

MINUTES
REGULAR MEETING OF CITY COUNCIL

2010 11 08

4:30 P.M.

COUNCIL CHAMBERS

Present: Acting Mayor Grandinetti, Councillors S. Butland, J. Caicco, S. Myers, T. Sheehan, B. Hayes, P. Mick, L. Turco, F. Fata, F. Manzo, L. Tridico

Absent: Councillor D. Celetti

Officials: J. Fratesi, M. White, L. Bottos, B. Freiburger, N. Apostle, D. Maki, J. Dolcetti, J. Elliott, D. McConnell, D. Elliott

1. ADOPTION OF MINUTES

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the Minutes of the Regular Council Meeting of 2010 09 27 be approved. CARRIED

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

3. APPROVE AGENDA AS PRESENTED

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the Agenda for the 2010 11 08 City Council meeting as presented be approved. CARRIED

4. DELEGATIONS/PROCLAMATIONS

- a) Dr. John McLaughlin representing the Baha'i Community was in attendance concerning Proclamation – "Unity and Diversity Week".
- b) Gail Patreau, Community Justice Worker, Sault Ste. Marie was in attendance concerning Proclamation – "Restorative Justice Week".

- c) Theresa Sharp, Social Services Department was in attendance concerning Proclamation – “Homeless Awareness Week”.
- d) Chris Rous, Chair, Cultural Advisory Board was in attendance to present the 2010 Cultural Advisory Board Community Recognition Awards to Ardys and John Fleming and Dr. Robert Ewing.
- e) Nancy Parker was in attendance concerning agenda item 6(6)(a), Application No. A-10-10-Z, 21 Killarney Road.
- f) Michael Kresin, Kresin Engineering Corporation, was in attendance concerning agenda item 6(6)(a), Application No. A-10-10-Z, 21 Killarney Road.

PART ONE – CONSENT AGENDA

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

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that all items listed under date 2010 11 08 – Part One – Consent Agenda and Addendum #1 be approved as recommended save and except 5(f) and 5(p).

- a) Correspondence from the Municipality of Macdonald, Meredith and Aberdeen Additional (concerning centre-line rumble strips) was attached for the information of Council.
- b) Correspondence from the Ontario Lottery and Gaming Corporation advising that the quarterly payment of the 5% - 2% allocation from July 1 to September 30, 2010 is \$394,017 was attached for the information of Council.
- c) Letters of request for temporary street closings were attached for the consideration of Council:
 - 1) Queen Street East from Simpson to Gore Street, Simpson Street from Victoria Avenue to Queen Street East and Queen Street East from Pine Street to Church Street in conjunction with the 2010 Rotary Santa Claus Parade (November 20st, 2010).
 - 2) Weldon Avenue between Cunningham Road and MacDonald Avenue in conjunction with the F.H. Clergue Playground Fundraiser (November 27th, 2010).

The relevant By-laws 2010-173 and 2010-172 were listed under Item 10 of the agenda and were read with all other by-laws listed under that item.

d) **Staff Travel**

A report of the Chief Administrative Officer was attached for the consideration of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2010 11 08 be approved as requested. CARRIED

e) **2011 Council Schedule**

A report of the City Clerk was attached for the information of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the report of the City Clerk dated 2010 11 08 concerning 2011 Council Schedule be accepted as information. CARRIED

f) **Soo Greyhounds Hockey Club – Agreement Clarification and Amendment**

A report of the Commissioner, Community Services was attached for the consideration of Council.

Moved by: Councillor S. Myers

Seconded by: Councillor T. Sheehan

Resolved that the report of the Commissioner of Community Services dated 2010 11 08 concerning the Soo Greyhounds Hockey Club – Agreement Clarification and Amendment be accepted and the recommendation that agreement between the City and Soo Greyhounds Hockey Club be amended to clarify the intent of the use of the room areas noted in the agreement, specifically that the word “exclusive” be removed from clauses 2(b), 2(d), 2(e) and 2(h) be approved. CARRIED

Councillor F. Fata declared a pecuniary interest – employed by the Municipal Property Assessment Corporation.

g) **Property Tax Appeal – 874 Queen Street East**

A report of the City Tax Collector was attached for the consideration of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that pursuant to Section 354 of the Municipal Act, 2001, the adjustments for the tax account outlined on the City Tax Collector's report of 2010 11 08 be approved and that the tax records be amended accordingly be approved. CARRIED

h) **Tax Rebate Program for Heritage Properties Designated Under Part IV of the Ontario Heritage Act**

A report of the Manager, Recreation and Culture Division was attached for the consideration of Council.

The relevant By-law 2010-168 was listed under Item 10 of the agenda and was read with all other by-laws listed under that item.

i) **First Aid Services at the Community Centres Division – Canadian Ski Patrol Systems (CSPS)**

A report of the Manager, Community Centres was attached for the consideration of Council.

The relevant By-law 2010-162 was listed under Item 10 of the agenda was read with all other by-laws listed under that item.

j) **Connecting Link – 5 Year Plan and Request for 2011 MTO Allocation**

A report of the Director of Engineering Services was attached for the consideration of Council.

Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

Resolved that the report of the Director of Engineering Services dated 2010 11 08 and the recommendations that the 2011-2015 Connecting Link forecast and the 2011 Connecting Link allocation request be accepted by Council as information. Further be it resolved that Council approve retaining the firm of Kresin Engineering to conduct a Class Environmental Assessment for the widening of Second Line between Old Garden River Road and Black Road for an estimated budget of \$25,000 with funds to come from the Connecting Link portion of the approved 2011-2012 capital budget be approved. CARRIED

k) **Status of Bridge Rehabilitation**

A report of the Director of Engineering Services was attached for the consideration of Council.

Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

Resolved that the report of the Director of Engineering Services dated 2010 11 08 regarding the progress of municipal bridge rehabilitation and capital expenditures for municipal bridges be approved. CARRIED

l) **Bridge Data – Municipal DataWorks Agreement and Funding**

A report of the Director of Engineering Services was attached for the consideration of Council.

The relevant By-law 2010-164 was listed under Item 10 of the agenda and was read with all other by-laws listed under that item.

m) **Environmental Assessment Third Line East and Black Road – Hospital Entrance to Second Line**

A report of the Commissioner, Engineering and Planning Department was attached for the consideration of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that the report of the Commissioner, Engineering and Planning dated 2010 11 08 concerning Environmental Assessment Third Line East and Black Road – Hospital Entrance to Second Line be accepted and that the recommendation that AECOM be retained to conduct a Municipal Class Environmental Assessment for improvements to Third Line East and Black Road from the hospital entrance to Second Line with funds from the 2010 miscellaneous construction budget be approved. CARRIED

n) **Queen Street Reconstruction – Pim Street to Simpson Street Agreement for Engineering Services**

A report of the Commissioner, Engineering and Planning was attached for the consideration of Council.

The relevant By-law 2010-161 was listed under Item 10 of the agenda and was read with all other by-laws listed under that item.

o) **Solar Photovoltaic Proposal**

A report of the Environmental Initiatives Coordinator was attached for the consideration of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that the report of the Environmental Initiatives Coordinator dated 2010 11 08 concerning a Solar Photovoltaic Proposal be accepted and the recommendation that the City enter into negotiations with the PUC as the sole source for leasing existing roof space for solar projects with a further report to be brought back to Council for approval once those negotiations are complete be approved. CARRIED

p) **Boxing Day Question On The Ballot**

A report of the Assistant City Solicitor was attached for the information of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that the report of the Assistant City Solicitor dated 2010 11 08 concerning the Boxing Day question on the composite ballot be accepted as information. CARRIED

q) **Set Fines Under Transit Policy By-law 2010-79**

A report of the City Solicitor was attached for the consideration of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the report of the City Solicitor dated 2010 11 08 concerning Set Fines under Transit Policy By-law 2010-79 be accepted and that Council authorize the Legal Department to request approval from the Attorney General to establish set fines for offences under By-law 2010-79 be approved. CARRIED

Councillor L. Turco declared a pecuniary interest – spouse is employed by the Police Service.

r) **Hub Trail Construction Tarentorus School/Sutton Park/Anna McCrea School Areas, City Contract 2009-15E**

A report of the Planning Director was attached for the consideration of Council.

Moved by: Councillor D. Celetti

Seconded by: Councillor S. Myers

Resolved that the report of the Planning Director dated 2010 11 08 concerning the Hub Trail Construction, Tarentorus School/Sutton Park/Anna McCrea School Areas, City Contract 2009-15E be accepted and the Planning Director's recommendation that City Council approve the recommended improvements at the intersection of Old Garden River Road and Second Line as outlined in the report be endorsed. CARRIED

s) **Local Improvement Construction By-law 2010-165, Section 3**

A report of the Design and Construction Engineer was attached for the consideration of Council.

The relevant By-law 2010-165 was listed under Item 10 of the agenda and was read with all other by-laws listed under that item.

t) **Local Improvement Construction By-law 2010-166, Section 3**

A report of the Design and Construction Engineer was attached for the consideration of Council.

The relevant By-law 2010-166 was listed under Item 10 of the agenda and was read with all other by-laws listed under that item.

u) **Local Improvement Construction By-law 2010-167, Section 3**

A report of the Design and Construction Engineer was attached for the consideration of Council.

The relevant By-law 2010-167 was listed under Item 10 of the agenda and was read with all other by-laws listed under that item.

v) **Hub Trail – Finn Hill**

A report of the Planning Director was attached for the information of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the report of the Planning Director dated 2010 11 08 concerning the Hub Trail – Finn Hill be accepted as information.

PART TWO – REGULAR AGENDA

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

6.(1) **ADMINISTRATION**

6.(1)(a)

Correspondence – Request for Recount

A letter from Councillor Celetti requesting a recount for the office of Councillor, Ward 5 was received by Council.

6.(6) **PLANNING**

6.(6)(a)

Application No. A-10-10-Z – Filed by Burgess Enterprises (Sault) Inc. – 21 Killarney Road

A report of the Planning Director was attached for the consideration of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that the report of the Planning Director dated 2010 11 08 concerning Application No. A-10-10-Z – filed by Burgess Enterprises (Sault) Inc. – 21 Killarney Road be accepted and the Planning Director's recommendation that City Council approve this application and rezone the rear 31m of the subject property from "R.2" (Single Detached Residential) zone to "R.2.S" (Single Detached Residential) zone with a Special Exception to permit a commercial parking lot on the rear 31m of the subject property, subject to the following special conditions:

- 1) That Site Plan Control be applied to the rear 31m of the subject property;
 - 2) That a fence may be erected to a maximum height of 1.8m (6') from the established grade of the parking lot,
- be endorsed. CARRIED

6.(6)(b)

Application No. A-16-10-Z – Filed by Paul Finck – 40 Hynes Street

A report of the Planning Director was attached for the consideration of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that the report of the Planning Division dated 2010 11 08 concerning Application No. A-16-10-Z – filed by Paul Finck – 40 Hynes Street be accepted and the Planning Director's recommendation that City Council approve this application and rezone the subject property from "C.2" (Central Commercial) zone to "R.4.S" (Medium Density Residential) zone with a Special Exception in order to facilitate the conversion of the existing 2-storey building into a 41-unit apartment building, subject to the following exceptions:

- 1) That the required parking is reduced from 31 to 23 spaces,
- 2) That at least 1 barrier-free space be provided for each barrier-free unit. Such barrier-free spaces are part of, and not in addition to, the required 23 parking spaces,
- 3) That the required building setbacks be reduced to those setbacks that exist on the day of the passing of this by-law be endorsed.

CARRIED

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

6(8)(a)

Public Utilities Commission 2010 Third Quarter Shareholder Report

Two reports of the Public Utilities Commission President and C.E.O. were attached for the information of Council.

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the Public Utilities Commission third quarter Shareholder Report and the unaudited financial statements for the month of September be accepted as information. CARRIED

6(8)(b)

Economic Development Corporation – Sault Ste. Marie Trade Mission to Italy

A report of the Director International Relations and Global Logistics Business SSM – SSMEDC was attached for the information of Council.

Moved by: Councillor T. Sheehan

Seconded by: Councillor S. Myers

Resolved that the report of the Director International Relations and Global Logistics Business dated 2010 11 08 outlining a Sault Ste. Marie Trade Mission to Italy be accepted as information. CARRIED

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

a) Moved by: Councillor P. Mick

Seconded by: Councillor J. Caicco

Whereas Sault Ste. Marie has many vacant spaces in the downtown core; and

Whereas Councils and constituents have been concerned about the vacancies for many years; and

Whereas as recently as this past election campaign, this situation was raised several times, specifically during a Youth/Change Camp forum at the Art Gallery; and

Whereas many communities across North America have experienced similar problems; and

Whereas the City of Brantford has recently had some success in addressing their situation by enabling the establishment of satellite campuses in their downtown;

Now therefore be it resolved that City Council requests that EDC, in collaboration with the Innovation Centre, Sault College, and Algoma University, report back to Council on the feasibility of similar enterprises in our downtown area. CARRIED

b) Moved by: Councillor S. Myers

Seconded by: Councillor T. Sheehan

Whereas the issue of backyard burning has been brought forward as a growing constituent complaint; and

Whereas outdoor fireplaces are growing in popularity and oftentimes present a nuisance to adjacent homeowners; and

Whereas Sault Ste. Marie does not have a by-law addressing regulations around backyard burning within the City limits,

Therefore be it resolved that Fire Services and Legal staff be requested to report back with recommendations to address this issue. CARRIED

(c) Moved by: Councillor F. Manzo

Seconded by: Councillor F. Fata

Whereas the Allen's Side Road Townhouse Association has submitted a petition concerning jake brake noise at the intersection of Allen's Side Road and Second Line West to City Council requesting monitoring and controlling of trucks using jake brakes;

Therefore be it resolved that City Council accept the petition from Allen's Side Road Townhouse Association regarding jake brake noise and other issues as stated in their petition and forward the petition to the Legal Department and the Commissioner of Public Works and Transportation for review and report back to Council. CARRIED

(d) Moved by: Councillor T. Sheehan

Secunder by: Councillor S. Myers

Whereas many residents of Sault Ste. Marie purchase pumpkins during the Halloween season in order to create beautiful decorations; and

Whereas the City of Sault Ste. Marie has a leaf and yard waste program which creates composting for use in cemeteries, parks, and other greening operations/programs,

Now therefore be it resolved that the citizens of Sault Ste. Marie be reminded now and in the future to place their pumpkins in the leaf and yard waste bags instead of placing them in their regular garbage which goes to the landfill; and

Further that the Public Works and Transportation Department report back to Council about the viability of creating a Pumpkin Dumping Depot Partnership. CARRIED

8. **COMMITTEE OF THE WHOLE FOR THE PURPOSE OF SUCH MATTERS AS ARE REFERRED TO IT BY THE COUNCIL BY RESOLUTION**

9. **ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE**

10. **CONSIDERATION AND PASSING OF BY-LAWS**

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that all by-laws listed under item 10 of the Agenda under date 2010 11 08 be approved.

Agreements

- a) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-161

Resolved that by-law 2010-161 being a by-law to authorize the execution of an agreement between the City and AECOM Canada Ltd. for engineering services to complete the reconstruction of Queen Street between Pim Street and Simpson Street be PASSED in open Council this 8th day of November, 2010.

A report from the Commissioner of Engineering and Planning was on the agenda.

- b) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-162

Resolved that by-law 2010-162 being a by-law to authorize an agreement between the City and the Canadian Ski Patrol for the provision of first aid services during Soo Greyhounds games be PASSED in open Council this 8th day of November, 2010.

A report from the Manager of Community Centres was on the agenda.

- c) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-164

Resolved that By-law 2010-164 being a by-law to authorize the execution of the Municipal DataWorks Data Provision Agreement between the City and the Ontario Good Roads Association be PASSED in open Council this 8th day of November, 2010.

A report from the Director of Engineering Services was on the agenda.

- d) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-168

Resolved that By-law 2010-168 being a by-law to authorize the execution of the Heritage Property Agreement between the City and W.M. Watts Investments Ltd. for the Heritage Property at civic no. 244-246 Queen Street East known as the Hussey Block be passed in open Council this 8th day of November, 2010.

A report from the Manager, Recreation and Culture was on the agenda.

Development Control

- e) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-170

Resolved that By-law 2010-170 being a by-law to designate the lands located at 21 Killarney Road as an area of site plan control (Burgess Enterprises (Sault) Inc.) be PASSED in open Council this 8th day of November, 2010.

Parking

- f) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-163

Resolved that By-law 2010-163 being a by-law to appoint Municipal Law Enforcement Officers to enforce the by-laws on various private properties and to amend Schedule "A" to By-law 90-305 be PASSED in open Council this 8th day of November, 2010.

Temporary Street Closings

- g) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-172

Resolved that By-law 2010-172 being a by-law to authorize the temporary street closing of Weldon Avenue from Cunningham Road to MacDonald Avenue to facilitate a street hockey and mini stick grassroots fundraising event for F.H. Clergue playground on November 27, 2010 from 9:30 a.m. to 2:30 p.m be PASSED in open Council this 8th day of November, 2010.

- h) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-173

Resolved that By-law 2010-173 being a by-law to permit the temporary street closing of Queen Street and Simpson Street to facilitate the annual Santa Claus Parade on November 20, 2010 be PASSED in open Council this 8th day of November, 2010.

Traffic

- l) Moved by: Councillor S. Fata
Seconded by: Councillor S. Myers

2010-160

Resolved that By-law 2010-160 being a by-law to amend Schedule "G" to Traffic By-law 77-200 regarding Great Northern Road be PASSED in open Council this 8th day of November, 2010.

- j) **Zoning**

Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-169

Resolved that By-law 2010-169 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 21 Killarney Road (Burgess Enterprises (Sault) Inc.) be PASSED in open Council this 8th day of November, 2010.

- k) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-171

Resolved that By-law 2010-171 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 40 Hynes Street (Finck) be PASSED in open Council this 8th day of November, 2010.

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

Local Improvements

- l) **2010-165**

Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

Resolved that By-law 2010-165 being a by-law to authorize the construction of sanitary sewer, private drain connection and Class "A" Pavement on Arthur Street from Retta Street to Glenholme Drive under Section 3 of the Municipal Act, 2001, Ontario Regulation 586/06 be read a FIRST and SECOND time in open council this 8th day of November , 2010.

A report from the Design and Construction Engineer was on the agenda.

- m) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-166

Resolved that by-law 2010-166 being a by-law to authorize the construction of sanitary sewer, private drain connection and Class "A" pavement on Glenholme Drive from Wellington Street East to Arthur Street under Section 3 of the Municipal Act, 2001, Ontario Regulation 586/06 be read a FIRST and SECOND time in open Council this 8th day of November, 2010.

A report from the Design and Construction Engineer was on the agenda.

- n) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-167

Resolved that By-law 2010-167 being a by-law to authorize the construction of sanitary sewer, private drain connection and Class "A" Pavement on John Street from Wellington Street West to Conmee Avenue under Section 3 of the Municipal Act, 2001, Ontario Regulation 586/06 be read a FIRST and SECOND time in open Council this 8th day of November 2010

By-laws before Council for **THIRD** reading which do not require more than a simple majority

Lane Closing

- o) Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers

2010-130

Resolved that By-law 2010-130 being a by-law to stop up, close and authorize the conveyance of a lane in the Markretta "B" Subdivision, Plan 52553 be read a THIRD TIME and PASSED this 8th day of November, 2010.

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**

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that this Council shall now adjourn. CARRIED

"Debbie Amaroso"

MAYOR

"Malcolm White"

CITY CLERK