**

**Bureau de la ministre**

Édifice Whitney, bureau 6630  
99, rue Wellesley Ouest  
Toronto (Ontario), M7A 1W3  
Tél.: 416 314-2301  
Téléc.: 416 314-2216

March 16, 2009

## **MEMORANDUM**

**TO:** All Heads of Council

**RE:** Implementation of the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement

We are pleased to provide you with an update on recent developments to protect the waters of the Great Lakes through the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement). We trust that we have your commitment to do your part to ensure the principles of this Agreement are met.

As you know, on December 13, 2005, the Great Lakes premiers and governors signed the Agreement to achieve stronger protection and conservation of the Great Lakes Basin waters. Through the Agreement, the parties have agreed to:

- Ban diversions of water out of the Great Lakes-St. Lawrence River Basin and prohibit new or increased transfers of water from one Great Lake Watershed to another unless strictly regulated criteria are met;
- Strengthen water conservation through programs in each province and state;
- Establish a stronger new basin-wide environmental standard for regulating water uses across provinces and all states;
- Build the information and science needed to support sound decision-making;
- Formally recognize the authority of the federal governments and the International Joint Commission under the Boundary Waters Treaty, which remains unchanged;
- Provide a stronger voice for Ontario, its citizens and First Nations in the regional review of water use proposals by other jurisdictions for exceptions to the prohibition against diversions; and
- Build regional collaboration, for example, in the review of water management and conservation programs.

In the United States, the Agreement is supported by a binding inter-state Compact Agreement among the eight Great Lakes States, which was signed by U.S. President George W. Bush on October 3, 2008. This signed Compact Agreement came into effect on December 8, 2008.

Here at home, Ontario has already made significant progress in implementing the Agreement. On June 4, 2007, the *Safeguarding and Sustaining Ontario's Water Act* received Royal Assent, enabling implementation of the Agreement in Ontario through amendments to the *Ontario Water Resources Act* (OWRA). The Province is currently developing supporting regulations to proclaim new sections of the OWRA to fully implement the Agreement.

The Great Lakes Charter, 1985 (Charter) remains in force until supporting regulations are in place. The Charter commits Ontario to "Prior Notice and Consultation" (PNC) with Québec and the eight Great Lakes States before approving any new or increased water diversion (transfer out of the Great Lakes Basin or from the watershed of one Great Lake to another) over 19 million litres per day. The Charter also requires PNC for any new or increased consumptive use of water over 19 million litres of water per day. The Ministry of Natural Resources (MNR) administers the Charter in Ontario.

In addition to the requirements of the Charter, the Ministry of the Environment (MOE) and the MNR will work closely with municipalities proposing water or wastewater servicing projects which trigger the Agreement to ensure they meet the spirit of the Agreement while supporting regulations are developed. Municipal water and wastewater projects which involve a new or increased transfer of water or sewage of 379,000 litres per day or more from one Great Lake Watershed to another will trigger the Agreement.

The MOE has developed a Technical Bulletin for Intra-Basin Transfers for water and wastewater proposals which trigger the Agreement (enclosed). The Technical Bulletin applies to undertakings under the Municipal Engineers Association Municipal Class Environmental Assessment (MEA Class EA) and has been developed for MOE Regional Offices as they are a mandatory review agency of Schedule B and C projects. Regional Offices will encourage proponents to treat undertakings which will involve a new or increased intra-basin transfer of 379,000 litres per day or more as a Schedule C project under the MEA Class EA.

This measure will help municipalities undertake projects with a view that supporting regulations under the OWRA may be in effect when applying for a Permit to Take Water following the completion of an environmental assessment. As such, provisions under the Agreement should be considered early in the planning process.

Over the coming months, the Province will be undertaking consultation on the regulatory framework to implement the intra-basin transfer provisions of the Agreement in Ontario. If your municipality would like to actively participate in the development of the regulatory framework as a member of the Municipal Sector Working Group, please contact Rheanna Leckie at 705-755-5404. The Province looks forward to working with municipalities on the development of these regulations to fully implement the Agreement.

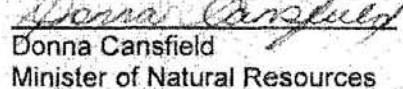
We thank you for your cooperation and your continued commitment to protecting the environment and the waters of the Great Lakes Basin.

Sincerely,



John Gerretsen  
Minister of the Environment

Enclosure



Donna Cansfield  
Minister of Natural Resources

## Technical Bulletin

**Environmental Assessment Direction for Municipal Water  
and Wastewater Projects Proposing an Intra-Basin Transfer**

### **PURPOSE**

The purpose of this Technical Bulletin is to provide interim direction to municipalities planning water and wastewater projects to ensure that intra-basin transfers are not undertaken in a manner that is inconsistent with the provisions of the **Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement** until supporting regulations are in place. The Technical Bulletin also provides direction to municipalities on requirements under the Great Lakes Charter which currently remains in force.

### **BACKGROUND**

In June 2007, the *Safeguarding and Sustaining Ontario's Water Act* (SSOWA) received Royal Assent, amending the *Ontario Water Resources Act* (OWRA). These changes to the OWRA help implement the commitments Ontario made in signing the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement, 2005 (Agreement) with Quebec and the eight Great Lakes States (parties of the Agreement). The Agreement committed the parties to a ban on water diversions (or transfers), with strictly regulated exceptions, strengthened water conservation and common environmental standards for regulating the use of surface or groundwater resources of the Great Lakes – St. Lawrence River Basin.

Among the amendments made to the OWRA through SSOWA is the *prohibition of a new or increased transfer of 379,000 litres of water per day or greater from one Great Lakes Watershed to another subject to strict exceptions*. While the OWRA was amended to incorporate the provisions of the Agreement in 2007, supporting regulations are required to fully implement the Agreement before these provisions can be proclaimed. The Ministries of Environment (MOE) and Natural Resources (MNR) are working collaboratively to develop regulations to manage intra-basin transfers.

Until regulations are completed and the other Great Lakes jurisdictions bring provisions of the Agreement into law, the Great Lakes Charter, 1985 (Charter) remains in force. The Charter commits Ontario to Prior Notice and Consultation with the eight Great Lakes States and Québec before approving any new or increased water diversion (transfer out of the Great Lakes Basin or from the watershed of one Great Lake to another) over 19 million litres per day<sup>1</sup>. The Charter also requires *Prior Notice and Consultation for any new or increased consumptive use of water over 19 million litres per day*.

### **ENVIRONMENTAL ASSESSMENT**

Municipal water and wastewater servicing proposals (such as expansions of water and sewage infrastructure i.e. pipes, treatment plants etc.) are generally planned and designed under the Municipal Engineers Association Municipal Class Environmental Assessment (MEA Class EA). MOE Regional Offices, specifically Environmental Resources Planner/Environmental Assessment Coordinators are mandatory points of contact where a proposed undertaking (i.e. projects, activities etc.) is classified as Schedule B or C in the MEA Class EA.

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<sup>1</sup> The Ontario Water Resources Act (OWRA) prohibits the transfer of water out Ontario's three major water basins including the Great Lakes Basin – see section 34.3 of the OWRA. A prohibition against transfers out of the Great Lakes Basin has been in place under the OWRA since 1999.

The MEA Class EA, Section A.2.10 identifies the Agreement, the OWRA and SSOWA as key provincial legislation to consider while undertaking the Class EA process. Additionally, Section A.2.10.2 recommends that technical consultation with the MOE is undertaken for all complex projects involving the construction of water supply and treatment as well as sewage treatment and disposal systems. Projects resulting in an intra-basin transfer subject to the Agreement or consumptive uses that trigger the Prior Notice and Consultation provisions of the Charter are considered complex projects.

While this Technical Bulletin is geared to projects under the MEA Class EA, proponents undertaking an individual EA should also consider the principles of the Charter, the Agreement and the direction outlined below.

**DIRECTION TO ENSURE COMMITMENTS UNDER THE GREAT LAKES CHARTER ARE SATISFIED IN RELATION TO CONSUMPTIVE USE AND WATER DIVERSION.**

There are two triggers under the Charter for Prior Notice and Consultation that are relevant to an Ontario water taking, one in relation to intra-basin transfers and one in relation to the consumptive use portion of a water withdrawal (or taking).

Consumptive use is defined as that portion of water withdrawn or withheld from the Basin that is lost or otherwise not returned to the basin due to evaporation, incorporation into products or other processes.<sup>2</sup> For municipal water use, the consumptive portion of the withdrawal has been estimated to be 10-15% of the new or increased withdrawal volume.<sup>3</sup> Under the Charter, Prior Notice and Consultation is required for proposed withdrawals that involve a new or increased consumptive use of water of 19 million litres per day or more averaged over any 30-day period.

All undertakings for municipal water projects which will result in a new or increased water diversion (transfer of water between Great Lake watersheds) of 19 million litres per day or more averaged over any 30-day period will also trigger the Charter.

The proponent should contact the Lands and Waters Branch, MNR (administrator of the Charter) (contact information below) to confirm the consumptive use and/or water diversion, identify what supporting information is required and coordinate Prior Notice and Consultation if required.

**DIRECTION TO ENSURE COMMITMENTS UNDER THE GREAT LAKES- ST. LAWRENCE RIVER SUSTAINABLE WATER RESOURCES AGREEMENT ARE SATISFIED IN RELATION TO INTRA-BASIN TRANSFERS**

Proponents of undertakings for municipal water or wastewater projects where one of the alternatives will result in a new or increased intra-basin transfer of 379,000 litres per day or more should consider treating the undertaking as a Schedule C undertaking under the MEA Class EA.

Schedule C undertakings proceed under the full planning and document procedures (Phase 1-5) as specified in the MEA Class EA. The five phases of the MEA Class EA require greater analysis of the preferred solution and additional public consultation. The Schedule C process includes identification of the problem or opportunity (Phase 1);

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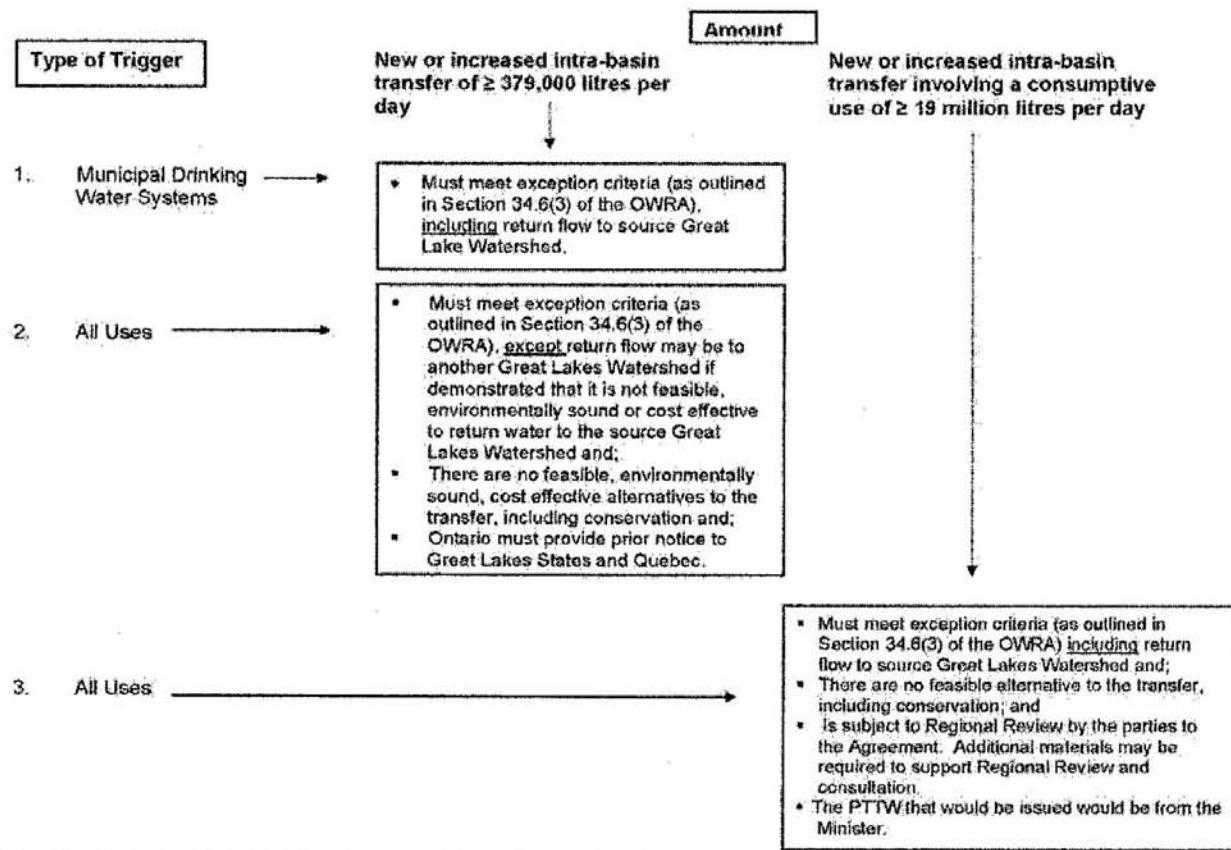
<sup>2</sup> This definition comes from the Agreement. A slightly differently worded definition appears in the Charter. Subsection 1 (6) of the OWRA also provides a definition of consumptive use that draws on these definitions.

<sup>3</sup> The Ministries are consulting on what approach to take in relation to calculating the amount of consumptive use as part of its consultation on the SSOWA regulations.

identification of alternative solutions (Phase 2); identification of alternative design concepts for preferred solution (Phase 3); documentation of the rationale, planning, design and consultation process of the project in an Environmental Study Report (Phase 4); and implementation (Phase 5). In comparison, Schedule B undertakings only require fulfillment of Phase 1 and 2 of the MEA Class EA process only.

The contents of the Environmental Study Report are outlined in Section A.4.2 of the MEA Class EA. In the Environmental Study Report, the proponent (with the assistance of the MOE and MNR) should demonstrate how intra-basin transfer provisions outlined in Section 34.6(1)-(3) of the OWRA (Schedule 1) have been met. The ESR should also show that the principles of the Agreement have been considered. Below is a summary of the intra-basin transfer provisions as outlined in Section 34.6(1)-(3) of the OWRA.

#### Agreement Intra-Basin Transfer Provisions



- Note:
1. 379,000 l/d and 19 million l/d are both amount referenced in SSOWA and the Agreement.
  2. Consumptive use has in the past been calculated using a co-efficient – for municipal takings, 10-15% is the co-efficient that has been used. Consumptive use = water that is lost through evaporation, incorporation into a product or any other process where water is not returned to the basin.

Consultation requirements for Schedule C projects as outlined in Section A.3.4 of the MEA Class EA, require three mandatory points of contact. At the third point, the Environmental Study Report is placed on the public record for at least 30 calendar days and the Notice of Completion of the Environmental Study Report shall advise the public and review agencies of their rights with regard to requesting a Part II Order ("Bump-up") request (section 16 of the *Environmental Assessment Act*). The appeal process of the MEA Class EA is outlined in Section A.2.8 of the MEA Class EA.

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If the proponent is unwilling to voluntarily treat its proposed undertaking as a Schedule C undertaking, the Ministry may consider making a recommendation to the Minister of the Environment under ss. 16(3) of the *Environmental Assessment Act*, requesting that he/she order that the project be assessed as a Schedule C undertaking under the MEA Class EA. Additionally, the Ministry may consider making a recommendation for a ss.16 (3) order for additional requirements such as specific monitoring and reporting.

Furthermore, the MOE (in consultation with a proponent) may determine that an undertaking should be assessed as an individual EA if the size of the proposed undertaking or complexity warrants such analysis (e.g. if Regional Review is required) and recommend that the Minister of the Environment make an order under ss. 16(1) of the *Environmental Assessment Act*.

Proponents who adhere to the Technical Bulletin and demonstrate that a proposed intra-basin transfer meets the criteria outlined in subsections 34.6 (1) to (3) of the OWRA to the satisfaction of the MOE and the MNR may be able to use this work to demonstrate compliance with the intra-basin regulations currently under development.

### **MASTER PLANS**

Section A.2.7 of the MEA Class EA identifies that municipalities may consider a group of related projects under a Master Planning process. There are a variety of basic approaches to Master Planning as described in the MEA Class EA, all of which at a minimum, address Phases 1 and 2 of the MEA Class EA process. When preparing a Master Plan, proponents are encouraged to consider the Agreement and how it applies to specific projects identified by the Master Plan at this stage in the planning process. If a project identified in a Master Plan considers an alternative that will result in a new or increased intra-basin transfer of 379,000 litres per day or more, proponents should consider treating the specific project as a Schedule C undertaking under the MEA Class EA.

For more information, please contact:

**Paula Thompson**  
**Senior Policy Advisor**  
Water Resources Section  
Lands and Waters Branch  
Ministry of Natural Resources  
300 Water Street, P.O. Box 7000  
Peterborough, ON K9J 8M5  
[paula.l.thompson@ontario.ca](mailto:paula.l.thompson@ontario.ca)  
705-755-1218

**Caroline Cosco**  
**Senior Policy Analyst**  
Land and Water Policy Branch  
Ministry of the Environment  
135 St. Clair Avenue West, 6<sup>th</sup> Floor  
Toronto, ON M4V 1P5  
[caroline.cosco@ontario.ca](mailto:caroline.cosco@ontario.ca)  
416-314-0635

Schedule 1: Exceptions and Criteria for Intra-Basin Transfers

**Water transfers: Great Lakes watersheds**

- 34.6 (1) A permit shall not be issued or amended under section 34.1 so as to authorize the taking of water from a Great Lakes watershed if,
- any of the water would be transferred; and
  - the new or increased transfer amount would be the threshold amount. 2007, c. 12, s. 1 (12).

**Exceptions**

- (2) Subsection (1) does not apply to the following transfers:

1. A transfer that satisfies the following criteria:
  - The portion of the new or increased transfer amount that is lost through consumptive use,
    - is always less than 19 million litres, or the lower amount prescribed by the regulations, per day, or
    - if a regulation is made prescribing the manner of calculating average amounts of water, is less than an average of 19 million litres, or the lower amount prescribed by the regulations, per day.
  - The water is taken by the operating authority of a municipal drinking water system within the meaning of the Safe Drinking Water Act, 2002 and the system serves a major residential development within the meaning of that Act.
  - The criteria described in paragraphs 1 to 7 of subsection (3) are satisfied.
2. A transfer that satisfies the following criteria:
  - The portion of the new or increased transfer amount that is lost through consumptive use,
    - is always less than 19 million litres, or the lower amount prescribed by the regulations, per day, or
    - if a regulation is made prescribing the manner of calculating average amounts of water, is less than an average of 19 million litres, or the lower amount prescribed by the regulations, per day.
  - The water is taken by the operating authority of a municipal drinking water system within the meaning of the Safe Drinking Water Act, 2002 or by any other person.
  - It has been demonstrated that conservation of existing water supplies is not a feasible, environmentally sound and cost effective alternative to,
    - the transfer, in the case of a new transfer, or
    - the transfer of the additional amount, in the case of an increased transfer.
  - There are no other feasible, environmentally sound and cost effective alternatives to,
    - the transfer, in the case of a new transfer, or
    - the transfer of the additional amount, in the case of an increased transfer.
  - The criterion described in paragraph 1 of subsection (3) is satisfied, or it is not feasible, environmentally sound or cost effective to satisfy that criterion.
  - The criteria described in paragraphs 2 to 7 of subsection (3) are satisfied.
  - Notice of the application for the permit or amendment has been given to the Province of Quebec, the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania in accordance with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement of 2005.
3. A transfer that satisfies the following criteria:

MARCH 16, 2009

- i. The portion of the new or increased transfer amount that is lost through consumptive use,
  - a. is at least 19 million litres, or the lower amount prescribed by the regulations, on any day, or
  - b. if a regulation is made prescribing the manner of calculating average amounts of water, is at least an average of 19 million litres, or the lower amount prescribed by the regulations, per day.
- ii. It has been demonstrated that conservation of existing water supplies is not a feasible, environmentally sound and cost effective alternative to,
  - a. the transfer, in the case of a new transfer, or
  - b. the transfer of the additional amount, in the case of an increased transfer.
- iii. There are no other feasible, environmentally sound and cost effective alternatives to,
  - a. the transfer, in the case of a new transfer, or
  - b. the transfer of the additional amount, in the case of an increased transfer.
- iv. The criteria described in paragraphs 1 to 7 of subsection (3) are satisfied.
- v. The requirements of subsection 34.1 (14) have been complied with. 2007, c. 12, s. 1 (12).

#### **Criteria**

- (3) The criteria referred to in subparagraphs 1 iii, 2 v and vi and 3 iv of subsection (2) are:
1. The new or increased transfer amount is returned, either naturally or after use, to the same Great Lakes watershed from which it was taken, except for an amount prescribed by the regulations that may be lost through consumptive use.
  2. The efficient use and conservation of existing water supplies cannot reasonably avoid,
    - i. the transfer, in the case of a new transfer, or
    - ii. the transfer of the additional amount, in the case of an increased transfer.
  3. The new or increased transfer amount is reasonable, given the purposes for which,
    - i. the transfer is done, in the case of a new transfer, or
    - ii. the transfer of the additional amount is done, in the case of an increased transfer.
  4. The transfer, in the case of a new transfer, or the transfer of the additional amount, in the case of an increased transfer, is implemented so as to ensure that it does not result in any significant individual or cumulative adverse impacts on the quantity or quality of the waters, or the water-dependent natural resources, of the Great Lakes-St. Lawrence River Basin, considering the potential cumulative impacts of any precedent-setting consequences associated with the transfer or the transfer of the additional amount, as the case may be.
  5. The transfer, in the case of a new transfer, or the transfer of the additional amount, in the case of an increased transfer, is implemented so as to incorporate feasible, environmentally sound and cost effective water conservation measures to minimize the taking of water and losses of water through consumptive use.
  6. The transfer is implemented so as to ensure that it complies with,
    - i. the Boundary Waters Treaty of 1909,
    - ii. the International Boundary Waters Treaty Act (Canada), and
    - iii. any other treaty, agreement or law that is prescribed by the regulations.
  7. The transfer, in the case of a new transfer, or the transfer of the additional amount, in the case of an increased transfer, is implemented so as to ensure that it complies with any other criteria that are prescribed by the regulations for the purpose of implementing Article 209 (Amendments to the Standard and Exception Standard and Periodic Assessment of Cumulative Impacts) of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement of 2005, including criteria relating to

MARCH 16, 2009

5(t)

climate change or other significant threats to the Great Lakes-St. Lawrence River Basin. 2007, c. 12, s. 1

MARCH 16, 2009



2009 03 23

## REPORT OF THE ENGINEERING & PLANNING DEPARTMENT

### PLANNING DIVISION

**TO:**

Mayor John Rowswell  
and Members of City Council

**SUBJECT:**

Application No. A-5-09-T – filed by Sam Rainone.

**SUBJECT PROPERTY:**

Location – All of lot 12 on Plan 464, located on the south side of Gibb Street, approximately 125m (410') west of Eastern Avenue. Civic No. 99 Gibb Street.

Size – Approximately 30.48m (100') frontage x 65.53m (215') depth.

Present Use – Single detached home and automobile repair garage.

Owner – Sam Rainone.

**REQUEST:**

Pursuant to Section 39 of the Planning Act, the applicant, Sam Rainone is requesting to utilize the subject property for an Automobile Repair Garage for an additional three (3) years in addition to the single detached home.

**CONSULTATION:**

Engineering – No objections

Building Division – No comments

Legal Department – See attached letter

Fire Services – No objection

PW&T – No comments or objections

PUC – No objection

Conservation Authority – See attached letter

Accessibility Advisory Committee – See attached letter

CSD – No concerns

Municipal Heritage Committee – No concerns

EDC – No objections

## PREVIOUS APPLICATIONS

In 1993, the property was the subject of a rezoning application (A-5-93-T), seeking a temporary use zoning to permit an automobile repair garage. City Council approved the temporary use zoning with conditions. The property was again the subject of a rezoning in 1996 (A-17-96-T), to extend the temporary use zoning, and was approved by City Council. City Council's decision was appealed to the Ontario Municipal Board where it was determined that Council's decision should stand. In 2000 & 2005, Council again approved the extension of the temporary use zoning.

### Conformity with the Official Plan

The subject property is designated Residential on Schedule "C" of the City of Sault Ste. Marie Official Plan. The proposed use does not conform to the Official Plan, however, policy 1.4 of Section VII – Implementation states that "Council may permit some existing uses of land that do not comply with the land designations as shown of Schedule "C" subject to appropriate conditions and by amendments to the Zoning By-law."

### Comments

The applicant is seeking an extension of a temporary use zoning By-law, for a three-year period, to allow the continued use of an automobile repair garage on the subject property. This is the fifth request of this type by the applicant. The previous temporary use By-law that was passed by City Council in 2005 has since expired.

In 1993, the applicant received City Council's approval for a temporary use zoning By-law to permit the automobile repair garage. At that time, the use had already been in existence for several years. As part of the approval, City Council attached the following conditions:

1. That all parking of vehicles be contained to the rear portion of the property, behind the line of the neighbour's house to the north.
2. That storage or parking of large trucks be prohibited on the property.
3. That no presently established trees on the property be removed to enlarge the parking area or for other purposes.
4. That a hedge of mature cedars be planted across the front of the property and in such other places deemed appropriate by the Planning Director and that they may be installed to the satisfaction of the Chief Building Official.

City Council's decision to renew the temporary use in 1996 and 2005 were appealed by an area resident to the Ontario Municipal Board (attached is a copy of the OMB's decision). The Board's decision upheld Council's approval of the extension of the temporary use zoning. In addition, the Boards decision effected the implementation of a Site Plan Agreement, which was negotiated between the applicant, City staff, and the objector (attached is a copy of the approved Site Plan).

6(6)(a)

Planning concerns about this application are unchanged from previous requests from the applicant for a temporary use zoning for the subject property. An automobile repair garage, the traffic generated by the use, the proximity of the use to a schoolyard and a public park, and the extent of the yard that has been dedicated for the use, all result in an inappropriate use for a residential area.

In addition, to reiterate concerns stated by the OMB member in 1996, the continual renewal of a temporary use zoning By-law is an abuse of the legislation. Section 39 of the Planning Act, which deals with temporary use By-laws, is meant to provide short term relief with the expectation that the use will terminate. At the time of the OMB hearing and City Council's 1996 decision, evidence before the Board and Council was that the applicant was 66 years of age and very near a decision to retire. As well, as indicated in the Legal Department comments, at the time of the 2000 application, the neighbours had an expectation that the temporary zoning approved by Council would be the last one sought by the applicant.

The Conservation Authority has indicated that the property is within the Potential Groundwater Recharge Area as well as the 10 Year Capture Zone Sensitivity Area, and recommends that safeguards be in place for the proper storage of petroleum and chemical products. These conditions will be enforced once the Conservation Authority implements the Drinking Water Source Protection Plan.

The Accessibility Advisory Committee has also made a number of recommendations regarding barrier free design. Given that this is an existing development, any required barrier free design would only be applicable to any future development on the site, as prescribed by the Ontario Building Code.

#### Planning Director's Recommendation

That City Council deny the request for a temporary use zoning to permit an automobile repair garage on the subject property.

SDT/pms

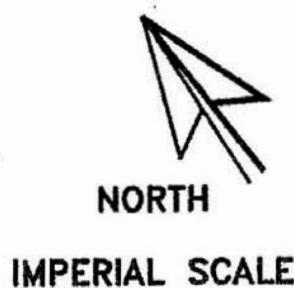
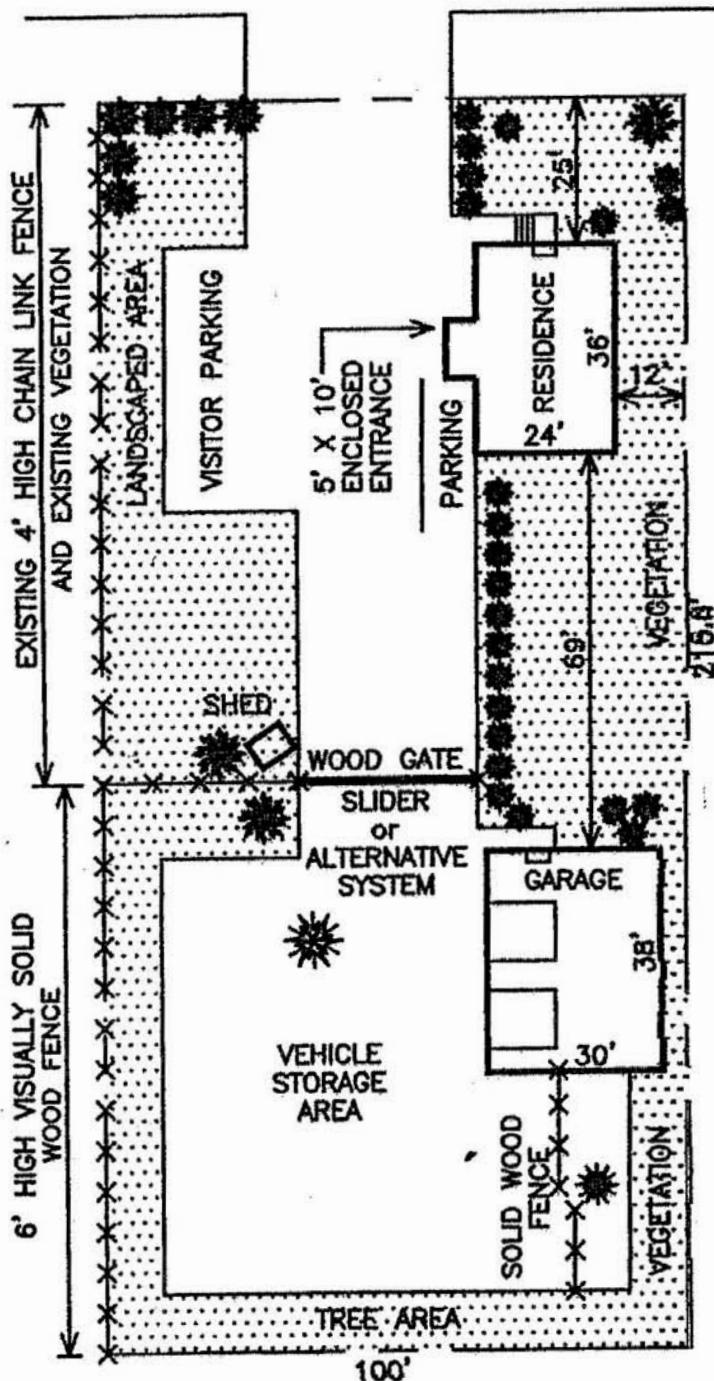
#### PUBLIC HEARING – 2009 03 23, Council Chambers, Civic Centre

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*J. Fratesi*  
RECOMMENDED FOR APPROVAL  
Joseph M. Fratesi  
Chief Administrative Officer

(6)(b)(a)

## (99) GIBB STREET

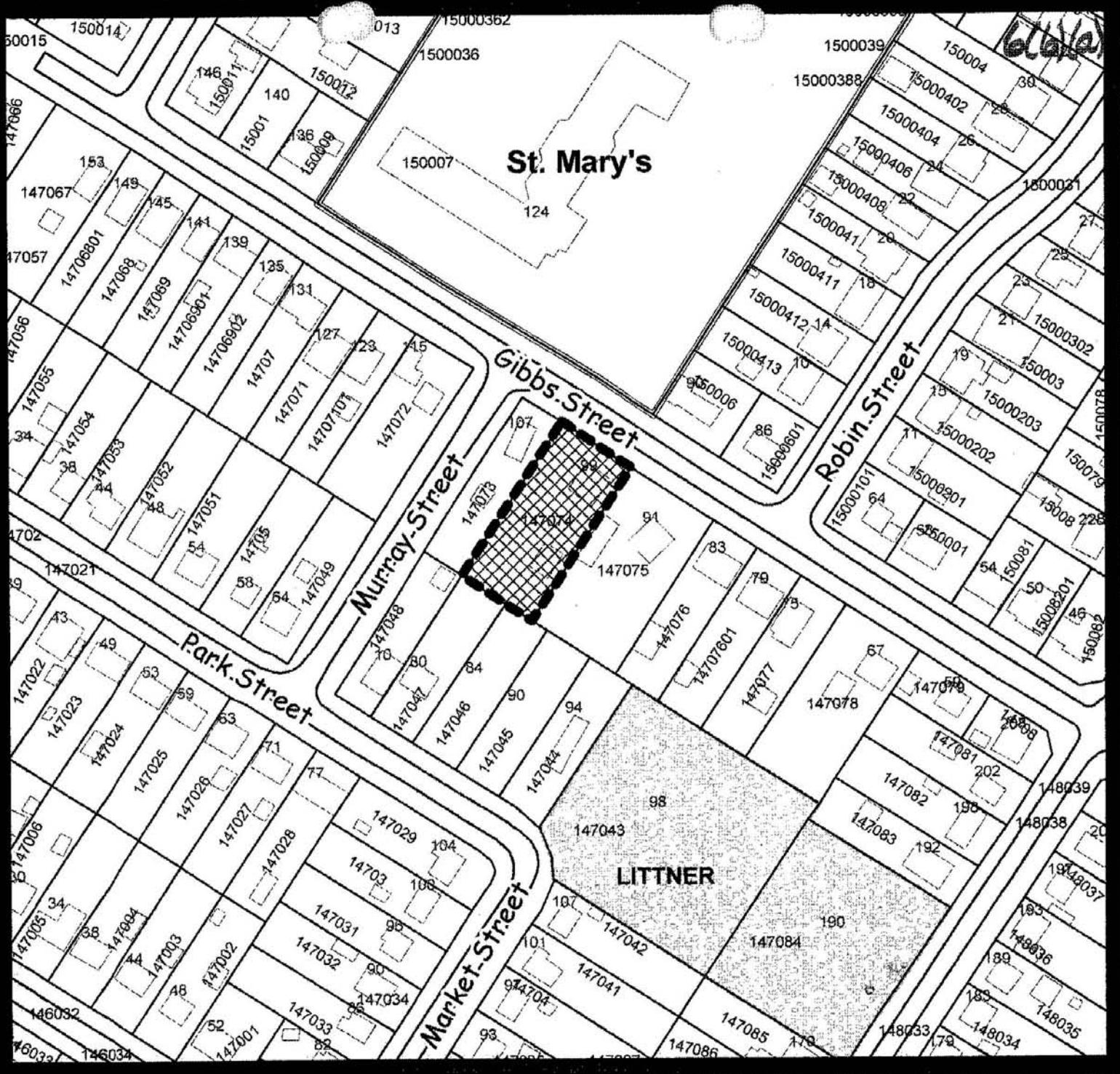


IMPERIAL SCALE

(RM) FILE : 99-GIBB  
DATE  
MAY 28, 1997PLOT SCALE  
1 - 30'

Revised : March 18, 1998

ENDORSTION	
THIS SITE PLAN AMENDING	
SCHEDULE "B" of AGREEMENT D3- <u>464</u>	
HAS BEEN ENDORSED BY	
<u>J.M. Bain</u>	
J.M. BAIN	
Planning Director	
THIS <u>18</u> <sup>th</sup> DAY OF <u>MARCH</u> 19 <u>98</u>	



# SUBJECT PROPERTY MAP

Application A-5-09-T 99 GIBBS STREET



Metric Scale  
1 : 2000

Maps  
32 & 1-39

## Legend



Subject Property - 99 Gibbs Street

Mail Label  
Reference A5-09



Legend

Subject Property - 99 Gibbs Street

Reference A5-09

Mail Label

32 & 1-39

Maps

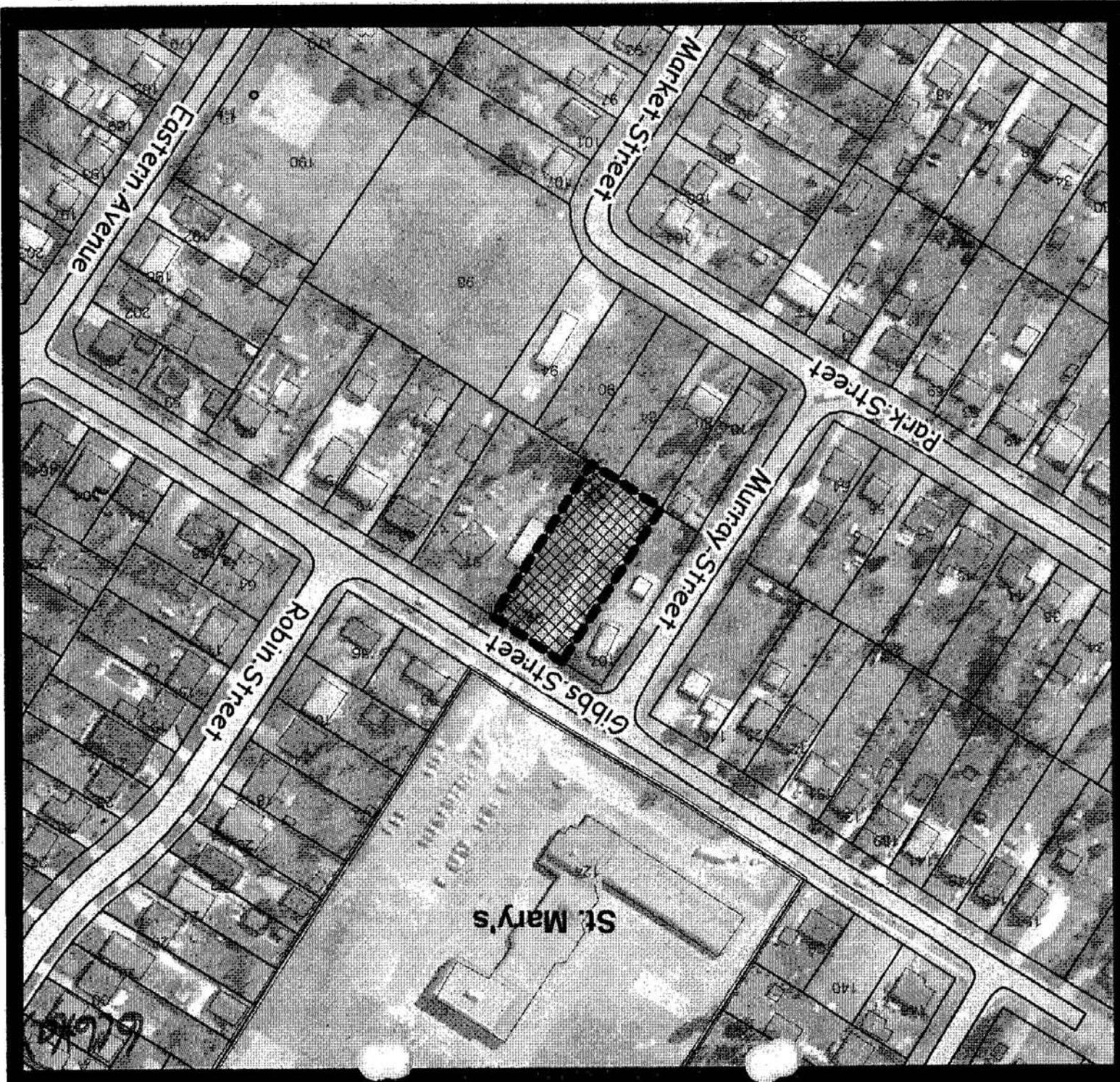
1 : 2000

Metric Scale

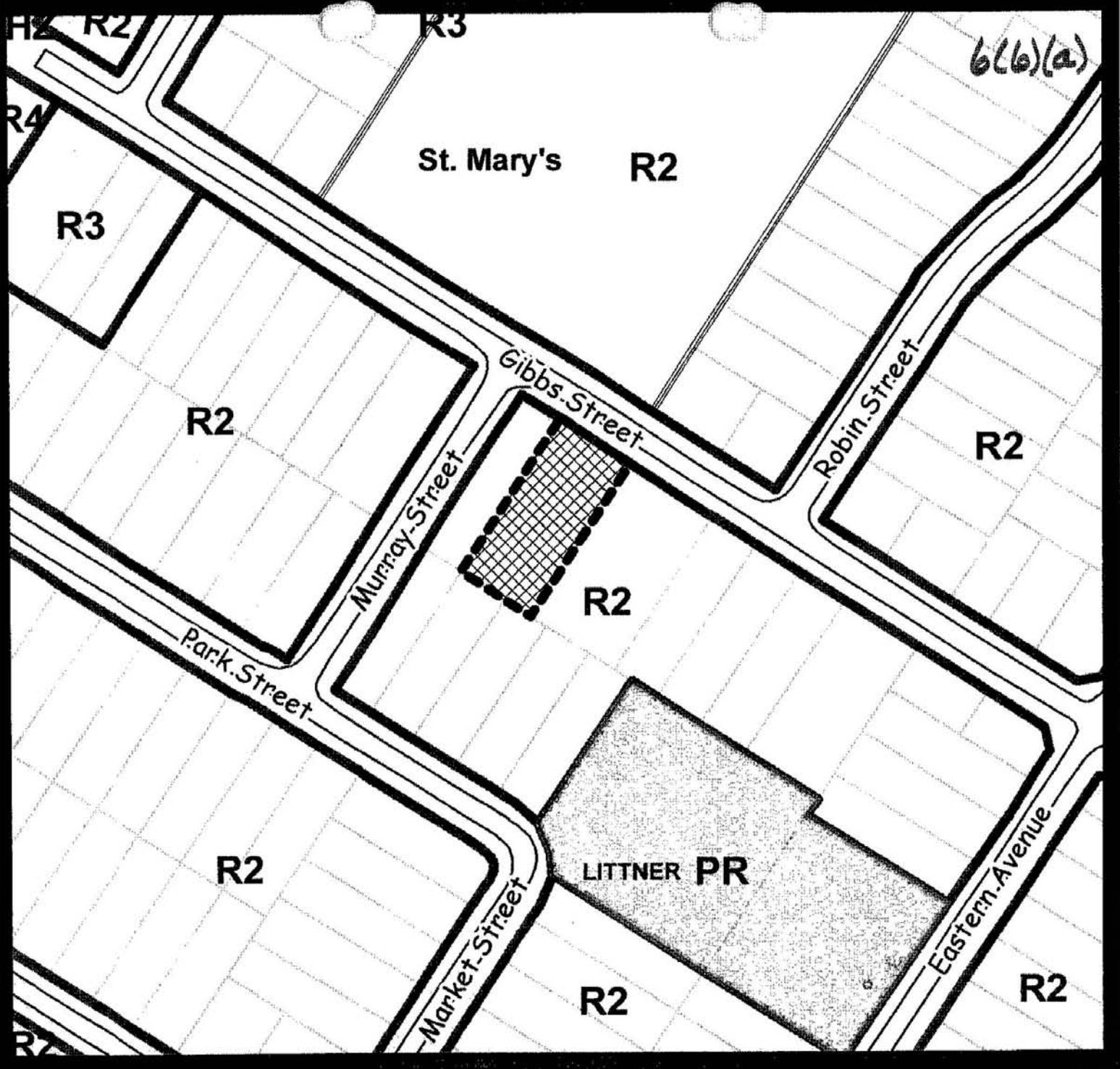


Application A-5-09-T 99 GIBBS STREET

2004 ORTHO PHOTO



6(6)(a)



## SUBJECT PROPERTY MAP

Application A-5-09-T 99 GIBBS STREET



Subject Property - 99 Gibbs Street

Metric Scale  
1 : 2000

R2 - Single Detached Residential Zone

Maps  
32 & 1-39

R3 - Low Density Residential Zone

R4 - Medium Density Residential Zone

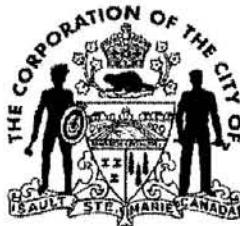
PR - Parks and Recreation Zone

Mail Label  
Reference A5-09

6(6)(a)

LORIE BOTTO  
CITY SOLICITOR

NUALA KENNY  
ASSISTANT CITY SOLICITOR



LEGAL  
DEPARTMENT

File No. 2009 Zoning Applications

2009 01 26



Mr. Don McConnell  
Director of Planning

Dear Don:

**Re: Zoning Application A-5-09-T - 99 Gibb Street (Rainone)**

This temporary zoning has been going on for many, many years. I assume Planning, in its report to Council, will identify how many years this temporary zoning has been renewed. I remember that as long as ten years ago the lawyer for the applicant indicated to the Council of the day that that would be the last temporary use request and that his client planned to retire before the next temporary request was made. Obviously the temporary use has been renewed over the years.

From the last Ontario Municipal Board hearing on this application (which was appealed to the Board by a neighbour), my recollection is that Mr. Rainone indicated that he has at least one employee working for him. If this is the case then even if Mr. Rainone retires others may approach Council with a temporary use request for this property. I do not recommend a permanent zoning for this property for an automobile repair garage. Mr. Rainone should prepare himself for the day when an Ontario Municipal Board Member will decide that this type of use is not appropriate in a residential zone and deny his zoning, if indeed this matter continues to be appealed to the Ontario Municipal Board.

Yours truly,

A handwritten signature in black ink that reads "Lorie Bottos".

Lorie A. Bottos  
City Solicitor

LAB/dh

Letters.LAB\Planning\McConnell – Rainone 26 Jan 09

The Corporation of the City of Sault Ste. Marie  
P.O. Box 580 ~ 99 Foster Drive ~ Sault Ste. Marie, ON P6A 5N1  
Telephone: (705) 759-5400 ~ Fax: (705) 759-5405  
[www.cityssm.on.ca](http://www.cityssm.on.ca)



6(6)(a)

1100 Fifth Line East  
Sault Ste. Marie, ON P6A 5K7  
Phone: (705) 946-8530  
Fax: (705) 946-8533  
Email: nature@ssmrca.ca  
www.ssmrca.ca

Donald B. McConnell, MCIP, RPP,  
Planning Director  
City of Sault Ste. Marie  
P.O. Box 580  
Sault Ste. Marie, ON P6A 5N1

January 22, 2008

VIA FAX 541-7165

**Conservation Authority Comments:**

**Application #** A-5-09-T  
**Sam Rainone**  
**99 Gibbs Street**  
**Sault Ste. Marie**

The subject property is NOT located in an area under the jurisdiction of the Conservation Authority with regard to the O. Reg.176/06 for Development, Interference with Wetlands and Alterations to Shoreline and Watercourses.

The subject property is under consideration of the Drinking Water Source Protection Program of the Conservation Authority with regard to Drinking Water Source Protection as it is within the Potential Groundwater Recharge Area as well as 10 Year Capture Zone Sensitivity Area.

Therefore the following recommendations on the rezoning application from the Drinking Water Source Protection are offered:

1. Safeguards for the proper storage of any petroleum products are instituted on site.
2. Safeguards for the proper storage of any chemical products are instituted on site.

Should you have any questions on our comments please contact our office.

Sincerely,

Marlene McKinnon  
GIS Specialist

File: A-5-09-T\_22.Jan09.doc



6(6)(a)

28 January 2009

Don McConnell  
Planning Director  
City Planning & Engineering Division

**SUBJECT: REZONING APPLICATION REVIEW – A-5-09-T**

Dear Mr. McConnell

The Accessibility Advisory Committee makes the following recommendations in respect of barriers to access for person with disabilities on the subject rezoning application.

**Exterior**

1. Parking: Recommend current Zoning By-law standard for Accessibility
2. Walkways & Sidewalks: Recommend current Zoning By-law standard for Accessibility
3. Curb Cuts: Recommend current Zoning By-law standard for Accessibility
4. Ramping: Recommend current Zoning By-law standard for Accessibility
5. Transit Access: Recommend current Zoning By-law standard for Accessibility
6. Lighting: Recommend current Zoning By-law standard for Accessibility
7. Signage: Recommend current Zoning By-law standard for Accessibility
8. Other: AAC recognizes a temporary business operation however this situation does not appear temporary and therefore should meet all standards under the Zoning By-law. If this business employs at least one person, they will be required to provide accessible customer service on January 1, 2012.

Thank you for your attention to these recommendations.

We request a Site Plan

We do not want a Site Plan for review

ISSUE DATE:

**June 26, 2007**

DECISION/ORDER NO:

**1772**



THE CORPORATION OF THE  
CITY OF SAULT STE. MARIE

JUN 28 2007

PL060256

6(6)(a)

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

## **LEGAL DEPARTMENT**

George Sawko has appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 2006-34 of the City of Sault Ste Marie  
OMB File No. R060256

### **APPEARANCES:**

#### **Parties**

City of Sault Ste. Marie

Sam Rainone

G. Sawko

#### **Counsel**

L. Bottos

G. Maich

### **DECISION OF THE BOARD DELIVERED BY G. C. O'CONNOR AND ORDER OF THE BOARD**

The City of Sault Ste. Marie ("the City") passed By-law 2006-34 on February 6, 2006. The By-law extends a temporary use by-law for an additional three-year period to allow Mr. Rainone to repair automobiles and to store them on his property in a residential section of the east end of the City of Sault Ste. Marie.

This was the applicant's fourth request for a temporary extension. In 1993, the property was the subject of a rezoning application seeking a temporary use zoning which was approved by Council. In 1996, the applicant submitted another application for an extension which was again approved. Council's decision was appealed to the Ontario Municipal Board and upheld in 1997. In 2000, Council again approved an extension to the temporary use by-law.

Mr. Stephen Turco who was qualified by the Board provided uncontradicted expert land use planning evidence. He testified that the subject property is designated Residential on Schedule "C" of the City's Official Plan. He explained to the Board that the present use does not conform with the Official Plan. However, Policy 1.4 of Section

6(6)(a)

- 2 -

PL060256

VII – Implementation, states that Council may permit some existing uses of land that do not comply with the land designations subject to appropriate conditions and by amendments to the Zoning By-law. In that respect, the By-law conforms to the Official Plan.

Mr. Turco also attested that Mr. Sawko, who is not a neighbour, was the only person who had filed complaints with the Planning Department.

The planner recommended that the applicant provide more buffering at the rear of his property to prevent pedestrian access and an improved drive-by view and that there be no storage of large trucks on the subject property.

The Board accepts Mr. Turco's opinion and finds that the By-law represents good planning. Therefore the appeal is dismissed.

The Board also encourages Mr. Rainone to take this opportunity of the extended temporary use to wind down his repair operations.

So Orders the Board.

"G. C. O'Connor"

G. C. O'CONNOR  
MEMBER

ISSUE DATE

MAY 27 1997

VISION/ORDER NO. 0122



Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

R970016

6(6)(a)

RECEIVED  
CITY CLERK

JUN 2 1997

23.9.95

DISPOSITION legal  
Planning  
file

COUNSEL:

N. Kenny	for	City of Sault Ste. Marie	The Corp. of the City of S.S.M.
G. Maich	for	Mr. Rainone, the applicant	

JUN 2 1997

LEGAL DEPARTMENT

AGENT:

George Sawko	for	himself as appellant
--------------	-----	----------------------

DISPOSITION delivered by B.W. KRUSHELNICKI on May 14, 1997

This matter has been settled but, because certain changes were thought to be needed to the by-law as passed by Council, the Board convened a hearing and heard evidence of the merits of the by-law and the proposed modifications arising from the negotiations between the parties.

Mr. Rainone wishes to have extended for another three years, a temporary use by-law which permits him to repair automobiles and store them on his property in a residential part of the east end of the City of Sault Ste. Marie.

Mr. Sawko lives nearby and objects to the extension by appealing the by-law to the Board. However, after discussions with the planner (Mr. Dolcetti) retained by Mr. Rainone, Mr. Sawko agreed not to contest Mr. Rainone's application to this Board, provided certain conditions are met. City Council had established some conditions on the temporary use

when originally passed in 1993, and Mr. Dolcetti proposed that these be continued and that four additional conditions arising from Mr. Sawko's concerns be added. This is agreeable to the parties, including the City and to the Board.

However, the Board before endorsing the settlement expressed two concerns that must be addressed. The first is that the temporary use by-law provisions of the *Planning Act* should not be abused by becoming simply a serial temporary zoning application, renewable every three years. That is not the intent of temporary by-laws. They are meant to provide short term relief and it is expected that they must some day come to an end. In this respect, Mr. Maich advises the Board that the applicant is 66 years of age and that this relief is the result the longstanding occupation by Mr. Rainone of the property and his use of it for parking and repairing trucks, and more recently for repairing cars in the backyard.

Mr. Maich is directed to advise his client that his future applications for renewal will not be dealt with automatically. The area in which this is located is residential in use, and is residential in the by-laws and the Official Plan for the Municipality. The proper way to seek long term changes of a permitted use is by way of variance or by-law amendment.

The second area of concern is the way in which the concerns of the City's Council and the appellant (soon to be withdrawn) are practically addressed. As it stands, Council has enacted a temporary use by-law under section 39 of the *Planning Act* and has apparently passed a resolution attaching conditions to the by-law. I know of no authority in the *Act* (or elsewhere) which permits Council to enact by-law conditions. If there were a dispute over the enforcement of the conditions, there may be difficulty. I find however, that the conditions - which have to do with fencing, planting and the organization of the storage, parking and the automobile repair uses on the property - are appropriate in the circumstances and should be incorporated into the process for the comfort of Council and the withdrawing appellant. The more appropriate measure to gain such protection is by way of site plan application and agreement.

The Board endorses the settlement, and orders the enactment of the temporary use by-law for a period not to exceed three years. I will withhold this order for ninety days from

the date of the hearing, pending receipt of an approved and agreed site plan incorporating the conditions agreed to by City Council and the appellant. The applicant's counsel consents to this (and his planner sees the merits of it) as do the appellant and counsel for the City. Upon satisfactory receipt of the site plan, the Board's order will issue enacting the temporary use by-law in the form as expressed in Exhibit 2 to these proceedings.



B.W. KRUSHELNICKI  
MEMBER

6(6)(b)



2009 03 23

## REPORT OF THE ENGINEERING & PLANNING DEPARTMENT

### PLANNING DIVISION

**TO:**

Mayor John Rowswell  
and Members of City Council

**SUBJECT:**

Application No. A-9-09-Z.OP – 2040653  
Ontario Inc.

**SUBJECT PROPERTY:**

Location – Located on the southwest corner of Wellington Street West and Second Line West, civic no.'s 725, 737, 739, 745 & 747 Wellington Street West & Part of 28 Laura Street

Size – Approximately 71m (233') frontage along Wellington Street West & 74m (243') frontage along Second Line West; 0.54 ha (1.3 acres)

Present Use – Residential

Owners – Carlo Saverio D'Ettorre & Lori Nunzia Naccarato, Claude Gabriel A. Bourcier & Suzanne Diane Bourcier, Robert Ronald Berto & Deborah Ann Berto, Robert Ronald Berto Jr. & Deborah Ann Berto, David Allan Bradley, & the City of Sault Ste. Marie

**REQUEST:**

The applicant, 2040653 Ontario Inc. is requesting a rezoning from "R.2" (Single Detached Residential) zone and "R.3" (Low Density Residential) zone to "C.4" (General Commercial) zone to permit the construction of a Pharmacy. The applicant is also requesting an Official Plan Amendment to re-designate the subject properties from Residential to Commercial on Land Use Schedule 'C' of the Official Plan.

**CONSULTATION:**

Engineering – See attached letter  
Building Division – No objection. There are widening strips on Second Line West and Wellington Street West, therefore this should be reviewed to ensure compliance.  
Legal Department – No Objection  
PW&T – See attached letter  
PUC Services – See attached letter  
Fire Services – No objection  
CSD – No concerns  
Municipal Heritage Committee – No concerns  
EDC – No objections  
Conservation Authority – See attached letter  
Accessibility Advisory Committee – No comment  
Transit Division – See attached letter

**PREVIOUS APPLICATIONS**

In 1999, City Council rezoned and granted Draft Subdivision Approval for the Laura Gardens Subdivision, which abuts the subject properties to the west.

**Conformity with the Official Plan**

The subject properties are designated 'Residential' on Land Use Schedule 'C' of the Official Plan. The applicant's proposal to redevelop the properties for an 1104.5m<sup>2</sup> (11,900 sq. ft.) drug store requires an Official Plan Amendment to redesignate the subject properties from 'Residential' to 'Commercial'.

**Comments**

The applicant is proposing to rezone the subject properties from "R.2" & "R.3" (Single Detached & Low Density Residential) zones to "C.4" (General Commercial) zone to facilitate the development of an 1104.5m<sup>2</sup> (11,900 sq. ft.) drug store. Referring to the subject property maps attached, the proposal is to merge 6 properties resulting in approximately 71m (233') of frontage along Wellington Street West, and 74m (243') of frontage along Second Line West, totalling 0.54 ha (1.3 acres). The subject properties include a portion of 28 Laura Street, and a City owned parcel at 747 Second Line West. If the rezoning is approved, a subsequent application to the Committee of Adjustment will be required to sever and convey a portion of 28 Laura Street. The severance will not result in any minor variances required for 28 Laura Street.

The proposed development is very similar to the Rexall Pharmacy at the southwest corner of Trunk and Lake Streets, which is presently under construction. Referring to the preliminary site plan attached, the proposed drug

store will be 1104.5m<sup>2</sup> (11,900 sq. ft.), with a drive through facility along the southern wall of the building, and a loading area at the southeast corner of the building. The drive through facility is oriented in a manner that there are enough stacked spaces to ensure that vehicles are not queuing on the adjacent public roads.

The proposed loading space is located very close to the required exterior side yard, which is 7.5m (25') in this instance. Given future road widening requirements along this portion of Wellington Street West, the loading space design may need to be altered in order to comply with Section 6 of Zoning By-law 2005-150, which does not permit loading spaces within a required front, or exterior side yard. Given the adjacent right-of-way and residential uses, the loading area must be visually screened in accordance with Section 6.2.3 of the Zoning By-law. A hedgerow or similar vegetative buffer is appropriate, subject to the approval of Public Works and Transportation, to ensure that adequate sightlines are maintained for vehicles and pedestrians accessing the site or travelling along Wellington Street West.

The applicant is proposing a total of 54 parking spaces, 3 of which will be of barrier-free design. A fence is also proposed along the full extend of the common lot lines (west and south) where the proposed commercial use will abut existing residential uses. A landscaped strip is proposed along the Second Line and Wellington Street West frontages, and a pedestrian link to the sidewalk along Second Line is also planned. Access to the site is proposed via full movement access point to Second Line, and Wellington Street.

The character of the area is commercial and residential. The immediate areas surrounding the intersection of Second Line West and Wellington Street/Peoples Road are commercial. The areas abutting the property to the south, west and across the street to the east are residential. A commercial use at this location is appropriate and will complete the existing commercial node at the intersection.

Given the proposal is located upon a corner lot at a busy intersection with abutting residential uses, the parcel should be designated subject to site plan control so that staff can comment upon the details of the development, and ensure that landscaping, fencing, and any other necessary requirements are established and maintained over time.

Correspondence from Engineering (attached) notes there is an existing drainage agreement registered on title for 28 Laura Street, which requires a drainage swale to be maintained on the north, east, and south lot lines. Given the rear portion of 28 Laura St. is proposed to be conveyed as part of this proposal, the drainage swale will have to be relocated to the retained or remaining residential portion of the property. The swale must be re-vegetated and maintained by the Owner, as per the agreement registered on title. The applicant and the Owner of 28 Laura St. are aware of this requirement.

The Municipal Services Engineer also notes the development cannot result in an increase in peak flow rates of stormwater discharged into the municipal sewer system. The developer must also ensure that stormwater water quality meets municipal standards. Such provisions can be addressed during the Site Plan Control process, through the submission of a servicing report.

Engineering also notes that a 3m road widening is required along the east lot line along Wellington Street West., in addition to the original 20m right-of-way. Based upon a review of Municipal records, it appears that widenings have already been taken from the southern portion of the Wellington Street frontage, and the widenings required for the northern portions of the frontage vary from 1.68m to possibly 3m. Through a survey, the proponent must confirm the remaining required widths, and transfer those lands to the City for future road improvements. Once transferred, the proposed building and loading space must be setback at least 7.5m from the revised lot line along Wellington Street West.

The applicant, Public Works, and Planning Division have had a number of previous discussions pertaining to the full-movement access point onto Second Line West. Correspondence from PWT notes that initially, full movement access may be permitted along Second Line. However, Public Works is of the opinion that at some point in the future, and based upon an engineering study (at the municipalities expense), the full movement access at Second Line may be revisited, and restricted to a right in, right out only. PWT also notes that left turns from Second Line to the proposed pharmacy may be difficult during many times of the day, given the proximity to the lights. A clause noting possible future access restrictions to Second Line can be placed in the Site Plan Control Agreement.

PUC indicates that the proposal will require the relocation of an existing PUC distribution line from a portion of the interior of the property, at the proponent's expense. The applicant is aware of this requirement.

Correspondence from the Sault Ste. Marie Region Conservation Authority notes that while the property is not located within a regulated area; it is within the Potential Groundwater Recharge Area and as such, under the consideration of the Drinking Water Source Protection Program. While the proposed pharmacy use does not pose a major threat to the groundwater aquifer, safeguards should be established for the proper on-site storage and handling of chemical and petroleum products, both during and after construction.

The site plan identifies the approximate location of an existing bus stop along the Second Line frontage, which is serviced by the Second Line and Cedar Heights routes. Correspondence from Transit (attached) notes that the existing bus stop and shelter must remain in its existing location. Based upon the current design, it does not appear that the existing bus stop location will be impacted by this development, although such details can be dealt with through Site Plan Control.

6(b)(b)

## SUMMARY

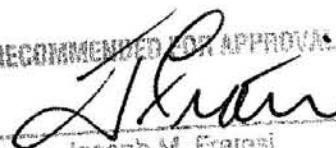
The applicant is proposing an 1104.5m<sup>2</sup> (11,900 sq. ft.) pharmacy on an amalgamation of parcels on the southwest corner of Second Line West and Wellington Street West. The amalgamation includes a City owned parcel at 747 Wellington Street West, and a rear portion of 28 Laura Street. Based on the preliminary site plan, the resulting block of land to be developed is large enough to support the intended use. Given the existing commercial development around the intersection of Second Line and Wellington Street, the proposed pharmacy will fit into the character of the area, and complete the existing commercial node. Given the properties' corner location, and the abutting residential to the south and west, the use of Site Plan Control is appropriate to ensure that existing residential uses are protected, and that vehicles can travel through the intersection in a safe manner, with minimal sight, or access impacts from the commercial development.

## Planning Director's Recommendation

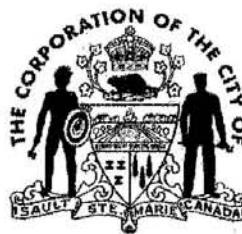
That City Council approve the application, and more specifically:

1. Approve Official Plan Amendment 161 and re-designate the subject properties from Residential to Commercial on Land Use Schedule "C" of the Official Plan
2. Rezone the subject properties from "R.2" & "R.3" (Single Detached & Low Density Residential) zones to "C.4" (General Commercial) zone
3. That the required road widenings along the Wellington Street West frontage be transferred to the City
4. Deem the subject properties as subject to Site Plan Control, pursuant to Section 41 of the Planning Act.

PT/pms

RECOMMENDED FOR APPROVAL  
  
Joseph M. Fratesi  
Chief Administrative Officer

**PUBLIC HEARING** – 2009 03 23, council Chambers, Civic Centre



2009 03 02

Our File: A-9-09-Z.OP & 1.531

MEMO TO: Don McConnell, MCIP, RPP  
Planning Director

FROM: Catherine Taddo, P. Eng.  
Municipal Services Engineer

SUBJECT: APPLICATION No. A-9-09-Z.OP  
725, 737, 739, 745, 747 WELLINGTON STREET WEST & PART OF 28 LAURA  
STREET - REQUEST FOR AN AMENDMENT TO THE OFFICIAL PLAN AND  
ZONING BY-LAW

The Engineering Department has reviewed the above noted application, and has the following comments:

- Lot 13, on 1M-535 has a Drainage Agreement registered on title requiring that a drainage swale be maintained on the north, east, and south property boundaries, as shown on the attached design plan. If the rear portion of Lot 13 is included in the proposed site plan for the drug store, the drainage swale will have to be relocated to the remnant of 28 Laura Street, sodded, and maintained by the Owner as per the Drainage Agreement registered on title.
- No works shall be undertaken that would increase peak flow rates of storm water or which would impair the quality of storm water which is discharged to a sewer.
- Road widening property is required to be transferred to the City on Wellington Street West in order to increase the right-of-way width on the west side. The bylaw requires 3.0 m in addition to the original 20 m right-of-way. The proponent should confirm the remaining width of property to be transferred to the City, in order to comply with the bylaw requirements.

If you require anything further please, contact me.

Sincerely,

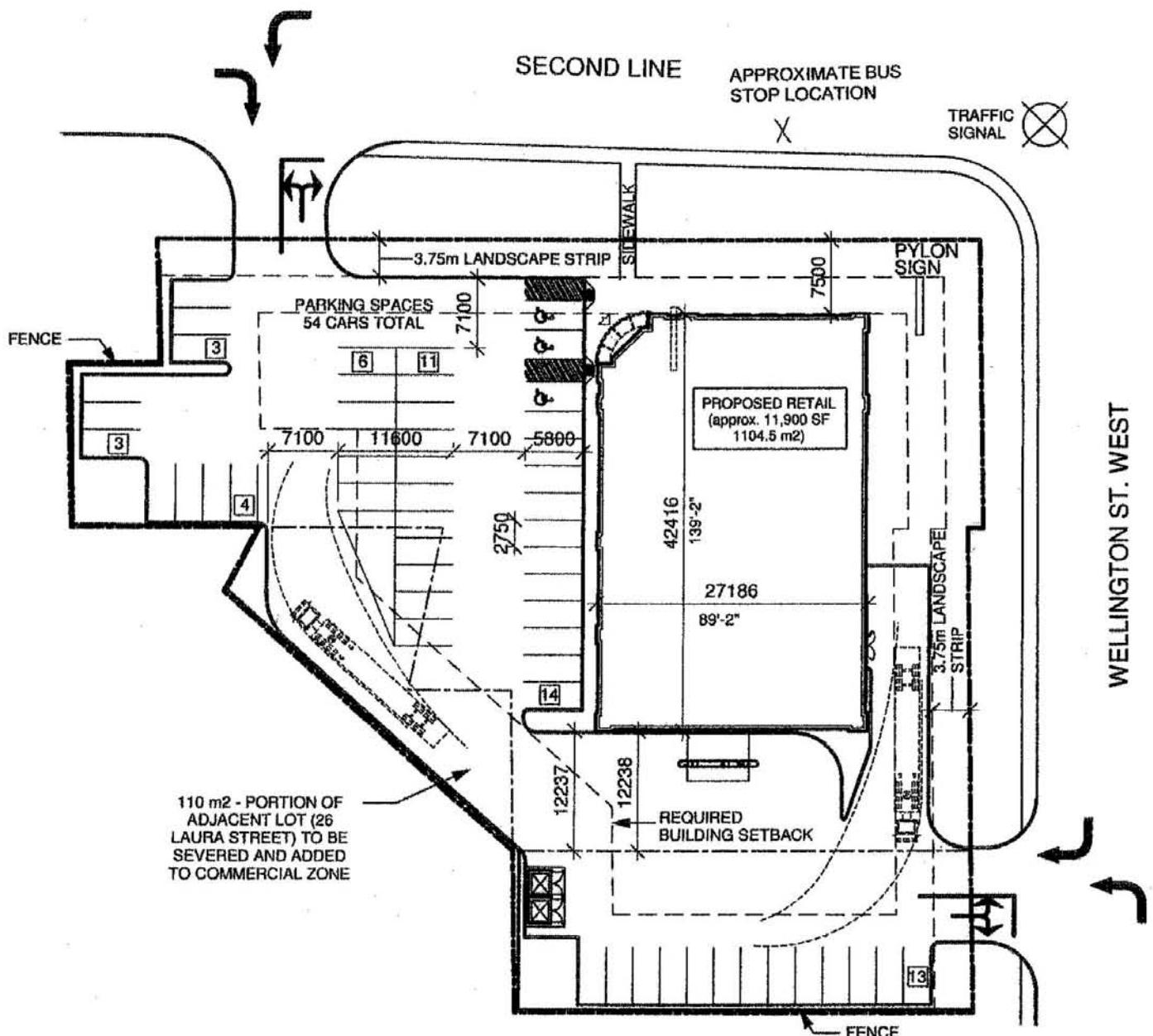
A handwritten signature in black ink that reads "C. Taddo".

Catherine Taddo, P. Eng.  
Municipal Services Engineer

Attach.

c: Jerry Dolcetti, RPP  
Jim Elliott, P. Eng.

6(6)(b)



**PROPERTY LINES  
FROM SURVEY**

**PRELIMINARY SITE PLAN STUDY  
WELLINGTON & SECOND LINE,  
SAULT STE. MARIE, ON**

Feb. 11, 2009

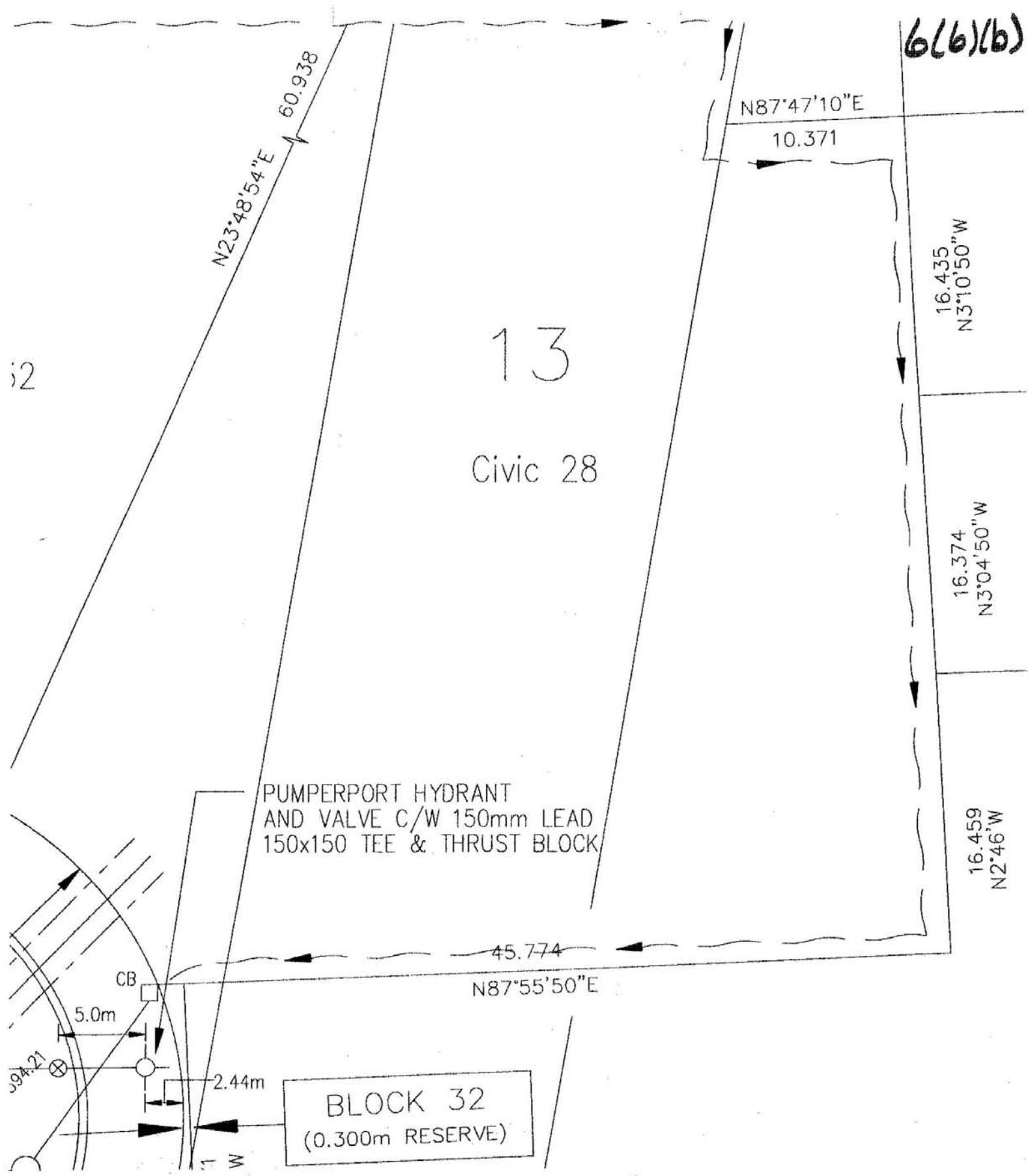


0 10 20 METRES

0 10 25 50 60 100 ft

**SP5c**

6(6)(b)



**6(6)(b)****Pat Schinners**

---

**From:** Peter Tonazzo  
**Sent:** March 02, 2009 10:26 AM  
**To:** Pat Schinners  
**Subject:** FW: Application Number: A-9-09-Z .OP 725, 737, 739, 745, 747 Wellington St W. and part of 28 Laura St

---

**From:** Jim Elliott  
**Sent:** February 27, 2009 2:10 PM  
**To:** Don McConnell  
**Cc:** Peter Tonazzo  
**Subject:** Application Number: A-9-09-Z .OP 725, 737, 739, 745, 747 Wellington St W. and part of 28 Laura St

Don McConnell  
Planning Director

Subject: Request for an Amendment to the Official Plan and Zoning Bylaw  
Application Number: A-9-09-Z .OP  
2040653 Ontario Inc.  
725, 737, 739, 745, 747 Wellington St W. and part of 28 Laura St

Staff from the Public Works and Transportation Department has reviewed this application and have no objections.

With respect to comments, we concur with our preliminary comments as stated in previous correspondence from the Planning Division to the applicant "**Initially, full movement access is okay along Second Line, although given the future extension of Third Line, this portion of Second Line could get more traffic, especially westbound trucks turning left and heading north on People's Road (Wellington Street West). Public Works is of the opinion that at some point in the future, and based upon an engineering study (at the municipalities expense), the full movement access at Second Line may be revisited, and restricted to a right in, right out. Having said this, making a left from Second Line into the proposed pharmacy will be difficult during many times in the day, given the proximity to the lights.**"

If you have any questions, do not hesitate to contact me.

Yours truly

J. M. Elliott, P. Eng  
Deputy Commissioner  
Public Works and Transportation Department

**6(6)(b)**

PUC SERVICES INC.  
ENGINEERING DEPARTMENT  
765 QUEEN STREET EAST, P.O. Box 9000  
SAULT STE. MARIE, ONTARIO, P6A 6P2

March 3, 2009

Donald B. McConnell, MCIP, RPP  
Planning Director  
The Corporation of The  
City of Sault Ste. Marie  
P.O. Box 580  
Sault Ste. Marie, ON P6A 5N1

**FAXED: (705) 541-7165**

Dear Sir:

**Re: Application A-9-09-OP**  
725, 737, 739, 745, 747 Wellington Street West & Part of 28 Laura Street

PUC Services wishes to advise that the proposed development will require relocation of a PUC distribution line from a portion of the interior property. The costs for these relocations will be charged to the new owner or developer if deemed necessary.

Considering the nature of the proposed development and utilities locations in the area early consultation with PUC is encouraged for electrical and water servicing.

Yours truly,

PUC SERVICES INC.

A handwritten signature in black ink, appearing to read "KB".

Kevin D. Bell, P.Eng.  
Manager of Engineering

KB\*jf



6(6)(b)

1100 Fifth Line East  
Sault Ste. Marie, ON P6A 5K7  
Phone: (705) 946-8530  
Fax: (705) 946-8533  
Email: nature@ssmrca.ca  
www.ssmrca.ca

Donald B. McConnell, MCIP, RPP,  
Planning Director  
City of Sault Ste. Marie  
P.O. Box 580  
Sault Ste. Marie, ON P6A 5N1

February 25, 2008

VIA FAX 541-7165

**Conservation Authority Comments:**

**Application # A-9-09-Z.OP**  
**2400653 Ontario Inc.**  
**725, 737, 739, 745 and 747 Wellington Street West**  
**And Part of 28 Laura Street**  
**Sault Ste. Marie**

The subject property is NOT located in an area under the jurisdiction of the Conservation Authority with regard to the O. Reg. 176/06 for Development, Interference with Wetlands and Alterations to Shoreline and Watercourses.

The subject property is under consideration of the Drinking Water Source Protection Program of the Conservation Authority with regard to Drinking Water Source Protection as it is within the Potential Groundwater Recharge Area.

Therefore the following recommendations on the rezoning application from the Drinking Water Source Protection are offered (during and after construction):

1. Safeguards for the proper storage of any petroleum products are instituted on site.
2. Safeguards for the proper storage of any chemical products are instituted on site.

Should you have any questions on our comments please contact our office.

Sincerely,

Marlene McKinnon  
GIS Specialist

File: A-9-09-Z\_OP\_25Feb09.doc

6(6)(b)

Don Scott  
Transit Manager



Public Works &  
Transportation  
Department

Transit Division

2009 02 27



**MEMO TO:** Don McConnell, Planning Director  
Engineering and Planning Department

**RE:** Application No. A-9-09-Z.OP  
Request for an amendment to the Official Plan & Zoning By-law

The Transit Services Division provides public transportation to the subject Property via the Second Line and Cedar Heights bus routes. There is an existing bus stop/shelter located north of the subject property and south of the existing sidewalk on the south side of Second Line. Said bus stop/shelter services the area and call centre located on the north side of Second Line. Said bus stop/shelter must remain in its existing location as passengers travelling on the Second Line and Cedar Heights bus routes use this site as a primary transfer point.

A handwritten signature in black ink, appearing to read "R. Scott".

Don Scott  
Transit Manager  
Public Works and Transportation

6(6)(b)

**AMENDMENT NO. 168  
TO THE  
SAULT STE. MARIE OFFICIAL PLAN**

**PURPOSE:**

This Amendment is an amendment to Schedule "C" of the Official Plan.

**LOCATION:**

Parts 3, 4, and 10, Plan 1R7628, Lot 59 H739 and Part of Lot 13 Plan M-535, Civic No's 725, 737, 739, 745, 747 Wellington Street West, and Part of 28 Laura Street.

**BASIS:**

This Amendment is necessary in view of the request to rezone the subject property to permit the lands to be utilized for commercial purposes.

The proposal does not conform to the existing Residential policies as they relate to the subject property.

Council now considers it desirable to amend the Official Plan redesignating the subject property from "Residential" to "Commercial".

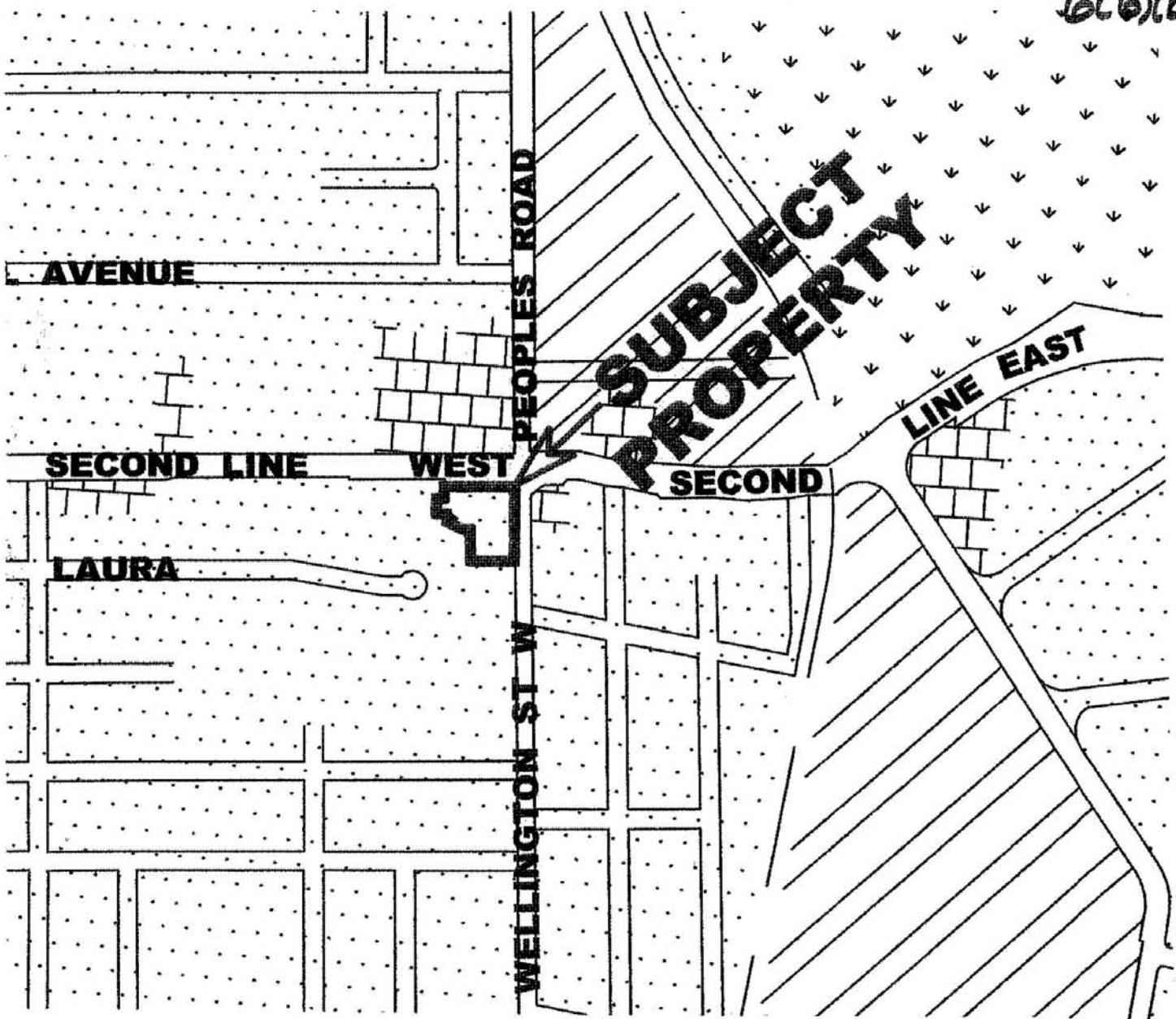
**DETAILS OF THE ACTUAL AMENDMENT & POLICIES RELATED THERETO:**

Schedule "C" to the Sault Ste. Marie Official Plan is hereby amended redesignating those lands shown on the attached schedule from "Residential" to "Commercial".

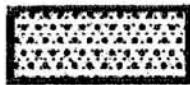
**INTERPRETATION**

The provisions of the Official Plan as amended from time to time will apply to this Amendment.

(6)(b)(b)



OFFICIAL PLAN SCHEDULE "C"  
LAND USE LEGEND



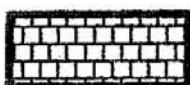
RESIDENTIAL



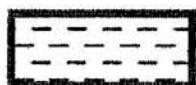
INDUSTRIAL



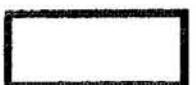
PARKS  
RECREATIONAL



COMMERCIAL

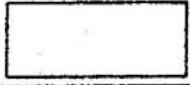


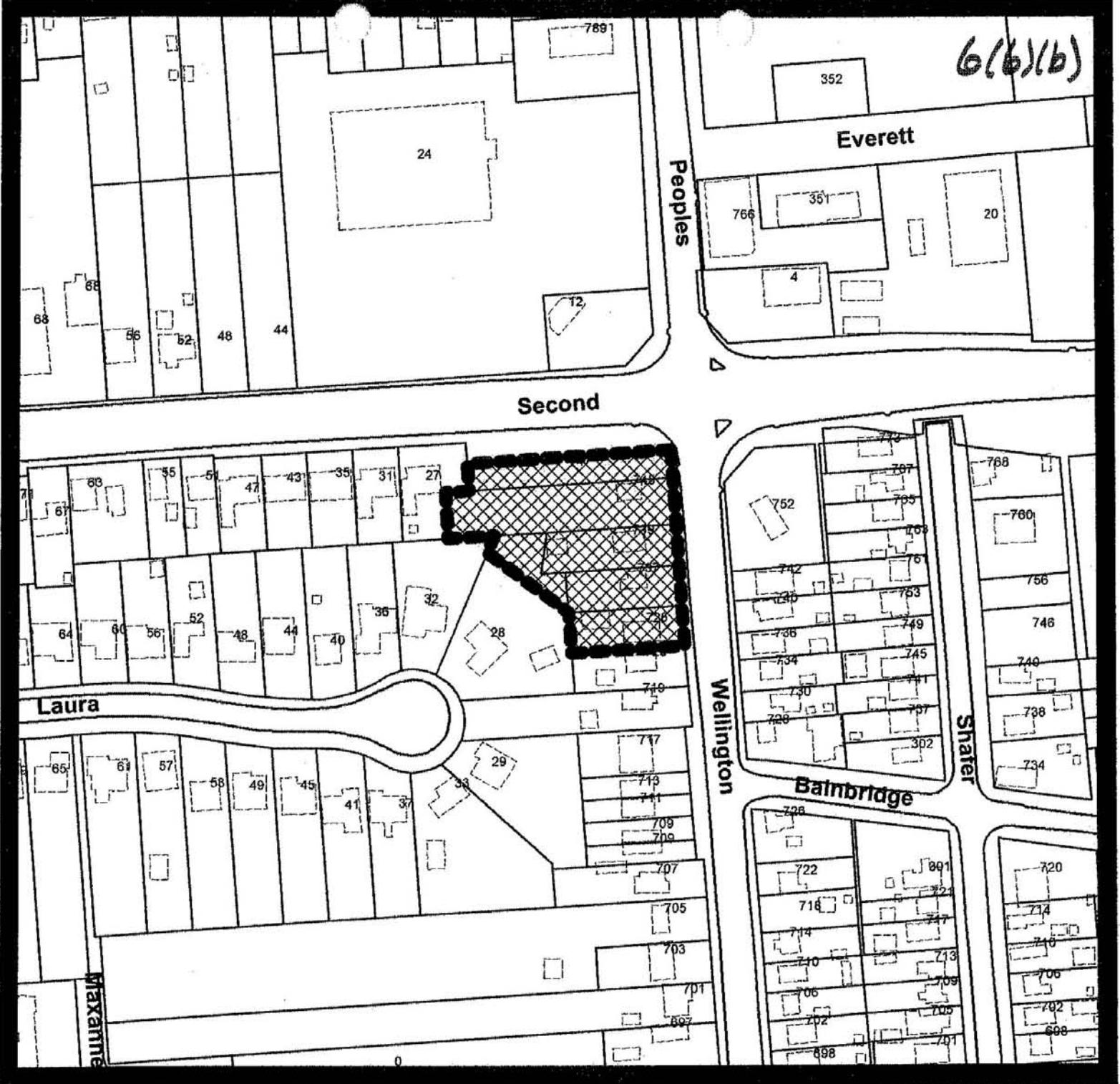
INSTITUTIONAL



RURAL AREA

SCHEDULE "A" to AMENDMENT No. 168





# SUBJECT PROPERTY MAP

APPLICATION A-9-09-Z-OP

725-745 WELLINGTON ST W

Rear Portion of 28 LAURA STREET



Metric Scale

1 : 2200

Maps  
56 & 1-72

Mail Label  
A9-09

 Subject Property



**2004 ORTHO PHOTO**  
**APPLICATION A-9-09-Z-OP**  
**725-745 WELLINGTON ST W**  
**Rear Portion of 28 LAURA STREET**



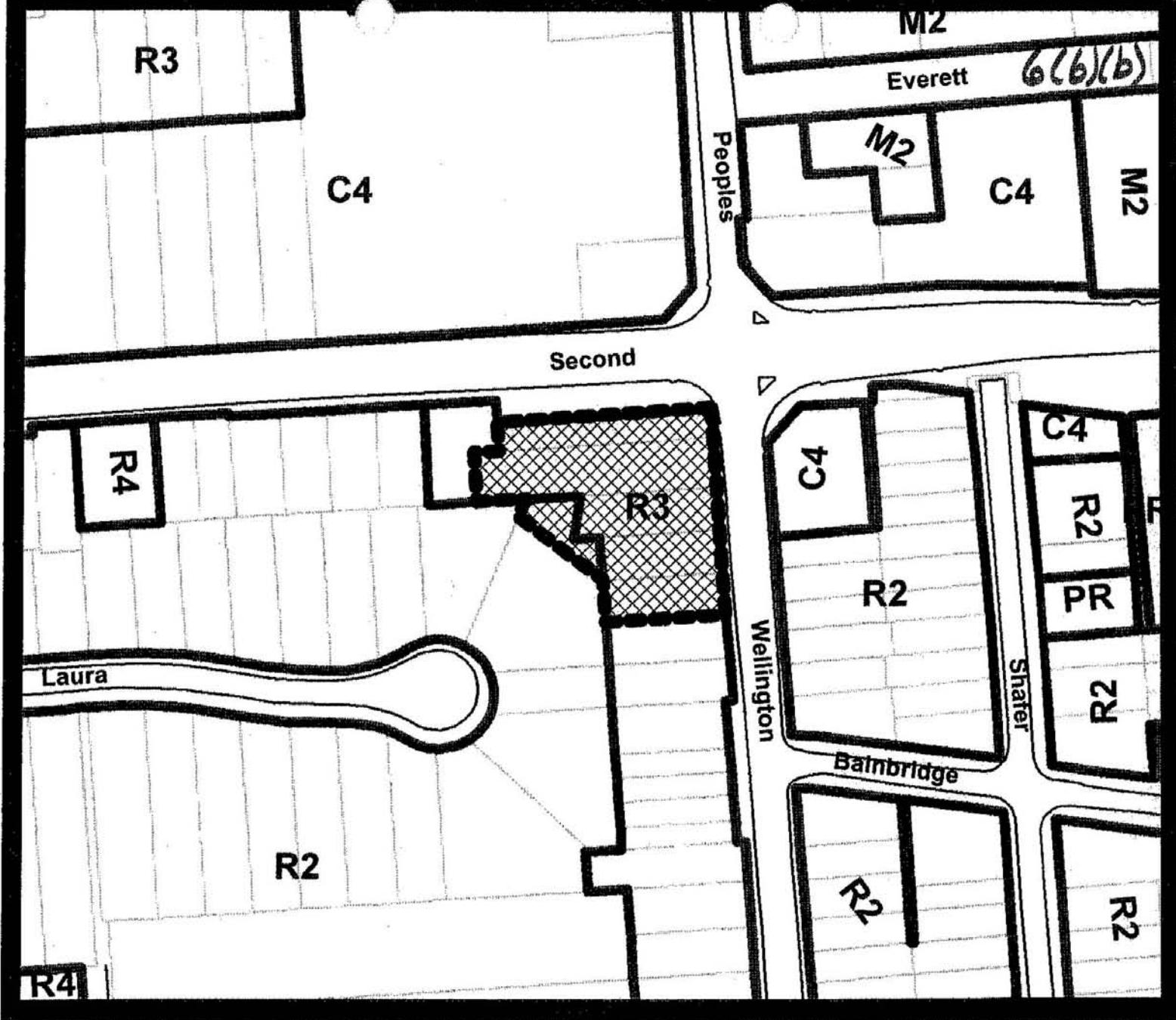
**Metric Scale**  
**1 : 2200**

**Maps**  
**56 & 1-72**



**Subject Property**

**Mail Label**  
**A9-09**



## ZONING MAP

APPLICATION A-9-09-Z-OP

725-745 WELLINGTON ST W

Rear Portion of 28 LAURA STREET

Subject Property

Maps  
56 & 1-72



Metric Scale  
1 : 2200

Mail Label  
A9-09

R2 - Single Detached Residential Zone

C4 - General Commercial Zone

R3 - Low Density Residential Zone

M2 - Medium Industrial Zone

R4 - Medium Density Residential Zone

PR - Parks and Recreation Zone

6(6)(b)

Lois Brandow  
723 Wellington St West  
Sault Ste Marie Ontario

Monday, March 16, 2009

Corporation of The City  
Of Sault Ste Marie  
P.O. Box 580  
Sault Ste Marie  
Ontario P6A 5N1

Attention: Donna Irving, City Clerk

Re: Application No. A-9-09-Z.OP

Dear Ms Irving,

I am the owner of the property directly adjacent to the subject property on the southerly limit. While I do not have any objection to the rezoning application, I do have concerns.

- 1) When the land directly behind my property (Laura St) was developed, the owners were allowed to raise ~~these~~ lots significantly higher than mine. This has caused flooding every year since in my back yard. This has been brought to the attention of the City and my Counsellor on more than one occasion but it met with no attention to the issue. I fear that this proposal will only compound the situation that I have been forced to live with.
- 2) The change in use from Single Detached residential to General Commercial to allow the construction of a pharmacy, will obviously increase the traffic, noise levels etc. which will affect the quiet enjoyment of my property.

In order to alleviate these concerns I am requesting the following:

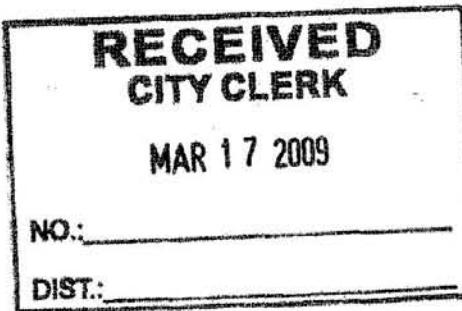
- 1) Proper slopes and drainage be installed to keep water etc. away from my yard. I would suggest that consideration also be given to installing a catch basin at the rear of my yard that would tie into the subject property and rectify a situation that should not have been permitted in the first place.
- 2) Solid fencing to separate the commercial endeavour from my property. The fencing should extend to the Wellington St sidewalk to prevent pedestrian traffic cutting across the lawn to access the subject property.
- 3) The anticipated refuse area must be screened from view and not placed against the common property line.
- 4) Deliveries using large vehicles should be restricted to 7:30 a.m. – 5:00 p.m.

I trust that these concerns can and will be addressed to our mutual satisfaction.

Sincerely,

*Lois Brandow*

Lois Brandow  
723 Wellington St West, Sault Ste Marie



6(6)(b)

**Great Lakes Power**

Great Lakes Power  
Great Lakes Power Limited  
2 Sackville Road  
Sault Ste. Marie, Ontario P6B 6J6

Tel +1 (705) 759-7600  
Fax +1 (705) 759-2218  
[www.glp.ca](http://www.glp.ca)

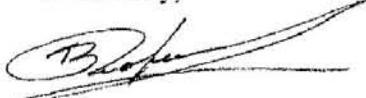
March 18, 2009

D.P. Irving, City Clerk  
P.O.Box 580  
Sault Ste. Marie, ON P6A 5N1  
Sent by e-mail to city [clerk@cityssm.on.ca](mailto:clerk@cityssm.on.ca)

**Re:** Application No A-9-09-Z.OP  
**Subject Property:** 725 – 747 Wellington St. West owned by various individuals

Great Lakes Power has reviewed the subject property and application and we do not have a transmission line near this property. Therefore Great Lakes Power has no issues with the subject property being rezoned.

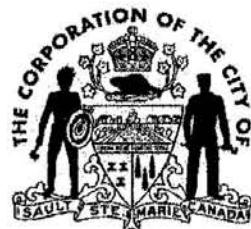
Yours truly,



Bernard Mobach  
Transmission Tech  
Great Lakes Power



6(6)(c)



2009 03 23

## REPORT OF THE ENGINEERING & PLANNING DEPARTMENT

### PLANNING DIVISION

**TO:** Mayor John Rowswell  
and Members of City Council

**SUBJECT:** Application No. A-10-09-Z – Terry Rainone

**SUBJECT PROPERTY:** Location – Located on the west side of Franklin Street with frontage on Farwell Terrace, approximately 88m (289') north of Henrietta Avenue, civic no. 433 Franklin Street  
Size – Approximately 49m (160') frontage on Franklin Street & 59m (194') frontage on Farwell Terrace x 75m (247') depth; .4 ha (1.01 acres)  
Present Use – Vacant school  
Owner – Palmer Construction Group Inc.

**REQUEST:** The applicant, Terry Rainone is requesting a rezoning from "R.2" (Single Detached Residential) zone to "R.4" (Medium Density Residential) zone in order to construct a 5-unit townhouse with frontage on Franklin Street, and a 6-unit townhouse with frontage on Farwell Terrace.

**CONSULTATION:** Engineering – See attached letter  
Building Division – No comments  
Legal Department – No comments  
PUC Services – No objection, although the applicant is urged to contact PUC Services Inc. to review servicing for the proposed development.  
Fire Services – No objection  
CSD – No concerns

Municipal Heritage committee – No concerns  
PW&T – No comments or objections  
EDC – No objections  
Conservation Authority – See attached letter

## PREVIOUS APPLICATIONS

There are no previous applications.

### Conformity with the Official Plan

The subject property is designated 'Residential' on Land Use Schedule 'C' of the Official Plan. The applicant is proposing to develop the property for residential purposes, in conformity with the residential policies of the Official Plan.

### Comments

The applicant, Terry Rainone is requesting to rezone the subject property, from "R.2" (Single Detached Residential) zone to "R.4" (Medium Density Residential) zone, in order to develop 2 (two) multiple attached buildings, totalling 11 dwelling units.

Referring to the site plan attached, the subject property is a 'through lot', with frontage on Farwell Terrace and Franklin Street. A 6-unit multiple attached building, or townhouse is proposed for the Farwell Terrace frontage, and a 5-unit townhouse is proposed for the narrower Franklin Street frontage. Each unit will have a separate driveway and access point onto the street. At this point the applicant plans to maintain ownership and rent the units.

Formerly Franklin Elementary School, the subject property has approximately 49m (160') frontage on Franklin Street & 59m (194') frontage on Farwell Terrace, totalling 0.4 ha (1.01 acres). The resulting density will be approximately 11 dwelling units per acre.

The character of the area is primarily single detached residential, although there is an existing triplex conversion just south of the subject property on the northwest corner of Farwell Terrace and Devon Road. Although the character is single detached residential, the former school site is capable of supporting the 11 dwelling units as proposed, with minimal off-site impacts. Traffic generated from the proposal will be local residential traffic, and less than that generated by the former Franklin School.

Given the size of the subject property, its proximity to commercial amenities, and the condition of the current site, this application represents a good residential infill and intensification opportunity. The use of Site Plan Control is recommended, which will offer Municipal staff the opportunity to review specific

development details to ensure that adequate landscaping and outdoor amenity areas are provided.

Given the existing design, there is no need to build a sewer lateral to each dwelling unit. Alternatively, one lateral can be extended to the property line, and split to each dwelling unit. Correspondence from Engineering (attached) notes that a suitable maintenance hole (manhole) must be installed at or near the property line to allow for observation, sampling and measurement of storm and/or sewage flows. The Municipal Services Engineer also reminds the applicant that all driveways must be paved, and depending on the overall area of impermeable surfaces, catch basins and storm sewers may be required. The applicant has noted that the driveways will be paved, but the majority of the remaining area apart from building footprints will remain vegetated, and permeable. Engineering also notes that in 1959, 150mm storm and sanitary laterals were extended to the property from Franklin Street. If alternative servicing (laterals from Farwell Terrace) is required, a servicing plan should be submitted. Such provisions can be addressed as part of the site plan control process.

Correspondence from the Sault Ste. Marie Region Conservation Authority notes that the subject property is regulated, and as such, a permit will be required prior to any development, grading, or site alteration. The property is also located within a potential groundwater recharge area. While residential uses do not pose a major threat to the groundwater aquifer, safeguards should be established for the proper on-site storage and handling of chemical and petroleum products, both during and after construction.

Up until the drafting of this Report, one neighbour asked if any of the units would be geared to income, or subsidized, and if it was possible to restrict this through the zoning by-law. The applicant has noted that subsidized units are not proposed, and given the proposed size and layout, the units will be marketed to seniors. It should be noted that the zoning by-law cannot regulate who can and cannot occupy these units.

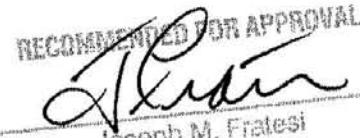
### **SUMMARY**

The proposal to develop the former Franklin School site with 11 townhouse dwelling units represents good residential infill and intensification opportunity. Based on the site plan attached, the property is suitable, and large enough to support the development with minimal off-site impacts to nearby residents. Site Plan Control, pursuant to Section 41 of the Planning Act can be utilized to give staff the opportunity to review and comment on the details of the development, and ensure that off-site impacts are limited.

6(6)(c)

**Planning Director's Recommendation**

That City Council approve the application and rezone the subject property from "R.2" (Single Detached Residential) zone to "R.4" (Medium Density Residential) zone, and that the subject property be designated subject to Site Plan Control.

RECOMMENDED FOR APPROVAL  
  
Joseph M. Fratesi  
Chief Administrative Officer

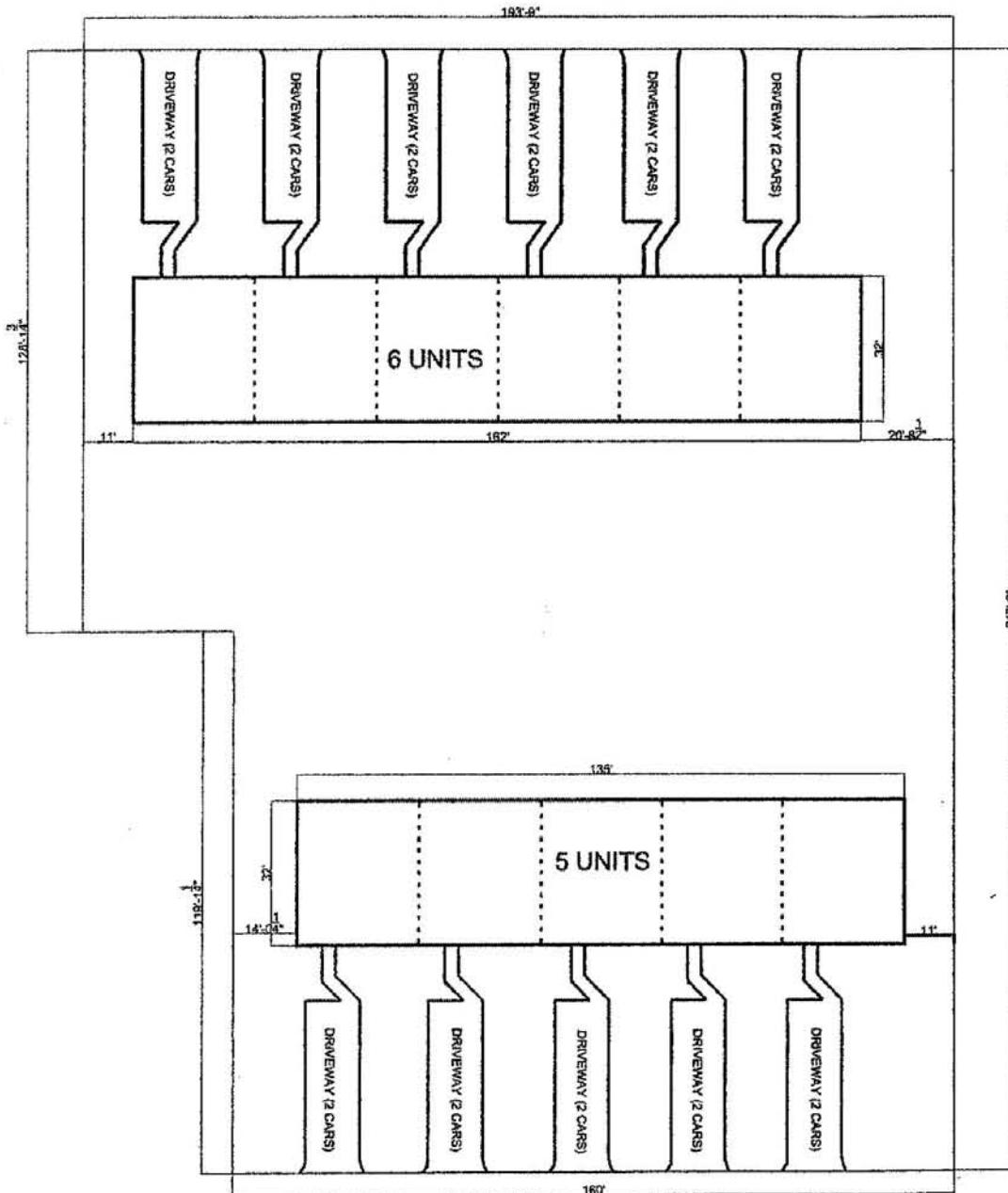
PT/pms

**PUBLIC HEARING – 2009 03 23, Council Chambers, Civic Centre**

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6(6)(c)

## FARWELL TERRACE





2009 03 02  
Our File: A-10-09-Z

MEMO TO: Don McConnell, MCIP, RPP  
Planning Director

FROM: Catherine Taddo, P. Eng.  
Municipal Services Engineer

SUBJECT: APPLICATION No. A-10-09-Z  
433 FRANKLIN STREET  
REQUEST FOR AN AMENDMENT TO THE ZONING BY-LAW

The Engineering Department has reviewed the above noted application, and has the following comments:

- The owner or operator of the multi residential building shall install and maintain in good repair a suitable maintenance hole to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or storm water, or where the installation of a maintenance access hole is not possible an alternative device or facility with the prior written approval of the City Engineer.
- As per section 5.2.2 of the zoning by-law, all required parking areas shall be constructed with a concrete, or asphalt surface on top of a proper granular base with underground catch basins and storm sewers.
- Our records indicate that there is currently one 150 mm diameter sanitary lateral, and one 150 mm diameter storm lateral that extend to the property from Franklin Street, as installed in 1959. If alternative servicing is required, the proposed servicing plan should be reviewed with the City in order that we may develop a cost estimate for the required service installation.

If you require anything further please, contact me.

Sincerely,

A handwritten signature in black ink that reads "C. Taddo".

Catherine Taddo, P. Eng.  
Municipal Services Engineer

c: Jerry Dolcetti, RPP  
Jim Elliott, P. Eng.



6(6)(c)

1100 Fifth Line East  
Sault Ste. Marie, ON P6A 5K7  
Phone: (705) 946-8530  
Fax: (705) 946-8533  
Email: [nature@ssmrca.ca](mailto:nature@ssmrca.ca)  
[www.ssmrca.ca](http://www.ssmrca.ca)

Donald B. McConnell, MCIP, RPP,  
Planning Director  
City of Sault Ste. Marie  
P.O. Box 580  
Sault Ste. Marie, ON P6A 5N1

February 25, 2008

VIA FAX 541-7165

**Conservation Authority Comments:**

Application # A-10-09-Z  
Terry Rainone  
433 Franklin Street  
Sault Ste. Marie

The subject property is located in an area under the jurisdiction of the Conservation Authority with regard to the O. Reg.176/06 for Development, Interference with Wetlands and Alterations to Shoreline and Watercourses. A permit is required.

The subject property is under consideration of the Drinking Water Source Protection Program of the Conservation Authority with regard to Drinking Water Source Protection as it is within the Potential Groundwater Recharge Area.

Therefore the following recommendations on the rezoning application from the Drinking Water Source Protection are offered (during and after construction):

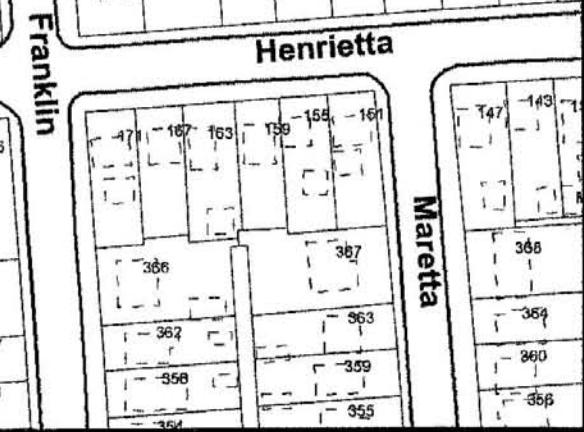
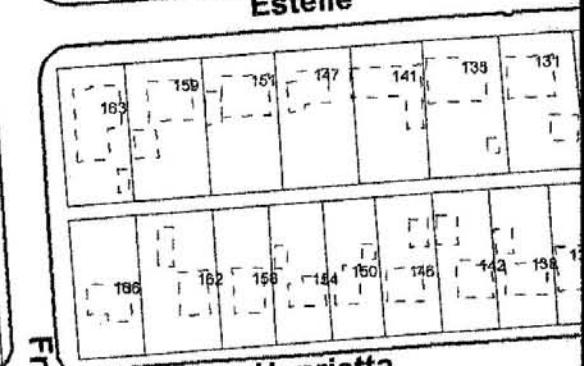
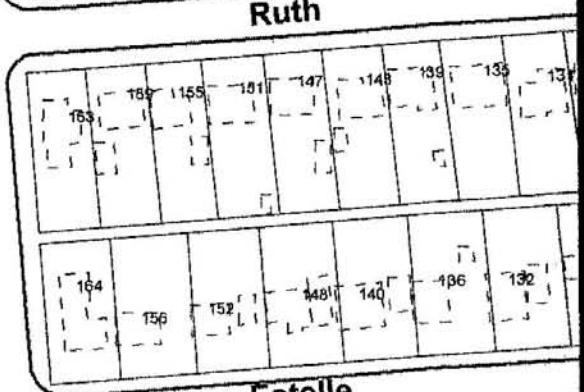
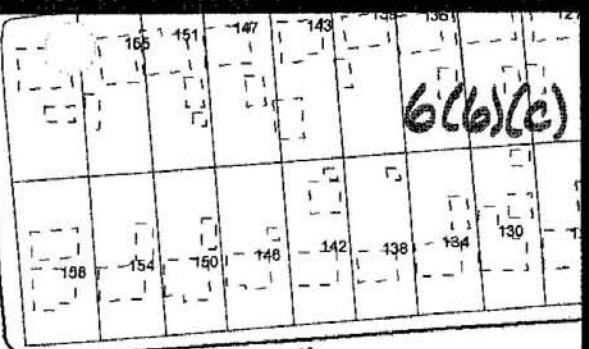
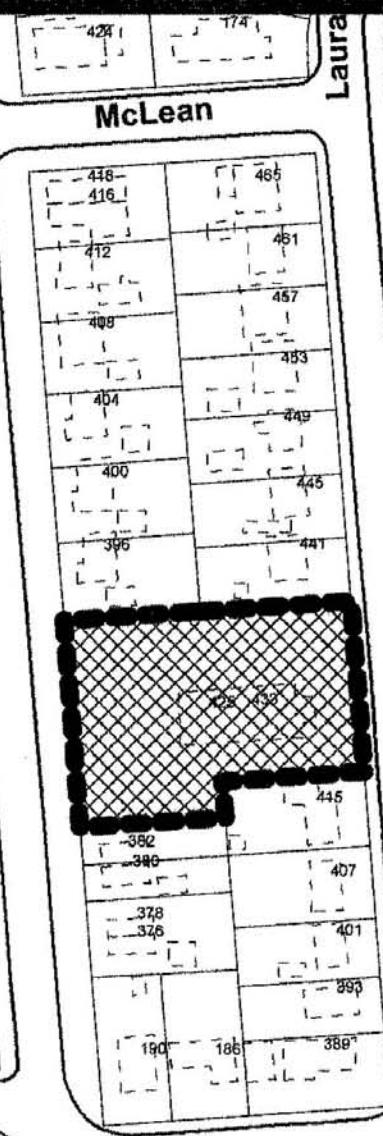
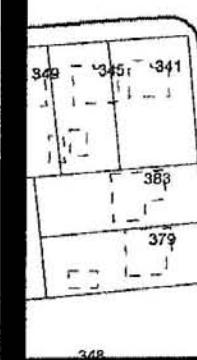
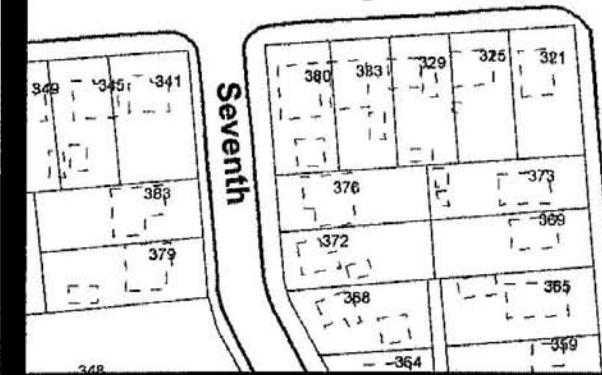
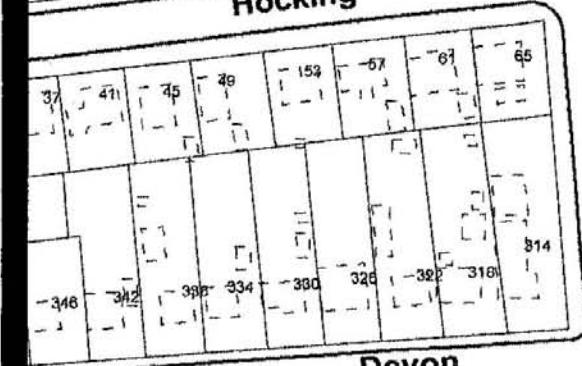
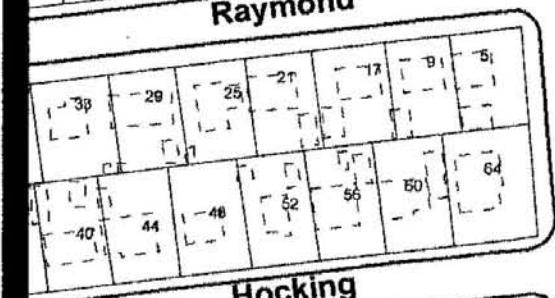
1. Safeguards for the proper storage of any petroleum products are instituted on site.
2. Safeguards for the proper storage of any chemical products are instituted on site.

Should you have any questions on our comments please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Marlene McKinnon".

Marlene McKinnon  
GIS Specialist



# SUBJECT PROPERTY MAP

## APPLICATION A-10-09-Z

## 433 FRANKLIN STREET



METRIC SCALE  
1 : 2000

MAPS  
56 & 1-72

MAIL LABEL  
A10-09



Subject Property



# 2004 ORTHO PHOTO

## APPLICATION A-10-09-Z

### 433 FRANKLIN STREET



METRIC SCALE  
1 : 2000

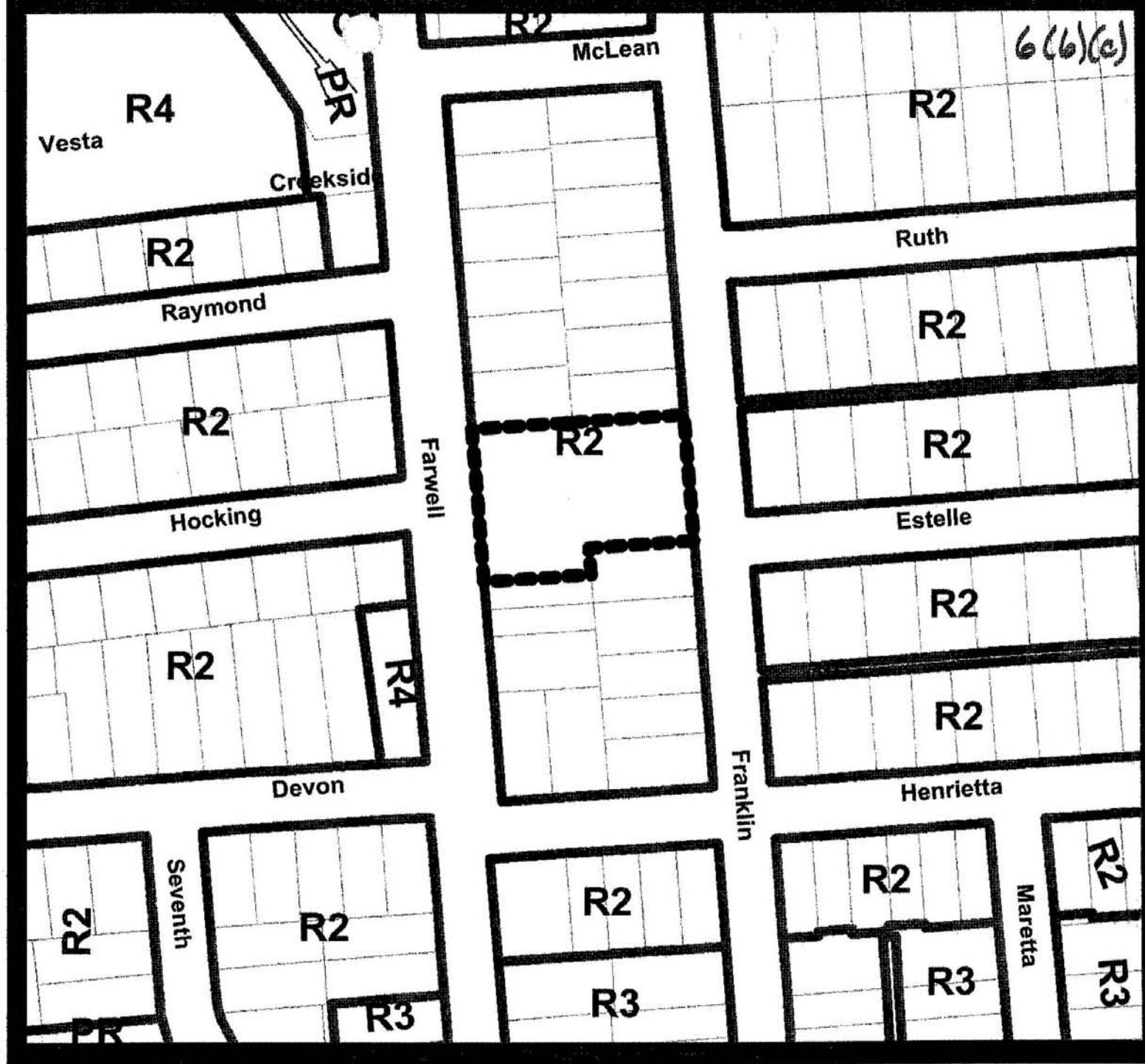
MAPS  
56 & 1-72

MAIL LABEL  
A10-09



Subject Property

6(6)(c)



## ZONING MAP

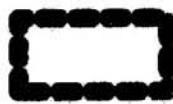
APPLICATION A-10-09-Z  
433 FRANKLIN STREET

METRIC SCALE  
1 : 2000



MAPS  
56 & 1-72

MAIL LABEL  
A10-09



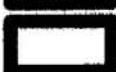
Subject Property



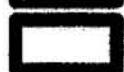
R2 - Single Detached Residential Zone



R4 - Medium Density Residential Zone



R3 - Low Density Residential Zone



PR - Parks and Recreation Zone



March 4, 2009

Don McConnell  
Planning Director  
City Planning & Engineering Division

**SUBJECT: REZONING APPLICATION REVIEW – A-10-09-Z**

**433 Franklin Street**

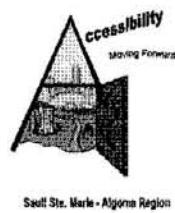
Dear Mr. McConnell

The Accessibility Advisory Committee makes the following recommendations in respect of barriers to access for person with disabilities on the subject rezoning application.

**Exterior**

1. Parking: recommend that minimum 10% accessible parking be considered. Currently waiting for MAH to respond back regarding interpretation of Section 3.8.1.1. definition of row housing (does it mean individual housing or entire build)
2. Walkways & Sidewalks: Franklin Street paths of travel may need curb cuts, sidewalk repairs etc.
3. Curb Cuts: on both Farwell Terrace and Franklin Street should be reviewed
4. Ramping: Dependent on site elevation
5. Transit Access: consult with Transit on proximity of nearest bus stop locations
6. Lighting: Must be well lit for the target group
7. Signage: In accordance with standards - recommend large print signage with contrasting non glare background for target group
8. Other: Front elevation creates a barrier to access all units. Since these are proposed seniors rental units, the units should be as accessible in design as possible and if possible at least one unit should be fully accessible. Consider accessible location of mail service delivery if superbox is used. Please identify the proposed snow dumping location on site plan.

6(6)(c)



Thank you for your attention to these recommendations.

- We request a Site Plan       We do not want a Site Plan for review

Sincerely,

Catherine Meincke  
Chair, Site Plan Sub Committee  
on behalf of The Accessibility Advisory Committee

6(6)(c)

445 Franklin Street

Sault Ste. Marie, ON

P6C 4B1

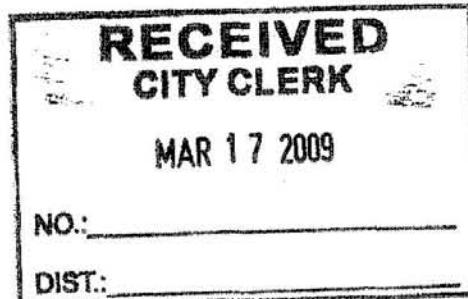
March 07, 2009

D.P. Irving, City Clerk

P.O. Box 580

Sault Ste. Marie, ON

P6A 5N1



Dear Mr. Irving:

Reply to APPLICATION NO. A-10-09-Z – A request to amend Zoning By-law 2005-150 – filed by Terry Rainone.

This is in response to the request for the rezoning of property located on the west side of Franklin Street and Farwell Terrace from "R.2" (Single Detached Residential) zone to "R.4" (Medium Density Residential) zone for construction of both a 5-unit and 6-unit townhouse.

I want to go on record that I am strongly opposed to amending the zoning by-law in my neighbourhood. This established older neighbourhood has been zoned single detached for the 55 years that I have been a proud owner in my home and I am not prepared to have the dynamics of the neighbourhood changed just because a developer purchased the Franklin Street School and now wishes to build multiple units on that property.

I have no objections to the developer building single family units that would face both Franklin Street and Farewell Terrace but changing the zoning is not in the best interest of the neighbourhood residents.

Sincerely yours

Angelo Dovigi

A handwritten signature in black ink, appearing to read "Angelo Dovigi".

6(6)(c)

PETITION - This is only 3 blocks of homes.

**TO TERRY RAINONE REGARDING APPLICATION NO: A-10-09-Z  
CONCERNING CIVIC NO. 433 FRANKLIN STREET**

WE THE UNDERSIGNED OPPOSE THE CONSTRUCTION OF  
COOPERATIVE/LOW RENTAL HOUSING UNITS TO BE BUILT ON THIS  
PROPERTY

<b>RECEIVED</b> <b>CITY CLERK</b>	
MAR 17 2009	
Signature	Planning Council
NO.:	DIST: 5 WORK: 25-1000

Name (Printed)	Address (Printed)	
Lena Sarno	380 Farwell Terr. 256-7025	<i>Lena Sarno</i>
Tracy Ivan	232 Echo Lakerd	<i>T.I.</i>
Angelina Sarno	190 Henrietta St.	<i>Angelina Sarno</i>
Cathy Garcea	393 Franklin	<i>Garcea</i>
Valerie Valius	61 Hocking	<i>V. Valius</i>
PAUL MINGAY	57 Hocking	<i>P. Mingay</i>
CARRIE BAILEY	57 Hocking	<i>Carrie Bailey</i>
PAUL SHAM	53 Hocking	<i>Paul Sham</i>
N. Bruni	211 Hocking	<i>N. Bruni</i>
K. Bruni	41 Hocking	<i>K. Bruni</i>
K. Baesso	37 Hocking	<i>Korina Baesso</i>
RUBERTICA ALDERHEAD	33 Hocking	<i>R. Alderhead</i>
Cheryl Dancourt	28 Hocking	<i>Cheryl Dancourt</i>

contact  
for  
petition  
JL.

6(b)(c)

Name (Printed)	Address (Printed)	Signature
Soncio Bruno	41 Hocking Ave	<i>A. Bruno</i>
Larry Creek	64 Hocking ave	<i>Larry Creek</i>
Liliana Turco	146 Laura St	<i>Liliana Turco</i>
Mirella KrotKiewicz	404 Farwell Terr	<i>M. KrotKiewicz</i>
Genevieve Spelafors	408 Ter R	<i>Genevieve Spelafors</i>
Effie Zora Rizzo		
H. Sjoberg	4132 Farwell <sup>Tennace</sup>	<i>H. Sjoberg</i>
Mary Humphries	4 Raymond St.	<i>Mary Humphries</i>
Shirley Kadi	20 Raymond St	<i>Shirley Kadi</i>
Tom Sulka	40 Raymond St	<i>Tom Sulka</i>
P Bazink	17 Raymond St	<i>P Bazink</i>
Anoy McCall	407 Franklin St	<i>Anoy McCall</i>
W Szczepaniak	449 FRANKLIN ST	<i>W Szczepaniak</i>
L Boyd	453 Franklin St.	<i>L Boyd</i>
Nellie Mio	126 Ruth St.	<i>Nellie Mio</i>
Lyle Bailey	174 Laura St.	<i>Lyle Bailey</i>
G Melchiorre	163 Ruth St	<i>G Melchiorre</i>

6(6)(c)

Miss Lena Sarno  
380 Farwell Terrace  
Sault Ste. Marie, ON  
P6C 4B7

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live in a townhouse at 380 Farwell Terrace and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,



Lena Sarno

6(6)(c)

Ms Angelina Sarno  
190 Henrietta Street  
Sault Ste. Marie, ON  
P6C 2A3

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 190 Henrietta Street and I also own and rent at 382 Farwell Terrace and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

*Angelina Sarno*  
Ms Angelina Sarno

6(b)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at *32 Hockino Ave*  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

*Sandra Janotto*

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 111 Hocking Ave  
and therefore have no objection to townhouse construction. However, I am  
opposed to the construction of co-operative/low rental housing units as it will  
adversly affect the value of my property and it would create a higher density of  
co-op units in the area.

I am therefore opposed to this application if cooperative/low rental  
housing units are to be built.

Sincerely,



Valerie Valius

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 57 Hocking Ave  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

C.Bailey

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 57 Hockings Ave  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

A handwritten signature consisting of a stylized 'T' and 'J'.

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 53 Hackmug Ave  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,



6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 41 Hockwe Ave  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,



6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 37 Hocking Ave  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

K Baesso

*Additional*

P.S. I think an seniors' complex would be very beneficial in this neighbourhood.

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 33 Hocking Ave  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,



6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 28 Hocking Avenue  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Cheryl Rancourt

Cheryl Rancourt

942-3256

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 41 Hackins Ave  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Senio Bruno  


6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Perry Crack 64 Hocking ave.

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 146 Laura St.  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Liliana Turco  
945-9370

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 404 Farwell Terr  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Miella Kotkewicz  
254-1421

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 408 FAIRWEL TERR  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Christopher M. Doherty  
25-45275

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 418 / 416 Farwell Terrace and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Marian Riffle

254 1679

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 482 Farwell Terrace  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Helen Faubert  
253-1525

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at  
and therefore have no objection to townhouse construction. However, I am  
opposed to the construction of co-operative/low rental housing units as it will  
adversely affect the value of my property and it would create a higher density of  
co-op units in the area.

I am therefore opposed to this application if cooperative/low rental  
housing units are to be built.

Sincerely,

Mary Humphries  
4 Bannister ST.  
Terry

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 20 Raymond St. and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

*Shirley Radt*  
254-14706

6(b)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at *40 Raymond*, and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

*Tom Sield*

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 17 Raymond St  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,



b(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St. 407

I own and live at 407 Franklin St. and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Anny MEGH. 5412-2127

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 449 Franklin St  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

 253 9150

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 453 Franklin St. and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

  
541-9912

6(b)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 126 Ruth Street  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

*M. M. M.*  
(705) 253-2232

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at  
174 Landa  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

Lyle Bailey,  
253-6620

6(6)(c)

March 4, 2009

To Whom it May Concern:

This letter is in response to Application No: A-10-09-Z filed by Terry Rainone concerning Civic No. - 433 Franklin St.

I own and live at 163 Ruth St  
and therefore have no objection to townhouse construction. However, I am opposed to the construction of co-operative/low rental housing units as it will adversely affect the value of my property and it would create a higher density of co-op units in the area.

I am therefore opposed to this application if cooperative/low rental housing units are to be built.

Sincerely,

G. Melchiorre

253-8157

6(6)(c)

**Great Lakes Power**

Great Lakes Power  
Great Lakes Power Limited  
2 Sackville Road  
Sault Ste. Marie, Ontario P6B 6J6

Tel +1 (705) 759-7600  
Fax +1 (705) 759-2218  
[www.glp.ca](http://www.glp.ca)

March 18, 2008

D.P. Irving, City Clerk  
P.O. Box 580  
Sault Ste. Marie, ON P6A 5N1  
Sent by e-mail to city [clerk@cityssm.on.ca](mailto:clerk@cityssm.on.ca)

**Re: Application No. A-10-09-Z**  
**Subject Property: 433 Franklin St & Farwell owned by Palmer Const. Group Inc**

We have reviewed the subject property and Great Lakes Power has some clearance and safety concerns with the plans for a 6 unit townhouse with frontage on Farwell Terrace.

Great Lakes Power has right of way (ROW) which consists of one 115,000 Volt circuit that is along the east side of Farwell Terrace road allowance and on the west side of the property. This may affect (1) driveway and (2) building location as described below:

1. The poles near the north and south property lines may interfere with planned access. We request the edge of the driveway be at least 1.5 meters from the pole to protect it from snow removal operations. The cost of relocating a structure can be significant.
2. The horizontal clearance to the building or any part of the building (open windows, fire escapes, awnings, etc.) may not be any closer than 7.0 meters to the nearest conductor. This is as per CSA for Overhead Lines and takes into account, voltage, maximum load, and conductor swing.

Great Lakes Power would like to point out some safety issues as per the Occupational Health and Safety Act for Construction Projects:

- No person, tool, object, equipment or machinery may encroach on the minimum distance of 3 meters from the conductor.
- The constructor shall provide written measures and procedures to protect workers and will include such things as warning devices, dedicated observer and signs.

If you have any questions, or wish to discuss further please contact myself at extension 553 or e-mail: [bmobach@glp.ca](mailto:bmobach@glp.ca)

Yours truly,



Bernard Mobach, Transmission Tech  
Great Lakes Power



6(8)(a)

PRESS RELEASE – for immediate use

"If everyone in the community comes together we will succeed," says Jim Aquino, Chairman of the Community Support Group, a sub-committee of the Sault Ste. Marie Physician Recruitment & Retention Committee.

A Community Support Group is comprised of community volunteers dedicated to assist the Physician Recruitment Program in bringing much needed physicians to practice medicine in the community. The Group has taken on the development of a Welcome Package which will be added to recruitment incentives offered to potential candidates. Many other communities are offering this sort of package to potential recruits, so it is vital for us to be able to offer this as well. Local businesses will be contacted by Community Support Group members to contribute to this package of goods and services.

Sault Ste. Marie was one of the first cities in the province to form a recruitment committee in 2001. With the provincial shortage of physicians at 2,000, the city is competing with many others provincially for physician manpower. Not unlike many other communities, many of our family physicians (43 per cent) are in the 60+ cohort, "making recruitment for family physicians a priority"

Since the inception of the Physician Recruitment Program 41 physicians have been recruited to Sault Ste. Marie. The number of local people returning to the community to practice medicine has risen considerably and an increased number of physicians have been recruited from the Northern Ontario Family Medicine Residency Programs.

-30-

Contact for further information:  
Jim Aquino at 945-1664

6(8)(b)



2009 03 23

Mayor John Rowswell  
and members of City Council  
Civic Centre

**RE: CONFERENCES AND MAJOR SPECIAL EVENTS COMMITTEE  
FINN GRAND FEST 2010**

In 2008, City Council established an annual fund in the amount of \$20,000.00 to provide financial support and incentive to eligible groups to facilitate hosting certain conferences and major special events coming into the City. A Council Conferences and Major Special Events Committee reviews requests for funding and provides a recommendation to City Council. One funding request for an upcoming event in Sault Ste. Marie follows:

**FINN GRAND FEST 2010**

The Conferences and Major Special Events Committee has now received and reviewed a request for funding from the Chair, Finn Grand Fest 2010 for this event which will be held in Sault Ste. Marie July 2010. The application meets the purpose, rationale and all eligibility criteria of the policy guideline for funding. The request is for the maximum amount in the fund of \$20,000.00.

At this time, the Conferences and Major Special Events Fund has a 2009 balance of \$10,000.00 (after recent approval of 2009 funding in the amount of \$5,000.00 each to the AMCTO Conference and the OHF Bantam AAA Championship). There are no applications currently under consideration for the remainder of 2009 funds nor are there any applications expected since the policy does require making application one year prior to the event.

The Committee recommends committing the 2009 fund balance of \$10,000.00 to the Finn Grand Fest 2010 event with a further review in late 2009 once any possible further requests for 2010 funding have been considered.

6(8)(b)

Page 2 [CONFERENCES AND MAJOR SPECIAL EVENTS COMMITTEE FINN GRAND FEST 2010]

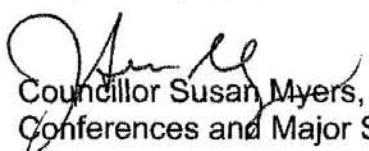
It should be noted that Tourism SSM has also committed \$10,000.00 in funding to assist the Finn Grand Fest organizing committee in hosting this event.

Raimo Viitala, Chair Finn Grand Fest 2010 will be in attendance at the March 23<sup>rd</sup> Council meeting to answer any questions from Council.

**Recommendation**

That City Council authorizes municipal financial support in the amount of \$10,000.00 for the Finn Grand Fest 2010 with funds to come from the 2009 Conferences and Major Special Events fund.

Respectfully submitted

  
Councillor Susan Myers, Chair  
Conferences and Major Special Events Committee

copy: Committee members  
Councillor Frank Fata  
Councillor Lorena Tridico  
Ian McMillan Executive Director, Tourism SSM

# McGuinty looks to put electric cars on roads sooner

By Maria Babbage  
THE CANADIAN PRESS

TORONTO — Canada's most populous province and home to its troubled auto industry is banking on electric cars as the vehicle of the future, a move that could put it at odds with other provinces that are pushing other environmentally friendly technologies.

Ontario will look at ways to hasten the arrival of electric cars on its roads, Premier Dalton McGuinty said Thursday after throwing his support behind a plan to build battery recharging stations across the province.

California-based Better Place is also planning to build a car demonstration and education centre in Toronto and set up an office in the city.

It's bringing Ontario a step closer towards becoming the home of the "first truly green car," McGuinty said from a cavernous Toronto convention centre, after examining a Nissan electric car.

The move will also position the province to take advantage of the massive consumer demand for greener vehicles, as Ontario's ailing auto industry struggles to transform itself, he said.

"Competing and winning in the global economy — especially in tough times — means we can't simply wait as dispassionate observers on the sidelines," McGuinty said.

"You've got to get in the game."

The province will release a study by May

that will examine ways to speed up the introduction of electric vehicles on Ontario roads, including offering "financial incentives" for buyers, McGuinty said.

But he wouldn't say how much money the province is prepared to put on the table to help build the necessary infrastructure or encourage automakers to produce electric cars.

One auto analyst predicted the price tag will be steep.

"It's a chicken and egg: no form of new technology can emerge if you don't have the infrastructure in place," said Anthony Faria, a business professor at the University of Windsor.

There are concerns that Ontario could end up pouring money into an expensive project, only to see the technology become obsolete.

British Columbia, for example, is developing a long-term plan with California to build a "hydrogen highway" that would link the two regions.

While hydrogen-powered vehicles are "further down the road" than electric cars, it's still unclear which technology will dominate the market in the end, Faria said.

General Motors is banking on lithium-ion batteries for its Volt electric car, while other automakers are hoping their technology becomes the industry standard, he said.

"Right now, it is not known what the future standard of technology is going to be," Faria said.

## ELECTRIC VEHICLES CLOSER THAN YOU THINK

Along with the development of Lithium-ion batteries for automotive use, interest in pure electric vehicles is also surging.

Tesla, an American start-up company based in Silicon Valley, has garnered huge publicity for its \$100,000-plus electric sports car and the company now has plans for lower-priced, more-mainstream electric vehicles as well.

So do more-established automakers including Audi, BMW, Chrysler, Daimler, Mitsubishi, Renault/Nissan, and Subaru.

All have plans to introduce production vehicles within the next two or three years.



Of those, the Renault/Nissan program is among the most interesting, in part because of its affiliation with Project Better Place, a company founded by Shai Agassi, a former executive at software giant SAP, whose ambitious plans include redefining the vehicle own-

ership/energy-supply experience. He envisions nationwide networks of plug-in stations and battery exchange depots. Vehicle owners would lease the batteries and contract for supply from the energy provider, choosing from a variety of usage packages — much as we do with cellphone service.

Renault/Nissan says it will begin selling the cars in Israel, where Project Better Place will install 500,000 charging stations and 150 battery-exchange depots. Agassi plans to use solar energy generated in the Negev Desert to recharge the vehicles.

Gerry Malloy

(9) L

keep the arm strong pro



**DALTON MCGUINTY.** For getting ahead of the curve. This week, the premier announced that Ontario is partnering with a California firm to create a network of robot-controlled battery "swap" shops to service electric cars in the province. The shops would address one of the problems with electric cars — the prohibitive cost of the battery (estimated at \$8,000). Instead of buying a battery and recharging it themselves, motorists would simply swap a rundown battery for a freshly charged one. "We're just beginning this," said McGuinty at the launch. It's a good start.

# Electric-car charge network boosted

## McGuinty gets behind California company's push

ANTONELLA ARTUSO

Queen's Park Bureau Chief

Ontario is accelerating what had been a slow cruise to electric cars with a new demonstration and education centre in Toronto.

Premier Dalton McGuinty said yesterday that the centre would be the first step in a new partnership with Better Place, a California-based company with plans to install and operate an electric car-charging infrastructure.

McGuinty said the province will study financial incentives to encourage the purchase of electric cars, preferred access to the transportation grid, the possibility of government electric-powered fleets and public education and promotion of the vehicles.

"Competing and winning in the global economy — especially in tough times — means

we can't simply wait as dispassionate observers on the sidelines," McGuinty said. "You've got to get in the game."

Better Place is working with several jurisdictions around the world on plans to build electric-vehicle networks, although "initial deployment isn't until 2010."

### Per-kilometre fee

Instead of pulling into gas stations for a fill up, drivers of electric cars would stop at battery exchange stations and pay for their volts on a per kilometre basis.

Better Place CEO Shai Agassi said this battery replacement system will help bring down the prohibitively high cost of electric cars.

"One of the things that has always been a problem with electric cars is that the battery was priced into the car as a component of the car whereas

a battery is actually a consumable," Agassi said. "If you are asked to buy a gasoline car with 12-year's worth of supply of gasoline into that car, you would also balk at the price of that car at the dealership."

Agassi said his company is setting up a centre to allow people to test the technology.

McGuinty was asked about ZENN cars (Zero Emission, No Noise), currently being produced by an Ontario company but are not allowed on regular roads in this province.

He said the vehicles do not have enough safety features.

The electric vehicle modelled at yesterday's news conference comes with seat belts and air bags and can travel at normal speeds.

SUN torontosun.com

Mike Elwood  
Chair, Electric Mobility Canada  
Azure Dynamics Corporation  
Unit 6 & 7 4020A Sladeview Crescent Mississauga, ON  
L5L 6B1  
>>

Dear Mr. Elwood:

Ontario is a strong supporter of initiatives that expand mobility options for Ontarians, improve air quality and promote green technologies. Our province has welcomed the safe use of green transportation technologies by allowing new electric vehicles in Ontario, including Segways, low-speed vehicles and electric bicycles, with pilot projects that began in fall 2006. As well, electric cars that meet federal passenger vehicle standards are allowed on Ontario's roads today.

Of course, ensuring the safety of all our province's road users must always be my number one priority. For more than a decade, Ontario's roads have been among the safest in North America. In fact, our research shows that in 2005, Ontario's road fatality rate was the lowest ever recorded in this province and lower than any province or state.

The way we set the rules of the road has helped us achieve the degree of road safety Ontarians know and enjoy today.

Low-speed electric vehicles, known as LSVs, are entering the market as an environmentally friendly transportation option. They are intended, and federally certified, for use in controlled environments such as gated communities, college campuses and parks, where there is limited interaction with other vehicles, such as passenger cars, trucks and buses. LSVs are only required to meet three federally-mandated vehicle safety standards, not the 40 vehicle standards that passenger cars are required to meet.

As you know, Ontario would like to get these environmentally friendly

[http://ogov.newswire.ca/ontario/GPOE/2008/12/05/c7525.html?lmatch=&lang=\\_e.html](http://ogov.newswire.ca/ontario/GPOE/2008/12/05/c7525.html?lmatch=&lang=_e.html)

12/8/2008

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vehicles safely on our public roads. We asked the National Research Council (NRC) of Canada to advise us on how we can do that. I am pleased to inform you that the results of the NRC study point the way forward to that goal.

The NRC report recommends a number of safety requirements to keep LSV drivers and passengers safe. The report also makes a number of other recommendations, such as restricting operation of these vehicles to roads with speed limits of 50 kilometres per hour or less.

In the next few months, my ministry will be analyzing the NRC study and consulting with stakeholders such as Electric Mobility Canada to formulate safety feature requirements and rules of the road for LSVs on public roads. We intend to hold a workshop where manufacturers, municipalities, safety experts and other stakeholders can discuss these matters before regulations are written.

I am also pleased to inform you that Ontario intends to allow all federally compliant LSVs to operate in controlled environments. A regulation authorizing such use will be forthcoming this winter.

Vehicles that are both environmentally friendly and safely designed are the kind of vehicles we want in Ontario.

Thank you for your consideration of this important matter and please accept my best wishes.

<<

Yours sincerely,

Jim Bradley  
Minister  
>>

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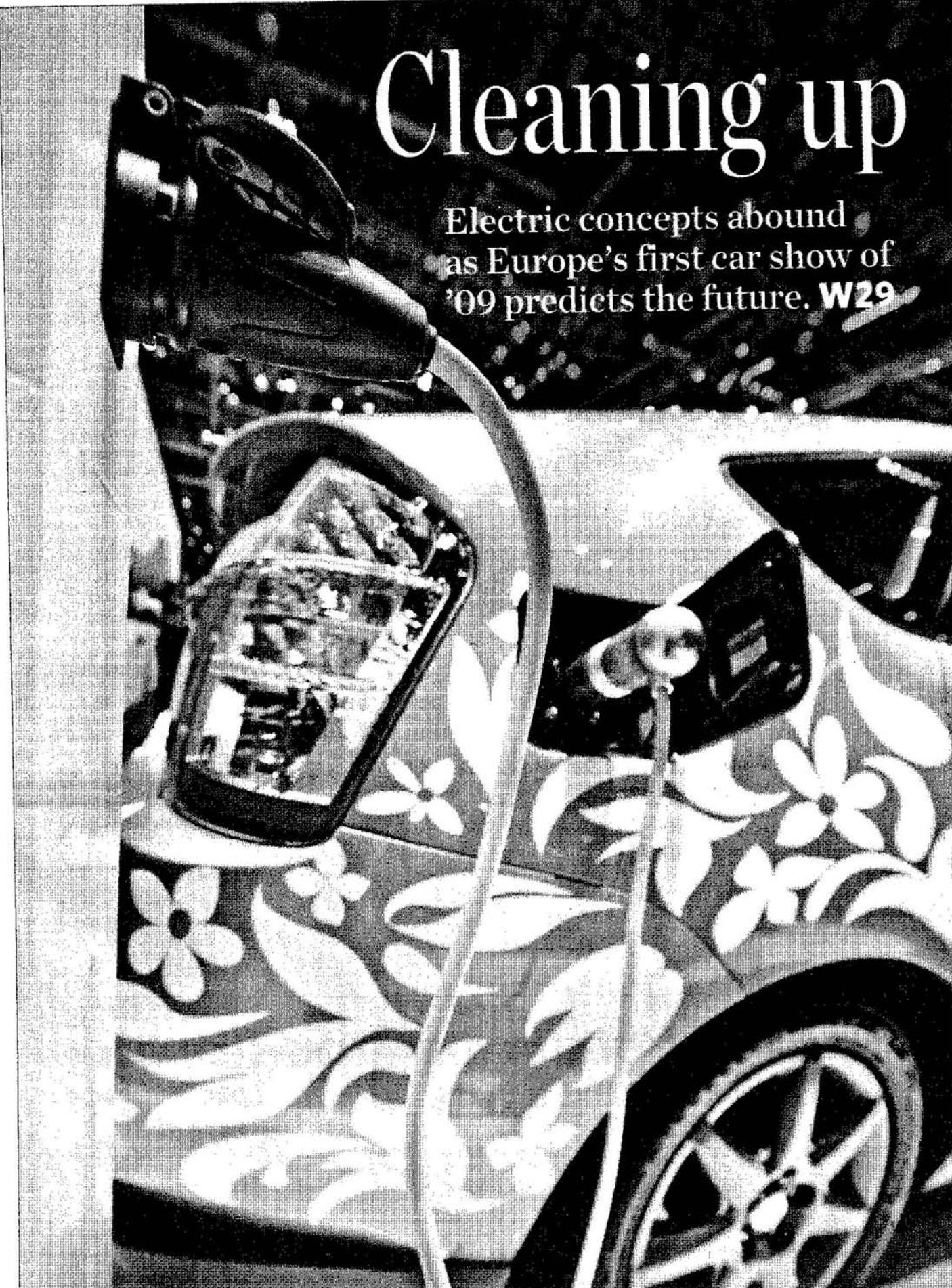
For further information: Nicole Lippa-Gasparro, Minister's Office, (416) 327-1815; Bob Nichols, Communications Branch, (416) 327-1158

A.M.O.

(97)

# Cleaning up

Electric concepts abound  
as Europe's first car show of  
'09 predicts the future. **W29**



TOYOTA.

# TORONTO LIFE

From the January 2009 issue

## ZENN and the Art of the Electric Car

The race to build the car of the future is on, and Ian Clifford, founder of a fringe company called ZENN Motor, is betting everything on a revolutionary new battery. If it works, he could be the next Henry Ford By Alex Hutchinson



Go car go: the new CityZENN will have a top speed of 125 kilometers per hour, a range of 400 kilometers and a recharge time of less than five minutes

IMAGE CREDIT: Armando de Palma

Even before the market chaos of the past six months, it was obvious that change was coming to the auto industry. SUVs were out, compacts were in, and hybrids were selling like hotcakes. Yielding to unprecedented consumer demand, manufacturers revived an old idea: the electric vehicle. This mythical car of the future has had more false starts than any other innovation in the history of the automobile—the most famous being GM's EV1, the inspiration behind the hit documentary *Who Killed the Electric Car?* Released in 1996, the EV1 became something of a cult enviro-hit, but was discontinued four years later, spawning conspiracy theories about the influence of big oil. Now, virtually every major company is promising either a plug-in hybrid (like GM's Chevy Volt) or a fully electric car (Nissan's Nuvu), and the first mass-market versions are optimistically slated to arrive in 2010. In the race to develop a successful gas-free automobile, first prize will be a dominant share of what the veteran industry analyst Dennis DesRosiers calls “one of the fastest-growing, highest-potential markets the auto sector has ever seen.”

The challenge for manufacturers is energy storage. Gas tanks are a surprisingly efficient way of carrying energy. Even cutting-edge lithium-ion batteries, which most carmakers are depending on for their proposed electric cars, provide about 20 times less energy per

pound than gas. The huge battery packs required for a car of even average performance don't leave much room for a back seat. The high cost of creating an energy-efficient battery explains why the Tesla Roadster, a sports car developed in Silicon Valley and already on the market, costs \$109,000 (U.S.). A battery that can provide adequate range, speed and price all in one is the car industry's Holy Grail, and at this point, no company has found one.

ZENN Motor Company, a small carmaker headquartered in Don Mills with a factory in Saint-Jérôme, just North of Montreal, has a serious chance of being the first to complete the quest. ZENN, an acronym that stands for "zero emissions, no noise," was founded by a Toronto entrepreneur named Ian Clifford back in 2001—a year after GM killed its EV1, and at a time when most companies were raking in outsize profits from outsize SUVs. That gave ZENN a head start over its rivals, and in 2006, it released an electric "low-speed vehicle," a plug-in that can reach speeds of up to 40 kilometres per hour. But that was just a stepping stone toward the real goal: a fully functional, highway-approved car, fuelled by a revolutionary "ultra-capacitor" that replaces—and eclipses—the traditional battery. The so-called CityZENN will have a top speed of 125 kilometres per hour, a range of 400 kilometres on a single charge, and a phenomenal recharge time of less than five minutes. The estimated ticket price: \$30,000. 

At least, that's the plan. EEstor, the well-connected but secretive Texas company that's building the ultra-capacitor for ZENN, initially promised delivery in 2007, then 2008. Now it's scheduled for late 2009, but time is running out. If ZENN doesn't deliver a practical electric car soon, one of the other contenders will. The stakes are substantial: one analyst estimates that a working ultra-capacitor could bring ZENN \$2 billion in annual revenue by 2013, making the 46-year-old Clifford an auto-industry legend. If it doesn't happen, however, Clifford will likely be remembered in a much less glorified way—as the guy who crusaded to make modified golf carts legal on our streets. The reason you've never heard of ZENN is that its cars can't legally be driven in Toronto. The company has been stuck in a bureaucratic quagmire since it launched. According to Transport Canada, ZENN meets all of the safety criteria required of low-speed vehicles, or LSVs—which usually resemble souped-up golf carts. ZENN cars are not your typical LSV: they're fully enclosed, and feature many of the same safety features as standard passenger cars. But ultimately, it's up to each province to decide which vehicles are allowed on its roads, and Ontario has been slow to recognize the LSV class.

ZENN's battle for approval has made the company a minor cause célèbre. The cars are already legal in 46 states and, as of this year, in Quebec and some parts of B.C. Ontario's indecision has sparked outrage in newspapers and recently prompted Barry Taylor, a radio host on 102.1 The Edge, to urge listeners to bombard provincial transportation minister Jim Bradley with phone calls and e-mails demanding an explanation.

In late October, Clifford took me for a cruise along the pothole-ridden streets of Saint-Jérôme. He has the laid-back air of a yoga instructor; nothing in his demeanour suggests someone who's in a mad sprint against the auto giants. You have to be easygoing to drive

his LSV. It functions just like an ordinary car until the government-mandated regulator kicks in at 40 kilometres per hour, at which point the vehicle simply stops accelerating, leaving your right foot slightly disoriented. There are other minor differences—a silent motor, the absence of power steering—but for the most part, it drives like any other car.

In 2004, Clifford secured a two-year exemption that allowed him to drive his low-speed electric prototype around Toronto. At the time, he was living in the Annex, working downtown, and taking night classes at York. He made out just fine. The average speed in the downtown core, he points out, is less than 20 kilometres per hour. "You can rarely get up to 50 on Bloor or Yonge," he says. "Just try it."



Some assembly required: Ian Clifford at ZENN's production facility in Saint-Jérôme, Quebec. Image credit: Ryan Remiorz/AP

Outside our regulation-beset borders, there are investors who follow ZENN's fortunes with eagle-eyed devotion. Many of them couldn't care less about provincial approvals, and wouldn't blink if the LSV was suddenly declared illegal around the world. They're interested in EEStor's ultra-capacitor, which is the crucial innovation. Clifford locked up the automotive rights to it for \$2.5 million back in 2004 and followed up in 2007 with another \$2.5-million investment in exchange for a 3.8 per cent stake in EEStor. Since EEStor is otherwise privately held, the most direct way for investors to bet on the company is to buy ZENN stock on the TSX Venture Exchange.

After details of EEStor's research began to circulate in 2006, Massimo Fiore, a Montreal-based analyst with investment company Versant Partners, was one of the first to quiz Clifford on what the deal could mean for ZENN. "I said, 'OK, let's assume the ultra-capacitor works, what do you have?'" he recalls.

"I have exclusivity for four-wheel passenger vehicles," Clifford replied.

"Well, that's quite interesting. Where does it apply?"

"Worldwide."

"How long is this going to last?"

"It's perpetual."

And that, Fiore says, is when he started paying attention.

EEStor's claims have generated endless debate in newspapers and magazines, and online, including such dedicated blogs as TheEEStory.com, which is devoted to chasing down rumours related to the company's research and has an active discussion board. There's plenty of skepticism, but EEStor has also received a couple of key endorsements that make Clifford's 2004 deal look prescient. In 2005, Kleiner Perkins Caufield & Byers (the vaunted Silicon Valley venture capital firm that was an early backer of Google and Amazon, and is now partner to Al Gore) backed the company with a reported \$3-million investment. Then, in 2008, Lockheed Martin announced that it had licensed the still-hypothetical ultra-capacitor for use in military applications.

These external validations have heightened expectations for ZENN, whose stock jumped by 22 per cent the day the Lockheed deal was announced. But they don't provide any guarantees. "I don't use words like 'imminent' anymore," says Clifford. Under the terms of his deal with EEStor, he is permitted to see the progress at the production facility in Texas, but is bound by a non-disclosure agreement. His body language betrays excitement when he discusses it. "I can't talk about it," he says, "but I can certainly bubble."

Clifford's epiphany came in the late '90s, when he was running a successful Internet marketing company called DigIT Interactive. Stuck in downtown traffic in his SUV, he started thinking about the electric vehicles that companies like GM were leasing in California. He wanted to get one, but discovered they couldn't be obtained in Toronto. Eventually, he found a 40-year-old electric car called the Henney Kilowatt for sale in Connecticut; it was a converted Renault Dauphine powered by an electric motor built by the Eureka-Williams vacuum company. When it promptly broke down, Clifford looked in the Yellow Pages under "forklifts" to find a repair person familiar with electric vehicles, which is how he met a versatile technician named Probyn Gayle.

In Gayle's know-how, Clifford saw an opportunity to fill the market gap the big car companies were ignoring—and, if nothing else, compel them to make electric vehicles more easily available. "He wanted to sell electric vehicles, and I wanted to build them," Gayle recalls. So the two men, along with Marek Warunkiewicz, one of the co-founders

of DigIT Interactive, formed a company that would buy old Dauphines, convert them to electric, and peddle them to the masses.

Early on, ZENN's success would rely less on engineering than on brand building and timing—two of Clifford's strong suits. Before he launched his dot-com, he was a commercial photographer, one of the first in Canada to work in digital imaging. He founded his Internet company in 1995, when most of us were still trying to find the "@" on our keyboards, and sold it in March 2000—the month the Nasdaq hit its all-time peak. With electric cars, he was once again ahead of the curve.

Over the next few years, the trio managed to acquire 40 old Dauphines. "There was a lot of excitement," Gayle recalls. "But there were times when I didn't sleep for 50 hours to get stuff done for an investor meeting." The payoff came at the Canadian International AutoShow in 2001, where they had to reprint their initial run of 5,000 brochures three times to meet demand. They also fielded a thousand requests for test drives. In the end, they'd sold 15 cars, though they only managed to fill half the orders. The company—still consisting of just the three principals—had to expand. "We realized it was totally unsustainable," Clifford says. "This isn't a cottage industry."

The partners moved away from the Dauphine and focused instead on developing a vehicle using new car bodies manufactured by the French company Microcar. (These are the vehicles currently being produced in Saint-Jérôme.) The decision paid an important dividend: at a point when few other companies were seriously pursuing electric cars, ZENN stood out to EEstor as the best option for a partnership—it already had a strong brand.

All the goodwill surrounding ZENN is turning into expectations with a tangible payoff. Clifford, now CEO (Gayle and Warunkiewicz are no longer with the company), tries to strike a balance between cheerleading and managing expectations. When a trio of investment bankers—two from Boston and one from Toronto—flew to Montreal this fall to tour the factory and discuss financing options, Clifford was understated about what the future might hold. If the ultra-capacitor comes through, he said, the real value would not be in competing directly with giants like Toyota and GM, but from selling the EEstor-powered drive systems to them. "We're talking about massive industries," he said, "and I'm a little guy in Toronto." The model he invokes is Intel, whose chips power 75 per cent of the world's computers.

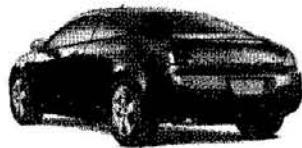
He can afford to be sanguine. His initial objective was simply to goad the big car companies into making electric cars, and whether ZENN succeeds or not, that goal will have been achieved. Although he's an entrepreneur, Clifford's primary motivation isn't money. And this may turn out to be his biggest asset; it's why he and his partners were willing to launch an electric vehicle company when everybody else was pulling out. Finally, eight years later, he's about to find out whether slow and steady can still win the race.

7(b)



## ETHANOL E85.

Ethanol E85 FlexFuel vehicles can run on fuel with up to 85% ethanol from renewable sources. GM has put more than 4 million FlexFuel vehicles on the road to date – more than any other manufacturer. In the future, these FlexFuel vehicles may run on second-generation ethanol produced from renewable sources like wood waste and even garbage.

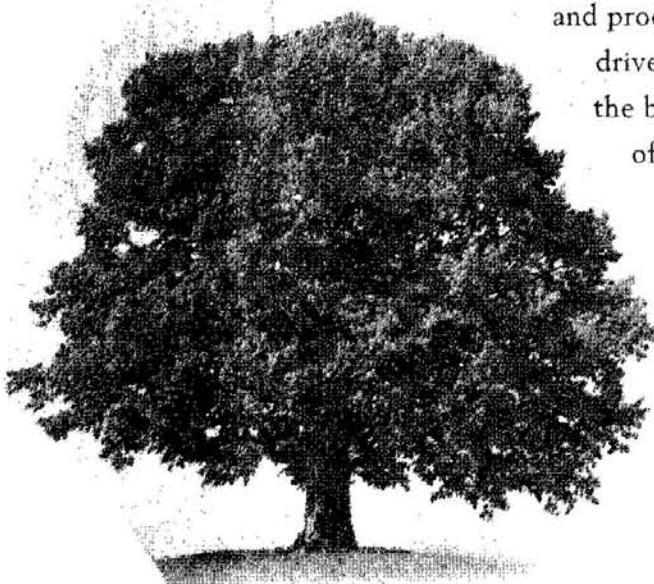


## ELECTRIC VEHICLES: ZERO EMISSIONS.

Plug the Chevrolet Volt into a regular household outlet and then drive it up to 65 km on pure electric power using no gasoline and producing zero emissions.\* When you want to drive further, a small gasoline engine recharges the battery pack allowing for an extended range of hundreds of additional kilometres. The



Volt is a reality – with a targeted Canadian launch set for 2011.



## THE HYDROGEN FUEL CELL.

What if you could create a vehicle that doesn't run on fossil fuel and only emits water vapour? That's the idea behind GM's innovative fuel cell technology. More than 100 Chevrolet Equinox Fuel Cell vehicles have been engineered and built in Canada and are being tested in

real life situations in select North American cities.



# GM's fully charged plan to jolt the Volt



DAVID COOPER/TORONTO STAR

The Chevrolet Volt and its battery pack on display at the Detroit auto show prior to General Motor's announcement that LG Chem of Korea would supply the lithium-ion cells to power the electric vehicle.

Ailing automaker's current idea for survival: Make its own batteries

GERRY MALLOY  
SPECIAL TO THE STAR

DETROIT—General Motors — battered, beaten and living on a U.S. government handout — rose from the canvas this month to unveil ambitious plans to research and manufacture lithium-ion batteries in Michigan.

It has selected Korean giant LG Chem to supply the cells to power its heavily hyped Chevrolet Volt electric vehicle.

**"OUR SELECTION** of LG Chem was based on performance, production readiness, efficiency, durability and LG Chem's demonstrated track record of exceptional quality," GM chair and CEO Rick Wagoner announced at the Detroit auto show.

"At GM, we believe the technical strengths of LG Chem, combined with our own engineering and manufacturing expertise, will help position us as a key player in the development of electrically driven vehicles today and in the future."

GM has been testing battery packs for the Volt, including those built by

LG Chem — parent company of Compact Power in Troy, Mich. — for the past 16 months.

And while LG Chem will supply the individual cells comprising the Volt's battery pack, GM itself will assemble the battery packs, which include the battery cells, grouped into modules, and other key components.

Each T-shaped battery pack, which is approximately 1.8 metres long, with a mass about 180 kilograms, contains almost 300 individual lithium-ion cells.

The connection of those cells together, along with other functions such as cooling of the battery pack, are critical factors in the performance, reliability and safety of the systems.

To ensure that it has full control over those factors, and to further develop its own battery expertise, GM is back in the battery manufacturing business. GM used to build lead-acid automobile batteries at its Delco subsidiary, before it was absorbed into Delphi and split off as a separate company.

"The design, development and production of advanced batteries must be a core competency for GM, and we've been rapidly building our capability and resources to support this direction," Wagoner said. "This

is a further demonstration of our commitment to the electrification of the automobile and to the Chevrolet Volt — a commitment that now totals more than \$1 billion."

The GM battery plant will be located in Michigan, Wagoner said.

"That plant will be just one part of a comprehensive advanced battery strategy that is expanding along two pathways," Wagoner said.

**"FIRST, WE'RE** identifying core competencies — such as battery research, development and assembly — and integrating these fundamentals into our product development and manufacturing operations. We believe this will become a competitive advantage for GM, and will be critical to GM's long-term success.

"Secondly, we're building a roster of battery suppliers and academic experts from around the globe, and leveraging their specialized abilities to develop battery chemistries and cell designs, as well as future automotive battery engineers."

GM's advanced battery strategy includes joining with the University of Michigan to create an automotive advanced battery lab in Ann Arbor, Mich., and a specialized curriculum within U of M's College of Engineering to develop automotive battery engineers.

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# North American automakers, get plugged in

If the Big 3 automakers are to get any money from Ontario taxpayers, they should earn it by committing to a manufacturing plant for electric cars.

Let's have Ontario leapfrog from manufacturing four-wheeled fossils to the forefront of the most promising technology of the future.

The fact Japan has committed to a national goal of making electric cars half of all new sales by 2020 should give the Ontario government confidence. After all, hasn't Japan led the way before?

Electric cars, albeit a low-speed variety, are already a step closer to appearing on some of Ontario's roads.

The transportation ministry has just announced it will set safety standards for electric vehicles such as those manufactured by Zenn (Zero Emissions, No Noise) Motor Company in Toronto.

This is timid progress compared to a project in Japan where the government is setting up a network of charging stations so 50 prototype commercial, open-road, full-speed vehicles developed by Mitsubishi, Honda and Subaru can be tested for several months.

Emphasizing the commercial potential as well as environmental benefits of electric

vehicle technology, Hawaii has plans to set up a state-wide network of charging and battery-exchange stations.

The proposal anticipates between 50,000 and 100,000 charge spots available across the state by 2012.

Like Japan, Hawaii is preparing for a mass market. Ontario could follow the same pattern.

I like the thought of my tax dollars being spent to subsidize charging stations, so the Windsor-Toronto corridor could become a test bed for electric cars.

The San Francisco Bay area has announced plans for recharging stations. Will other communities in the United States and Europe be far behind?

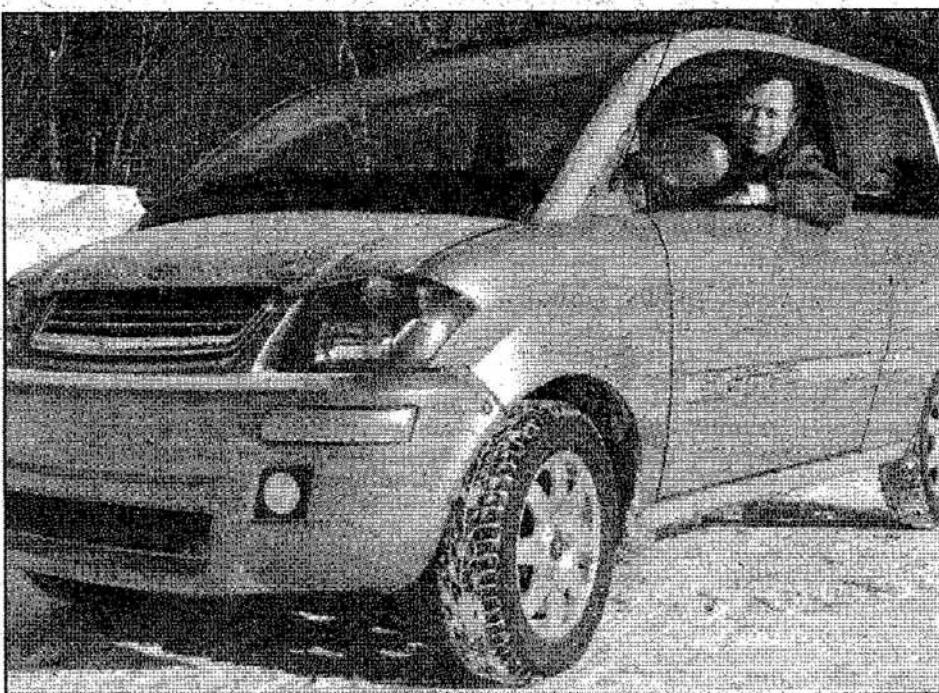
What about it, Toronto? Wouldn't that help deal with the growing smog problem, too?

Ford, Chrysler and General Motors need bold initiatives and electric cars are no longer just on their drawing boards. The auto shows of the last two years have featured vehicles from all three that are far beyond the souped-up golf carts that are still the popular image of electric vehicles in North America.

The aptly named Chevrolet Volt can be plugged into



**David Pearson**  
GUEST COLUMNIST



PAUL CHIASSON/SUN MEDIA FILES

Ian Clifford, CEO of Zenn Motor Co., drives an electric Zenn car in St. Jerome, Que. Zenn cars are only low speed, but the big car companies are close to producing a full functioning model.

a normal household outlet for charging but also has an onboard engine that charges the battery, if needed. This engine can be fuelled by ethanol, biodiesel, a hydrogen fuel cell, or conventional gasoline.

Unlike today's hybrids, the

Volt's electric motor is the driving force that moves the car and is only supplemented by the charging engine, not the other way round.

In today's hybrids, the electric motor only kicks in occasionally. The difference is

**I like the thought of my tax dollars being spent to subsidize charging stations, so the Windsor-Toronto corridor could become a test bed for electric cars.**

reflected in the Volt's reported mileage: 1,000 km to a tank of fuel. For commuters like me who drive less than 65 kilometres between opportunities to plug in, the charging engine wouldn't be needed.

When it hits the market, the top speed of the Volt is projected to be well over the speed limit on any Ontario road.

When that will happen depends on developing a better battery, probably an

advanced lithium ion one.

Reports say GM engineers believe these new batteries might be developed and on the market for the Volt as early as 2010.

The Big 3 automakers have asked the U.S. government to include money to accelerate battery research in their "bail out" request. This might be another opportunity for Ontario — battery research and development.

Electric vehicles will reduce pollution, including the tail pipe emission of gases contributing to global warming and smog.

Charging batteries, however, will still use energy sources that include coal-fired power stations, which themselves emit greenhouse gases.

The difference is that power stations are far more efficient than the abysmally inefficient gasoline motor. Renewable energy sources will also be developed to replace coal and oil over the next 20 years.

These are challenging times and there are no sure bets.

But the financial crisis can have a silver lining for those who back the technologies of tomorrow.

I believe electric cars are worth the risk and Ontario has a great opportunity to be a front runner.

— Pearson is a professor at Laurentian University and Chair of the Ontario Office of the Canadian Climate Impacts and Adaptation Research Network

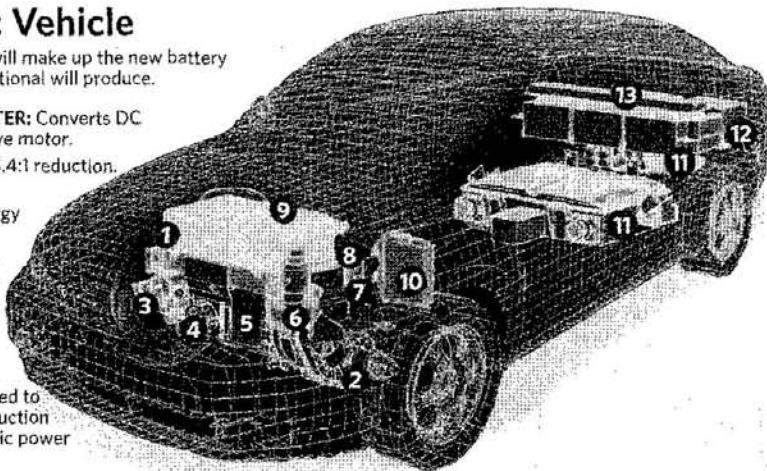
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## Ford Battery Electric Vehicle

A detailed look at the components that will make up the new battery electric vehicles Ford and Magna International will produce.

1. **MOTOR CONTROLLER AND INVERTER:** Converts DC voltage supplied by the battery to drive motor.
2. **GEARBOX:** Single-speed unit with a 5.4:1 reduction.
3. **HIGH VOLTAGE ELECTRIC HVAC COMPRESSOR:** Draws electrical energy from the main battery pack.
4. **ELECTRIC WATER PUMP:** Circulates coolant for the traction motor, inverters, battery and heater.
5. **TRACTION MOTOR:** Performs the conversion between electrical and mechanical power.
6. **ELECTRIC POWER STEERING:** Installed to assist a retuned steering rack. A production vehicle would be designed with electric power steering.
7. **MODULAR POWERTRAIN CRADLE:** Monitors engine components, provides isolation from the vehicle body through traditional engine mounts.
8. **ELECTRIC VACUUM PUMP:** Supplies vacuum to the brakes for power assist.
9. **HIGH VOLTAGE PTC ELECTRIC COOLANT HEATER AND CONTROLLER:** Heats the coolant that circulates to the passenger car heater. Heat also may be circulated to the battery.
10. **VEHICLE CONTROL UNIT:** Manages the different energy sources available and the mechanical power being delivered to the wheels to maximize range.

SOURCE: Magna International



11. **BATTERY PACK AND BATTERY CELLS:** The battery pack is made up of 7 battery modules of 14 cells, 98 cells total for 23 kWh of power. The batteries are air cooled using existing vehicle cabin air. The pack includes an electronic monitoring system that manages temperature and state of charge of each of the cells.
12. **AC CHARGER:** Power electronics are used to convert the off-vehicle AC source from the electrical grid to the DC voltage required by the battery, thus charging the battery in 8 hours.
13. **DC-DC CONVERTER:** Allows the vehicle's main battery pack to charge the on-board 12V battery, which powers the vehicle's various accessories, headlights, etc.

TORONTO STAR GRAPHIC

# Ford, Magna plan electric car

Two companies have been working for more than a year on a compact plug-in electric vehicle expected to arrive in showrooms in 2011

**TONY VAN ALPHEN**  
BUSINESS REPORTER

DETROIT—Magna International Inc. is teaming up with Ford Motor Co. Ltd. to build a battery-electric vehicle for the North American market. The two companies revealed here yesterday they have been working for more than a year on a project to develop and build a compact car that would arrive in showrooms sometime in 2011.

"I think we are within striking distance of bringing a viable electric vehicle to market," Magna co-chief executive officer Don Walker said

in an interview after the announcement at the North American International Auto Show.

Unlike current hybrids, in which an on-board electric motor complements the main gasoline engine, the new generation of electric autos will be powered by batteries.

Magna said the vehicle will have an-onboard battery charger capable of plugging into a 110- or 220-volt standard outlet and will be able to recharge in eight hours, depending on the voltage of the outlet.

"We have leading-edge technology and the interest is there in this from consumers, governments, the car companies and parts suppliers. It's also very exciting for Ford and Magna."

Walker added the two companies are projecting volume of between 5,000 and 10,000 vehicles in the

BATTERY continued on B3

GM's Lutz urges fuel tax to spur sales: B3

# Ford, Magna to offer electric car by 2011

BATTERY from B1

first year but that could climb depending on fuel prices and government support for consumer incentives.

Ford, which is also struggling in the current industrial turmoil that threatens the survival of its North American rivals, said the car will have a range of about 160 kilometres without using any gasoline and without affecting performance.

"The Ford BEV (Battery Electric Vehicle) is expected to offer consumers a familiar driving experience," the automaker said in a statement. "It will operate similar to a conventional vehicle but with smoother acceleration, less noise and zero emission."

The drive to green cars is a dominant theme at this year's show as automakers combat higher fuel prices and environmental concerns. General Motors Corp., Chrysler LLC and Toyota Motor Corp. are among the companies unveiling as many as 50 concept and production models that boast different forms of power.

Aurora-based Magna, one of the world's biggest auto-parts makers, will be responsible for the powertrain and battery modules for the unnamed Ford vehicle.

"In an ideal world, we'd like to make everything associated with the electrification of the car," Walker said.

The company is playing a key role in engineering for integration of the electric propulsion system and other systems.

The project has involved Magna's research and development centres in Michigan, Austria and its Aurora headquarters.

"The technology has really moved

## HARD TIMES HIT STORIED SHOW

- The first Detroit auto show, sponsored by the Detroit Auto Dealers Association, was held back in the days of the Model T, in 1907 at a beer garden in Detroit. A total of 33 vehicles were shown by 17 exhibitors.
- Held at Cobo Hall since 1961, this year more than 700,000 attendees and nearly 6,000 media are expected to rub shoulders with industry representatives from more than 2,000 companies.
- As many as 50 new production and concept cars will debut at this year's show, toned down as slow sales force manufacturers to replace the glitz with more conserv-
- ative exhibits.
- Mitsubishi, Suzuki, Rolls-Royce, Land Rover, Ferrari, and Porsche are skipping the event, the largest number of non-returning automakers in the show's history. As a result, Chinese automakers are exhibiting on the main floor for the first time.
- Nissan Motors will not hold any media introductions. Detroit-area Nissan and Infiniti dealers had stated they would provide support and funds to present current Nissan and Infiniti models at the auto show, but have since decided against doing so and will not be present.



lithium ion batteries and we've been a leading-edge player," said Ted Robertson, Magna's executive vice-president for new product creation.

The two companies, which would not disclose project costs, have not decided where they will assemble

considering building a battery plant for the project, Walker suggested.

Magna will also try to secure contracts to build other components in the vehicle since it already has the capability to produce most auto parts from frames to seats and in-

Walker said Ford and Magna had been talking about an electric car for two years before his company showed the Detroit-based auto giant its capabilities. Ford decided about a year ago to pursue a project with Magna.

"We've known Ford has been interested in being a greener company for years," Walker said. "Bill Ford Jr. (Ford's executive chair) has been pushing that a long time."

Ford also told several thousand journalists at the show that his company plans to introduce a battery electric commercial van in 2010 and a new generation of hybrid models, including plug-in versions in 2012.

"Ford is heading in the direction America and our customers want us to go, which is green, high-tech," he said.

"I think that is where society would like to see the entire industry go and Ford is going to lead that charge."

Derrick Kuzak, Ford's group vice-president of product development, said the company and Magna share the same vision for "the potential of electrification in transportation."

"This partnership leverages the technical expertise of two global companies to achieve a common goal, delivering a no-compromise, zero-emission, battery powered car for the retail market," he said.

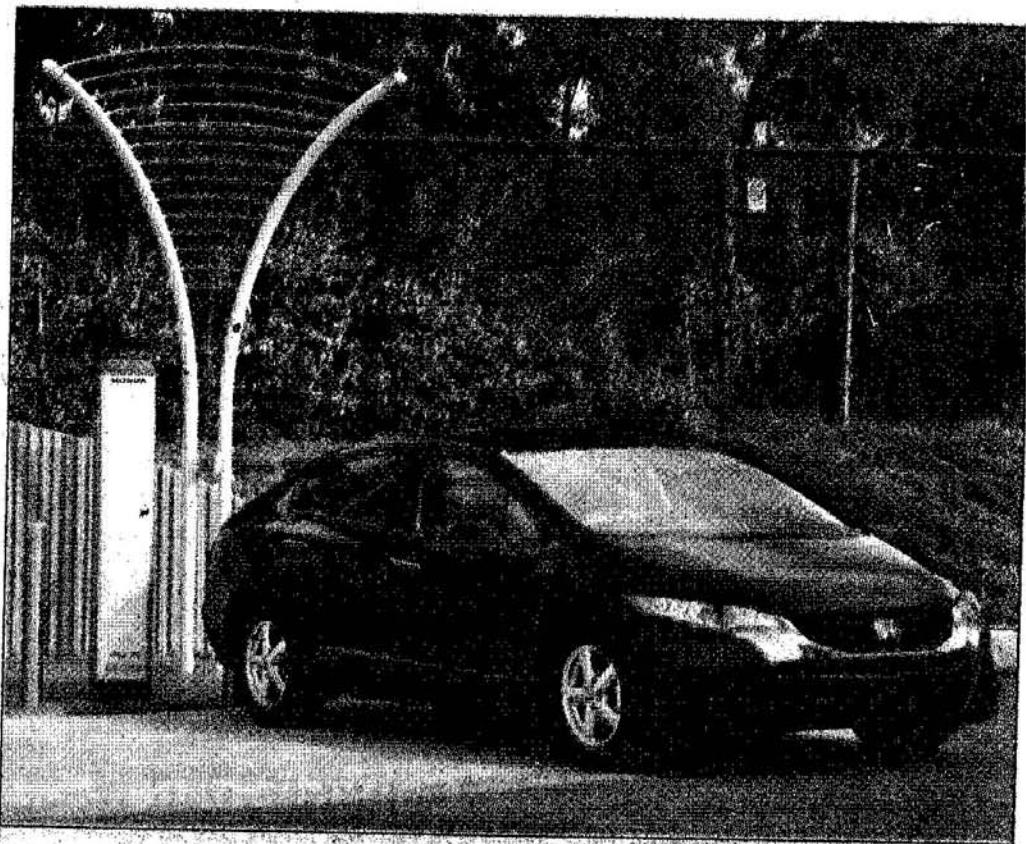
Magna chair and founder Frank Stronach has shown a keen interest in recent years in alternative propulsion vehicles beyond the traditional fuel combustion engine.

Walker also confirmed Magna is pursuing electric vehicle projects with other automakers, although he would not elaborate.

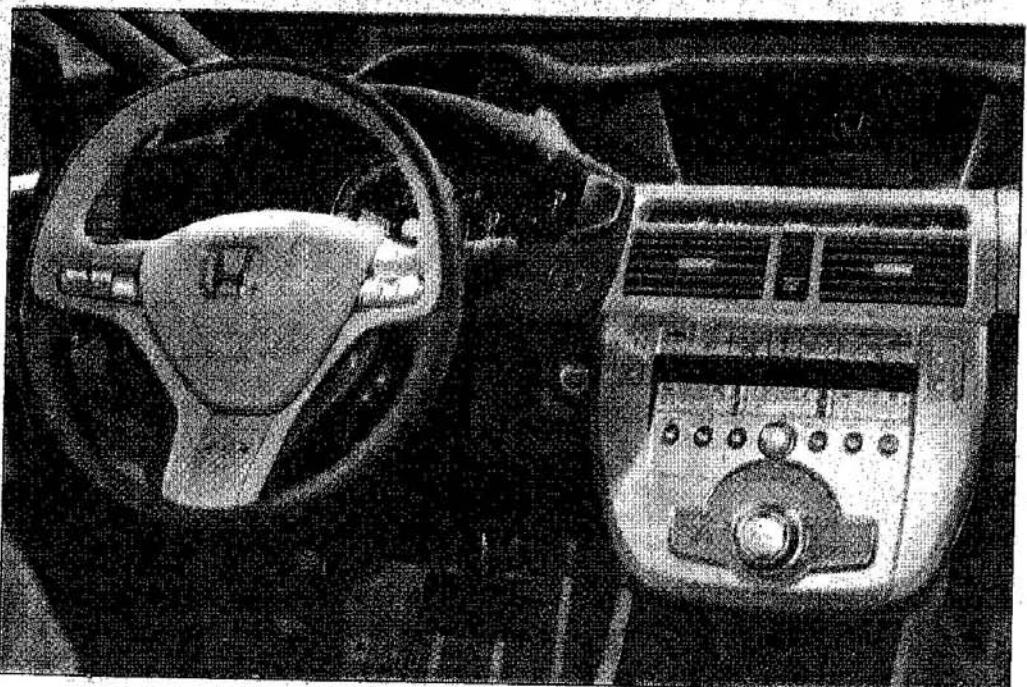
"We have a lot other projects but not of this (Ford) magnitude," he

(9) 2

7(b)



Honda has unveiled its FCX Clarity concept electric car, complete with a home energy station. It's not clear when, or if, it will go on the market, but Gerry Malloy suggests its time will come.



ON FRIDAY, DEC. 5 AT 1 P.M. (ET) GLOBEANDMAIL.COM/BREAKTHROUGH

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AUTOMOTIVE

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Zenn founder Ian Clifford plans to add 'Zennergy' electric propulsion systems to his low-speed electric cars. RYAN REMIORZ/THE CANADIAN PRESS

## Zenn and the art of electric car maintenance

The breakdown of his beloved 1959 French electric car led to Toronto auto maker's 'aha! moment'

(9)2

The first thing you notice about a Zenn car is its silence. "You can hear the birds singing driving down an urban street," Ian Clifford, founder of Toronto's Zenn Motor Co., boasted to Rick Mercer, bringing a mock tear to the comedian's eye when he visited the company's assembly plant for a segment of his show last year.

Zenn (for "zero emissions, no noise") is a low-speed electric car, conceived and assembled in Canada. It can go 80 kilometres on one charge, maxing out at 40 km/h, which pretty much limits it to neighbourhood excursions. Some 350 have been sold, mainly to U.S. buyers, as only one Canadian province - Quebec - permits it on its roads.

in forklifts. "That was the 'Aha!' moment," Mr. Clifford says. "There are millions of electric cars being driven behind closed doors in warehouses. This is proven, commercialized technology."

But the 46-year-old entrepreneur has much bigger plans. In 2004, Mr. Clifford signed a licence with Eestor, a Texas battery developer, that gives Zenn exclusive rights to use its technology in small and mid-size cars. Because Eestor's battery promises to propel a car up to 400 kilometres at highway speeds after just a five-minute charge, the deal could have a massive upside: Mr. Clifford envisions "Zennergy" electric propulsion systems powering millions of new and old vehicles. "We want Zennergy drives to be ubiquitous with electric-drive cars," he says. "We want to be the standard."

The downside? If Eestor's technology, still in development, proves unviable, Zenn could join Bricklin and Magna's Torrero in the annals of failed Canadian car brands. Mr. Clifford is well aware of the gamble, but he's driven as much by ecological passion as business opportunity. In the mid-'90s, frustrated at being unable to buy an electric car in Canada, he bought a 1959 French electric car. "You'd park it and there'd be 20 people around it, staring and asking questions," he recalls.

Then, in 2000, two things happened: Mr. Clifford sold his Internet marketing business,

Zenn (for "zero emissions, no noise") is a low-speed electric car, conceived and assembled in Canada. It can go 80 kilometres on one charge, maxing out at 40 km/h, which pretty much limits it to neighbourhood excursions. Some 350 have been sold, mainly to U.S. buyers, as only one Canadian province - Quebec - permits it on its roads.

in forklifts. "That was the 'Aha!' moment," Mr. Clifford says. "There are millions of electric cars being driven behind closed doors in warehouses. This is proven, commercialized technology."

In 2002, Mr. Clifford ventured forth on two parallel streams. One was assembling a commercial, low-speed electric vehicle for neighbourhood driving, using the chassis of French Microcars. "I saw it as a low-capital-risk way to get a product to market" while establishing a brand and industry credibility, he says.

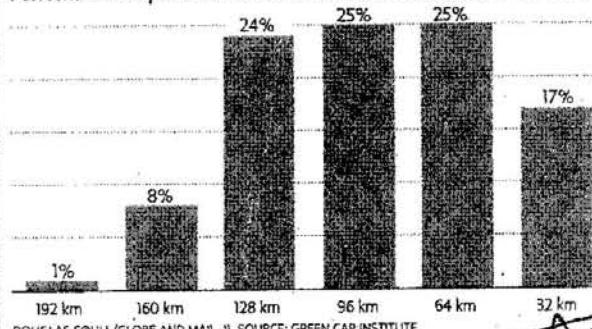
The second, more important stream was to develop a long-range, high-speed electric drive system that could power any car. "Consumers will not accept electric vehicles until they do exactly, or close to, what their gas-powered vehicles do," Mr. Clifford says. That means a charging time roughly equivalent to what it takes to fill up at the pump, the ability to operate in any climate, and near price parity.

The challenge turns primarily on battery technology, and the Zenn team investigated numerous options until it came across Eestor, an Austin-based startup whose prototype ceramic "ultracapacitor" promised to provide 10 times the energy of existing batteries at one-tenth the weight.

"It was a completely disruptive, breakthrough technology," Mr. Clifford says. "It replaces petroleum - it has

## What drivers want

Performance requirements of drivers interested in electric vehicles.



## THE VITALS

### KEY DECISIONS

Mr. Clifford opted to focus on building an energy-storage solution rather than an entire car. "It's about the drive, not the car," he says. He also decided a solid-state capacitor had more potential than a chemical battery (such as lead acid or lithium-ion). "I saw clearly to a time when all cars would be electric, and that would require an electrical infrastructure using sustainable power." An Eestor capacitor could be charged in less than five minutes at a charge station; chemical batteries take at least 30 minutes.

### THE OVERSIGHT

Launching a new car brand proved more complex than Mr. Clifford anticipated. In hindsight, he might outsource more of the assembly, so that Zenn simply resells a product manufactured elsewhere. As well, setting up a distribution network proved very time-consuming and resource-intensive. "We could have looked at other business models, like master distributors or Internet sales."

### THE NEXT STEPS

The next major milestone in Zenn's agreement with Eestor is third-party verification of the chemistry and storage process. If successful, it would trigger further payment from Zenn as set

### THE MARKET

The main buyers of Zenn's low-speed cars have been U.S. municipalities, especially on the West Coast, which use them for metre reading, neighbourhood policing and other functions. But if and when Eestor's technology proves commercially viable, the market could become massive. There are some 55 million new cars sold worldwide every year, and more than 750 billion on the roads - and all of them, Mr. Clifford believes, are potential clients for Zennergy drivetrains or retrofitting kits.

### THE VITALS

Zenn has more than 40 employees, 15 of whom work at the 40,000-square-foot assembly plant in St-Jérôme, Que. The company, which trades on the TSX Venture Exchange, has a roughly \$75-million market cap. In 2007, its most recent fiscal year, Zenn lost \$6.9-million on revenues of \$2.3-million.

### THE INTRIGUING IDEA

The low-speed vehicle category stems from the lowly golf cart. U.S. Sunbelt residents drove them illegally on the roads, leading federal regulators to create a special vehicle class, requiring seatbelts and better lighting to make them safer. Now, there's a movement

military. Zenn paid \$2.5-million for rights covering small to mid-size cars, then in April invested another \$2.5-million in the company.

Why would Eestor sell exclusive rights to an upstart given that partnering with a large auto maker could be much more lucrative? "I get that question all the time," Mr. Clifford says. For starters, auto giants, most of which are working on electric models, were holding out for a proven solution, he says, and Zenn, like Eestor, was a young company passionate about the technology's potential. "We were willing to take the risk when no one else would. Part of it was a leap of faith, part was due to diligence," Mr. Clifford says. "We were like angel investors, in at the ground floor, able to negotiate a strategic agreement which, when they commercialize, will create a massive global opportunity."

Mr. Clifford knows that skeptics would say "if" rather than "when." He stresses that the Eestor deal triggers payments only after Eestor reaches various developmental milestones. So far, Eestor is behind on its timeline. Meanwhile, Mr. Clifford has publicly stated that he expects Zennergy-powered cars on the market by the end of 2009.

While Mr. Clifford admits that relying on another company for the realization of his entrepreneurial dream is "a little stressful," he's heartened by the fact that Eestor has attracted funding from two major players: venture capital fund Kleiner Perkins Caufield & Byers, and Lockheed Martin, which licensed the technology for military applications.

If the Eestor bet pays off, Mr. Clifford plans to shift Zenn away from low-speed vehicles and focus on supplying electric drivetrains to auto makers. "The last thing we want to be is a car maker," he says. "It's more the Intel-inside model."

And if it doesn't pan out? Mr. Clifford says he has plans B and C, but won't divulge them. But he stresses he won't give up on delivering an electric car - one that doesn't draw a crowd, because it's like

## THE NUMBERS

33

Percentage of new car buyers in California who say they would buy an electric car for their vehicle

678,108 gallon

Amount of crude oil the New York Power Authority estimates it saved by retrofitting school buses to electric power, pricing incentives for electric cars and other initiatives aimed at boosting electric transport

250,000

Number of electric vehicles expected on the roads in Europe by 2020, their biggest market, by 2020

40 km-h

Top speed of a Zenn neighborhood car

14 km-h

Average speed on Manhattan streets

## ONLINE EXCLUSIVE



**The big advantage that start-ups have in this space is the lack of sunk investments in manufacturing processes. There may be advantages to building a start-up stage where a major auto maker would want to acquire it.**

Tomorrow, Rick Whittaker, vice-president of investment at Sustainable Development Technology Canada, a not-for-profit organization that finances green ventures by Canadian companies, will discuss Zenn's market strate-

(9) 1

## **The ZENN advantage**

Eliminating harmful emissions is just part of the story. A ZENN also makes compelling economic sense. The ZENN operates for one tenth the cost of a conventional gas powered vehicle.

## **"Fill up" at home!**

No need to stand outside pumping gas. Charging a ZENN is as easy as charging a battery. Simply plug it into a conventional electrical outlet and in the morning, it will be fully charged. On time, as little as 4 hours of charging restores full capacity from a completely "empty" tank.



**100%**  
ELECTRIC AC DRIVE

- **ZERO EMISSION**
- **LOW MAINTENANCE**
- **245 MPG EQUIVALENCY**

**EARTH'S FAVORITE CAR!™**



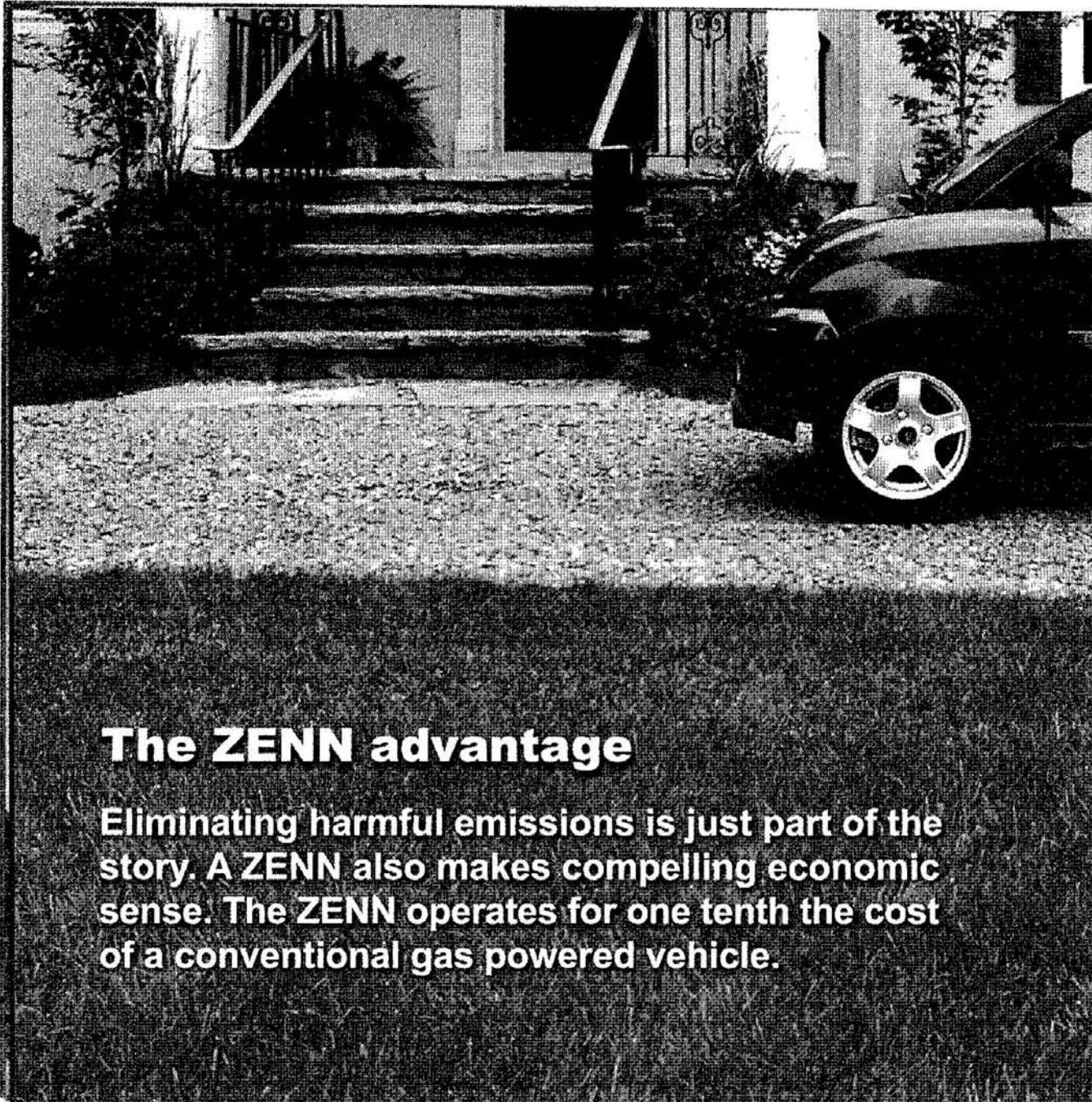
The earth-friendly future is here with the ZENN, the Zero-Emission, No-Noise fully-featured electric vehicle. In addition to requiring no gasoline, the ZENN distinguishes itself with a comfort, utility and convenience no other Neighborhood Electric Vehicle (NEV) can match.



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**[www.ZENNcars.com](http://www.ZENNcars.com)**

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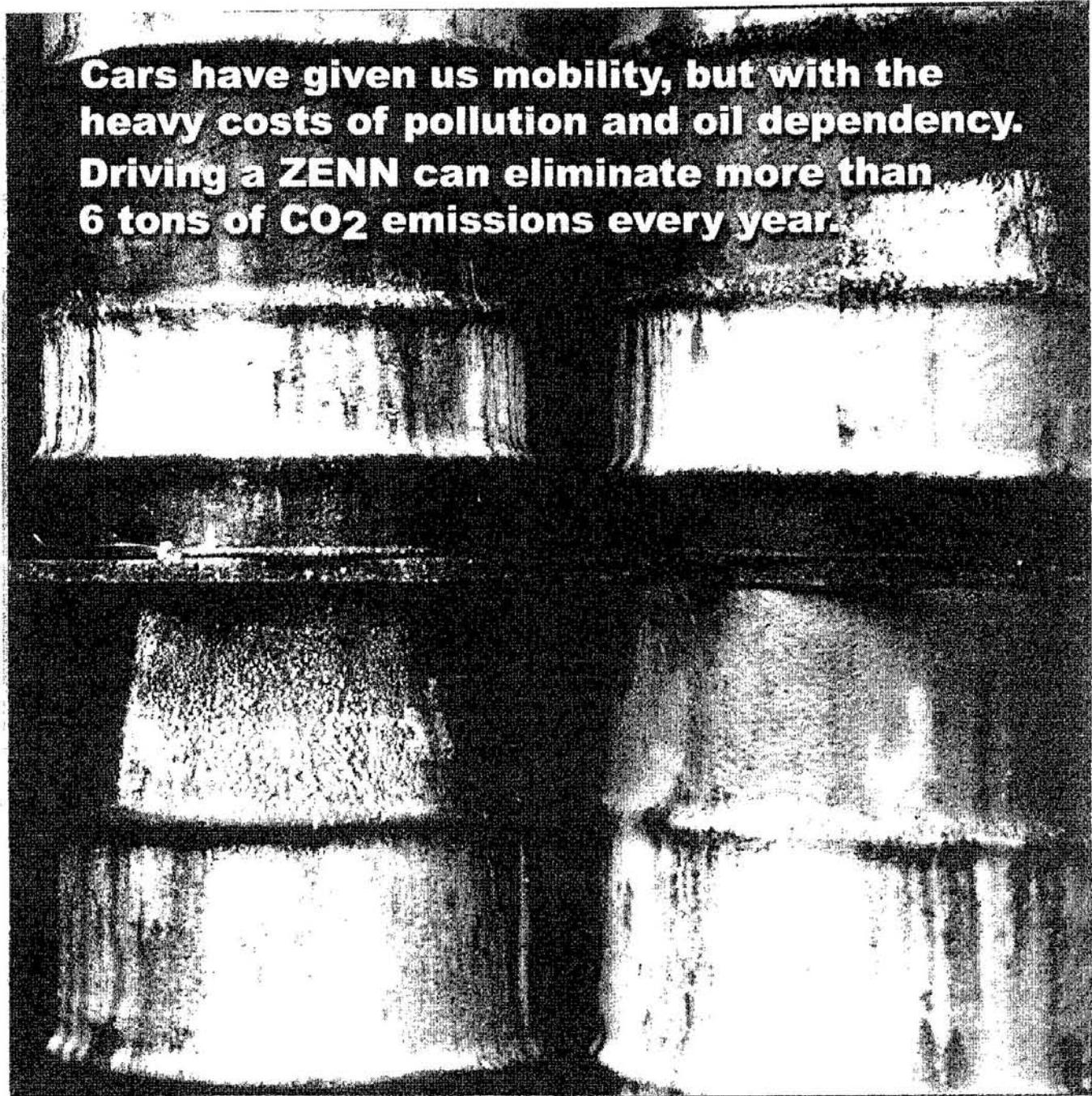


**The ZENN advantage**

Eliminating harmful emissions is just part of the story. A ZENN also makes compelling economic sense. The ZENN operates for one tenth the cost of a conventional gas powered vehicle.

7(b)

**Cars have given us mobility, but with the  
heavy costs of pollution and oil dependency.  
Driving a ZENN can eliminate more than  
6 tons of CO<sub>2</sub> emissions every year.**



# THE CORPORATION OF THE CITY OF SAULT STE. MARIE

## BY-LAW No. 2009-50

**Sewer Use By-law:** (S.1.3) A by-law to regulate the chemical and physical characteristics of water and wastewater discharges to a sanitary or storm sewer system in the City of Sault Ste. Marie, Ontario.

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**NOTICE**

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CITY SOLICITOR

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## THE CORPORATION OF THE CITY OF SAULT STE. MARIE

## BY-LAW No. 2009-50

**SEWERS:** (S.1.3) A by-law to regulate the chemical and physical characteristics of water and wastewater discharges to a sanitary or storm sewer system in the City of Sault Ste. Marie.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to Section 10 of the *Municipal Act 2001*, S.O. 2001, chapter 25 and amendments thereto, ENACTS as follows:

## SECTION

## 1. DEFINITIONS

- .1 **acute hazardous waste chemical** means an acute hazardous waste chemical within the meaning of Ont. Reg. 347, as amended from time to time, as made under the Environmental Protection Act, R.S.O.1990;
- .2 **animate products of biotechnology** means a material that is an acute hazardous waste chemical within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990;
- .3 **biochemical oxygen demand (BOD)** means the 5-day BOD which is the determination of the molecular oxygen utilized during a 5-day incubation period for the biochemical degradation of organic material, and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen;
- .4 **biosolids** means the organic solid materials recovered from the wastewater treatment process;
- .5 **blowdown water** means recirculating water that is discharged from a cooling or heating system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would or might impair the operation of the system;
- .6 **carrier** means person who transports liquid material to the sewage works for disposal;
- .7 **chemical oxygen demand (COD)** means the oxygen equivalent of the organic matter of a sample that is susceptible to oxidation by a strong chemical oxidant;
- .8 **City** means the Corporation of the City of Sault Ste. Marie;
- .9 **City Engineer** means the Sault Ste. Marie City Engineer responsible for the Construction and Environmental Engineering Division of the City of Sault Ste. Marie or his/her duly authorized representative;

- .10    "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
- .11    "combustible liquid" means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;
- .12    "Compliance Officer" means a person authorized by the City to carry out observations and inspections and take samples as prescribed by this By-law;
- .13    "composite sample" means a volume of sewage, storm water, uncontaminated water, or effluent made up of two or more grab samples that have been combined automatically or manually and taken at intervals during the sampling period;
- .14    "connection" or "drain" means that part or those parts of any pipe or system of pipes leading directly to a sewage works;
- .15    "cooling water" means water that is used in a process for the purpose of removing heat and that has not come into contact with any raw material, intermediate product, waste product, or finished product, but does not include blowdown water;
- .16    "discharger" means an individual, association, partnership, corporation, municipality, or an agent or employee thereof, in occupation or having the charge, management, or control of a plant, sewage, storm water, uncontaminated water or any combination thereof, to which this by-law applies;
- .17    "fuel" means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
- .18    "grab sample" means a portion of the discharge from or deposit to the sewage works taken at one particular time and place;
- .19    "groundwater" means water beneath the earth's surface accumulating as a result of seepage;
- .20    "hauled industrial waste water" means any industrial waste, which is transported to and deposited into any location in the sewage works excluding hauled sewage within the meaning of O.Reg. 347 under the Environmental Protection Act, R.S.O. 1990;
- .21    "hauled sewage" means waste removed from a sewage system including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank but does not include sludge removed from wastewater treatment plants;
- .22    "hauled waste" means any industrial waste, other than hauled sewage, which is transported to and deposited into any location in the sewage works excluding hauled sewage;

- .23 "hazardous industrial waste" means a material that is a hazardous waste within the meaning of O. Reg. 347, as amended from time to time under the Environmental Protection Act, R.S.O. 1990;
- .24 "hazardous waste chemical" means a material that is hazardous waste chemical within the meaning of O. Reg. 347 was amended from time to time under the Environmental Protection Act, R.S.O. 1990;
- .25 "ignitable waste" means a substance that,
- (i) is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 61 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-79), the Setaflash Closed Cup Tester (ASTM D-3243-77 or ASTM D-3278-78) the Pensky-Martens Closed Cup Tester (ASTM D-9309), or as determined by an equivalent test method,
  - (ii) is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption or moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger;
  - (iii) is an ignitable compressed gas (Class 2, Division D) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended,
  - (iv) is an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended;
- .26 "industrial" means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;
- .27 "industry" means any owner or operator of industrial or commercial premise from which there is a discharge of any matter directly or indirectly into a City sanitary sewer, combined sewer or storm sewer;
- .28 "liquid material" means sewage that is suitable for treatment in a sewage works and is transported to a sewage works for disposal and includes hauled sewage and municipal sludge;
- .29 "maintenance access hole" means an access point in a private or municipal sewer to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein;
- .30 "matter" includes any solid, liquid or gas;
- .31 "municipal sewer connection" means that part of any drain leading from a private sewer connection and connected to the municipal sewer and located within the limits of the public road allowance, or other public lands or public land interests held for sewerage purposes;

- .32 "municipal sludge" means the semi solid material that is a By-product of municipally owned water and/or wastewater treatment facilities;
- .33 "pathological waste" means pathological waste within the meaning of Ont. Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 or any material which may be designated in writing by the Chief Medical Officer of Health;
- .34 "PCB" means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them;
- .35 "PCB waste" means a PCB waste within the meaning of Ont. Reg. 352, as amended, made under the Environmental Protection Act, R.S.O. 1990;
- .36 "person" means an individual, association, partnership, corporation, municipality or an agent or employee of such a person;
- .37 "pesticides" means a pesticide regulated under the Pesticide Act, R.S.O. 1990;
- .38 "plant" means any site capable of discharging to a sewage works covered by this by-law;
- .39 "pH" means the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ions in moles per litre of solution;
- .40 "premise" means any land or building or both or any part thereof;
- .41 "private sewer connection" means that part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building, lying within the limits of the private lands and leading to a municipal sewer connection;
- .42 "reactive waste" means a substance that,
- (i) is normally unstable and readily undergoes violent changes without detonating;
  - (ii) reacts violently with water;
  - (iii) forms potentially explosive mixtures with water;
  - (iv) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
  - (v) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
  - (vi) is capable of detonation or explosive reaction if it is subject to a strong initiating source or if heated under confinement;

- (vii) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or
  - (viii) is an explosive (Class 1) as defined in the regulations under the Transportation of Dangerous Goods Act, R.S.O. 1992, as amended;
- .43    **“sanitary sewer”** means a sewer for the collection and transmission of domestic, residential, commercial, institutional and industrial sewage or any combination thereof;
- .44    **“severely toxic waste”** means waste containing any contaminant listed in Section 3 of Ont. Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990;
- .45    **“sewage”** means any liquid, solid or gas containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension but does not include storm water or uncontaminated water;
- .46    **“sewage works”** means any works for the collection, transmission, treatment or disposal of sewage and contaminated water, including a combined sewer, sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which regulations made under clause 75(3)(a) of the Ontario Water Resources Act, R.S.O. 1990.c.O.40. (OWRA) applies;
- .47    **“sewer”** means a pipe, conduit, drain, open channel, ditch or watercourse for the collection and transmission of sewage, stormwater, and/or uncontaminated water, or any combination thereof;
- .48    **“spill”** means a direct or indirect discharge or deposit to the sewage works or the natural environment that is abnormal in quantity or quality in light of all the circumstances of the discharge;
- .49    **“Standard Methods”** means a procedure or method set out in **Standard Methods for the Examination of Water and Wastewater** published jointly by the American Public Health Association, American Water Works Association and Water Environment Federation, latest edition;
- .50    **“storm sewer”** means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land and from a watercourse or any combination thereof;
- .51    **“storm water”** means water from rainfall, other natural precipitation, drainage or from the melting of snow or ice;
- .52    **“subsurface drainage pipe”** means a pipe that is installed underground to intercept and convey subsurface water, and includes foundation drain pipes;
- .53    **“total Kjeldahl nitrogen (TKN)”** means the measure of both ammonia and organic forms of nitrogen. Both of these forms of nitrogen are present in nitrogenous organic detritus from natural biological activities. Organic nitrogen is present in proteins, amines, urea, etc. TKN is used as an indicator of sanitary water quality.

Ammonia and organic nitrogen are important for assessing available nitrogen for biological activities.

- .54 "total PAH's" means the total of all polycyclic aromatic hydrocarbons: anthracene, Benzo(a)pyrene, Benzo(a)anthracene, Benzo(e)pyrene, Benzo(b)fluoranthene, Benzo(j)fluoranthene, Benzo(k)fluoranthene, Benzo(g, h, l)perylene, chrysene, dibenzo(a,h)anthracene, dibenzo(a,l)pyrene, dibenzo(a,j)acridine, 7H-dibenzo(c,g)carbazole, fluoranthene, indeno(1,2,3-c,d)pyrene, perylene, phenanthrene, and pyrene;
- .55 "uncontaminated water" means water reaching a level of quality which is typical of potable water as supplied by the City or whose quality meets or exceeds the values in Table 2 of this document.
- .56 "waste disposal site leachate" means the liquid containing dissolved or suspended contaminants that emanates from waste and is produced by water percolating through the waste or by liquid in the waste;
- .57 "waste radioactive prescribed substances" means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy;
- .58 "watercourse" means an open channel, ditch or depression either natural or artificial, in which water flows either continuously or intermittently; and
- .59 "waters" means a well, lake, river, pond, spring, stream, reservoir, artificial watercourse, intermittent watercourse, or other water or watercourse.

## SECTION

### 2. SANITARY SEWERS

- .1 No person shall discharge directly or indirectly, discharge or deposit or cause or permit the discharge of sewage into a sanitary sewer, combined sewer, municipal or private sewer connection to any sanitary sewer or combined sewer in circumstances where:
  - (i) To do so may cause or result in,
    - (a) a health or safety hazard to a person authorized by the City or City Engineer to inspect, operate, maintain, repair, or otherwise work on a sewage works;
    - (b) an offence under the Ontario Water Resources Act or the Environmental Protection Act, as amended from time to time, or any regulation made thereunder from time to time;
    - (c) biosolids from a sewage works to which either sewage discharge, directly or indirectly, to fail to meet the objectives and criteria as set out in the Ministry of the Environment publication entitled "Guidelines

for the Utilization of Biosolids and Other Wastes on Agricultural Land" dated March 1996, as amended from time to time;

- (d) interference with the operation or maintenance of a sewage works, or the impairment or interference with any sewage treatment process;
  - (e) a hazard to any person, animal, property or vegetation;
  - (f) an offensive odour to emanate from sewage works, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, or other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
  - (g) damage to a sewage works; or
  - (h) an obstruction or restriction to the flow in the sewage works.
- (ii) The sewage has one or more of the following characteristics:
- (a) a pH of less than 6.0 or greater than 10.5; or
  - (b) two or more separate liquid layers; or
  - (c) a temperature greater than sixty (60) degrees Celsius.
- (iii) The sewage contains:
- (a) acute hazardous waste chemicals;
  - (b) biomedical waste, except where the sewage meets the Conditions for discharge as listed in the Ontario Ministry of Environment Guideline C-4 entitled "The Management of Biomedical Waste in Ontario" dated December 2001, as amended from time to time;
  - (c) combustible liquid;
  - (d) dyes or colouring materials which when passed through a sewage works discolour the sewage works effluent;
  - (e) fuel;
  - (f) hauled sewage, except where:
    - i. the hauled sewage is being discharged from a recreational vehicle;
    - ii. the carrier of the hauled sewage is a waste management system operating under a Certificate of Approval or Provisional Certificate of Approval issued under the EPA or is exempt from the requirement to have a certificate or Provisional Certificate of Approval;

- iii. a copy of the most recent Certificate or Provisional Certificate and any amendment is provided to the City; and
- iv. the carrier meets all conditions for discharge that are or may be required from time to time by the City.

(g) hauled industrial wastewater, except where;

- i. the carrier of the hauled sewage is a waste management system operating under a Certificate of Approval or Provisional Certificate of Approval issued under the EPA or is exempt from the requirement to have a Certificate or Provisional Certificate of Approval;
- ii. a copy of the most recent Certificate or Provisional Certificate and any amendment is provided to the City; and
- iii. hauled waste meets the conditions set out in clauses 23(3)(c) and 25(5)(b) of O.Reg. 347, R.R.O. 1990, as amended from time to time; and
- iv. carrier meets all conditions for discharge that are or may be required from time to time by the City.

(h) ignitable waste;

(i) hazardous industrial waste;

(j) hazardous waste chemicals;

(k) municipal sludge, except where;

- i.) the discharge is expressly authorized in writing by the City Engineer, in accordance with guidelines adopted by the City from time to time, prior to the discharge; and/or
- ii.) the person has entered into an agreement with the City which expressly authorizes the discharge and includes such other conditions, including compensation and monitoring requirements; and
- iii.) any fees required to be paid to the City pursuant to an agreement are paid within 30 days of the date of the invoice from the City.

(l) pathological waste, except where the waste has been decontaminated prior to discharge and;

- i.) the industry has a Certificate of Approval from the Ministry of the Environment which expressly allows the discharge or written approval from the Director of the Ministry of the Environment which expressly authorizes the discharge from the premise;
- ii.) the industry has written approval from the City Engineer which expressly authorizes the discharge from the premise; and
- iii.) a copy of the Certificate of Approval or written authorization referred to in clause (a) has been provided to the City.

- (m) PCBs, except where:
- i.) the person has a Certificate of Approval for a mobile site or PCB mobile waste disposal system issued under the Environmental Protection Act ("EPA") or where the person is claiming exemption under a regulation, the person has demonstrated to the City Engineer that the conditions of the exemption are met;
  - ii.) a copy of the most recent Certificate of Approval or Provisional Certificate of Approval and any amendment is provided to the City Engineer;
  - iii.) the person has written approval from the City Engineer that the person has met a condition for an exemption under the regulations in relation to their discharge of PCBs to the sewage works; and
  - iv.) the discharge contains a concentration of less than 1 microgram per litre of PCBs.
- (n) pesticides;
- (o) reactive waste;
- (p) severely toxic waste;
- (q) waste radioactive prescribed substances, except where:
- i.) the waste radioactive prescribed substances are being discharged under a valid and current license issued by the Atomic Energy Control Board or its successor; and
  - ii.) a copy of the license and Certificate of Approval have been provided to the City Engineer.
- (r) waste disposal site leachate, except where:
- i.) the waste disposal site leachate is discharged pursuant to a Certificate of Approval or Order relating to the premise under the EPA or the *Ontario Water Resources Act* ("OWRA") which expressly allows the discharge;
  - ii.) it has been deemed that the leachate is treatable by the City's operator and the operator is willing to accept the wastewater for treatment; and
  - iii.) the person has written approval from the City Engineer to discharge the leachate into the City's sanitary sewer system prior to any discharge, subject to any limitation that may be imposed in granting such approval.
  - iv.) the Certificate of Approval referred to in clause (a) has been provided to the City Engineer.
- (iv) The sewage contains a concentration, expressed in milligrams per litre, in excess of any one or more of the parameter limits set in Table 1.
- .2 The discharge of storm water, surface water, ground water, non-contact cooling water or uncontaminated water to a sanitary or combined sewer is

prohibited unless authorized in writing by the City Engineer in accordance with guidelines adopted by the City from time to time except where:

- (i) the owner or operator of the premise has entered into, or has expressed in writing the intent of the agreement or compliance program with the City; and
- (ii) any fee set by the City has been paid within 30 days of invoicing.

.3

- (i) No person shall discharge water originating from a source other than the City water supply directly or indirectly to a sanitary sewer or combined sewer, unless:
  - (a) the discharge is expressly authorized in writing by the City Engineer in accordance with any guidelines adopted by the City from time to time, prior to the discharge, and/or
  - (b) the discharge is in accordance with any discharge agreement that has been entered into with the City; and
  - (c) any fees required to be paid to the City pursuant to any discharge agreement or extra strength surcharge agreement has been paid within 30 days of the date of the invoice from the City.
- (ii) The provisions of Section 2.3 do not apply where:
  - (a) the discharge is in accordance with an extra strength surcharge agreement or expressly authorized in writing by the City Engineer in accordance with this by-law prior to the discharge; and
  - (b) any fee set by the City has been paid within 30 days of the date of the invoice from the City.

.4

- No person shall add water or any other material from any source of sewage for the purpose of dilution to achieve compliance with this By-law and any such added water or material shall be disregarded for the purpose of calculating whether a limit has been complied with.

**Table 1: Limits for Sanitary Sewer Discharges**

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
Biochemical Oxygen demand	300	Benzene	0.01
Cyanide (Total)	2.0	Chloroform	0.04
Fluoride	10.0	1, 2-Dichlorobenzene	0.05
Nitrogen (Total Kjeldahl)	100	1, 4-Dichlorobenzene	0.08
Oil & Grease – Animal and Vegetable	100	Cis-1, 2-Dichlorobenzene	4.0
Oil & Grease – Mineral & Synthetic	15	Trans-1, 3-Dichloropropylene	0.14
Phenolics (4AAP)	1.0	Ethyl benzene	0.16
Phosphorous (Total)	10	Methylene chloride	2.0
Suspended Solids (Total)	350	1, 1, 2, 2 - Tetrachloroethane	1.4
Aluminum (Total)	50	Tetrachloroethane	1.0
Antimony (Total)	5.0	Toluene	0.016
Arsenic (Total)	1.0	Trichloleethylene	0.4
Cadmium (Total)	0.7	Xylenes (Total)	0.2 <sup>t</sup>
Chromium (Hexavalent)	2.0	Di-n-butyl phthalate	0.08
Chromium (Total)	2.0	Bis (2-ethylhexyl) phthalate	0.012
Cobalt (Total)	5.0	Nonylphenol	0.001
Copper (Total)	2.0	Nonylphenolethoxylates	0.01
Lead (Total)	1.0	Aldrin/dieldrin	0.0002
Manganese (Total)	5.0	Chlordane	0.1
Mercury (Total)	0.01	DDT	0.0001
Molybdenum (Total)	5.0	Hexachlorobenzene	0.0001
Nickel (Total)	2.0	Mirex	0.1
Selenium (Total)	1.0	PCBs	0.001
Silver (Total)	5.0	3, 3' – bichlorodenzidine	0.002
Tin (Total)	5.0	Hexachlorocyclohexane	0.1
Titanium (Total)	5.0	Pentachlorophenol	0.005
Vinyl Chloride	0.04	Total PAHs	0.005
Zinc (Total)	2.0		

**SECTION****3. STORM SEWERS**

- .1 No person shall discharge or deposit or cause or permit the discharge or deposit of matter of any type into a storm sewer, drainage works, watercourse, pond, or municipal or private sewer connection to any storm sewer, which may or could:
- (i) interfere with the proper operation of a storm sewer or a storm water treatment facility;
  - (ii) obstruct or restrict a storm sewer or the flow therein;
  - (iii) damage a storm sewer or storm water treatment facility;
  - (iv) result in any hazard or other adverse impact to any person, animal, property or vegetation;
  - (v) contravene or result in the contravention of a Certificate of Approval or Provisional Certificate of Approval issued under the Ontario Water Resources Act or the Environmental Protection Act (Ontario) with respect to storm sewers and/or its discharge; and
  - (vi) have any one or more of the following characteristics:
    - (a) visible film, sheen or discolouration;
    - (b) two or more separate layers;
    - (c) a pH less than 5.5 or greater than 9.5;
    - (d) a temperature greater than 40 °C (degrees Celsius)
  - (vii) contain one or more of the following waste/product types:
    - (a) biomedical waste as defined by the Ontario Ministry of the Environment Guideline C-4 entitled "The Management of Biomedical Waste in Ontario" Dated April, 1994 as amended from time to time;
    - (b) acute hazardous waste chemicals;
    - (c) blowdown water;
    - (d) combustible liquid;
    - (e) floating debris;
    - (f) fuel;
    - (g) hauled sewage;
    - (h) hauled industrial wastewater;
    - (i) hazardous industrial waste;
    - (j) hazardous waste chemicals;
    - (k) ignitable waste;
    - (l) pathological waste;
    - (m) PCBs
    - (n) pesticides
    - (o) reactive waste;
    - (p) severely toxic waste;
    - (q) sewage;
    - (r) waste radioactive prescribed substances;

- (s) waste disposal site leachate;
  - (t) a substance from raw materials, intermediate or final product, used or produced in, through or from an industrial process; or
  - (u) a substance used in the operation or maintenance of an industrial site.
- (viii) contain E.coli colonies in excess of 200 per 100 mL;
- (ix) contains a concentration expressed in milligrams per litre, in excess of any one or more of the limits established in Table 2.
- .2 No person shall add water or any other material from any source to storm water for the purpose of dilution to achieve compliance with this By-law.
- .3 Any such added water or material shall be disregarded for the purpose of calculating whether a limit has been complied with.
- .4 A discharger shall be required, upon receipt of a Notice from the City Engineer, to comply with one or more of the following initiatives addressing storm water discharged from a property which contains a concentration, expressed in milligrams per litre, in excess of any one or more of the criteria set out in Section 3.1 above:
- (i) a study of storm water quality and/or quantity;
  - (ii) maintenance, modification and/or construction of a stormwater management facility; or
  - (iii) development and implementation of a stormwater best management strategy.

**Table 2: Limits for Storm Sewer Discharges**

Parameter	Limit (mg/L)	Parameter	Limit (mg/L)
Biochemical Oxygen demand	15	1, 2-Dichlorobenzene	0.0056
Cyanide (Total)	0.02	1, 4-Dichlorobenzene	0.0068
Phenolics (4AAP)	0.008	Cis-1, 2-Dichlorobenzene	0.0056
Phosphorous (Total)	0.4	Trans-1, 3-Dichloropropylene	0.0056
Suspended Solids (Total)	15.0	Ethyl benzene	0.002
Oil & Grease – Mineral & Synthetic	15.0	Methylene chloride	0.0052
Aluminum (Total)	1.0	1, 1, 2, 2 - Tetrachloroethane	0.017
Ammonia	10.0	Tetrachloroethane	0.0044
Arsenic (Total)	0.02	Toluene	0.002
Barium (Total)	1.0	Trichloroethylene	0.0076
Cadmium (Total)	0.008	Xylenes (Total)	0.0044
Chlorine (Free)	0.1	Di-n-butyl phthalate	0.015
Chromium (Total)	0.08	Bis (2-ethylhexyl) phthalate	0.0088
Chromium (Hexavalent)	0.04	Nonylphenol	0.001
Copper (Total)	0.04	Nonylphenol ethoxylates	0.01
Lead (Total)	0.12	Aldrin/dieldrin	0.00008
Manganese (Total)	0.05	Chlordane	0.04
Mercury (Total)	0.0004	DDT	0.00004
Nickel (Total)	0.08	Hexachlorobenzene	0.00004
Selenium (Total)	0.02	Mirex	0.04
Silver (Total)	0.12	PCBs	0.004
Tin (Total)	1.0	3, 3' – bichlorodenzidine	0.008
Zinc (Total)	0.04	Hexachlorocyclohexane	0.04
Benzene	0.002	Pentachlorophenol	0.002
Chloroform	0.002	Total PAHs	0.002

**SECTION****4. LIQUID MATERIALS TRANSPORTED TO SEWAGE WORKS**

- .1 Except as permitted by this Section, the disposal of liquid material to the sewage works is prohibited.
- .2 No person shall dispose of liquid material to the sewage works without having first procured an annual permit.
- .3 A carrier must submit to the City Engineer an application for an annual permit on the form provided by the City Engineering Department.
- .4 Upon the application for an annual permit by the carrier and the payment by the carrier of the annual permit fee, the City Engineer may issue an annual permit.
- .5 The City Engineer shall establish by annual permit the conditions for discharge and disposal of liquid material at the sewage works and the expiry of the annual permit.
- .6 A carrier with a valid permit shall:
  - (i) deliver and dispose of liquid material in accordance with the procedures for discharge that are or may be set from time to time by the City;
  - (ii) comply with all conditions of the annual permit;
  - (iii) pay fees for the disposal of liquid material that are or may be set from time to time by the City;
  - (iv) provide on request of the City Engineer, samples of the liquid material or analysis of such samples or both, prior to the discharge of liquid material at his or her cost; and
  - (v) submit prior to disposal of liquid material, manifests on the form issued by the City Engineer, each part of which has been accurately completed from that load of liquid material, unless otherwise directed by the City Engineer.
- .7 The City Engineer may:
  - (i) revise a valid annual permit issued to a carrier upon submission of an application and payment of any associated fees;
  - (ii) at any time collect samples of the liquid materials for analysis;
  - (iii) refuse to issue an annual permit or revise an annual permit if, among other things, the information provided on the application form is deficient or incorrect, the liquid materials to be transported to the sewage works is prohibited, the annual permit fee has not been paid for or the carrier has failed to comply with the conditions of the annual permit;

- (iv) establish, from time to time, application forms for annual permits, manifest forms for disposal of liquid material, and procedures relating the discharge and disposal of liquid material;
  - (v) cancel an annual permit if the carrier fails to comply with the conditions of the annual permit or fails to comply with the provisions of this Section;
  - (vi) exempt a carrier from the requirement to equip vehicles with automatic card swipe upon receipt of a written request from the carrier;
  - (vii) require the liquid material from an industrial premise be pretreated so that it is in compliance with all the discharge limits outlined in Table 1, prior to being discharged to the sewage works; and
  - (viii) require the carrier and/or generator of the liquid material to enter into an agreement pursuant to Section 7 of this By-law for the disposal of certain types of liquid material.
  - (ix) request the operator of the sewage works administer the permitting process.
  - (x) request the operator of the sewage works refuse liquid waste transported to the sewage works, if in their professional opinion there is reason to do so (ie: works are in by-pass conditions).
- .8 Liquid material generated outside the City that is subsequently transported to the sewage works for disposal shall be deemed to be sewage generated outside of the City for the purpose of paying fees, and shall be manifested as such. Permission/approval from the City Engineer shall be required prior to acceptance of any liquid material that has been generated outside the City limits.

## SECTION

### 5. DISCHARGER SELF-MONITORING

- .1 A discharger shall complete any monitoring or sampling of any discharge to a sewage works, as required under any surcharge agreement or any discharge agreement and provide the results to the municipality in accordance with written notification of the City Engineer.
- .2 The obligation set out in or arising out of Section 5.1 shall be completed at the expense of the discharger unless the municipality has agreed in writing to share the expense with the discharger.

## SECTION

### 6. PLANNING AND REPORTING REQUIREMENTS

- .1 The City Engineer may order a Subject Sector discharger which falls within one of the defined Subject Sector categories in Appendix 1, which discharges any amount of waste water which contains a subject pollutant, as listed in Appendix 2, to prepare and submit, within 90 days of the order, a Pollution Prevention Plan, in accordance with the Ontario Ministry of the Environment, to the City Engineer with respect to the premise from which the discharge occurs.
- .2 The pollution prevention plan shall compare waste water effluent characteristics from the ordered discharger's premise to applicable limits contained in this By-law for subject pollutants and shall identify a strategy for pollution prevention complete with implementation considerations for any discharge which exceeds the By-law limits.
- .3 The City Engineer shall review and approve the pollution prevention plan unless the City Engineer determines that the plan does not comply with the requirements of this By-law.
- .4 Summary Pollution Prevention Reports shall be prepared and submitted to the City Engineer annually, or by the 1<sup>st</sup> day of March each year, detailing effluent characteristics from the ordered discharger's premise for the subject pollutants and the progress that has been made to implement the pollution prevention plan until the pollution prevention plan has been fully implemented or the City Engineer, by way of written notice to the ordered discharger, gives notice that the City is satisfied that all the waste water discharges are in compliance with this By-law.

## SECTION

### 7. SURCHARGE AGREEMENTS

- .1 The municipality may authorize an extra strength surcharge agreement with a discharger to permit Table 1 exceedances, as set out in Section 2.1, for any one or more of the following parameters where sewage is discharged to a sanitary sewer or a combined sewer:
  - (i) biochemical oxygen demand ( $BOD_5$ );
  - (ii) phenolics (4AAP);
  - (iii) oil and grease – animal and vegetables;
  - (iv) nitrogen (total kjeldahl);
  - (v) phosphorous (total);
  - (vi) suspended solids (total);
  - (vii) any one of benzene, toluene, ethylbenzene, or xylene provided that all of the other three BTEX parameters are in compliance with Table 1 and the wastewater is derived from a site cleanup project and has been treated prior to discharge.

- .2 The City Engineer may authorize temporary extra strength surcharge agreements for parameters as outlined in Section 6.1 where the discharge is a temporary use or an out of town source and the discharge period shall be less than 6 months in duration.
- .3 The surcharge agreement shall contain terms and/or conditions including terms and conditions related to payment of surcharge treatment fees as set out in Appendix 3, as amended from time to time and within the Sault Ste. Marie User Fee By-law.
- .4 During the term of the extra strength surcharge agreement, the discharger is exempted from meeting the limits as set out in Table 1, subsection 2.1, for such parameters, which have been agreed to be exceeded.
- .5 The surcharge agreement must specify an acceptable upper limit for the exempted parameter and must set out a specified period of time for an agreement to be reviewed or renewed. Exceeding a limit established in a surcharge agreement will not be grounds for a prosecution under the By-law but may be grounds for termination or review of the surcharge agreement as determined by the City Engineer.
- .6 The City Engineer may terminate an extra strength surcharge agreement, upon 30 days notice:
  - (i) if the term of the surcharge agreement is not upheld;
  - (ii) if the effluent to which the surcharge agreement applies causes the sewage works effluent to contravene any requirement by or under the Ontario Water Resources Act or the Environmental Protection Act, as amended from time to time, or any regulation made thereunder from time to time; or
  - (iii) if the effluent to which the surcharge agreement applies causes a hazard to a person, animal, property or vegetation.

## SECTION

### 8. DISCHARGE AGREEMENTS

- .1 No person shall discharge hauled sewage or hauled industrial wastewater or sewage or any substance from lands which are not directly connected to a sewer, into a storm sewer, sanitary sewer, or a combined sewer, or a public or private connection leading to a storm sewer, sanitary sewer or combined sewer, without a discharge agreement approved by the City Engineer.
- .2 An application for a Discharge Agreement shall be submitted to the City Engineer on the form attached in Appendix 3, as amended from time to time.
- .3 The City shall designate approved locations for all hauled sewage or hauled industrial wastewater discharges or for any other substance discharged into the City's sewer system under a discharge agreement.

- .4 The City may, at its discretion, change the location of the designated discharge site at any time. All holders of a discharge agreement and those authorized to use a discharge site shall be given 30 days notice of the change and the agreement conditions shall automatically change accordingly, and the City shall not be liable for any costs that may accrue to the holder of the discharge agreement for a change in discharge location.
- .5 At any time the City may establish access security controls for any sewer access point and may require discharge agreement holders to use a security pass to obtain access to a designate discharge site.
- .6 The fees set out shall be paid to the City by the person holding the discharge agreement to use a security pass to obtain access to designated discharge site.
- .7 Any party to a discharge agreement who is in contravention to subsections 8.5 or 8.6 may be prohibited from use of the City's sanitary sewer system for the purpose of making discharges of hauled sewage or hauled industrial waste water by the order of the City Engineer.
- .8 No person shall discharge to a sewer of the City in contravention of an order by the City Engineer under Subsection 8.7.
- .9 Any party to a discharge agreement shall enable the City Engineer to carry out such audits or to undertake such sampling as may be required for the purposes of determining compliance with this By-law.
- .10 Any wastewater discharged to a municipal sewer under a discharge agreement exceeding the limits of this by-law shall require a separate extra strength surcharge agreement.
- .11 A sanitary sewer agreement may be entered into for the discharge of sewage containing water that has originated from a source other than the City's water distribution system.

## SECTION

### 9. COMPLIANCE PROGRAM

- .1 An industry may submit to the City Engineer a proposed compliance program setting out activities to be undertaken by the industry that would result in prevention or reduction and control of the discharge or deposit of matter from the industries premise into municipal or private sewer connections to any sewer or combined sewer.
- .2 An industry may submit to the City Engineer a proposed compliance program setting out activities to be undertaken by the industry that would result in the prevention or the reduction and control of the discharge or deposit of uncontaminated water, or storm water from the industries premise to eliminate the discharge of matter into municipal or private sewer connections to any storm sewer.

- .3 Approval to discharge to a storm or sanitary sewer from industrial lands must be applied for as industrial sewage works directly to the Ministry of the Environment. This includes sewage works intended for gas stations and auto repair garages. Runoff from industrial lands is may be contaminated and the Ministry must receive information on the quality of the stormwater run off from these industrial lands to ensure that it is transmitted to a facility designed to treat the contaminants.
- .4 Every proposed compliance program shall be for the specified length of time during which treatment facilities are to be installed, and shall be specific as to the remedial actions to be carried out by the industry, the dates of commencement and completion of the activity, and the materials or other characteristics of the matter to which it relates and may provide for the payment of fees. The final activity completion dates shall not be later than the final compliance completion dates for the program.
- .5 The industry to which the compliance program has been issued shall submit a compliance program progress report to the City Engineer within 14 days of the completion date of each activity listed in the compliance program.
- .6 The City Engineer is authorized to execute agreements with respect to the approved compliance programs which agreements may in accordance with guidelines adopted by the City from time to time, including a provision for a reduction in the payment otherwise required from the industry to the City pursuant to a Special Discharge Agreement. The reduction in payment to the City may be in such an amount and for such duration as the agreement may specify.
- .7 The City Engineer may terminate any approved compliance program agreement entered into pursuant to this Section at any time on 30 days written notice to the industry in the event that the industry fails or neglects to carry out or diligently pursue the activities required of it under its approved compliance program, and in the event of such termination, the industry shall pay to the City the full difference in amount between what was required to pay to the City pursuant to the discharge agreement, and the amount actually paid to the City as a result of having entered into an agreement with respect to the approved compliance program.
- .8 A compliance program contemplated by this Section may be terminated by the City by written notice at any time where there is an emergency situation or immediate threat or danger to any person, property, plant or animal life, or waters.
- .9 Any fees required to be paid to the City pursuant to an agreement are paid within 30 days of the date of the invoice from the City.
- .10 A permit may be issued by the City Engineer to other City's departments, commissioners or local boards where the provisions of this Part provide that the City Engineer may enter into a compliance program and such a permit shall set out the conditions for any discharge or deposits as would otherwise be set out by compliance programs.

**SECTION****10. SAMPLING AND ANALYTICAL REQUIREMENTS**

- .1 The sampling and analysis required by this By-law shall be carried out in accordance with the procedures, modified or unmodified, as described in Standard Methods of the "Guidance Document for Sampling and Analysis of Wastewater for the 1999 Model Sewer Use By-law", the United States Environmental Protection Agency methods adopted by the City.
- .2 Compliance or non-compliance with this By-law may be determined by the analysis of a grab sample or a composite sample done in accordance with subsection 10.1, may contain additives for its preservation and may be collected manually or may be done so using automated sampling devices.
- .3 Where there is no maintenance access hole meeting the requirements of Section 10 of the By-law, the City Engineer may, by written notice to an industry, make use of an alternative device or facility for the purpose of sampling a discharge to the sewage works.

**SECTION****11. SPILLS**

- .1 In the event of a spill to a sewage works; in addition to reporting responsibilities to the Ontario Spills Action Centre; the person responsible and/or the person having the charge, management and control of the spill shall immediately notify the City Engineer by reporting to the Public Works and Transportation Department (705-759-5201) and in the case of a spill into a sanitary sewer, the City's operating authority, and provide all pertinent information with regard to the spill that is being reported, including:
  - a) Company name and address and location of the spill;
  - b) Date, time and duration of the spill event;
  - c) Complete description of the spill, including type and volume of material discharged and any associated hazards as would be outlined on a material safety data sheet (MSDS);
  - d) A copy of the MSDS for the spilled material if available;
  - e) Details of clean up actions that have been initiated including actions taken to prevent the material from leaving the property, and the name(s) of any contractors that may be on site assisting with clean up;
  - f) If spilled material is being vacuumed or captured by another method, the destination of the captured material;
  - g) Agencies notified of the spill and corresponding notification times;
  - h) Name and phone number of the person reporting the spill and location where that person can be reached;
  - i) Name and phone number of the person in charge of cleaning up the spill and location where that person can be reached.

- (ii) The person reporting the spill shall provide a written report containing the above information with respect to the spill to be received by the City Engineer within 5 days after the spill. The written report shall also include the following:
  - (a) Detailed description of clean-up procedures on or off the property including dates, times and a list of the names of any contracted assistance utilized during the clean-up;
  - (b) Weather conditions at the time of the spill and clean-up;
  - (c) Corrective actions to prevent a similar occurrence in the future.
- .2 The person responsible for the spill or the person having the charge, management and control of the spill do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize property damage, protect the environment, clean up the spill and contain residue and restore the affected area to its condition prior to the spill.
- .3 All costs incurred by the City as a result of such discharge shall be borne by the person responsible for the spill.

## SECTION

### 12. GENERAL

- .1 Maintenance hole access
  - (i) The owner or operator of commercial, institutional or industrial premise, or multi residential buildings, with more than 9 units, which is connected to a sewage works shall install and maintain in good repair in each connection to a sewage works, a suitable maintenance hole to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein, or provide, where the installation of a maintenance access hole is not possible, an alternative device or facility with the prior written approval of the City Engineer;
  - (ii) The maintenance access hole or alternative device or facility shall be located on the property of the owner or the operator of the premise, as close to the property line as possible, unless the City Engineer has given prior written approval for a different location;
  - (iii) Each maintenance access hole, device or facility installed as required under subsection 10.1 b) shall be designed and constructed in accordance with good engineering practices and shall be constructed and maintained at the owner or operator's expense; and
  - (iv) The owner or operator of a commercial, institutional or industrial premise, or a multi story residential building shall at all time ensure that all maintenance access holes required by this By-law are fully accessible to the City Engineer for the purpose of observing or sampling sewage, uncontaminated water or storm water therein.

.2 Monitoring devices

- (i) Monitoring devices may be required of the owner or operator of a commercial, institutional, or industrial premise, or multi-storey residential building to monitor sewage, uncontaminated water or stormwater discharges and to submit regular reports regarding discharges to the City.

.3 Food related grease interceptors

- (i) Every owner or operator of a restaurant in an industrial, commercial or institutional premise that prepares, cooks or processes food products and is connected directly or indirectly to a sewer, shall install and maintain a functioning grease interceptor;
- (ii) Every owner or operator of a grease trap required under subsection 12.3(i) shall ensure that every effort is taken to limit or minimize grease from entering the City's sanitary sewer system;
- (iii) All new or replacement grease traps required under Section 12.3(i) shall ensure that they are isolated from any discharge from a glass washer, dishwasher or any appliance which discharges hot water at a temperature greater than 65 °C (degrees Celsius) but not a hot water tank;
- (iv) The use of emulsifying degreasers to clean grease traps is prohibited;
- (v) The City Engineer may order an owner or operator of a grease trap required under Section 12.3(i) to undertake regular maintenance of the grease trap and to maintain a maintenance log to document when maintenance work is performed.
- (vi) The owner or operator of a grease trap required under Section 12.3(i) shall at all times ensure that all maintenance records required by way of the order are fully accessible to the City Engineer for the purpose of observing that proper maintenance practices are being followed; and
- (vii) Where the City of Sault Ste. Marie is required to remove blockages of grease from a sanitary sewer and an inspection of any adjacent premise with a grease trap required pursuant to Section 12.3(i) indicating that the grease trap is not functioning properly or is not being adequately maintained, the premise will be billed the City's cost to unplug even if it is not possible to show the premise caused the blockage. If the inspection shows that more than one premise has not maintained a grease trap the costs shall be split evenly between each premise.

.4 Interceptors for motor oil and lubricating grease

- (i) Every owner of a commercial, industrial or institutional premise at which, floor drains designed to work on combustion engines which are connected directly or indirectly shall install and maintain an oil interceptor designed to prevent oil and lubricating grease from directly and indirectly entering the sewer.

.5 Sediment interceptors:

- (i) Every owner or operator of any land or premise from which sediment may directly or indirectly enter a sewer, included but not limited to a ramp drain, an area drain, a construction area or parking area which is maintained for winter use and has capacity of 12 or more vehicles and car and vehicle wash establishments, shall take all necessary measures to ensure that sediment is prevented from entering a sewer;
- (ii) Every owner or operator required to have a sediment interceptor pursuant to Section 12.5(i) shall ensure that each and every sediment interceptor is properly and adequately maintained to prevent sediment from entering a sewer.

.6 Waste grinders, compactors and autoclaves

- (i) No person shall install or operate within the City any garbage or waste grinding device or autoclave used for industrial or commercial purposes, the effluent from which will discharge directly or indirectly into a sewer;
- (ii) Section 12.6(i) does not apply to autoclaves used to sterilize medical instruments;
- (iii) No person shall install or operate within the City any garbage or waste compacting device for commercial or industrial purposes, where the effluent from which will discharge directly or indirectly into a storm sewer;
- (iv) No person shall install or operate within the City any garbage or waste grinding device for domestic purposes, where the effluent from which will discharge directly or indirectly into a storm sewer;
- (v) No person shall install or operate within the City any garbage or waste grinding device for domestic purposes, where the effluent from which will discharge directly or indirectly into a sanitary sewer unless the garbage grinding device is of a type which will permit forty percent of all grindings to pass through a 2.36mm sieve, sixty percent to pass through a 6.35mm sieve and all grindings to pass through a 12.7mm sieve.

.7 Dental waste amalgam separators

- (i) Every owner or operator of a premise from which dental waste amalgam may be discharged directly or indirectly into a sewer, shall install, operate and properly maintain a dental waste amalgam separator on every discharge piping system connected to and carrying such waste material; and
- (ii) Not notwithstanding compliance with Section 12.7(i) all persons operating or carrying out the business of a dental practice shall comply with Section 2.

.8 Right of entry

- (i) No person shall prevent, hinder, obstruct or interfere in any way with the City Engineer or an inspector and persons deemed, by the City Engineer, to be essential to an inspection and sampling, bearing proper credentials and identification from:
  - (a) entering in or upon, at any reasonable time without a warrant, any land or premise, except land or a premise being used as a dwelling house;
  - (b) making such tests, taking such samples or gathering any necessary information including the taking of any photographs as the City Engineer or inspector deems necessary; and
  - (c) inspecting or observing any plant, machinery, equipment, work activity or documents including maintenance records.

.9 Protection from damage

- (i) No person shall uncover, remove, make any connection with, or opening into, break, alter, damage, destroy, deface or tamper or cause or permit the removal, breaking, damaging, destroying, defacing or tampering with:
  - (a) any part of a sewage works; or
  - (b) any device, being temporarily or permanently, installed in a sewage works for the purpose of flow measurement, sampling, observing, testing or detecting sewage, uncontaminated water or storm water.
- (ii) Any person discharging sewage, uncontaminated water, or storm water to a municipal sewage works shall be responsible for ensuring that such sewage, uncontaminated water or storm water conforms at all times to the provisions of this By-law, and shall be liable for any damages or expense arising out of his/her failure to properly check or control any such discharge, including the cost of investigation, repairing or replacing any part of any municipal sewage works damaged thereby.

.10 Unauthorized entry into a sewage works

- (i) No person shall enter into any sanitary or storm sewer or appurtenance unless authorized by the City Engineer.

**SECTION****13. SEWER CONNECTIONS****.1 General**

No person shall:

- (i) erect or cause or permit to be erected any new building on lands that are serviced by a sanitary sewer unless the new building is connected to the sanitary sewer; or
- (ii) construct, install, maintain or cause or permit to be constructed, installed or maintained, whether installed prior to the date of the passing of this By-law or any of its predecessors, a direct or indirect connection to the sanitary sewer connection which would permit anything other than domestic and industrial sewage to the discharge into the sanitary sewer connection.

**.2 Resubdivision of Lots**

In those cases where the existing municipal sewer connection does not meet the standard therefore as adopted by the City from time to time as a result of a resubdivision of lots or change of location of a building on a lot, the owner or agent shall apply for and pay to the City for new installation or installations and for the disconnection of existing sewer connects where necessary and on an actual cost basis with a minimum charge equal to the applicable flat rate, as determined by the City from time to time.

**.3 Reconstructed Buildings**

- (i) Wherever a reconstructed building is substantially demolished, the existing municipal sewer connection shall be disconnected at the municipal sewer or sealed at the property line as determined by the City Engineer at the owner's expense.
- (ii) For the purpose of this Section an existing building is deemed to be substantially demolished when fifty percent or more of the exterior wall of the first story above grade are removed whether or not they are substantially replaced.
- (iii) An owner who is applying for a permit to construct a replacement building or to disconnect a dwelling from a septic tank to connect to a sanitary sewer connection shall be entitled to use an existing municipal sewer connection that, upon inspection by the City Engineer, is found to be in satisfactory condition.

**.4 Construction of a New Sewer Connection**

- (i) No person shall install a private sanitary sewer connection until:
  - (a) a municipal sewer connection has been properly installed;

- (b) the municipal sewer main to which the municipal sewer connection is to be made is fully constructed and accepted by the City for operation;
  - (c) backfilling around the building or buildings being serviced is complete and sufficiently graded to eliminate the possibility of surface water ponding on the property and the sub floor has been installed over the foundation to prevent storm water from entering a private sewer connection; and
  - (d) all surface water in the excavation and in the basement that could enter the sanitary sewer has been pumped out.
- (ii) No person shall install a municipal sewer connection servicing two or more properties. A single service connection will be allowed for a property with multiple units subject to the approval of the City Engineer.
  - (iii) Any person desiring a sewer connection shall make application to the City on forms supplied by the City and accompanied by such plans and drawing as may be required and payment of fees for the application. The owner of the property to be serviced, or the owner's agent shall sign the application, and the owner shall be responsible for the completeness and accuracy of the information furnished on such applications, drawings and plans.
  - (iv) A sewer connection on public property between the sewer main and private property shall be installed by the City at the expense of the owner on conditions and rates and to the specifications as determined by the City from time to time. The City Engineer may authorize a private contractor to install a sewer connection to a main on public property through a service agreement or by Municipal consent. The requirements of the Sault Ste. Marie Streets By-law shall be satisfied. A sewer connection on private property shall be installed by the owner pursuant to a building permit having been previously issued for such purpose by the City and at the expense of the owner.
  - (v) No owner of an industrial, commercial or institutional premise shall undertake any works or make any connection or do anything that would increase peak flow rates of storm water or which would impair the quality of storm water which is discharged to a sewer without prior approval of the City Engineer.
  - (vi) No person shall cause the direct connection of any new private drainage works to the municipal storm sewer system without prior approval of the City Engineer. The City Engineer may grant such approval where, in the opinion of the City Engineer, there is no practical alternative means of drainage available.
  - (vii) Where a new connection to a storm sewer is approved by the City Engineer and the purpose of the connection is to provide groundwater drainage, the discharge must be regulated by:
    - (a) means of a sump pump which must elevate the water via a looped system, to an elevation above the centerline of the road

before being discharged into a private storm drainage system as detailed in Schedule A and B;

- (b) a back flow flap valve in circumstances where grades permit a connection of a gravity drainage system as detailed in Schedule C to the municipal storm sewer system to prevent any surcharge of storm water from a municipal storm sewer system. The City Engineer may disallow, at his or her sole discretion a gravity connection to the municipal storm sewer, if in his or her opinion, given the application of sound engineering principles there is reason to do so.
- (viii) No direct or indirect interconnection between a private storm sewer and sanitary sewer is permitted;
- (ix) Any groundwater drainage system approved as set out in Section 13.4 (vii) shall be installed and maintained by the owner or operator of the premise at his or her sole expense.
- (x) Every owner shall ensure that all new service connections to a municipal sanitary or storm sewer shall be tested by Public Works and Transportation, by a building inspector, or by a certified plumber to verify, by means of dye or another suitable method, that all service connections are properly connected to the intended municipal service prior to occupancy or commissioning of the service.
- (xi) Every owner shall ensure that the sewer connection shall resist root penetration, acid or alkali damage, groundwater penetration, sewage exfiltration and otherwise comply with any condition or requirement as determined by the City from time to time.

#### .5 Connections in Contravention of this By-law

- (i) In the event that a sewer connection is installed or is operated in contravention of any provision of this By-law, the City Engineer may, until such time as the violations are rectified, order the temporary disconnection of such sewer connections. At any time during the period of disconnection in accordance with this Section, no person shall use or cause to be used or permit the use of such a connection.
- (ii) The City Engineer shall not order such temporary disconnection unless the City Engineer has first mailed to the property owner and occupant, if any, a registered letter specifying the nature of the violation or violations of this By-law and specifying the intentions of the City Engineer to order a temporary disconnection of the sewer by a specified date, to be calculated 30 days from the date of the mailing notice, and specifying the cost of the disconnection and reconnection to be borne by the property owner and payable to the City before any reconnection is made.
- (iii) If a person constructs a municipal sewer connection without authorization in a manner which violates any Section of this By-law, the

City Engineer may order the re-excavation of the service for inspection, testing, and if necessary, reconstruct the service connection at the owner's expense or may disconnect the service in which case it shall not be reconstructed without the approval of the City Engineer.

#### .6 Inspections of Sewer Connections

- (i) An owner may request an inspection of an existing municipal sewer connection by means of an excavation, closed circuit TV camera inspection, or dye testing to determine if a cross connection has been made or to examine structural integrity and viability of a service connection. The owner shall deposit a security with the City prior to an inspection, the amount that shall be determined by the City from time to time. If an inspection shows that a structural or other problem is attributable to the City portion of the service connection, the security shall be refunded to the owner.
- (iii) If, as a result of the inspection carried out pursuant to 13.6(i), it is determined by the City Engineer that infiltration of storm water into a sanitary sewer is a result of a structural problem in the City's portion of the service, the provisions of 13.6(i) shall not apply to the owner provided that the owner has completed all repairs or corrected all deficiencies to the owner's portion of the service connection.

#### .7 Sewer Connection Backups

- (i) In the event of a sewer connection backup an owner should contact Public Works and Transportation at (705) 759-5201 for the services of a sewer crew. The service call may include cleaning a p-trap, clearing a jammed back check valve or a sewer rodding. If the blockage is found to be on private property or if the blockage is found to have been introduced by the owner, then the owner is charged for the rodding.
- (ii) If the basement floor is submerged, the services of a qualified electrician will be required to turn off the building's main power panel prior to the crew entering the building to conduct the sewer lateral rodding. This is a requirement of the Occupational Health and Safety Act. The owner shall select, arrange for and pay for the electrician. The Public Utilities Commission may disconnect the power at the request of the owner, by direct arrangement with the PUC.
- (iii) Sewer service crews do not perform roddings in crawl spaces due to health and safety concerns.
- (iv) A fee for a sewer service crew may apply; however, it is subject to the determination of the cause of the backup.
- (v) Public Works and Transportation has a Sanitary Sewer Service Call Policy that is amended from time to time and shall be adhered to by City staff.

.8 Stormwater Outlet on a Street with No Storm Sewer

- (i) The owner of a building that abuts a street, which is not serviced by a storm sewer shall construct any downspout from any eaves trough or roof drainage system so that the storm water discharges at grade in a manner which does not permit storm water to accumulate or pond near buildings, which does not adversely affect adjacent properties and which does not cause soil erosion as is detailed in Schedule D.
- (ii) Section 13.8 (i) does not apply if:
  - (a) the grade elevation of the edge of the roof at the front or at the side of the building are lower than the grade elevation of the street;
  - (b) the storm sewer service connection is determined to be insufficiently graded to act as a conduit for roof or weeping tile drainage;
  - (c) the building or structure is constructed adjacent to a watercourse and roof drains and weeping tile drains are directed to the watercourse as detailed in Schedule E, subject to the approval of the City Engineer and the local Conservation Authority; or
  - (d) the property from which the connection services has a properly constructed and maintained storm water management structure requiring an overflow outlet.

.9 Private Catchbasins

- (i) Every owner shall ensure that where a catchbasin is constructed on private property to protect a structure from overland flows and the protected structure is downgradient of the catch basin the installation shall include:
  - (a) a backflow flap valve installed immediately downstream of the private catch basin to ensure that storm water cannot back up from municipal storm sewer and surcharge from the private catch basin;
  - (b) a sump pump, located in the private catchbasin for the overflow sump hole to discharge any collected surface flows which collect in the private catch basin when backflow flap valve is closed; and
  - (c) a backflow flap valve installed on the sump pump discharge line so that the stormwater cannot discharge back into the sump overflow basin.
- (ii) The backflow flap valve installed on the sump pump required in Section 13.9(i) shall be installed and maintained by the owner or operator of the premise at his or her own expense.

.10 Roof leaders Connected to Sanitary Sewer

- (iii) The owner of any building that has any roof down spout or roof drainage system which discharges storm water either directly or indirectly to a municipal sanitary sewer shall disconnect the downspout or roof drainage system at grade and direct all storm water at grade in a manner

which does not permit storm water to accumulate or pond near buildings, which does not adversely affect adjacent properties and which does not cause soil erosion as is detailed in Schedule D.

(ii) For the purposes of this Section:

- (a) "directly" means any physical connection or series of connections between the roof drainage system and a sanitary combined sewer;
- (b) "indirectly" means any manner whatsoever whereby storm water may enter into the sanitary sewer system and includes water seeping into open joints in an underground sewer connection in which groundwater can seep into the sanitary sewer system.

.11 Swimming Pool Discharge

- (i) No person shall discharge wastewater from a swimming pool or wading pool:
  - (a) into a storm drainage system;
  - (b) such that it flows onto adjacent property;
  - (c) onto a steep slope such as a ravine valley wall which may erode; or
  - (d) in any manner which causes soil erosion.
- (ii) Wastewater from a swimming or wading pool may be discharged by way of temporary connection to a sanitary sewer, transported by a licensed hauler or discharged in a controlled manner onto the owners property such that at all times the discharge is contained within the property until it evaporates or infiltrates into the ground.
- (iii) Notwithstanding Section 13.11(i)(a) rainwater or melt water resting on a tarp which covers a swimming pool may be discharged into a storm sewer provided that it is in compliance with Section 3 of this By-law.

**SECTION****14. CONFIDENTIAL INFORMATION**

- .1 All information submitted to and collected by the City of Sault Ste. Marie in the administration of this By-law including information contained in the extra strength surcharge agreements, discharge agreements, pollution control plans and from sampling activity will, except as otherwise provided in this Section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (R.S.O. 1990).
- .2 In the event that any person in submitting information to the City of Sault Ste. Marie or the City Engineer in any form, as required under this By-law, where such information is confidential or proprietary or otherwise, may be exempt from disclosure under the *Municipal Freedom of information and Protection of Privacy Act* (R.S.O. 1990), the person submitting the information shall so identify that information upon its submission to the City or the City Engineer and shall provide sufficient details as to the reason for its purported exemption from disclosure.

**SECTION****15. OFFENSES**

- .1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine and/or damages under the *Provincial Offences Act*.
- .2 Every person other than a corporation who contravenes any provision of Section 2 or 3 of By-law No. 2009-50 is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$20,000 for any subsequent conviction.
- .3 Every corporation which contravenes any provision of Section 2 or 3 of By-law No. 2009-50 is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent conviction.
- .4 In this By-law, "subsequent conviction" means a conviction for an offence that occurs after the date of conviction for an earlier offence under this By-law.

**SECTION****16. REPEAL**

- .1 The City of Sault Ste. Marie By-law No. 4440 being a By-law to regulate the discharge of sewage and land drainage in the City of Sault Ste. Marie as amended from time to time is hereby repealed.
- .2 Notwithstanding 16.1, sanitary discharge agreements for hauled sewage or hauled industrial wastewater, entered into by the City of Sault Ste. Marie under

Bylaw No. 4440 or its predecessors, and which were in effect immediately prior to the passage of this By-law, shall remain in effect with their terms and conditions.

- .3 Notwithstanding 16.1, industrial wastewater surcharge agreements entered into by the City of Sault Ste. Marie under By-law No. 4440 or its predecessors, and which were in effect immediately prior to the passing of this By-law, shall remain in effect with their terms and conditions until March 23, 2009 at which time this By-law will come into effect.

**SECTION**

**17. APPENDICES 1, 2 & 3 AND SCHEDULES "A", "B", "C", "D" & "E"**

Appendices 1, 2 and 3 and Schedules "A", "B", "C", "D" and "E" hereto form part of this by-law.

**SECTION**

**18. EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**READ THREE TIMES and PASSED in open Council this 23rd day of March,  
2009.**

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MAYOR – JOHN ROWSWELL

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CITY CLERK – DONNA IRVING

### Appendix 1: Subject Sectors

<u>Industrial Category</u>	<u>NAICS Code</u>
Support Activities for Metal Mining	213114
Roofing, Siding & Sheet Metal Contractors	23561
Household Furniture (except Wood & Metal)	337125
Manufacturing	
Nonferrous Metal (except copper & aluminium) Rolling, Drawing	331461
Fabricated Structural Metal Manufacturing	332312
Metal Window & Door Manufacturers	332321
Metal Tank (heavy gauge) Manufacturing	33242
Sheet Metal Work Manufacturing	332322
Ornamental & and Architectural Metal Work	332323
Manufacturing	
Fabricating Structural Metal Manufacturing	332312
Metal Coating, Engraving & Allied Services to Manufacturers	332812
Powder Metallurgy Part Manufacturing	332117
Machine Tool (metal cutting types) Manufacturing	333512
Machine Tool (metal forming types) Manufacturing	333513
Electroplating, Plating, Polishing, Anodizing & Colouring	332813
Gasoline Station with Convenience Store	44711
Other Gasoline Stations	44719
Automotive Body, Paint & Interior Repair & Maintenance	811121
Automotive Exhaust System Repair	811112
All other Automotive Repair & Maintenance	811198
Automotive Transmission	811113
General Automotive Repair	811111
Other Automotive Mechanical & Electrical Repair & Maintenance	811118
Automotive Oil Change & Lubrication Shop	811191
Photofinishing Laboratories (except one-hour)	812921
One-Hour Photofinishing	812922
Dental Offices	62121
General Medical % Surgical Hospitals	62211
Psychiatric and Substance Abuse Hospitals	62221
Specialty (except psychiatric & substance abuse) Hospitals	62231
Medical Laboratories	62151
Dental Laboratories	339116
Testing Laboratories	54138
Dry Cleaning & Laundry Services (except coin-operated)	81232
Support Activities for Rail Transportation	48821
All Other Transit & Ground Passenger Transportation	485999
Interurban & Rural Bus Transportation	48521

School & Employee Bus Transportation	48541
Special Needs Transportation	485991
All Other Support Activities for Road Transportation	48849
Scheduled Passenger Air Transportation	481111
Scheduled Passenger Freight Transportation	481112
Non-scheduled Chartered Freight Air Transportation	481212
Non-scheduled Chartered Passenger Air Transportation	481211
Scenic & Sightseeing Transportation, Other	48799
Quick Printing	323114
Other Commercial Printing	323119
Commercial Lithographic Printing	323110
Commercial Gravure Printing	323111
Commercial Flexographic Printing	323112
Commercial Screen Printing	323113
Other Commercial Printing	323119
Manifold Business Forms Printing	323116
Printing Inc Manufacturing	32591
Gum & Wood Chemical Manufacturing	325191
Plastic Material & Resin Manufacturing	325211
Leather & Hide Tanning & Finishing	3161
Personal Leather Goods (except women's handbags) Manuf.	316993

Appendix 2: Subject Pollutants

Arsenic	Benzene
Cadmium	Chloroform
Cobalt	1, 2-Dichlorobenzene
Chromium	1, 4-Dichlorobenzene
Copper	Cis-1, 2-Dichlorobenzene
Mercury	Trans-1, 3-Dichloropropylene
Molybdenum	Ethyl benzene
Nickel	Methylene chloride
Lead	1, 1, 2, 2-Tetrachloroethane
Selenium	Tetrachloroethane
Zinc	Toluene
	Trichloroethylene
	Xylenes (Total)
	Di-n-butyl phthalate
	Nonylphenol
	Nonylphenol ethoxylates
	Aldrin/dieldrin
	Chlordane
	DDT
	Hexachlorobenzene
	Mirex
	PCBs
	3, 3 - bichlorodenzidine
	Hexachlorocyclohexane
	Pentachlorophenol
	Total PAHs

**Appendix 3**

**Application Form for a Discharge Agreement**  
**For Hauled Sewage or Hauled Industrial Wastewater**

**COMPANY INFORMATION**

Legal Name: \_\_\_\_\_  
 Doing Business As: \_\_\_\_\_ (If Any)

Contact Person: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

Business Address:  
 \_\_\_\_\_  
 \_\_\_\_\_

Mailing Address:  
 (If Different from Business Address)  
 \_\_\_\_\_  
 \_\_\_\_\_

MOE Licence #: \_\_\_\_\_

**SEPTAGE HAULING VEHICLE INFORMATION**

Include details on all vehicles that will be off-loading at the Septage Receiving Station.  
 Access Cards will be assigned to each vehicle. Copy this page if registering more than 3 vehicles.

Licence Plate:	_____
Year:	_____
Make:	_____
Tank Volume:	_____
	_____

Licence Plate:	_____
Year:	_____
Make:	_____
Tank Volume:	_____
	_____

Licence Plate:	_____
Year:	_____
Make:	_____
Tank Volume:	_____
	_____

#### LEGEND

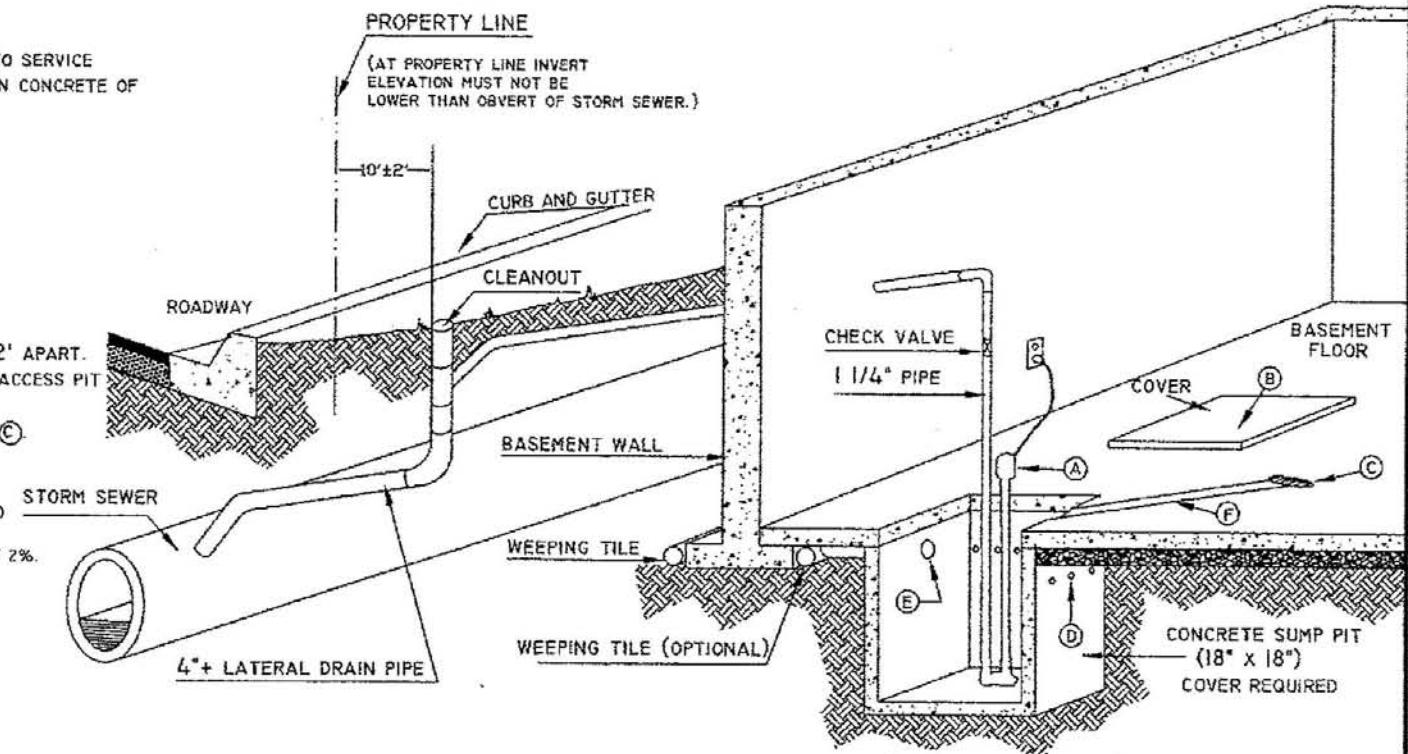
- (A) AUTOMATIC ELECTRIC SUMP PUMP
- (B) SANITARY SEWER ACCESS PIT (18" x 18") TO SERVICE BACK WATER VALVE. NO HOLES ALLOWED IN CONCRETE OF PIT. COVER REQUIRED.
- (C) FLOOR DRAIN TO SANITARY SEWER
- (D) WEEP HOLES TO DRAIN GRANULAR BASE
- (E) WEEPING TILE
- (F) 1 1/2" SHALLOW TROUGH TO FLOOR DRAIN

#### GENERAL NOTES:

1. SUMP PIT AND SANITARY ACCESS PIT MIN. 2' APART.
2. FLOOR DRAIN SET MIN. 2' FROM SANITARY ACCESS PIT AND SUMP PIT.
3. BASEMENT FLOOR GRADED TO FLOOR DRAIN (C).
4. STORM LATERAL TO BE COLOUR CODED TO DIFFERENTIATE FROM SANITARY LATERAL.
5. ALL PIPING INSIDE BUILDING SHALL CONFORM TO THE ONTARIO PLUMBING CODE.
6. LATERAL PIPE TO BE LAID AT MINIMUM FALL OF 2%.

#### CAUTION

STORM SEWER MAINS ARE SUSCEPTIBLE TO SURCHARGING AND MAY BACK UP IF STORMS OF A HIGH INTENSITY OCCUR OR DUE TO A DOWN STREAM BLOCKAGE. THIS SHOULD BE CONSIDERED WHEN CONNECTING THE WEEPING TILES TO THE STORM SEWER. THE ELEVATION OF THE STORM SEWER MAY REQUIRE A MODIFICATION TO THE METHOD OF CONNECTION SHOWN HERE.



#### SCHEDULE "A"



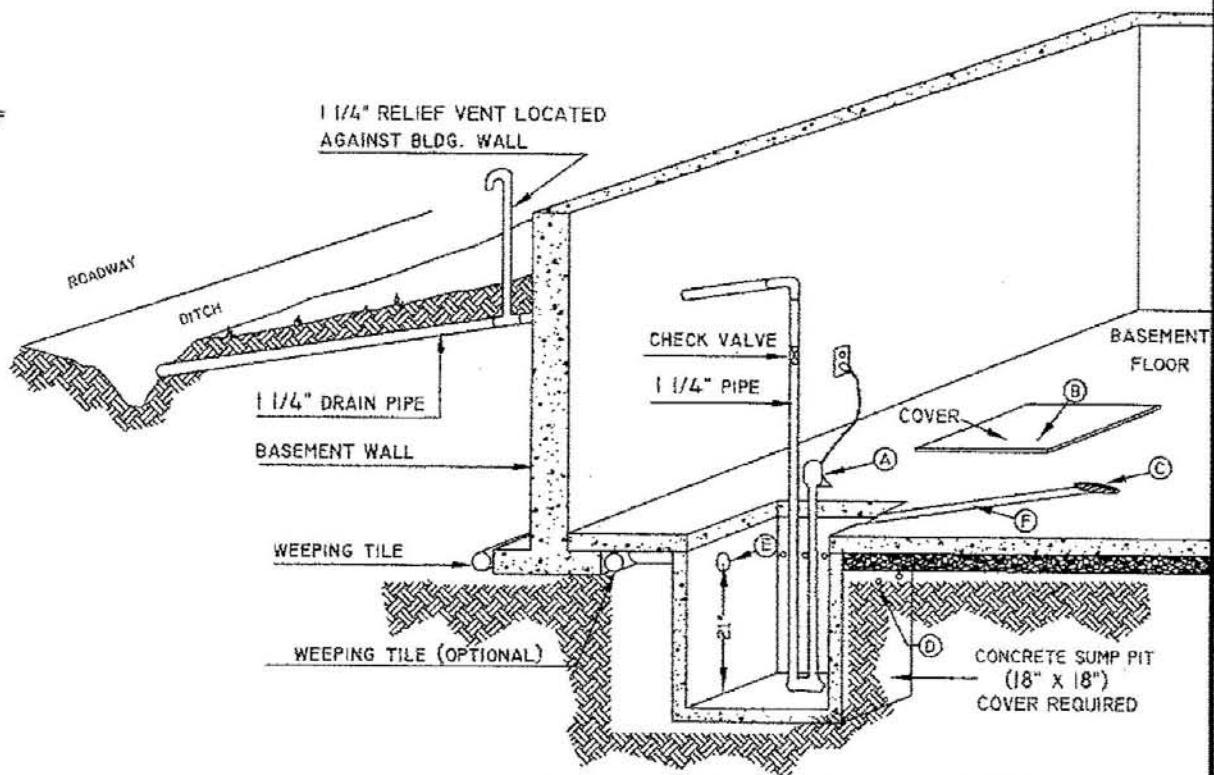
ELECTRIC SUMP PUMP  
INSTALLATION WITH WEEPING  
TILE DRAIN TO CLASS "A" ROAD  
N.T.S.

#### LEGEND

- (A) AUTOMATIC ELECTRIC SUMP PUMP
- (B) SANITARY SEWER ACCESS PIT (18" X 18"). TO SERVICE BACK WATER VALVE, NO HOLES ALLOWED IN CONCRETE OF PIT. COVER REQUIRED.
- (C) FLOOR DRAIN TO SANITARY SEWER
- (D) WEEP HOLE TO DRAIN GRANULAR BASE
- (E) WEEPING TILE
- (F) 1 1/2" SHALLOW TROUGH TO FLOOR DRAIN

#### GENERAL NOTES:

1. SUMP PIT AND SANITARY ACCESS PIT MIN. 2' APART.
2. FLOOR DRAIN SET MIN. 2' FROM SAN. ACCESS PIT AND SUMP PIT.
3. BASEMENT FLOOR GRADED TO FLOOR DRAIN (C)
4. ALL PIPING INSIDE BUILDING SHALL CONFORM TO THE ONTARIO PLUMBING CODE.



#### SCHEDULE "B"



ELECTRIC SUMP PUMP  
INSTALLATION WITH WEEPING  
TILE DRAIN TO CLASS "B" ROAD  
N.T.S.

#### LEGEND

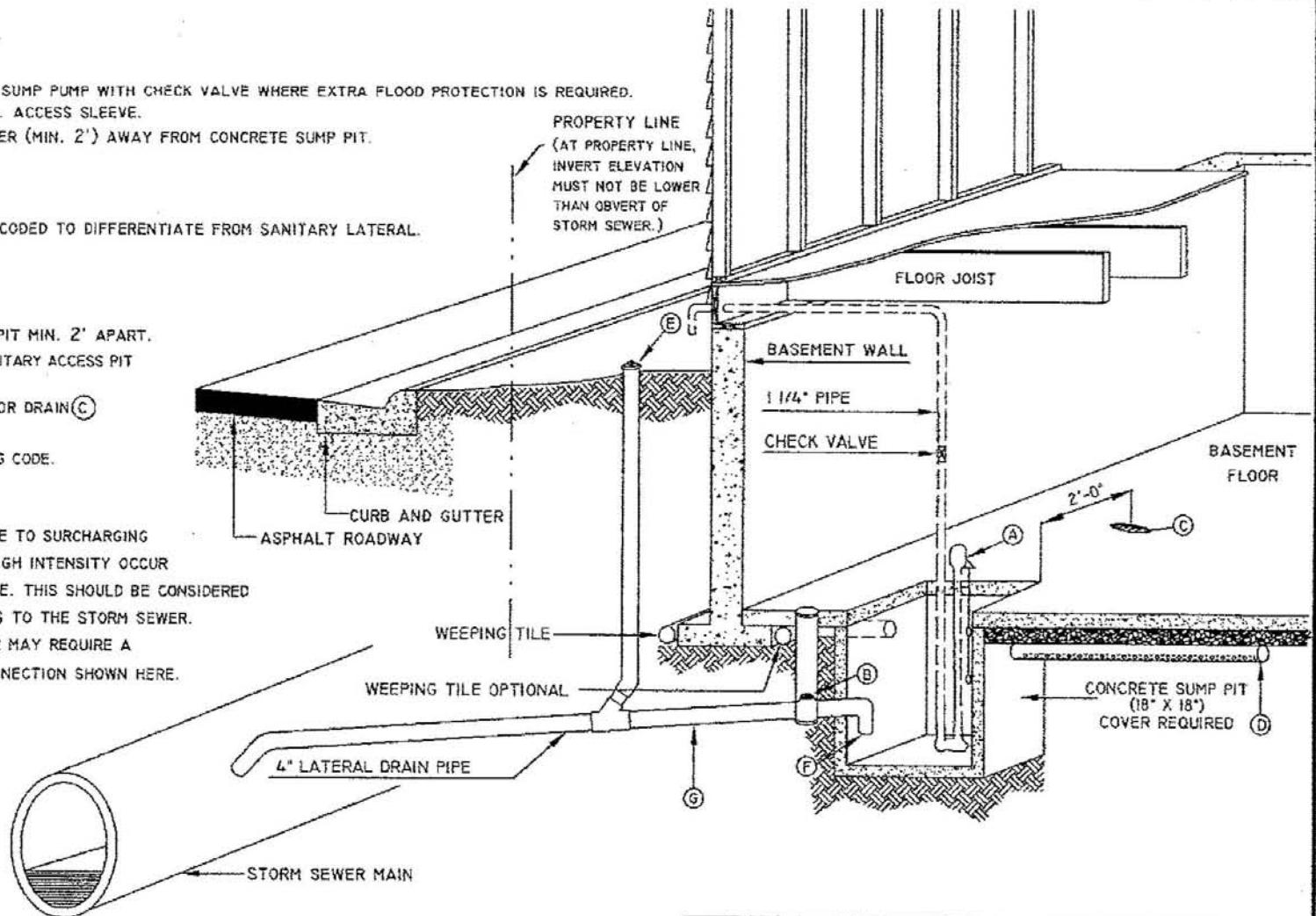
- (A) OPTIONAL AUTOMATIC ELECTRIC SUMP PUMP WITH CHECK VALVE WHERE EXTRA FLOOD PROTECTION IS REQUIRED.
- (B) BACKWATER VALVE WITH 8" DIA. ACCESS SLEEVE.
- (C) FLOOR DRAIN TO SANITARY SEWER (MIN. 2') AWAY FROM CONCRETE SUMP PIT.
- (D) WEEPING TILE
- (E) 4" CLEAN-OUT
- (F) TRAP SEAL (MIN. 6")
- (G) STORM LATERAL TO BE COLOUR CODED TO DIFFERENTIATE FROM SANITARY LATERAL.

#### GENERAL NOTES:

1. SUMP PIT AND SANITARY ACCESS PIT MIN. 2' APART.
2. FLOOR DRAIN SET MIN. 2' FROM SANITARY ACCESS PIT AND SUMP PIT.
3. BASEMENT FLOOR GRADED TO FLOOR DRAIN (C)
4. ALL PIPING INSIDE BUILDING SHALL CONFORM TO THE ONTARIO PLUMBING CODE.

#### CAUTION

STORM SEWER MAINS ARE SUSCEPTIBLE TO SURCHARGING AND MAY BACK UP IF STORMS OF A HIGH INTENSITY OCCUR OR DUE TO A DOWN STREAM BLOCKAGE. THIS SHOULD BE CONSIDERED WHEN CONNECTING THE WEEPING TILES TO THE STORM SEWER. THE ELEVATION OF THE STORM SEWER MAY REQUIRE A MODIFICATION TO THE METHOD OF CONNECTION SHOWN HERE.



#### SCHEDULE "C"



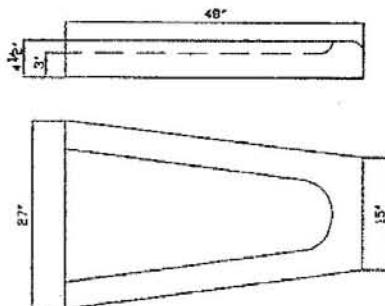
GRAVITY FLOW DRAIN OF  
WEEPING TILE TO  
CLASS "A" ROAD  
N.T.S.

#### LEGEND

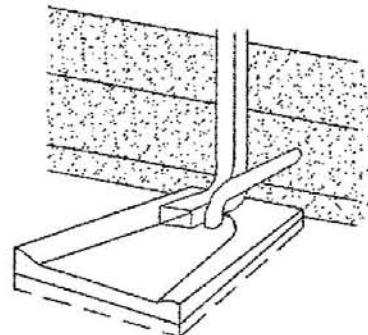
- (A) AUTOMATIC ELECTRIC SUMP PUMP
- (B) SANITARY SEWER ACCESS PIT (18" x 18"), TO SERVICE BACK WATER VALVE, NO HOLES ALLOWED IN CONCRETE OF PIT. COVER REQUIRED.
- (C) FLOOR DRAIN TO SANITARY SEWER
- (D) WEEP HOLE TO DRAIN GRANULAR BASE
- (E) WEEPING TILE
- (F) 1 1/2" SHALLOW TROUGH TO FLOOR DRAIN

#### GENERAL NOTES:

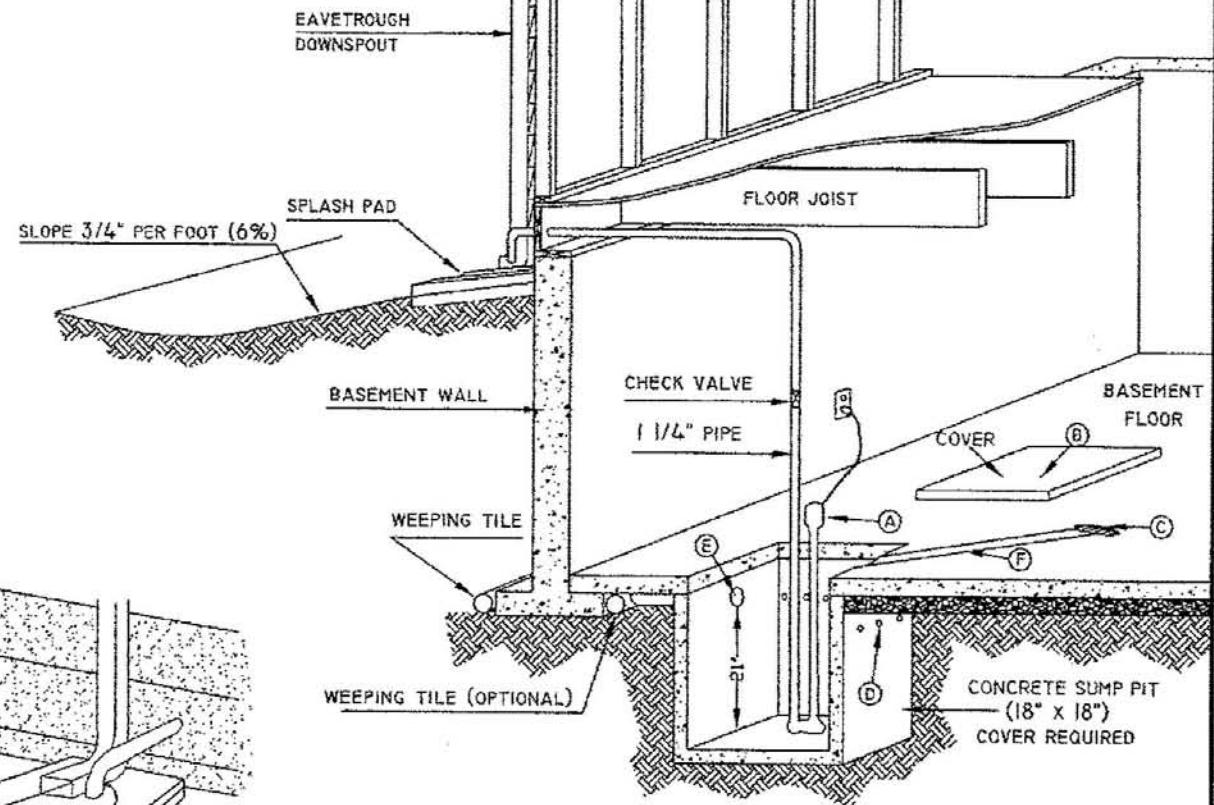
1. SUMP PIT AND SANITARY ACCESS PIT MIN. 2' APART.
2. FLOOR DRAIN SET MIN. 2' FROM SANITARY ACCESS PIT AND SUMP PIT.
3. BASEMENT FLOOR GRADED TO FLOOR DRAIN (C)
4. ALL PIPING INSIDE BUILDING SHALL CONFORM TO THE ONTARIO PLUMBING CODE.



PRECAST CONCRETE SPLASH PAD DETAILS



ISOMETRIC



#### SCHEDULE "D"



ELECTRIC SUMP PUMP  
INSTALLATION WITH WEEPING  
TILE DRAIN ONTO SPLASH PAD  
N.T.S.

#### LEGEND

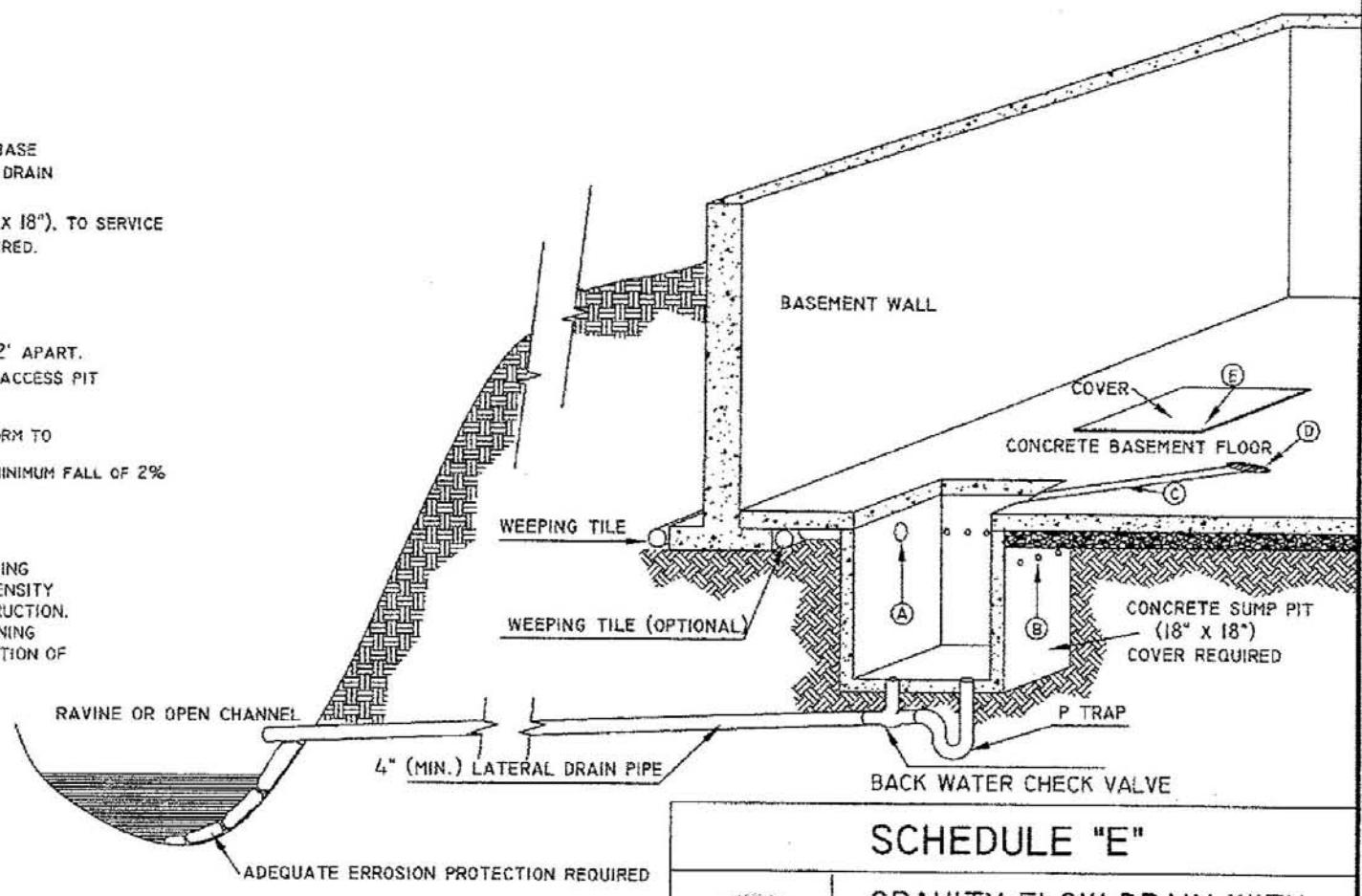
- (A) WEEPING TILE
- (B) WEEP HOLES TO DRAIN GRANULAR BASE
- (C) 1 1/2" SHALLOW TROUGH TO FLOOR DRAIN
- (D) FLOOR DRAIN TO SANITARY SEWER
- (E) SANITARY SEWER ACCESS PIT (18" X 18"). TO SERVICE BACK WATER VALVE - COVER REQUIRED.

#### GENERAL NOTES:

1. SUMP PIT AND SAN. ACCESS PIT MIN. 2' APART.
2. FLOOR DRAIN SET MIN. 2' FROM SAN. ACCESS PIT AND SUMP PIT.
3. ALL PIPING INSIDE BUILDING SHALL CONFORM TO THE ONTARIO PLUMBING CODE.
4. LATERAL DRAIN PIPE TO BE LAID AT A MINIMUM FALL OF 2%

#### LEGEND

RAVINES ARE SUSCEPTIBLE TO SURCHARGING AND MAY RISE IF STORMS OF A HIGH INTENSITY OCCUR OR DUE TO A DOWNSTREAM OBSTRUCTION. THIS SHOULD BE CONSIDERED WHEN DRAINING WEEPING TILES TO A RAVINE. THE ELEVATION OF THE OUTLET SHOULD CONSIDER THIS.



#### SCHEDULE "E"



GRAVITY FLOW DRAIN WITH  
WEEPING TILE DRAIN TO  
RAVINE OR OPEN CHANNEL  
N.T.S.

10(b)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2009-52

**AGREEMENTS:** (E.3.4.4.) A by-law to authorize an agreement between the City and R. V. Anderson Associates Limited for the completion of the stormwater investigative study.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENTS**

The Mayor and the City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to an agreement in the form of Schedule "A" hereto dated the 9<sup>th</sup> day of January, 2009, and made between the City and R. V. Anderson Associates Limited for the completion of the stormwater investigative study.

2. **SCHEDULE "A"**

Schedule "A" hereto forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

READ THREE TIMES and PASSED in open Council this 23rd day of March, 2009.

MAYOR – JOHN ROWSWELL

**NOTICE**

THIS IS A DRAFT DOCUMENT. This document has not been enacted by City Council. It may not be enacted at all AND if enacted, it may not be in the form of the DRAFT copy.  
CITY SOLICITOR

CITY CLERK – DONNA IRVING

**NOTE: Due to the volume of pages in this contract the entire contract has not been copied. The entire contract is available for viewing in the Clerk's Office.**

10(b)

SCHEDULE "A"

M.E.A./C.E.O. 1989

**AGREEMENT**

**FOR**

**PROFESSIONAL CONSULTING SERVICES**

**MEMORANDUM OF AGREEMENT dated the 9th day of January 2009**

**A.D. 2009**

**-BETWEEN-**

**The City of Sault Ste. Marie**

Hereinafter called the 'Client'

**THE PARTY OF THE FIRST PART**

**-AND-**

**R.V. Anderson Associates Limited**

Hereinafter called the 'Consultant'

**THE PARTY OF THE SECOND PART**

WHEREAS the Client intends to:

Complete a Stormwater Investigative Study for Sault Ste. Marie, Ontario  
based on the MEA Municipal Class Environmental Assessment Master Plan Approach

hereinafter called the 'Project' and has requested the Consultant to furnish professional  
services in connection therewith;

NOW THEREFORE WITNESSETH that in consideration of the covenants contained  
herein, the Client and the Consultant mutually agree as follows:

## **ARTICLE 1 - GENERAL CONDITIONS**

### **1.01 Retainer**

The Client hereby retains the services of the Consultant in connection with the Project and the Consultant hereby agrees to provide the services described herein under the general direction and control of the Client.

In this agreement the word Consultant shall mean professionals and other specialists engaged by the Client directly and whose names are party to this Agreement.

### **1.02 Services**

The services to be provided by the Consultant and the Client for the Project are set forth in Article 2 and such services as changed, altered or added to under Section 1.08 are hereinafter called the 'Services'.

### **1.03 Compensation**

The Client shall pay the Consultant in accordance with the provisions set forth in Article 3.

### **1.04 Staff and Methods**

The Consultant shall use current state of art principles and shall skillfully and competently perform the Services and shall employ only skilled and competent staff who will be under the supervision of a senior member of the Consultant's staff.

### **1.05 Drawings and Documents**

Subject to Section 3.2.4 of Article 3, drawings and documents or copies thereof required for the Project shall be exchanged between the parties on a reciprocal basis. Documents prepared by the Consultant for the Client may be used by the Client, for the Project herein described, including "as-built" records. The Client has ownership of the drawing.

### **1.06 Patents**

All concepts, products or processes produced by or resulting from the Services rendered by the Consultant in connection with the Project, or which are otherwise developed or first reduced to practice by the Consultant in the performance of his Services, and which are patentable, capable of trademark or otherwise, shall be and remain the property of the Consultant.

The Client shall have permanent non-exclusive royalty-free license to use any concept, product or process, which is patentable, capable of trademark or otherwise produced by or resulting from the Services rendered by the Consultant in connection with the Project and for no other purpose or project.

#### 1.07 Records and Audit

- (a) In order to provide data for the calculation of fees on a time basis, the Consultant shall keep a detailed record of the hours worked by and salaries paid to his staff employed for the Project.
- (b) The Client may inspect and audit the books, payrolls, accounts and records of the Consultant during regular office hours with respect to any item which the Client is required to pay on a time scale or disbursement basis as a result of this Agreement.
- (c) The Consultant, when requested by the Client, shall provide copies of receipts with respect to any disbursements for which the Consultant claims payment under this Agreement.

#### 1.08 Changes and Alterations and Additional Services

With the consent of the Consultant the Client may in writing at any time after the execution of the Agreement or the commencement of the Services delete, extend, increase, vary or otherwise alter the Services forming the subject of the Agreement, and if such action by the Client necessitates additional staff or services, the Consultant shall be paid in accordance with Section 3.2.1 for such additional staff employed directly thereon, together with such expenses and disbursements as allowed under Section 3.2.4.

#### 1.09 Suspension or Termination

The Client may at any time by notice in writing to the Consultant suspend or terminate the Services or any portion thereof at any stage of the undertaking. Upon receipt of such written notice, the Consultant shall perform no further Services other than those reasonably necessary to close out his Services. In such an event, the Consultant shall be entitled to payment in accordance with Section 3.2.1 for any of the Consultant's staff employed directly thereon together with such expenses and disbursements allowed under Section 3.2.4

If the Consultant is practicing as an individual and dies before his services have been completed, this Agreement shall terminate as of the date of his death, and the Client shall pay for the Services rendered and disbursements incurred by the Consultant to the date of such termination.

### 1.10 Indemnification

The Consultant shall indemnify and save harmless the Client from and against all claims, actions, losses, expenses, costs or damages of every nature and kind whatsoever which the Client, his employees, officers or agents may suffer as a result of the negligence of the Consultant, his employees, officers or agents in the performance of this Agreement.

The Client agrees to hold harmless, indemnify and defend the Consultant from and against any and all claim, losses,, damages, liability and costs of defense arising out of or in any way connected with the presence, discharge, release or escape of contaminants of any kind, excluding only such liability as may arise out of the negligence of the Consultant in the performance of consulting services to the Client within this project.

### 1.11 Insurance and Limit of Liability

The Client will accept the insurance coverage specified in this clause as the limit of liability of the Consultant.

a) Comprehensive General Liability and Automobile Insurance

The Insurance Coverage shall be \$2,000,000.00 for general liability and \$2,000,000.00 for automobile insurance. When requested, the Consultant shall provide the Client with proof of Comprehensive General Liability and Automobile Insurance (Inclusive Limits) for both owned and non-owned vehicles.

b) Professional Liability Insurance

The Insurance Coverage shall be in the amount of \$1,000,000.00. When requested the consultant shall provide to the Client proof of Professional Liability Insurance carried by the Consultant, and in accordance with APEO Act, 1984 and Regulations therein.

c) Change in Coverage

If the Client requests to have the amount of coverage increased or to obtain other special insurance for this Project then the Consultant shall endeavor forthwith to obtain such increased or special insurance at the Client's expense as a disbursement allowed under Section 3.2.4.

It is understood and agreed that the coverage provided by these policies will not be changed or amended in any way or cancelled by the Consultant until (60) days after written notice of such change or cancellations has been personally delivered to the client.

**1.12 Contracting for Construction**

Neither the Consultant nor any person, firm or corporation associated or affiliated with or subsidiary to the Consultant shall tender for the construction of the Project, or have an interest either directly or indirectly in the construction of the Project.

**1.13 Assignment**

Neither party may assign this Agreement without prior consent in writing of the other.

**1.14 Previous Agreements**

This Agreement supersedes all previous agreements, arrangements or understandings between the parties whether written or oral in connection with or incidental to the Project.

**1.15 Approval by Other Authorities**

Unless otherwise provided in this Agreement, where the work of the Consultant is subject to the approval or review of an authority, department or government, or agency other than the Client, such applications for approval or review shall be the responsibility of the Consultant, but shall be submitted through the offices of the Client and unless authorized by the Client in writing, such applications for approval or review shall not be obtained by direct contact by the Consultant with such other authority, department of government or agency.

**1.16 Principals and Executives**

The use of Principals and Executives on a time basis by the Consultant, will be in accordance with 1.23.1 (c).

**1.17 Specialized Services**

The Consultant may engage others for specialized services provided that prior approval is obtained, in writing, from the Client and may add a mark-up of not more than 5% of the cost of such services to cover office administration costs when claiming reimbursement from the Client, plus the cost of the additional insurance incurred by the Consultant for the specialized services.

**1.18 Inspection**

The Client, or persons authorized by the Client, shall have the right, at reasonable times, to inspect otherwise review the Services performed, or being performed, under the Project and the premises where they are being performed.

**1.19 Publication**

The Consultant agrees to obtain the consent in writing of the Client before publishing or issuing any information regarding the Project.

**1.20 Confidential Data**

The Consultant shall not divulge any specific information identified as confidential communicated to or acquired by him, or disclosed by the Client in the course of carrying out the Services provided for herein. No such information shall be used by the Consultant on any other project without the approval in writing of the Client.

**1.21 Arbitration**

- (a) Any dispute, difference or disagreement between the parties hereto in relation to the Agreement may, with the consent of both parties, be referred to arbitration.
- (b) No person shall be appointed to act as arbitrator who is in any way interested, financially or otherwise, in the conduct of the work on the Project or in the business or other affairs of either the Client or the Consultant.
- (c) The award of the arbitrator shall be final and binding upon the parties.
- (d) The provisions of The Arbitration's Act, R.S.O., 1980 Chapter 25, as amended shall apply.

**1.22 Time**

The Consultant shall perform the Services expeditiously to meet the requirements of the Client and shall complete any portion or portions of the Services in such order as the Client may require and the Client shall have the right to take possession of and use any completed or partially completed portions of the Work notwithstanding any provisions expressed or implied to the contrary.

The Client shall give due consideration to all designs, drawings, plans, specifications, reports, tenders, proposals and other information submitted by the Consultant, and shall make any decisions which he is required to make in connection therewith within a reasonable time so as not to delay the work of the Consultant.

## **1.23 Estimates, Schedules and Staff List**

### **1.23.1 Preparation of Estimate of Fees, Schedule of Progress and Staff List**

When requested by the Client, the Consultant shall within fourteen days of the execution of this Agreement provide, for approval by the Client:

- (a) An estimate of the total fees to be paid for the Services.  
Refer to Schedule "A" Attached.
- (b) A Schedule showing an estimate of the portion of the Services to be completed in each month and an estimate of the portion of the fee which will be payable for each such month.
- (b) A Staff list showing the number, classifications and salary ranges of staff and/or hourly ranges for the Principals and Executives, for which the Consultant will seek payment on a time basis. The Consultant shall relate such information to the particular type of work that such staff is to perform, while employed on the Project. Such list shall designate the member of the Consultant's staff who is to be the liaison person between the Consultant and the Client.

Refer to Schedule "B" Attached.

### **1.23.2 Subsequent Changes in the Estimate of Fees, Schedule of Progress and Staff List**

The Consultant will require prior written approval, from the Client for any of the following changes:

- (a) Any increase in the estimated fees beyond those approved under Subsection 1.23.1 (a).
- (b) Any change in the schedule of progress which results in a longer period than provided in Subsection 1.23.1 (b).
- (c) Any change in the number, classification and salary ranges of the staff provided under Subsection 1.23.1 (c).

### **1.23.3 Monthly Reporting of Progress**

When requested by the Client, the Consultant shall provide the Client with a written report showing the portion of the Services completed in the preceding month.

## 1.24 Additional Conditions

### ARTICLE 2 - SERVICES

In accordance with our Correspondence of November 21, 2008, as follows:

- i) "Proposal to City of Sault Ste. Marie – Engineering Services for the Sault Ste. Marie Storm Water Investigative Study Request for Proposal B-07-06 attached as Schedule "A".

### ARTICLE 3 - FEES AND DISBURSEMENTS

#### 3.1 Definitions

For the purpose of this Agreement, the following definitions shall apply:

- (a) Payroll Cost: - N/A

Payroll Cost is defined as hourly salary plus payroll burden.

- i) The following formula shall be used to calculate the hourly salary for billing purposes. Hourly salary equals:

$$\frac{\text{Annual Salary}}{\text{Hours Per Week} \times 52 \times .85}$$

- ii) Payroll burden equals fringe benefits expressed as a percentage of salary that provides for health and medical insurance, group life and disability insurance, company and Canada pension employer contributions, Worker' Compensation and Unemployment Insurance, but excludes bonuses or profit sharing. For the purposes of this agreement payroll burden is \_\_\_\_%.

- (b) Cost of the Work

- i) The "Cost of the Work" shall mean the total cost of the Project including all materials, equipment, sales taxes, labour and Contractor's overhead and profit, necessary to complete the work for which the Consultant prepares design, drawings or specifications, for which he is responsible. Where sales taxes are not included for the cost of the work, the fee shall be adjusted upwards by the factor equivalent to the sales taxes. The adjusted fee may be completed to the nearest one-tenth of one percent (1/10%).

- ii) Wherever the Client furnishes labour or any other service which is incorporated in the work, the current price of labour or other service when the work was executed shall be used to compute the Cost of the Work.
- iii) Whenever used material or equipment is furnished by or on behalf of the Client, the fair market value of such material or equipment, as though it was purchased new, shall be used to compute the Cost of the Work.
- iv) In computing the Cost of the Work, no deductions shall be made on account of any penalties or damages claimed by the Client from any contractor or on account of any other sum withheld from any contractor.
- v) The Cost of the Work shall not include any fees and disbursements due to the Consultant, the Client's engineering and office expenses, or cost of land.

(c) Site

Site includes the actual work site and other locations where the checking of materials, equipment and workmanship is carried out.

### **3.2 Basis of Payment**

In accordance with Schedule "A"

#### **3.2.1 Fees Calculated on a Time Basis**

- 3.2.1.1.** The Client shall pay the Consultant a fee, calculated on a time basis, for that part of the Services described in Article 2. Fees on a time basis shall be as follows:
- (a) Principals and Executives on normal assignments \$165.00 per hour. This rate will be reviewed annually and adjusted accordingly,
  - (b) Staff on normal assignments - Payroll Cost plus 33.45%
  - (c) Principals, Executives and staff rendering individual services on assignments for which they are eminently qualified and for which they require little or no assistance including providing expert testimony and attendance at hearings or courts 50% more than the rates specified above.

## (d) Services During Construction – N/A

- i) For all services, except for staff full-time continuously on site:

Principals and Executives on normal; assignments.....\$ \_\_\_\_\_ per hour.

This rate will be reviewed annually and adjusted accordingly.

Other Staff: Payroll Cost plus \_\_\_\_\_ %

- ii) For site staff working full time continuously Payroll Cost plus \_\_\_\_\_ % reducing to Payroll Cost plus \_\_\_\_\_ % for periods of excess of 6 months.

**3.2.1.2. Time Expended**

All time expended on the assignment, whether in the Consultant's office, at the Client's premises, or elsewhere, and including travel time, shall be chargeable. This also includes, but is not limited to, stenographic and clerical staff engaged in the preparation of documents such as reports, and specifications.

**3.2.2. Fees Calculated on a Percentage of Cost Basis** – N/A

- 3.2.2.1 The Client shall pay the Consultant a design fee to be calculated as a percentage of the Cost of the Work for normal projects as follows:

**CALCULATION OF FEE**

COST OF THE WORK	FEE
_____	_____
_____	_____
_____	_____
_____	_____

**3.2.3. Computer Services**

Computer services, except where a computer is used for design under the percentage fee scale or for the Consultant's normal office administration shall be considered a reimbursable expense.

### **3.2.4. Reimbursable Expenses**

In addition to the fee, the Consultant shall be reimbursed at cost plus an administrative charge of 5%, plus the cost of additional insurance incurred by the Consultant, for all expenses properly incurred by him in connection with the project, including but not limited to: vehicle use charges, travelling and living expenses, long distance telephone charges, facsimile charges, printing and reproductions, progress photography, advertising for tenders, special delivery and express charges, overtime premium costs, and the cost of providing and maintaining site offices, supplies and equipment, chemical and physical tests.

## **3.3 Payment**

### **3.3.1 Fees Calculated on a Time Basis**

The Consultant shall submit an invoice to the Client for all Services completed in the immediately preceding month. Interest at the annual rate of 2% (percent monthly) will be paid on the total outstanding unpaid balance commencing 30 days after the Client has received the Consultant's invoice.

### **3.3.2 Fees Calculated on a Percentage of Cost Basis – N/A**

#### **(a) Monthly Payment**

The Consultant shall submit an invoice to the Client for that part of the design of the Project completed in the immediately preceding month calculated upon the basis of the Consultant's estimate of the cost of that part of the Project, and, if the Client agrees with such estimate and that such part has been completed, the Consultant will be paid the amount of the fee so invoiced. Interest at the annual rate of \_\_\_\_\_ % (\_\_\_\_\_ % monthly) will be paid on the total outstanding unpaid balance commencing 30 days after the Client has received the Consultant's invoice.

#### **(b) On Award of Contract**

Following the award of the contract for the construction of the Project, the Consultant shall recalculate his fee on the basis of the tender quantities and prices on which the contract for the construction of the Project was awarded, plus the estimated cost of materials and other services supplied by the Client and upon such recalculation, the amount paid to the Consultant shall be adjusted to equal the full amount of the recalculated fee including the repayment by the Consultant of any overpayment made to the Consultant.

(c) Delay of Award of Contract

In the event the contract for construction of the Project is not awarded within eighteen months of the acceptance of the Design by the Client the final fee for design shall be determined as in paragraph (a) above, and paragraph (b) shall not apply.

(d) On Completion of the Work

Following Completion of the Work, the Consultant shall recalculate his fee on the basis of the actual cost of the work and upon such recalculation the amount paid to the Consultant shall be adjusted to equal the full amount of the recalculated fee including the repayment by the Consultant of any overpayment to the Consultant.

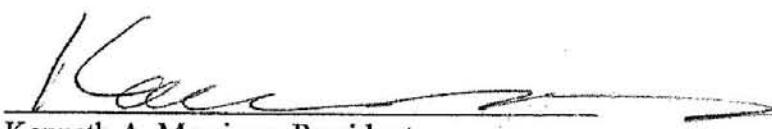
IN WITNESS THEREOF the parties hereto have caused to be executed those presents by their officers properly authorized in that behalf on the day and first above written.

**SIGNED, SEALED AND DELIVERED**

)  
\_\_\_\_\_  
)  
)  
)

in the presence of: ) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Dennis Consultants**, a division of R.V. Anderson Associates Limited



Kenneth A. Morrison, President

**The City of Sault Ste. Marie**

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**Mayor - John Rowswell**

10(c)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2009-56

**LANE ASSUMPTION:** a by-law to assume for public use and establish as a public lane, a lane in the Graham Subdivision

THE Council of the Corporation of the City of Sault Ste. Marie, pursuant to the Municipal Act, S.O. 2001, **ENACTS** as follows:

1. **LANES ESTABLISHED AND ASSUMED**

The Corporation of the City of Sault Ste. Marie hereby assumes for public use and establishes as a public lane, the lane more particularly described on Schedule "A" to this by-law.

2. **SCHEDULE "A"**

Schedule "A" forms a part of this by-law.

3. **EFFECTIVE DATE**

The by-law takes effect on the day of its final passing.

READ THREE times and PASSED in open Council this 23<sup>rd</sup> day of March, 2009.

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MAYOR – JOHN ROWSWELL

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CITY CLERK - DONNA P. IRVING

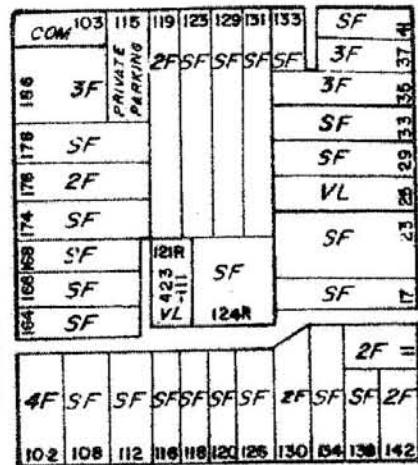
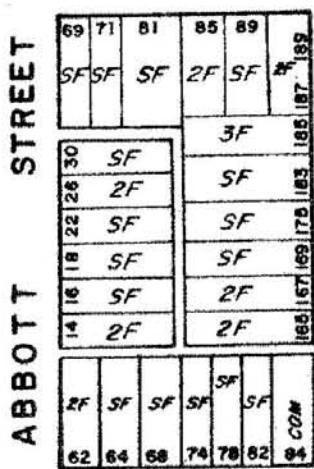
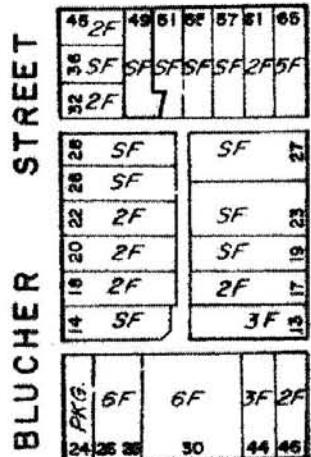
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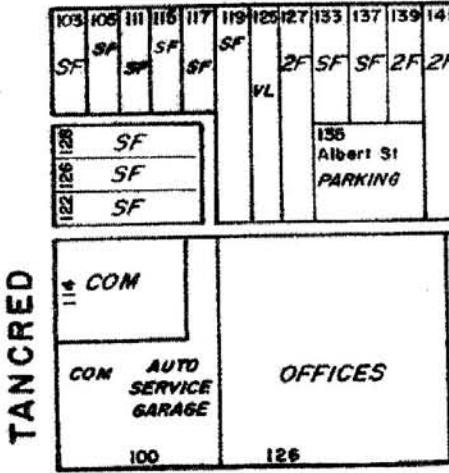
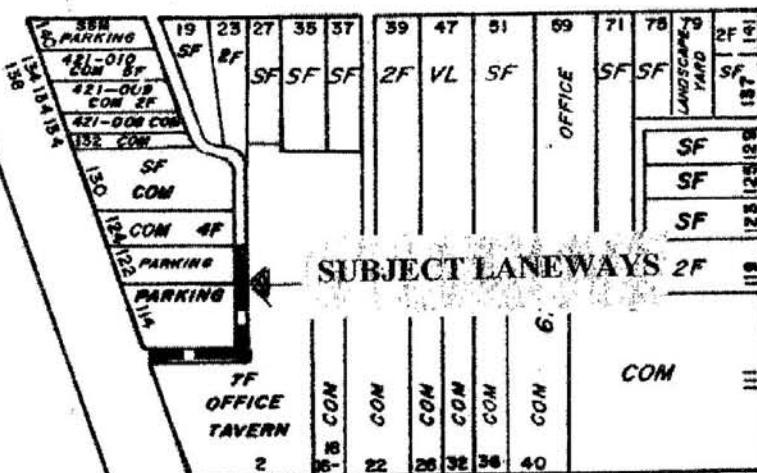
CITY SOLICITOR

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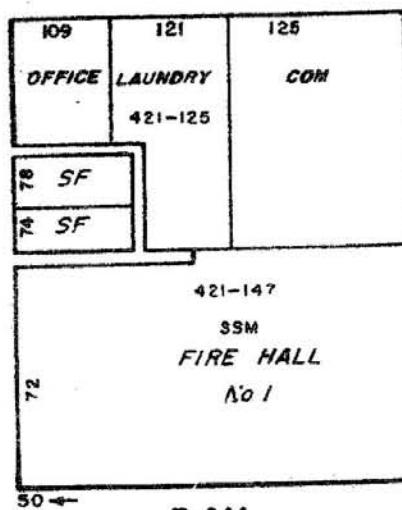
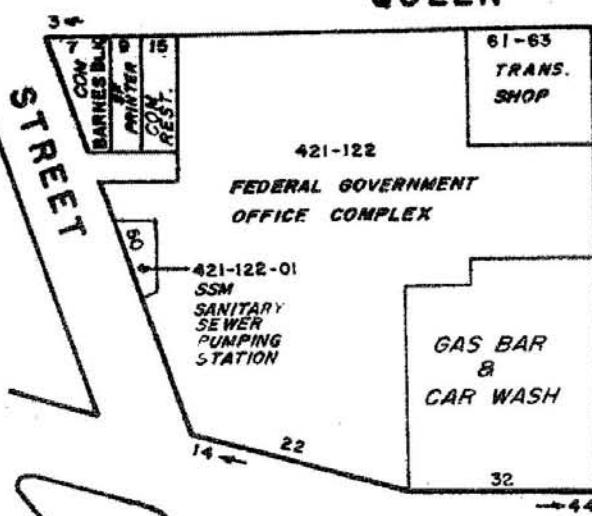
SCHEDULE A



ALBERT



**QUEEN**



## THE CORPORATION OF THE CITY OF SAULT STE. MARIE

## BY-LAW NO. 2009-53

**PARKING SECTION:** (P. 1.2.6.) A by-law to amend By-law 69-80, which regulates the parking of vehicles on lands or buildings operated by the Parking Section of the City of Sault Ste. Marie as parking lots on which no charge is made to the public for the parking of vehicles.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 11 of The Municipal Act, 2001, c. 25 and amendments thereto, ENACTS as follows:

1. **BY-LAW 69-80 AMENDED**

Sections 1 through to 11 of By-law 69-80 are repealed and replaced with the following:

"1. **DEFINITIONS**

- (1) "Park" or "Parking" means the standing of a vehicle whether occupied or not;
- (2) "Parking Section" means the Parking Section of the Department of Public Works and Transportation of the City of Sault Ste. Marie;
- (3) "Parking Lot" means land or a building established as a parking lot by a by-law of the Corporation and listed by name in Schedule "A" to this by-law;
- (4) "Parking Space" means that part of the surface of a parking lot designated by painted lines or other signs or markings for the parking of one vehicle; and
- (5) "Vehicle" means an automobile, a motorcycle, a trailer, or any other vehicle propelled or driven otherwise than by muscular power that does not exceed 609 cm in length or 203 cm in width.

2. **REGULATIONS**

- (1) Speed Limit – No person shall drive a vehicle at a greater rate of speed than 25 km per hour on a parking lot.
- (2) Vehicle Within Parking Space – No person shall park a vehicle on a parking lot unless the whole of such vehicle is within a parking space.
- (3) Signed for Snow Removal – No person shall park a vehicle on a parking lot or a part thereof marked by signs prohibiting its use for parking during the times designated for snow removal.
- (4) Traffic Direction – Signs – No person shall drive, operate, or park a vehicle on a parking lot except in accordance with the directions of the Parking Section is evidenced by the erection and display of appropriately worded signs.
- (5) Two Hour Limit – No person shall park a vehicle on a parking lot for a daily period greater than two hours

**NOTICE**

THIS IS A DRAFT DOCUMENT. This document has not been enacted by City Council. It may not be enacted at all AND if enacted, it may not be in the form of the DRAFT copy.

CITY SOLICITOR

10(d)

- (a) On any Monday, Tuesday, Wednesday, Thursday, or Saturday between the hours of 7 o'clock A.M. and 6 o'clock P.M., and
  - (b) On any Friday between the hours of 7 o'clock A. M. and 9 o'clock P. M.
- (6) Vehicles for Sale – No vehicle shall be parked on a parking lot to which there is visibly affixed any sign, notice or other marking advertising the fact that the vehicle is available for purchase.
- (7) Servicing or Repairing Vehicles – No vehicle shall be parked on a parking lot for the purpose of altering, cleaning, washing, greasing or repairing such vehicle or attaching accessories thereto except for such repairs as have been necessitated by an emergency.
- (8) Signs, Standards, Buildings, etc. – No person shall erect or maintain on any parking lot any building, booth, fence, post, sign, marking or other structure or advertising device of any kind whatsoever unless:
- (a) such person shall have first obtained permission in writing from the Parking Section authorizing him or her so to do, which permission may be granted, refused or made subject to conditions as the said Parking Section in its discretion shall determine; and
  - (b) such person so acts in accordance with all of the requirements of the said Parking Section.
- (9) Advertising, Articles for Sale, etc. – No person shall park a vehicle on a parking lot for the purpose of:
- (a) displaying articles for sale or give away;
  - (b) advertising any merchandise goods, services or event; or
  - (c) soliciting of any kind;
- unless such person has obtained permission in writing from the Parking Section authorizing the person so to do and such is on display in a prominent place on such vehicle.
- (10) Hand Bills – No person shall distribute hand bills or other advertising matter on a parking lot.
- (11) Excavations in Parking Lots – No person shall break, excavate, dig up, tear up, or remove the soil of any parking lot, or any planking, sidewalk, curbing, pavement, boulevard, or road structure of any sort, forming the surface or other part of any parking lot, for the purpose of building or otherwise, unless he or she has first obtained an excavation permit from the Parking Section authorizing him or her so to do.
- (12) Authority Approval to Excavation Permits - A permit shall be issued by the Manager in the name of the Parking Section under subsection 11 above when an application for the permit in a form approved by the Parking Section has been filed with the Parking Section and the application has been approved by the Parking Manager.

- (13) Liability – No person using a parking lot for any purpose in any manner whatsoever shall make any claim or bring any action against the Parking Section or the Corporation for any loss or costs and damages which that person may suffer, be at, or be put to, for, or by reason of, or on account of, the act of any other person on such parking lot.

3. PENALTY

Any person who contravenes any of the provisions of this by-law is liable to a penalty in accordance with the Provincial Offences Act.

4. OWNER LIABLE TO PENALTY

The owner as well as the driver of a vehicle shall incur the penalties provided for a contravention of this by-law, unless at the time of the contravention the vehicle was without the owners consent in the possession of some person other than the owner.

5. VEHICLE SUBJECT TO REMOVAL

In addition to any other penalties provided by this by-law, upon discovery of any vehicle parked on a parking lot in contravention of the provisions of this by-law, a by-law enforcement officer or a police officer may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, storage and care thereof, if any, are a lien upon the vehicle and may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, c. R.25.

6. VOLUNTARY PAYMENT OF PENALTIES

Despite all other provisions of this by-law in respect of penalties for violations of any provision of this by-law, any person may, upon presentation of a tag issued alleging commission of any of the offences provided in the said by-law, pay out of court within proved in the said by-law, pay out of court within 72 hours (exclusive of Sundays, Saturdays and public holidays) from the date of the issue of the said tag, the minimum penalty provided for such offence by this by-law at the Civic Center, 99 Foster Drive, Sault Ste. Marie, and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the tag. The receipt for payment signed by the person assigned to the duty of receiving payments shall be evidence of payment of the penalty provided for the violation.

7. PARKING SECTION TO ERECT SIGNS:

The Parking Section shall erect a sign or signs on each parking lot indicating the general nature of the restrictions imposed by this by-law on the use of such parking lot.

8. SCHEDULE "A"

The Parking Lots set out in Schedule "A" are established as parking lots under the authority of the Parking Section of the Department of Public Works and Transportation. Schedule "A" forms a part of this by-law."

10(d)

2. **BY-LAW REPEALED**

By-law 81-357 is hereby repealed.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

READ three times this 23rd day of March, 2009.

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MAYOR – JOHN ROWSWELL

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CITY CLERK - DONNA IRVING

BYLAWS\2009\2009-53 - amends 69-80 Parking Section

**SCHEDULE "A"****PARKING LOTS GOVERNED BY THIS BY-LAW****Name of Parking Lot**

1. Brock – Albert Parking Lot
2. Spring – March Parking Lot
3. Essar Centre Parking Lot
4. King – Albert Parking Lot
5. Bingham Street Parking Lot
6. Bruce Street Parking Lot
7. Bus Terminal (Dennis & Queen Streets)
8. Heritage Square Lot (807 Queen Street East)

10(e)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2009-51

**TRAFFIC:** (T.2.1.) A by-law to amend Schedules "H" and "F" of Traffic By-law 77-200 regarding Denwood Drive.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, pursuant to the provisions Section 10 of the Municipal Act, 2001, S.O., 2001 c.25 and amendments thereto, ENACTS as follows:

1. **SCHEDULE "H" OF BY-LAW 77-200 AMENDED**

Schedule H of By-law 77-200 is amended by deleting Item 83.

2. **SCHEDULE "F" OF BY-LAW 77-200 AMENDED**

Schedule F of By-law 77-200 is amended by adding thereto the following:

"NO.	INTERSECTION	DIRECTION OF TRAFFIC	STOP STREET
244A	Denwood Drive at Simon Avenue	southeasterly	Denwood."

3. **EFFECTIVE DATE**

This by-law is effective from the day of its final passing.

READ THREE TIMES and PASSED in Open Council this 23<sup>rd</sup> day of March, 2009

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MAYOR – JOHN ROWSWELL

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CITY CLERK – DONNA P. IRVING

**NOTICE**  
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CITY SOLICITOR

10(f)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2009-55

**ZONING:** A by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 regarding lands located at 741 Allen's Side Road.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, pursuant to Section 34 of the Planning Act R.S.O. 1990, Chapter P.13 and amendments thereto ENACTS as follows:

1. **741 ALLEN'S SIDE ROAD; WEST SIDE OF ALLEN'S SIDE ROAD SOUTH OF THIRD LINE WEST, CHANGE FROM R.1 TO R.1.S**

The zone designation on the lands described in Section 2 of this by-law, which lands are shown on Map1-103 of Schedule "A" to Zoning By-law 2005-150, is changed from R.1, Estate Residential Zone, to R.1.S, Estate Residential Zone with a "special exception".

2. **BY-LAW 2005-151 AMENDED**

Section 2 of by-law 2005-151 is amended by adding the following subsection 2(282) and heading as follows:

**"2(282) 741 ALLEN'S SIDE ROAD**

Despite the provisions of by-law 2005-150, the lands located on the west side of Allen's Side Road and having civic address 741 Allen's Side Road and marked "subject property" on the map attached as Schedule 282 hereto is changed from R.1, Estate Residential Zone to Estate Residential with a "special exception" to permit, in addition to the uses permitted in an R.1, Estate residential Zone, as an additional permitted use:

1. a barn and the keeping of not more than four (4) riding horses subject to the Rural Area Zone Building regulations and the following special provisions:

(a) in addition to the minimum setback requirements outlined under the Rural Area Zone, the barn permitted as an additional permitted use shall be located a minimum of 84m from the nearest neighbour's dwelling.

(b) any manure stored on the subject property shall be:

- (i) a minimum of 84m from the nearest neighbour's dwelling,
- (ii) at least 8m from the nearest lot line; and
- (iii) at least 17m from the westerly limit of the Allen's Side Road road allowance."

3. **SCHEDULE "A"**

Schedule "A" hereto forms a part of this by-law.

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CITY SOLICITOR

10(f)

4. **CERTIFICATE OF CONFORMITY**

It is hereby certified that this by-law is in conformity with the Official Plan for the City of Sault Ste. Marie, authorized and in force on the day of the passing of this by-law.

READ THREE TIMES and PASSED in Open Council this 23<sup>rd</sup> day of March, 2009.

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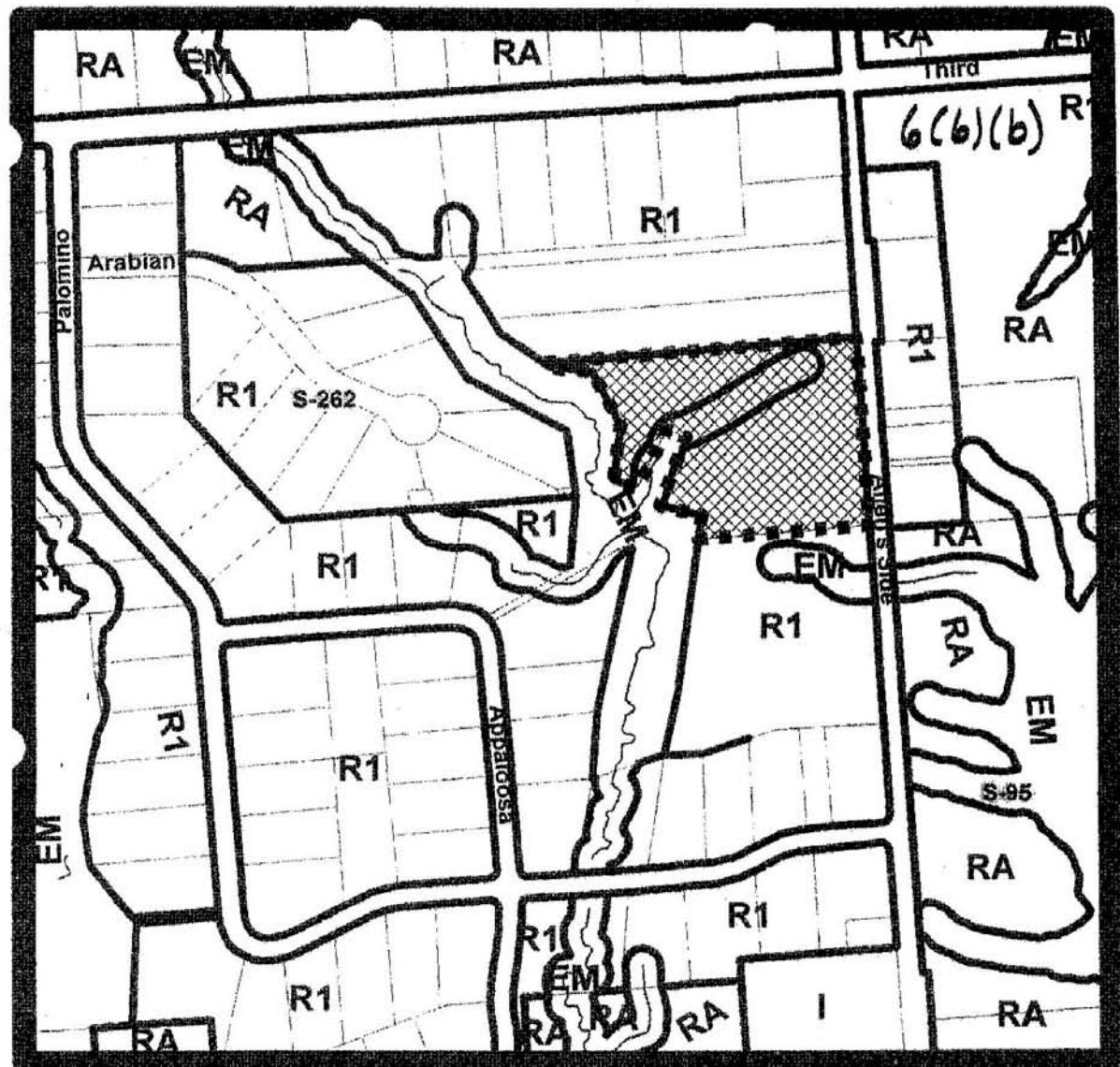
MAYOR – JOHN ROWSWELL

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CITY CLERK – DONNA P. IRVING

10(f)

SCHEDULE "A" TO BY-LAW 2009-55 AND SCHEDULE 2(282) TO BY-LAW 2005-151 OF THE CORPORATION OF THE CITY OF SAULT STE. MARIE, BE READ THREE TIMES AND PASSED IN OPEN COUNCIL THIS 23<sup>RD</sup> DAY OF MARCH, 2009.



## EXISTING ZONING MAP

### APPLICATION A-8-09-Z



Metric Scale  
1 : 5000

Maps  
90 & 1-10;

Mail Label  
A8-09

- Subject Property 741 ALLENS SIDE ROAD
- R1 - Estate Residential Zone
- RA - Rural Area Zone; RAhp
- EM - Environmental Management Zone
- S-Number = Special Exception Bylaw 2005-151

10(g)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO 2009-57

**LANE CLOSING:** a by-law to stop up, close and authorize the conveyance of a lane in the Graham Subdivision

**WHEREAS** the lane more particularly hereinafter described was established as a public lane and assumed for public use by By-law 2009-56

**NOW THEREFORE** the Council of The Corporation of the City of Sault Ste. Marie, pursuant to the Municipal Act, S.O. 2001, **ENACTS** as follows:

1. **LANE CLOSED**

The lane more particularly described in Schedule "A" to this by-law, having been assumed by the Corporation for public use, is hereby stopped up and closed.

2. **LANE DECLARED SURPLUS**

The lane more particularly described in Schedule "A" to this by-law is surplus to the requirements of the municipality.

3. **EXECUTION OF DOCUMENTS**

The Mayor and Clerk are hereby authorized for and in the name of the Corporation to execute and to affix the seal of the Corporation to all documents required to give effect to this by-law.

4. **EASEMENTS TO BE RETAINED**

The laneway is subject to the retention of easements if required. The City Corporation shall stop up, close and authorize the conveyance of the lane more particularly described in Schedule "A" to this by-law.

5. **SCHEDULE "A"**

Schedule "A" forms a part of this by-law.

6. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

READ the FIRST and SECOND time this 23<sup>rd</sup> day of March, 2009

MAYOR – JOHN ROWSWELL

**NOTICE**

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CITY SOLICITOR

CITY CLERK - DONNA P. IRVING

10(g)

**READ a THIRD time and finally PASSED** in open Council this \_\_\_\_\_ day of  
2009, after notice thereof had been published once a week for two consecutive  
weeks and after the Council had met to hear every person who had applied to be  
heard.

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**MAYOR - JOHN ROWSWELL**

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**CITY CLERK - DONNA P. IRVING**

10(g)

## SCHEDULE A

