

## **AGENDA**

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

**2010 05 10**

**4:30 P.M.**

### **COUNCIL CHAMBERS**

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

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

Resolved that the Minutes of the Regular Council Meeting of 2010 04 26 and the Budget Meeting of 2010 04 28 be approved.

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

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

Mover - Councillor D. Celetti  
Seconder - Councillor T. Sheehan

Resolved that the Agenda for the 2010 05 10 City Council Meeting as presented be approved.

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

- (a) Kerry Foster will be in attendance concerning Proclamation – Falun Dafa Day.
- (b) Tracy MacDonald, Vice President, Chief Operating Officer S.A.H. will be in attendance concerning Proclamation – Nursing Week.
- (c) Jennifer Parrella, Early Years Educator, Child Care Algoma will be in attendance concerning Proclamation – Multiple Birth Awareness Day.
- (d) Denny Wilkinson and Gerry Oullette will be in attendance concerning the 50<sup>th</sup> Anniversary of the "Cross on the Hill". Please also see agenda item 7. (a).
- (e) Don Maki, Chief Building Official will be in attendance concerning agenda item 6. (3)(a) – Best Practices Complaint Tracking System.
- (f) Richard Craftchick, Chair – PRAC sub-committee will be in attendance concerning agenda item 6. (2)(a) Pool Time Allocation.

## **PART ONE – CONSENT AGENDA**

5.

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

Mover - Councillor F. Fata  
Seconder - Councillor T. Sheehan

Resolved that all the items listed under date 2010 05 10 Part One - Consent Agenda be approved as recommended.

- (a) Correspondence from the City of Ottawa (concerning tax ratios) is attached for the information of Council.
- (b) A letter from the Ambassador of the Republic of Poland responding to the recent resolution of Council is attached for the information of Council.
- (c) Correspondence from Algoma Public Health concerning an Environmental Public Health School is attached for the consideration of Council.

Mover - Councillor D. Celetti  
Seconder - Councillor S. Myers

Resolved that City Council supports the creation of an International School of Environmental Public Health between Sault Sainte Marie, Michigan (LSSU) and Sault Ste. Marie, Ontario (Sault College) as outlined in the correspondence from the Medical Officer of Health.

- (d) A letter from President and Chief Administrative Officer, Municipal Property Assessment Corporation (MPAC) concerning a tentative settlement with MPAC's unionized workforce is attached for the information of Council.
- (e) An agenda for an upcoming public meeting concerning multi-residential refuse and recycling is attached for the information of Council.

#### **(f) Staff Travel Requests**

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

Mover - Councillor D. Celetti  
Seconder - Councillor T. Sheehan

Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2010 05 10 be approved as requested.

#### **(g) Tender for Ready-Mix Concrete**

A report of the Manager of Purchasing is attached for the consideration of Council.

5. (g) Mover - Councillor F. Fata  
Seconder - Councillor S. Myers  
Resolved that the report of the Manager of Purchasing, dated 2010 05 10 be endorsed and that the tender for the supply and delivery of Ready-Mix Concrete, required by the Public Works & Transportation Department, be awarded as recommended.
- (h) **Tender for 7,500 Tonnes Bulk Coarse Highway Salt**  
A report of the Manager of Purchasing is attached for the consideration of Council.  
  
Mover - Councillor D. Celetti  
Seconder - Councillor S. Myers  
Resolved that the report of the Manager of Purchasing, dated 2010 05 10 be endorsed and that the tender for the supply and delivery of Bulk Coarse Highway Salt, required by the Public Works & Transportation Department, be awarded as recommended.
- (i) **Tender for Asphaltic Concrete**  
A report of the Manager of Purchasing is attached for the consideration of Council.  
  
Mover - Councillor F. Fata  
Seconder - Councillor T. Sheehan  
Resolved that the report of the Manager of Purchasing, dated 2010 05 10 be endorsed and that the tender for the supply of Asphaltic Concrete, required by the Public Works & Transportation Department, be awarded as recommended.
- (j) **Tender for Board and Glass Replacement – John Rhodes Community Centre, Arena I**  
A report of the Manager of Purchasing is attached for the consideration of Council.  
  
Mover - Councillor D. Celetti  
Seconder - Councillor S. Myers  
Resolved that the report of the Manager of Purchasing, dated 2010 05 10 be endorsed and that the tender for the Board and Glass Replacement – John Rhodes Community Centre, Arena I, required by the Community Services Department, be awarded as recommended.
- (k) **Contract 2010-4E – Broadview Drive Storm Sewer – Arden Street to Atwater Street**  
A report of the Design & Construction Engineer is attached for the consideration of Council. The relevant By-law 2010-95 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

5. (l) **Annual Fee Report – Proposed Fee Changes and Changes to the Building By-law 2008-148**  
A report of the Chief Building Official is attached for the consideration of Council. The relevant By-law 2010-90 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (m) **2010 Capital Construction Program - Update**  
A report of the Director of Engineering Services is attached for the consideration of Council.  
  
Mover - Councillor D. Celetti  
Seconder - Councillor S. Myers  
Resolved that the report of the Director of Engineering Services dated 2010 05 10 concerning 2010 Capital Construction Program – Update be accepted as information.
- (n) **City Renewal of the Continuous Safety Services Agreement with the Electrical Safety Authority**  
A report of the City Solicitor is attached for the consideration of Council. The relevant By-law 2010-70 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.
- (o) **Joint and Several Liability – Request From AMO for a Resolution from Municipalities**  
A report of the City Solicitor is attached for the consideration of Council.  
  
Mover - Councillor F. Fata  
Seconder - Councillor S. Myers  
Resolved that the report of the City Solicitor dated 2010 05 10 be accepted and the recommendations that “The Corporation of the City of Sault Ste. Marie supports the Association of Municipalities of Ontario in its efforts to seek joint and several liability reform in Ontario and calls on the Provincial Government to pursue much needed changes to the Negligence Act” be approved.
- (p) **Bill 16 – OHIP Subrogation**  
A report of the City Solicitor is attached for the consideration of Council.  
  
Mover - Councillor F. Fata  
Seconder - Councillor S. Myers  
Resolved that the report of the City Solicitor dated 2010 05 10 be accepted and that the Corporation of the City of Sault Ste. Marie advise David Orazietti MPP and Premier Dalton McGuinty that the City opposes the change in the wording of section 30(5) of the Health Insurance Act as proposed in schedule 10 of Bill 16 (Creating the Foundation for Jobs and Growth Act, 2010).

5. (q) **Community Development Award**  
A report of the Planning Advisory Committee is attached for the consideration of Council.
- Mover - Councillor D. Celetti  
Seconder - Councillor T. Sheehan  
Resolved that the report of the Planning Division dated 2010 05 10 concerning the Community Development Award be accepted and the Planning Advisory Committee's Recommendation that City Council award the 2010 Community Development Award to Essar Steel Algoma's Welded Shapes and Profile's Division, for significant building and site improvements that have transformed the property to an aesthetically pleasing functioning industrial site, be endorsed.
- (r) **Costs Associated with Preparing the East End Snow Dump for a Sunflower Crop**  
A report of the Deputy Commissioner, Public Works and Transportation is attached for the consideration of Council.
- Mover - Councillor F. Fata  
Seconder - Councillor S. Myers  
Resolved that the report of the Deputy Commissioner, Public Works and Transportation dated 2010 05 10 concerning Costs Associated with Preparing the East End Snow Dump for a Sunflower Crop be accepted and the recommendation to postpone this initiative until further review confirms the feasibility of the plan, be approved.
- (s) **Proposed Opening of Landfill on Saturday's During March**  
A report of the Deputy Commissioner, Public Works and Transportation is attached for the consideration of Council.
- Mover - Councillor F. Fata  
Seconder - Councillor T. Sheehan  
Resolved that the report of the Deputy Commissioner, Public Works and Transportation dated 2010 05 10 concerning Proposed Opening of Landfill on Saturday's During March be accepted and the recommendation not to open the landfill site during Saturdays in March, be approved.
- (t) **Provincial Approval of Funding for Aqueduct Repair Beneath Farwell Terrace**  
A report of the General Manager, Sault Ste. Marie Region Conservation Authority is attached for the information of Council.
- Mover - Councillor F. Fata  
Seconder - Councillor T. Sheehan

5. (t) Resolved that the report of the General Manager, Sault Ste. Marie Region Conservation Authority dated 2010 04 26 concerning Provincial Approval of Funding for Aqueduct Repair Beneath Farwell Terrace, be accepted as information.

## **PART TWO – REGULAR AGENDA**

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

#### **6. (2) COMMUNITY SERVICES**

##### **(a) Pool Time Allocation**

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

Mover - Councillor S. Myers

Seconder - Councillor F. Fata

Resolved that the report of the Commissioner Community Services and the PRAC subcommittee concerning Pool Time Allocation be accepted and the recommendation that:

1. That the existing Sault Ste. Marie Aquatic Club, City lessons and the Aquabics programs not have pool time taken away from their programs for allocation to the Northern Storm Aquatic Club.
2. That the Northern Storm Aquatic Club be offered either four (4) lanes for training during the Monday Lane Swim (8:15 to 9:30 p.m.) OR four (4) lanes for training during the Lane Swim program on Wednesdays (8:15 to 9:30 p.m.)
3. That the Northern Storm Aquatic Club be encouraged to pursue additional pool time at other aquatic facilities (YMCA, Norris Centre)
4. That the implementation of any changes commence in September, 2010, be approved.

#### **6. (3) ENGINEERING**

##### **(a) Best Practices Complaint Tracking System**

A report of the Chief Building Official is attached for the information of Council.

Mover - Councillor D. Celetti

Seconder - Councillor T. Sheehan

Resolved that the report of the Chief Building Official, dated 2010 05 10 concerning Best Practices Complaint Tracking System be accepted as information.

6. (6) **PLANNING**

- (a) **Application No. A-7-10-OP – Denis Pepin – Located 165 Avery Road – Requesting Official Plan Amendment to Create Seven New Rural Residential Lots**

A report of the Planning Division is attached for the consideration of Council.

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

Resolved that the report of the Planning Division dated 2010 05 10 concerning Application No. A-7-10-OP – Denis Pepin be accepted and the Planning Director's Recommendation that City Council deny the applicant's request to amend Rural Area Policy 11 of the Official Plan to create seven (7) new rural residential lots on the subject property, be endorsed.

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

- (a) **Sault Ste. Marie Trade Mission to Italy**

The business plan for this event authored by the Economic Development Corporation is attached for the direction of Council.

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

- (a) Mover - Councillor S. Myers  
Seconder - Councillor L. Turco

Whereas the "Cross on the Hill", located on Moffly Hill at 250 St. Georges Avenue, is the presumed site of a Cedar Cross erected in 1672; and

Whereas in 1960 a dedicated group of people erected the current "Cross on the Hill" which sits at the approximate geographic centre of North America; and

Whereas the lit Cross at 120 feet high, can be seen by all approaching from the U.S. and Canadian sides of the border, and stands as an International Symbol of Spiritual Unity; and

Whereas for fifty years, all approaching the twin Saults have been welcomed to our area by this symbol of God's Love and Blessing; and

Whereas many volunteers have worked faithfully to maintain the sacred grounds around the Cross and have provided an Oasis of Peace Garden at the base of the Cross with benches for contemplation or rest after a leisurely walk; and

Whereas free public access exists twenty-four hours a day, year round;  
Therefore Be It Resolved that all members of the community come together at the Cross on the Hill on Sunday, May 30, 2010 for an Ecumenical Service of Praise and Worship led by the Full Gospel Businessmen to Celebrate the 50<sup>th</sup> Anniversary of the Cross on the Hill; and

7. (a) Further Be It Resolved that on behalf of the community, City Council extends its hearty congratulations and appreciation to all involved in maintaining this important symbol of Peace in our community.
- (b) Mover - Councillor P. Mick  
Seconder - Councillor S. Myers  
Whereas hockey is a Canadian sport; and  
Whereas players with Sault Ste. Marie connections are playing worldwide; and  
Whereas four of these players recently helped the Asiago Lions win the Division Championship in Italy;  
Therefore Be It Resolved that Sault Ste. Marie City Council congratulates David Borrelli, John Porco, Ralph Intranuovo, and Nick Plastino on their accomplishments.
- (c) Mover - Councillor P. Mick  
Seconder - Councillor B. Hayes  
Whereas residents of Killarney Road are very concerned about a traffic and safety hazard caused by patrons of a nearby restaurant parking on their street, impeding ease of exit and entrance from driveways, parking on both sides of the street, making it difficult for one car to negotiate the street;  
Therefore Council requests that the Traffic Division of P.W.T. investigate the situation and report back with any possible solutions.
- (d) Mover - Councillor J. Caicco  
Seconder - Councillor S. Butland  
Whereas there continues to be problems with loitering, vandalism, and mischief in neighbourhood playgrounds throughout the city; and  
Whereas the complaints from the activities of Birchwood Park match all other playgrounds in the area combined; and  
Whereas in some instances due to the configuration of the park, enforcement by the Police Department is difficult and ongoing problems persist; and  
Whereas this problem adversely affects the neighbours and the enjoyment of the park for residents of the Community;  
Therefore Be It Resolved, City Staff review the Park in its entirety, looking into all aspects of the design of the Park in order to reduce the problems that continue to be present in the area.
- (e) Mover - Councillor S. Butland  
Seconder - Councillor J. Caicco  
Be It Resolved that the Commissioner of Finance prepare a report on a recommendation(s) for a one-time funding allocation for the \$300,000. surplus as cited in the Building Permit Reserve Fund. (Agenda Item 5. (I)).

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) 2010-70 A by-law to authorize an agreement with the City and the Electrical Safety Authority.  
A report from the City Solicitor is on the agenda.
- (b) 2010-88 A by-law to authorize an agreement between the City and the Sault Ste. Marie Innovation Centre for the provision of integrated geomatics services.  
Approved by Council on April 26, 2010.
- (c) 2010-95 A by-law to authorize a contract between the City and R. M. Belanger Limited for the construction of a storm sewer on Broadview Drive from Arden Street to Atwater Street including road and property restoration (Contract 2010-4E).  
A report from the Design & Construction Engineer is on the agenda.

**BUILDING**

- (d) 2010-90 A by-law to amend By-law 2008-148 (a by-law respecting construction, demolition and change of use permits, inspections and related matters for the City of Sault Ste. Marie).  
A report from the Chief Building Official is on the agenda.

**DEVELOPMENT CONTROL**

- (e) 2010-98 A by-law to designate the lands located at 392 Second Line West as an area of site plan control (Fata).

**FEES**

- (f) 2010-87 A by-law to increase minor variance application fees for commercial, industrial or institutional zoned applications and to repeal By-law 2000-165 and By-law 2006-45.

### **REGULATIONS**

- (g) 2010-89 A by-law to amend By-laws 80-200 and By-law 4100 dealing with the exemption from the noise control by-laws for various events to be held at the Airport Fairgrounds.

### **TEMPORARY STREET CLOSING**

- (h) 2010-96 A by-law to authorize the temporary closing of Broadview Drive from Arden Street to Atwater Street from May 25, 2010 until October 31, 2010 to facilitate construction of a storm sewer.

### **ZONING**

- (i) 2010-97 A by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning the lands located at 392 Second Line West (Fata).

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 D. Celetti  
Seconder - Councillor T. Sheehan  
Resolved that this Council shall now adjourn.

---

**MAYOR**

---

**CLERK**

**MINUTES**

**REGULAR MEETING OF CITY COUNCIL**

**2010 04 26**

**4:30 P.M.**

**COUNCIL CHAMBERS**

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

**ABSENT:** Mayor J. Rowswell (illness)

**OFFICIALS:** J. Fratesi, M. White, N. Apostle, J. Elliott, B. Freiburger, J. Dolcetti, D. McConnell, N. Kenny, M. Provenzano, F. Coccimiglio

**1. ADOPTION OF MINUTES**

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

Resolved that the Minutes of the Regular Council Meeting of 2010 04 12 be approved. CARRIED.

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

**3. APPROVE AGENDA AS PRESENTED**

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

Resolved that the Agenda for the 2010 04 26 City Council Meeting as presented be approved. CARRIED.

**4. DELEGATIONS/PROCLAMATIONS**

- (a) Joe Krmpotich, Executive Board Member of Sault Ste. Marie & District Labour Council and USW Local 2251 Union Coordinator was in attendance concerning Proclamation – Day of Mourning

4. (b) Bill Howe, Communication Technology Program teacher as well as Dan Viotto V.P. of St. Mary's College accompanied by students, past and present, presented a premiere showing of an environmental video highlighting some Sault Ste. Marie initiatives.
- (c) Terry Caporossi, Regional Supervisor Client Services was in attendance concerning Proclamation – May Vision Month.
- (d) Lisa Chlebus, Chair of Community Living Algoma's Council was in attendance concerning Proclamation – Community Living Awareness Week.
- (e) Dr. Lynn Ryan MacKenzie, Executive Director of Algoma Family Services was in attendance concerning Proclamation – Children's Mental Health Week.
- (f) Margaret Nicholson – Representative of Elks and Royal Purple was in attendance concerning Proclamation – Hearing & Speech and Hearing Awareness Month.
- (g) A representative of Child Find was in attendance concerning Proclamation – Missing Children's Month.
- (h) Diane Morrell, Regional Services Coordinator – Canadian Paraplegic Association Ontario was in attendance concerning agenda item 5. (c).
- (i) Chief Petty Officer Debbie Eisan was in attendance concerning agenda item 5. (d).
- (j) Debbie Amaroso, Chair and Mary Jane Yorke, Coordinator, Sault Ste. Marie Physician Recruitment and Retention Committee were in attendance concerning agenda item 6.(8)(a).
- (k) Ken Coulter was in attendance concerning agenda item 7. (b).
- (l) Cathy and Dennis Pepin were in attendance concerning agenda item 6. (6)(a).
- (m) Frank Fata was in attendance concerning agenda item 6. (6)(b).

### **PART ONE – CONSENT AGENDA**

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

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

5. Resolved that all the items listed under date 2010 04 26 Part One - Consent Agenda be approved as recommended. CARRIED.
- (a) Correspondence from MMAH, OGRA and ADMA was received by Council.
  - (b) Correspondence from the City of Oshawa (concerning the Public Sector Salary Disclosure Act) was received by Council.
  - (c) Correspondence from the Canadian Paraplegic Association Ontario concerning the Chair-Leader Program was received by Council.
  - (d) Correspondence from the Director Navy Public Affairs concerning the Namesake Community Partner Ship Program was received by Council.
  - (e) Correspondence from Ontario Lottery and Gaming advising that the quarterly payment of the 5% allocation from January 1, 2010 to March 31, 2010 is \$347,646.85 was received by Council.

Moved by - Councillor T. Sheehan  
Seconded by - Councillor S. Butland

Whereas the Casino Sault Ste. Marie has been in operation for a number of years;

And Whereas a "partnership" was created when the Casino was located in Sault Ste. Marie which gave 5% of the slot revenue to the City;

And Whereas the City's revenue from this partnership has decreased by 23 percent since 2003 for a variety of reasons;

Now Therefore Be It Resolved that the Province of Ontario be requested to review this downward trend and the City of Sault Ste. Marie's revenue share be increased to 8%. CARRIED.

Councillor B. Hayes declared a pecuniary interest – employed by the Ontario Lottery and Gaming Corporation.

- (f) A letter from the General Manager, NetCentral Community Communications Network was received by Council.
- (g) A letter from President and Chief Administrative Officer, Property Assessment Corporation (MPAC) (concerning service delivery of MPAC) was received by Council.

(h) **Council Travel**

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

5. (h) Resolved that Councillor Lou Turco be authorized to travel to the FONOM Annual Meeting being held in Kapuskasing (3 days in May) at an estimated cost to the City of \$525.00 and the Northern Ontario School of Medicine Retreat being held in Elk Lake (3 days in May) at no cost to the City. CARRIED.
- (i) **Staff Travel Requests**  
The report of the Chief Administrative Officer was accepted by Council.  
  
Moved by - Councillor L. Turco  
Seconded by - Councillor B. Hayes  
Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2010 04 26 be approved as requested. CARRIED.
- (j) **Tender for Seasonal Security (2010CT01)**  
The report of the Manager of Purchasing was accepted by Council.  
  
Moved by - Councillor L. Turco  
Seconded by - Councillor B. Hayes  
Resolved that the report of the Manager of Purchasing, dated 2010 04 26 be endorsed and that the tender for Seasonal Security Service, required by various City Departments, be awarded as recommended. CARRIED.
- (k) **Quotation for Maintenance Hole and Catchbasin Frames & Covers**  
The report of the Manager of Purchasing was accepted by Council.  
  
Moved by - Councillor L. Turco  
Seconded by - Councillor B. Hayes  
Resolved that the report of the Manager of Purchasing, dated 2010 04 26, be endorsed and that the quotation for the supply and delivery of Maintenance Hole and Catchbasin Frames & Covers, required by the Public Works & Transportation Department, be awarded as recommended. CARRIED.
- (l) **Registration of Tax Arrears Certificate and Sale**  
The report of the City Tax Collector was accepted by Council.  
  
Moved by - Councillor L. Tridico  
Seconded by - Councillor B. Hayes  
Resolved that the report of the City Tax Collector be accepted to commence Tax Sale Proceedings in accordance with the report. CARRIED.
- (m) **Queenstown Board of Management (O/A The Downtown Association) 2010 Budget Estimates and 2009 Audit Report**  
The report of the Commissioner of Finance and Treasurer was accepted by Council.

5. (m) Moved by - Councillor L. Tridico  
Seconded by - Councillor B. Hayes  
Resolved that City Council acknowledge receipt of the Queenstown Board of Management (O/A The Downtown Association) Audit for the year 2009, as prepared by KPMG LLP Chartered Accountants and that Council approve the Downtown Association Budget Estimates for the year 2010. CARRIED.
- (n) **Contract 2010-2E – Third Line Extension – Fort Creek Ravine to Peoples Road**  
The report of the Design & Construction Engineer was accepted by Council. The relevant By-laws 2010-84 and 2010-85 are listed under Item 10 of the Minutes.
- (o) **Sault Ste. Marie Municipal Landfill Site Purge Well Maintenance and Replacement**  
The report of the Land Development & Environmental Engineer was received by Council.  
Moved by - Councillor L. Tridico  
Seconded by - Councillor B. Hayes  
Resolved that the report of the Land Development & Environmental Engineer dated 2010 04 26 concerning Landfill Purge Well Maintenance and Replacement be accepted and the recommendation to undertake the emergency work program outlined in the report at an estimated cost of \$45,000 with funding from the Landfill Site Reserve be approved. CARRIED.
- (p) **7 Westridge Road**  
The report of the Chief Building Official was accepted by Council.  
Moved by - Councillor L. Tridico  
Seconded by - Councillor B. Hayes  
Resolved that the report of the Chief Building Official/Property Standards Officer dated 2010 04 26 concerning Civic No. 7 Westridge Road be accepted and the recommendation that the Corporation hire the forces necessary to remove all exterior brickwork that is dislodged and shore the dwelling to make safe as a temporary measure and that time, if further assessment reveals that a permanent restoration is not possible by the owner, then the City undertakes to have the structure demolished; cost of this action will be added to the taxes of the subject property, be approved. CARRIED.
- (q) **Fire Services' Revised Deployment Plan**  
The report of the Fire Chief was accepted by Council.  
Moved by - Councillor L. Turco  
Seconded by - Councillor B. Hayes

5. (q) Resolved that the report of the Fire Chief dated 2010 04 26 concerning Fire Services' Revised Deployment Plan, be accepted as information. CARRIED.
- (r) **Martin's Trailers 626 Fifth Line East**  
The report of the Assistant City Solicitor was accepted by Council.  
  
Moved by - Councillor L. Turco  
Seconded by - Councillor B. Hayes  
Resolved that the report of the Assistant City Solicitor dated 2010 04 26 concerning Martin's Trailers 626 Fifth Line East, be accepted as information. CARRIED.
- (s) **Amendment to Cemetery By-law #99-208**  
The report of the Manager, Cemeteries Division was accepted by Council. The relevant By-law 2010-80 is listed under Item 10 of the Minutes.
- (t) **A By-law to Authorize a Policy for Sault Ste. Marie Transit Services**  
The report of the Transit Manager, Public Works and Transportation was accepted by Council. The relevant By-law 2010-79 is listed under Item 10 of the Minutes.
- (u) **Ontario Heritage Act Registration – 162 Cathcart**  
The report of the Chair, Sault Ste. Marie Municipal Heritage Committee was accepted by Council.  
  
Moved by - Councillor L. Turco  
Seconded by - Councillor B. Hayes  
Resolved that the report of Chair, Sault Ste. Marie Municipal Heritage Committee dated 2010 04 26 concerning Ontario Heritage Act Registration – 162 Cathcart Street be accepted and the recommendation that the residence at 162 Cathcart Street be removed from being registered under Part IV of the Ontario Heritage Act sub-section 21(1.2) as having cultural value or interest be approved. CARRIED.
- (v) **GIS Proposed Increase Cost and Payment**  
The report of the Manager, Information Technology Division was accepted by Council.  
  
Moved by - Councillor L. Tridico  
Seconded by - Councillor B. Hayes  
Resolved that the report of the Manager, Information Technology Division dated 2010 04 26 concerning GIS Proposed Increase Cost and Payment be accepted and the recommendation that:  
1. The proposed contract between the City and the Innovation Centre for the next five years.

5. (v)      2. Information Technology Division become the administrator of this contract along with the "point of contact" for the Innovation Centre GIS services.  
              3. Finance Breakdown:  
                  a. Maintain current budget allocation of \$253,000.  
                  b. 9% of the total cost comes from the Building Permit Reserve Fund.  
                  c. Remaining balance funded from the Sanitary Sewer Surcharge.  
be approved. CARRIED.
- (w)     The letter from Denise Savoie, MP (NDP) concerning Federal legislation for transit and other green commuter choices was received by Council.
- (x)     The letter requesting permission for a private property liquor license extension was received by Council.

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

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

Docks Riverfront Grill

89 Foster Drive

July 1, July 4 and August 28, 2010 from 12:00 noon to 2:00 a.m.

August 29, 2010 from 12:00 noon to 11:00 p.m. CARRIED.

(y) **Elton John Ticket Sales**

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

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

Resolved that the report of the Commission of Community Services dated 2010 04 26, be accepted as information. CARRIED.

## **PART TWO – REGULAR AGENDA**

6.            **REPORTS OF CITY DEPARTMENTS; BOARDS AND COMMITTEES**
6. (6)       **PLANNING**
- (a)       **Application No. A-7-10-OP – Denis Pepin – Located 165 Avery Road – Requesting Official Plan Amendment to Create Seven New Rural Residential Lots**  
The report of the Planning Division dated 2010 04 26 was accepted by Council.

6. (6)(a) Moved by - Councillor L. Tridico  
Seconded by - Councillor B. Hayes

Resolved that the report of the Planning Division dated 2010 04 26 concerning Application No. A-7-10-OP – Denis Pepin – 165 Avery Road be accepted and the Planning Director's recommendation that City Council deny the applicant's request to amend Rural Area Policy 11 of the Official Plan to create seven (7) new rural residential lots on the subject property, be endorsed. DEFERRED FOR TWO WEEKS.

(b) **Application No. A-8-10-Z – Frank Fata – Located 392 Second Line West Requesting Rezoning from R.3 (Low Density Residential) to C.4 (General Commercial) to Permit a Chiropractor Clinic**

The report of the Planning Division dated 2010 04 26 was accepted by Council.

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

Resolved that the report of the Planning Division dated 2010 04 26 concerning Application No. A-8-10-Z – Frank Fata – 392 Second Line West be accepted and the Planning Director's Recommendation that City Council approve the application and rezone the subject property from "R.3" (Low Density Residential) zone to "C.4" (General Commercial) zone, subject to the following Special Exception:

- a) That the buffering requirements outlined in Section 4.9 of Zoning By-law 2005-150 are hereby waived for any office uses conducted within the existing building upon the subject property, and further;
- b) That a 5m strip across the frontage be transferred to the City for future road widening purposes; and further
- c) That Council designate the property as subject to Site Plan Control, be endorsed. CARRIED.

Councillor J. Caicco declared a pecuniary interest – applicant is a client of real estate firm.

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

(a) **Sault Ste. Marie Physician Recruitment and Retention**

The report of the Physician Recruitment and Retention Office – April 2010 was received by Council.

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

Resolved that the report of the Sault Ste. Marie Physician Recruitment and Retention Office dated April 2010 concerning the Sault Ste. Marie Physician Recruitment and Retention Activity Report and Proposed 2010/2011 Budget

6. (8)(a) request to the City in the amount of \$464,850.00 for the period April 1, 2010 to March 31, 2011 BE REFERRED to the 2010 Budget deliberations for Council's consideration and decision. CARRIED.

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

- (a) Moved by - Councillor F. Fata  
Seconded by - Councillor D. Celetti  
Whereas a request has been received from the Algoma Residential Community Hospice (ARCH) for signage on Fourth Line to the east and to the west of the entrance to the hospice to assist the public in identifying/accessing the property; Now Therefore Be It Resolved that appropriate staff report back to Council as to the feasibility and costs of providing this signage. CARRIED.
- (b) Moved by - Councillor T. Sheehan  
Seconded by - Councillor S. Myers  
Whereas graffiti negatively affects the entire community of Sault Ste. Marie; And Whereas the City has been working with the Police, Citizens, Community Quality Initiative (CQI) and other organizations to lower the incidence of graffiti in Sault Ste. Marie;  
Now Therefore Be It Resolved that City Council receives a verbal report on a program which works with young offenders to reduce the incidents of graffiti by having the individuals guilty of graffiti related crimes having to remove graffiti in the City of Sault Ste. Marie as part of their rehabilitation;  
And Further that CQI be requested to implement such a program in the City of Sault Ste. Marie. CARRIED.
- (c) Mover - Councillor J. Caiocco  
Seconder - Councillor S. Butland  
Whereas it has been over twenty years since the City of Sault Ste. Marie Sign By-law has been comprehensively reviewed and more than ten years since it was last amended; and  
Whereas there continues to be many outstanding issues regarding billboards and portable signs and emerging issues with respect to new digital signage; and Whereas the existing By-law when written, did not anticipate the possible use of digital electronic technology for portable and permanent signage and therefore the control of such signage is questionable , at best;  
Now Therefore Be It Resolved that the City's Planning Division be asked to report back to Council with recommendations on a Committee of Council reviewing the current By-law with a view to including the regulation of all types of signage throughout various locations of the City. CARRIED.
- (d) Mover - Councillor B. Hayes  
Seconder - Councillor S. Butland

7. (d) Whereas the Public Salary Disclosure Act commonly known as the Sunshine List became law in 1996; and  
Whereas the Public Salary Disclosure Act requires organizations that receive public funding from the province of Ontario to disclose annually the names, positions, salaries and total taxable benefits of employees paid \$100,000 or more annually; and  
Whereas since 1997 the annual rate of inflation has averaged 2.1%; and  
Whereas the value of \$100,000 in 1997 is closer to 131,000 in 2009 dollars;  
Now Therefore Be It Resolved that the council of the City of Sault Ste. Marie request the Premier of the Province of Ontario to enact legislation to adjust the required salary disclosure level to approximately \$131,000 to account for the impact of inflation;  
And Furthermore that this disclosure level be adjusted accordingly every 5 years. CARRIED.

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

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

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

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

Resolved that all the by-laws listed under Item 10 of the Agenda under date 2010 04 26 be approved. CARRIED.

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

Resolved that By-law 2010-56 being a by-law to authorize the construction of a concrete sidewalk on Second Line East from Great Northern Road to Old Garden River Road under Section 3 of the Municipal Act, 2001, Ontario Regulation 586/06 be read a THIRD time and PASSED in open Council this 26<sup>th</sup> day of April, 2010. CARRIED.

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

Resolved that By-law 2010-74 being a by-law to amend the TEXT and certain schedules to Sault Ste. Marie Zoning By-law 2005-150 be PASSED in Council this 26th day of April, 2010. CARRIED.

10.

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

Resolved that By-law 2010-79 being a by-law to authorize a policy for Sault Ste. Marie Transit Services be PASSED in Council this 26th day of April, 2010. CARRIED.

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

Resolved that By-law 2010-80 being a by-law to authorize amendments to the text and the tariff rates of By-law 99-208 be PASSED in Council this 26th day of April, 2010. CARRIED.

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

Resolved by By-law 2010-81 being a by-law to instruct the City Solicitor to apply to the Ontario Municipal Board for an order to alter the boundaries of the urban service area be PASSED in Council this 26th day of April, 2010. CARRIED.

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

Resolved that By-law 2010-82 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 Council this 26th day of April, 2010. CARRIED.

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

Resolved that By-law 2010-83 being a by-law to assume for public use and establish as public streets various parcels of land conveyed to the City be PASSED in Council this 26th day of April, 2010. CARRIED.

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

Resolved that By-law 2010-84 being a by-law to authorize a contract between the City and Palmer Construction Group Inc. for the Third Line extension – Fort Creek Ravine to Peoples Road (Contract 2010-2E) be PASSED in Council this 26th day of April, 2010. CARRIED.

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

Resolved that By-law 2010-85 being a by-law to permit the temporary street closing of Third Line East from the Fort Creek Ravine to Peoples Road for extended periods when necessary between April 27, 2010 to September 30, 2011 for road extension/reconstruction be PASSED in Council this 26th day of April, 2010. CARRIED.

10. Moved by Councillor L. Turco  
Seconded by Councillor P. Mick  
Resolved that By-law 2010-86 being a by-law to authorize an agreement between the City, the City of Sault Ste. Marie Physician Recruitment and Retention Committee, Group Health Centre, Sault Area Hospital and Algoma West Academy of Medicine for the continued recruitment of physicians and health care professionals be PASSED in Council this 26th day of April, 2010.  
CARRIED.

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

12. **ADDENDUM TO THE AGENDA**

Mover - Councillor L. Turco  
Seconder - Councillor B. Hayes  
Resolved that the Addendum for the 2010 04 26 City Council meeting as presented be approved.

13. **ADJOURNMENT**

Moved by - Councillor L. Turco  
Seconded by - Councillor B. Hayes  
Resolved that this Council shall now adjourn. CARRIED.

---

MAYOR

---

CLERK

**MINUTES**

**BUDGET MEETING OF CITY COUNCIL**

**2010 04 28**

**3:00 P.M.**

**COUNCIL CHAMBERS**

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

**ABSENT:** Councillor D. Celetti (work)

**OFFICIALS:** J. Fratesi, M. White, L. Bottos, J. Elliott, S. McLellan, B. Freiburger, S. Schell, N. Apostle, J. Dolcetti, M. Provenzano, B. Strapp, J. Luszka, D. Elliott, A. McRae, B. Davies, P. Liepa, L. Whalen, J. Bruzas, E. Rossnagel

**1. Yearend Reserve Transfers**

The report of the Commissioner of Finance and Treasurer was received by Council.

Moved by - Councillor L. Tridico

Seconded by - Councillor P. Mick

Resolved that the report of the Commissioner of Finance and Treasurer dated 2010 04 28 concerning Yearend Transfers to Reserves be accepted and the recommendations contained therein be approved. CARRIED.

**2. 2010 Budget**

The reports of the Chief Administrative Officer, the Commissioner of Finance and Treasurer and the Manager of Budgets were received by Council.

Moved by - Councillor L. Turco

Seconded by - Councillor B. Hayes

Resolved that City Council now proceed into the Committee of the Whole to consider the following matter referred to it for consideration – 2010 Budget Deliberations. CARRIED.

Councillor L. Turco declared a pecuniary interest on any budget discussion relating to Police Services – spouse employed by Police Services.

Moved by - Councillor L. Tridico

Seconded by - Councillor P. Mick

Resolved that the Committee of the Whole Council now rise and report on the matter referred to it by City Council – 2010 Budget Deliberations. CARRIED.

Moved by - Councillor L. Turco  
Seconded by - Councillor B. Hayes  
Resolved that City Council reconsider the matter previously dealt with – Economic Development Corporation – Accountability Agreement. DEFEATED

Moved by - Councillor L. Tridico  
Seconded by - Councillor F. Fata  
Resolved that City Council eliminate continued support for the Economic Development Corporation (EDC) in the amount of \$934,435. OFFICIALLY READ NOT DEALT WITH.

Moved by - Councillor L. Tridico  
Seconded by - Councillor F. Fata  
Resolved that City Council delete Council travel in the amount of \$21,365. DEFEATED.

Recorded Vote

For: Councillors L. Tridico, F. Fata, F. Manzo

Against: Mayor J. Rowswell, Councillors J. Caicco, L. Turco, B. Hayes, O. Grandinetti, S. Myers, T. Sheehan, S. Butland, P. Mick

Absent: Councillor D. Celetti

Moved by - Councillor L. Tridico  
Seconded by - Councillor F. Fata

Resolved that City Council eliminate funding to the Clerk's Department for Council Expenses in the Amount of \$10,000 – Council meeting meals. DEFEATED.

Recorded Vote

For: Councillors L. Tridico, F. Fata, F. Manzo

Against: Mayor J. Rowswell, Councillors J. Caicco, L. Turco, B. Hayes, O. Grandinetti, S. Myers, T. Sheehan, S. Butland, P. Mick

Absent: Councillor D. Celetti

Moved by - Councillor L. Tridico  
Seconded by - Councillor F. Fata

Resolved that City Council delete continued funding for Council communications in the amount of \$11,717. DEFEATED.

Recorded Vote

For: Councillors L. Tridico, F. Fata, F. Manzo

Against: Mayor J. Rowswell, Councillors J. Caicco, L. Turco, B. Hayes, O. Grandinetti, S. Myers, T. Sheehan, S. Butland, P. Mick

Absent: Councillor D. Celetti

Moved by - Councillor L. Tridico

Seconded by - Councillor F. Fata

Resolved that City Council eliminate continued support for Destiny Sault Ste. Marie in the amount of \$30,000. WITHDRAWN BY MOVER AND SECONDER.

Moved by - Councillor L. Turco

Seconded by - Councillor P. Mick

Resolved that City Council reconsider the matter previously dealt with – Innovation Centre – Accountability Agreement. DEFEATED

Moved by - Councillor L. Tridico

Seconded by - Councillor F. Fata

Resolved that City Council eliminate core funding support for the Innovation Centre in the amount of \$277,890. OFFICIALLY READ NOT DEALT WITH.

Moved by - Councillor L. Tridico

Seconded by - Councillor F. Fata

Resolved that City Council eliminate continued support for the Market Share Program (Tourism Sault Ste. Marie) in the amount of \$168,455. WITHDRAWN BY MOVER AND SECONDER.

Moved by - Councillor T. Sheehan

Seconded by - Councillor L. Turco

Whereas staff has been working diligently over the past few month on the 2010 budget; and

Whereas most of council received their huge binders and Council Agenda Binders last Thursday night and large packages on Friday night; and

Whereas council is not as qualified or prepared as staff;

Therefore in the interest of quality and expediency, council asks staff to reveal to council what a budget under 3% would look like and how it could be accomplished. DEFEATED.

Moved by - Councillor L. Tridico

Seconded by - Councillor F. Fata

Resolved that reports of the Chief Administrative Officer, the Commissioner of Finance and Treasurer and the Manager of Budget and Revenue dated 2010 04 28 concerning the 2010 Budget be accepted and the 2010 Budget with a total combines urban residential tax rate increase of 3.39% be approved with the following amendments:

Additions \$ 30,000 Community Quality Initiative

Reductions

Expenditure Reductions	\$100,000	Capital from Current
	5,000	International Year Celebration
	15,000	100 <sup>th</sup> Anniversary Celebration
	50,000	Global Travel & Training

Revenue Increases \$100,000 Legal Department POA revenue

150,000 Sewer Surcharge – Sludge

100,000 Winter Control contribution from reserve

CARRIED.

Recorded Vote

For: Mayor J. Rowswell, Councillors J. Caicco, B. Hayes, O. Grandinetti, S. Myers, S. Butland, P. Mick

Against: Councillors L. Turco, L. Tridico, F. Fata, T. Sheehan, F. Manzo

Absent: Councillor D. Celetti

Moved by - Councillor J. Caicco

Seconded by - Councillor B. Hayes

Whereas the Government of Ontario is offering to individuals, Corporations and other organizations, very attractive revenue streams for Alternative Energy projects, and

Whereas it is clear that the timeframe for taking advantage of such revenue opportunities is somewhat limited; and

Whereas recent announcements surrounding the appropriate use of Gas Tax funding which is provided to municipalities have included reference to alternative energy projects;

Now Therefore Be It Resolved City Staff along with the "Green Committee" review potential projects which the City of Sault Ste. Marie might consider sponsoring and report back to Council with recommendations on the possibility of using Gas Tax funding in the future for one time alternative energy projects which might provide stable and ongoing future revenues to the City. CARRIED.

Moved by - Councillor J. Caicco

Seconded by - Councillor B. Hayes

Whereas the need to review services provided by the City is a matter which is referred to during each budget considered by City Council; and

Whereas as part of the budget presentation presented by City staff, it is recommended that in order to reduce the tax rate further in 2010 and in future years, City Council will possibly need to reduce services in non-essential areas and create efficiencies, where possible; and

Whereas the Province of Ontario has recently circulated to members of municipal Councils throughout the Province, a document entitled "Making Choices-Building Strong Communities" which is a guide to service delivery review for Municipal Councillors and senior staff (March 2010) which provides recommendations on how local government should make informed choices about the services that are provided to ratepayers; and

Whereas, notwithstanding the implications to the municipal budget, such a review would be desirable to ensure that the right services are in fact being provided for the citizens of Sault Ste. Marie,

Now Therefore Be It Resolved that the Finance Committee meet with senior staff to develop a process for Council's consideration which would involve a review of all of the services which are provided by City departments and outside agencies who rely on municipal financial support. CARRIED.

Moved by - Councillor J. Caicco

Seconded by - Councillor B. Hayes

Whereas Algoma Public Health has a new building currently under construction and plans to move upon completion; and

Whereas, Algoma Public Health occupies, as a tenant, one full floor of City Hall and part of a second floor and provides significant rental revenue to the City; and

Whereas, the City may have some of its operations outside the Civic Centre which could be housed in the space being vacated by Algoma Public Health. Thereby creating operational efficiencies and savings and a further opportunity to dispose of real estate owned by the City,

Now Therefore Be It Resolved that City staff be requested to review all possible options for the re-use of the Algoma Public Health space, including relocation of other City operations, Federal or Provincial government leases or other appropriate revenue producing arrangements and report back to Council on recommendations which provide long term benefits to the City.

3.

**Adjournment**

Mover - Councillor L. Turco

Seconder - Councillor P. Mick

Resolved that this Council shall now adjourn.

---

**MAYOR**

---

**CLERK**



The Council of the City of Ottawa, at its meeting of 14 April 2010, adopted the following resolution:

**WHEREAS** the Province controls the assessment system through the *Assessment Act* and the *Municipal Act*; and

**WHEREAS** the Ontario Government established tax ratios and “ranges of fairness” for tax classes with the property tax reform that took effect in 1998; and

**WHEREAS** the allowable range for the tax ratio for the multi-residential tax class was set at 1.0 to 1.1; and

**WHEREAS** the different valuation approaches applied to owner-occupied properties and rental properties in the current assessment system make it difficult to determine a fair rate of property tax for rental property; and

**WHEREAS** a thorough analysis has not yet been conducted to conclusively determine an appropriate allowable range for the tax ratio for the multi-residential tax class relative to other tax classes, including owner-occupied properties; and

**THEREFORE BE IT RESOLVED** that the City of Ottawa ask the Province to establish a Task Force that will examine and provide recommendations with respect to the following matters:

1. The question of the fair ratio of municipal property tax on rental property to property tax on owner-occupied property, and whether this should differ based on the different circumstances of each municipality; and
2. How that fair ratio of municipal property tax should be achieved.

**BE IT FURTHER RESOLVED** that the Province direct this Task Force to provide its report prior to the determination of tax rates for 2011 and that the City forward this resolution to the Association of Municipalities of Ontario for distribution to its members.

City of Ottawa  
110 Laurier Avenue  
Ottawa, ON  
K1P 1J1

Attention: Dawn Whelan, Council Coordinator  
Telephone: 613-580-2424, Ext. 21837  
E-mail: [dawn.whelan@ottawa.ca](mailto:dawn.whelan@ottawa.ca)

**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.*

5(b)

<b>RECEIVED</b>
<b>CITY CLERK</b>
MAY - 3 2010
NO.: <u>51656</u>
DIST.: <i>Ambassador of the Republic of Poland in Canada Ambassadeur de la République de Pologne au Canada</i>



Ottawa, 22 April 2010

**Mr. Malcolm White**  
**Clerk**  
**City of Sault Ste. Marie**

I would like to thank you for your condolences and words of consolation after the tragic Saturday, 10<sup>th</sup> of April 2010, when the President of the Republic of Poland Lech Kaczyński, First Lady Maria Kaczyńska, senior political and military officials as well as accompanying passengers, all 96 Poles, lost their lives in an airplane crash over Smolensk, Russia, on the way to commemorate the 70<sup>th</sup> anniversary of the Katyń Massacre.

I truly appreciate your support in this time of sorrow. It touched our hearts and provided comfort in those difficult moments. I am convinced that almost 1 million Canadians of Polish descent are also grateful for your solidarity with Poland and its people.

Let me say THANK YOU again for being with us and I hope in the future we will have more positive occasions to collaborate.

Yours sincerely

Zenon Kosiniak - Kamysz

**Malcolm White**

**From:** Linda Fiore [LFiore@algomapublichealth.com] on behalf of Allan Northan [ANorthan@algomapublichealth.com]  
**Sent:** April 28, 2010 1:21 PM  
**To:** Malcolm White; kencorb@blindriver.ca; brucemines@bellnet.ca; rraymond@dubreuilville.ca; Lesley.spargue@city.elliottlake.on.ca; hiltontownship@explornet.com; info@hiltonbeach.com; email@huronshores.ca; johnsontwp@bellnet.ca; lairdtwp@soonet.ca; twpmacd@onlink.net; crray@wawa.cc; twpns@ontera.net; plumbtwsp@onlink.net; pam.lotrie@ontera.net; tarbutttownship@bellnet.ca; townthess@bellnet.ca; winniempl@onlink.net; bcoughlin@twp.prince.on.ca; jocelynt@soonet.ca  
**Cc:** Board Members - no Admin  
**Subject:** International Environmental Health School Resolution  
**Attachments:** Board Resolution Internation EH School April 2010 .doc

Mayors/Reeves and Councillors:

The attached resolution was passed by the Board of Health for the District of Algoma at the April 22, 2010 meeting urging northern municipalities to support the creation of an international school of environmental health in Sault Ste Marie, Michigan and Sault Ste Marie, Ontario. We are asking for your support in this worthy endeavour as well.

To be clear, the creation of this school is not a request for funding, it merely requires Ontario Government approval. The academic requirements for public health inspectors who would graduate are essentially in place at Lake State University and Sault College of Applied Arts.

We are asking for each town and municipality to pass a resolution similar in nature to the above Board of Health resolution as attached.

For more information on this please feel free to contact Dr. Allan A. Northan, Medical Officer of Health at 705-759-5421 or via this email address.

Thank you for your consideration.

*Linda Fiore  
Executive Assistant to the  
Medical Officer of Health and  
Secretary to the Board of Health*

Algoma Public Health  
99 Foster Drive, Civic Centre, 6th Floor  
Sault Ste. Marie, ON P6A 5X6  
Tel: (705) 759-5421 Fax: (705) 759-2540  
email: [Lfiore@algomapublichealth.com](mailto:Lfiore@algomapublichealth.com)  
Visit our website at: [www.algomapublichealth.com](http://www.algomapublichealth.com)

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information, which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax or email and permanently delete the original transmission from us, including any attachments, without making a copy.



**DATE:** April 22, 2010

**MOVED:** Myers

**SECONDED:** Capillo

WHEREAS an Environmental Health School essentially exists already with academic components in existence on both sides of the international border.

AND WHEREAS the creation of an International School will enhance opportunities for Northern youth and contribute to employment in the North.

BE IT RESOLVED that the Board of Health for the District of Algoma Health Unit, urges all Algoma Towns and Municipalities **to support** the creation of an International School of Environmental Public Health between Sault Sainte Marie Michigan (LSSU) and Sault Ste. Marie, Ontario (Sault College).

Chair - Guido Caputo  
Vice Chair - John Currie  
Janet Blake  
Rosario Capillo  
Lila Cyr  
Karen Marinich  
Susan Myers  
Gordon Post  
Scot Reinhardt  
Ron Rody  
Anthony Rossi

5(d)



MUNICIPAL PROPERTY ASSESSMENT CORPORATION

April 29, 2010

To: All Ontario Municipal Councils

From: Carl Isenburg, President and Chief Administrative Officer  
Municipal Property Assessment Corporation (MPAC)

Re: Tentative Settlement with Ontario Public Service Employees Union (OPSEU)

I would like to advise that a tentative settlement has been reached with OPSEU, which represents approximately 1,400 MPAC employees across Ontario. We have settled previous contracts with OPSEU without a strike and we have been working hard since the previous collective agreement expired on December 31, 2009, to successfully conclude these bargaining discussions.

In keeping with the spirit and intent of the recent provincial budget, we have struck a two-year contract with no increases in salaries or the overall cost of benefits for 2010 and 2011.

We will continue to focus on delivering services to Ontario property taxpayers and our provincial and municipal stakeholders including preparing the Preliminary List of Electors for the upcoming Municipal Elections, managing Requests for Reconsideration and Appeals, adding supplementary and omitted assessment to the tax rolls and updating data.

This tentative agreement is subject to ratification by our Board of Directors and the bargaining unit membership. We have agreed that ratification will be completed by May 14, 2010.

If you have any questions please contact Arthur Anderson, Director, Municipal Relations, at 905-837-6993.

Yours truly,

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

Carl Isenburg  
President and Chief Administrative Officer

Copy Arthur Anderson



Multi Residential Owners and Property Managers  
Information Meeting  
May 17<sup>th</sup>, 2010  
City Hall – Russ Ramsay Room

Agenda

- 6:30 pm Welcome and Opening Comments by Councillors Myers and Sheehan
- 6:40 pm Provincial Legislation and Enforcement by Kirk Crossan (Ministry of Environment)
- 6:50 pm Best Practices by Hans Geenan
- 7:00 pm The Municipal Program by Randall Roy
- 7:15 pm Question & Answer Period
- 7:30 pm Closing Comments

5(f)

Joseph M. Fratesi, B.A., J.D. (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)

2010 05 10

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. Joe May – Fire Services**  
Hazmat Operations Plus  
May, 2010  
Gravenhurst, ON  
Estimated total cost to the City - \$ 225.00  
Estimated net cost to the City - \$ 225.00
  
- 2. Frank Gencarelli – Social Services – Ontario Works Division**  
Face to Face Meeting with Employment MCSS  
May, 2010  
Sudbury, ON  
Estimated total cost to the City - \$ 213.00  
Estimated net cost to the City - \$ 106.50
  
- 3. Lori Ballstadt – Clerks Department**  
Business Grammar and Writing 2010  
June, 2010  
Sudbury, ON  
Estimated total cost to the City - \$ 750.00  
Estimated net cost to the City - \$ 750.00

**4. Michael Blanchard – Public Works & Transportation Department**

Green Fleet Expo

June, 2010

Toronto, ON

Estimated total cost to the City - \$ 1,010.45

Estimated net cost to the City - \$ 1,010.45

**5. David Salewski – Engineering & Planning Department**

Partners in Quality Symposiums for 2010

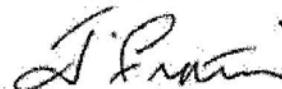
May, 2010

Sudbury, ON

Estimated total cost to the City - \$ 372.00

Estimated net cost to the City - \$ 372.00

Yours truly,



JMF: bb

Joseph M. Fratesi  
Chief Administrative Officer

5(g)

Ralph Robertson  
Manager of Purchasing

Finance Department  
Purchasing Division



2010 05 10

Mayor John Rowswell and  
Members of City Council  
Civic Centre

### **Re: Tender for Ready-Mix Concrete**

Attached hereto for your information and consideration is a summary of the tenders received for the supply and delivery of Ready-Mix Concrete as required by the City Corporation.

The tender was publicly advertised and tender documents forwarded to all firms on our bidders list. A public opening of the tenders was held April 27, 2010, with Councillor Lorena Tridico representing City Council.

The tenders received have been thoroughly evaluated and reviewed with Mr. J. Elliott, Commissioner of Public Works & Transportation, and the low tendered prices, meeting specifications, have been indicated on the attached summary.

### **RECOMMENDATION**

It is therefore my recommendation that the tender for the supply and delivery of Ready-Mix Concrete be awarded to Lafarge for a one year period. A budgeted limit of \$130,500.00 will be set, all at their firm low tendered prices.

This report is submitted for Council's approval.

Respectfully submitted,

A handwritten signature of Ralph Robertson.

Ralph Robertson  
Manager of Purchasing

RR:tgg  
Attach.

Recommended for approval,

A handwritten signature of W. Freiburger.

W. Freiburger  
Commissioner of Finance & Treasurer

RECOMMENDED FOR APPROVAL

A handwritten signature of Joseph M. Elliott.

Joseph M. Elliott

Chief Administrative Officer

THE CORPORATION OF THE CITY OF SAULT STE. MARIE  
P.O. BOX 580 \* CIVIC CENTRE \* SAULT STE. MARIE, ONTARIO, CANADA P6A 5N1  
TEL: (705) 759-5299 \* FAX: (705) 759-1842

**FINANCE DEPARTMENT**

**PURCHASING DIVISION**

**BUDGET: \$130,500.00 - TO BE DRAWN FROM VARIOUS PUBLIC WORKS STREET MAINTENANCE ACCOUNTS**

**RECEIVED: April 27, 2010**

**FILE: #2010WA04**

**SUMMARY OF TENDERS  
READY-MIX CONCRETE**

**Firm Prices for One Year Period (taxes extra) - June 1, 2010 to May 31, 2011**

<b><u>Description</u></b>	<b><u>Caswell Concrete Prod.</u></b> <u>Sault Ste. Marie, ON</u>	<b><u>Fisher Wavy Inc.</u></b> <u>Sault Ste. Marie, ON</u>	<b><u>Lafarge</u></b> <b><u>Sault Ste. Marie, ON</u></b>
32Mpa Ready-Mix Concrete (CSA 23.1)	\$199.00 Per Cu. Metre	\$191.50 Per Cu. Metre	\$190.00 Per Cu. Metre
Unshrinkable Fill	\$135.00 Per Cu. Metre	\$129.00 Per Cu. Metre	\$125.00 Per Cu. Metre
Additional Charge for Heat	\$25.00 Per Cu. Metre	\$26.50 Per Cu. Metre	\$26.50 Per Cu. Metre
Underload Charge (less than 2 Cu. Metres)	\$95.00 Per Delivery	\$105.00 Per Delivery	\$105.00 Per Delivery

Note: The low tendered prices, meeting specifications, are boxed above.

It is my recommendation that the low tendered prices submitted by Lafarge, be accepted.

Ralph Robertson  
Manager of Purchasing

5(g)

5(h)

Ralph Robertson  
Manager of Purchasing



Finance Department  
Purchasing Division

2010 05 10

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

**Re: Tender for 7,500 Tonnes Bulk Coarse Highway Salt**

Attached hereto for your information and consideration is a summary of the tenders received for the supply and delivery of Bulk Coarse Highway Salt required by the Public Works and Transportation Department for the 2010/2011 winter season.

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 April 29, 2010, with Rachel Tyczinski, Deputy City Clerk, in attendance.

The tenders received have been evaluated and reviewed with Mr. Jim Elliott, Commissioner of Public Works & Transportation, and the low tendered price, meeting specifications, has been identified on the attached summary.

Funding will come from Winter Maintenance Accounts with the remainder from the Reserve Fund for Winter Control. The quantities ordered may be adjusted to fit within budgeted limits.

**RECOMMENDATION**

It is therefore my recommendation that the tender to supply and deliver Bulk Coarse Highway Salt be awarded to The Canadian Salt Co. Ltd., at their total tendered price of \$718,171.50, including taxes.

This report is submitted for Council's approval.

Respectfully submitted,

A handwritten signature of Ralph Robertson.

Ralph Robertson  
Manager of Purchasing

RR:tgg  
Attach.

Recommended for approval,

A handwritten signature of W. Freiburger.

W. Freiburger  
Commissioner of Finance & Treasurer

A handwritten signature of Joseph M. Fratesi. Above the signature, the words "RECOMMENDED FOR APPROVAL" are written in capital letters.

Joseph M. Fratesi  
Chief Administrative Officer

**FINANCE DEPARTMENT  
PURCHASING DIVISION  
BUDGET AMOUNT: \$615,000.00**

**RECEIVED: April 29, 2010  
File #2010WA02**

**SUMMARY OF TENDERS  
BULK COARSE HIGHWAY SALT**

<u>Description</u>	<u>Quantity</u> (estimate)	The Canadian Salt Co. Ltd.		Sifto Canada Inc.	
		<u>Unit Price</u>	<u>Total Price</u>	<u>Unit Price</u>	<u>Total Price</u>
Supply & deliver Road Salt to City storage facility as required during the winter season.	7,500 Tonnes	\$84.74	\$635,550.00	\$90.02	\$675,150.00
	5% G.S.T.		\$31,777.50		\$33,757.50
	8% P.S.T.		\$50,844.00		\$54,012.00
			<b>\$718,171.50</b>		<b>\$762,919.50</b>

Note: The Quantity of Salt shown is an estimate based on past usage & is not guaranteed.  
The low tendered price, meeting specifications, is boxed above.  
It is my recommendation that the low tendered price, submitted by The Canadian Salt Co. Ltd., be accepted.

Ralph Robertson  
Manger of Purchasing

5(h)

5(i)

Ralph Robertson  
Manager of Purchasing



Finance Department  
Purchasing Division

2010 05 10

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

**Re: Tender for Asphaltic Concrete**

Attached hereto for your information and consideration is a summary of the tenders received for the supply of Asphaltic Concrete Products required during the 2010 construction season.

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 April 27, 2010, with Councillor Lorena Tridico representing City Council.

The tenders received have been evaluated and reviewed with Mr. J. Elliott, P. Eng., Commissioner of Public Works and Transportation, and the low tendered prices, meeting specifications, have been identified on the attached summary.

**RECOMMENDATION**

It is therefore my recommendation that the tender for the supply of Asphaltic Concrete be awarded be awarded to Palmer Construction, for a one year period. A budgeted limit of \$515,000.00 will be set, all at their firm low tendered prices.

This report is submitted for Council's approval.

Respectfully submitted,

A handwritten signature of Ralph Robertson.

Ralph Robertson  
Manager of Purchasing

RR:tgg  
Attach.

Recommended for approval,

A handwritten signature of W. Freiburger.

W. Freiburger  
Commissioner of Finance & Treasurer

RECOMMENDED FOR APPROVAL

A handwritten signature of Joseph M. Fratesi.

Joseph M. Fratesi

Chief Administrative Officer

**FINANCE DEPARTMENT  
PURCHASING DIVISION**

**BUDGET: \$515,000.00 - TO BE DRAWN FROM VARIOUS PUBLIC WORKS STREET MAINTENANCE ACCOUNTS**

**RECEIVED: April 27, 2010  
FILE: #2010WA03**

**SUMMARY OF TENDERS  
ASPHALTIC CONCRETE**

---

**Firm Prices for One Year Period (taxes extra) - June 1, 2010 to May 31, 2011**

<u>Description</u>	<u>Palmer Construction Sault Ste. Marie, ON</u>	<u>Pioneer Construction Sault Ste. Marie, ON</u>	<u>Ellwood Robinson Sault Ste. Marie, ON</u>
HL2 Asphaltic Concrete	\$107.00 Per Tonne	\$113.50 Per Tonne	\$109.80 Per Tonne
HL3 Asphaltic Concrete	\$104.50 Per Tonne	\$110.60 Per Tonne	\$106.90 Per Tonne
HL3A Asphaltic Concrete	\$105.20 Per Tonne	\$110.55 Per Tonne	\$107.50 Per Tonne
HL4 Asphaltic Concrete	\$102.00 Per Tonne	\$110.35 Per Tonne	\$104.10 Per Tonne
HL8 Asphaltic Concrete	\$100.25 Per Tonne	\$108.80 Per Tonne	\$102.20 Per Tonne

Note: The low tendered prices, meeting specifications, are boxed above.

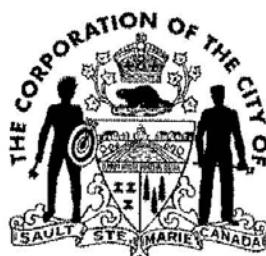
It is my recommendation that the low tendered prices submitted by Palmer Construction Limited, be accepted.

Ralph Robertson  
Manager of Purchasing

5(i)

5(j)

Ralph Robertson  
Manager of Purchasing



Finance Department  
Purchasing Division

2010 05 10

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

**Re: Tender for Board and Glass Replacement - John Rhodes Community Centre, Arena I**

Attached hereto for your information and consideration is the Consultant's summary and report of the tenders received for Arena I Board and Glass Replacement for the John Rhodes Community Centre as required by the Community Services Department.

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 April 29, 2010, with Rachel Tyczinski, Deputy City Clerk, in attendance.

The tenders received have been thoroughly evaluated and reviewed with MGP Architects-Engineer Inc., the consultant for the project, and with Mr. Nick Apostle, Commissioner of Community Services. The low tendered price, meeting specifications, has been identified on the Engineer's Report (attached with their summary) for your reference.

Funding for this purchase is coming from the City's Infrastructure Program, previously approved by Council, with matching funding from the Provincial and Federal Governments under the Recreational Infrastructure Canada Program, budgeted at \$275,000.00.

**RECOMMENDATION**

It is therefore my recommendation that the tender for an Arena I Board and Glass Replacement for the John Rhodes Community Centre, be awarded to George Stones and Sons Ltd. at their low tendered price, meeting specifications, of \$222,930.85, including all taxes and alternatives one, two and three.

This report is submitted for Council's approval.

Respectfully submitted,

Ralph Robertson  
Manager of Purchasing

Recommended for approval

  
*RECOMMENDED FOR APPROVAL*

W. Freiburger  
Commissioner of Finance & Treasurer

  
Joseph M. Fratesi  
Chief Administrative Officer

RR:kt  
Attach.

5(j)



MGP ARCHITECTS • ENGINEER INC.

MEZZOMO • GREGOIRE • PIETRZAKOWSKI • PRINCIPE

May 3, 2010

Ralph Robertson  
Manager of Purchasing  
City of Sault Ste. Marie  
90 Foster Drive  
Sault Ste. Marie, ON

**Re: John Rhodes Community Centre Arena 1 Board and Glass Replacement**

Ralph: we have reviewed the received Tenders of April 29, 2010 and make the following recommendation. Based on the Tenders we recommend acceptance of the Tender by George Stone and Sons in the amount of \$222,930.85 including GST. This amount reflects the Base Bid of \$207,644.85 plus the amounts for the recommended acceptance of the 3 Alternate Prices provided as follows:

Base Bid	\$207,644.85
Alternate Item 1	\$ 20,606.00
Alternate Item 2	\$ 5,995.00
Alternate Item 3	<u>\$ -11,315.00 (credit)</u>
	\$222,930.85 Incl. GST

Should you require any further information, please feel free to contact me.

Sincerely;

Wayne A. Mezzomo  
**MGP Architects Engineer Inc.**  
Cc Norm Fera City SSM

5(j)



MGP ARCHITECTS • ENGINEER INC.

MEZZOMO

GREGOIRE

PIETRZAKOWSKI

PRINCIPLE

May 3, 2010

Ralph Robertson  
Manager of Purchasing  
City of Sault Ste. Marie  
90 Foster Drive  
Sault Ste. Marie, ON

**Re: John Rhodes Community Centre Arena 1 Board and Glass Replacement**

Comparison of tenders:

	<b>Stones</b>	<b>Avery</b>
Base Bid	\$207,644.85	206,199.00
Alternate Item 1 \$	20,606.00	18,275.00
Alternate Item 2 \$	5,995.00	6,850.00
Alternate Item 3 \$	<u>-11,315.00</u> (credit)	<u>9,872.00</u>
	\$222,930.85 Incl. GST	241,196.00

Should you require any further information, please feel free to contact me.

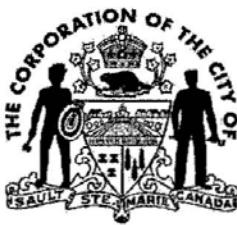
Sincerely;

Wayne A. Mezzomo  
**MGP Architects Engineer Inc.**  
Cc Norm Fera City SSM

5(K)

Jerry D. Dolcetti, RPP  
Commissioner

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



ENGINEERING &amp; PLANNING DEPARTMENT

Engineering &amp; Construction Division

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

2010 05 10  
Our File: Contract 2010-4E

Mayor John Rowswell and  
Members of City Council  
Civic Centre

**RE: CONTRACT 2010-4E  
BROADVIEW DRIVE STORM SEWER – ARDEN STREET TO ATWATER STREET**

Tenders received for Contract 2010-4E were opened at a public meeting Thursday, April 29, 2010 in the Korah Room of the Civic Centre. Present at the opening was Councilor Steve Butland as well as City staff and contractor representatives.

The contract calls for the construction of a storm sewer from Arden Street to Atwater Street including road and property restoration.

A total of six (6) tenders were received. All tenders submitted were found to be complete and are summarized on the attached sheet. The low tender of **\$709,234.88** was received from R.M Belanger Limited. This is well below the City budget allocation of \$800,000 for this project. Accordingly, we recommend Contract 2010-4E be awarded to R. M. Belanger Limited.

By-law 2010-95 authorizing execution of the Contract and By-law 2010-96 authorizing a road closure of Broadview Drive (Arden Street to Atwater Street) from May 25, 2010 until October 31, 2010, have been placed on the Agenda for your consideration.

Respectfully submitted,

Carl Rumiel, P. Eng.  
Design & Construction Engineer

CR/al  
attachment

Recommended for approval,

Jerry D. Dolcetti, RPP  
Commissioner Engineering & Planning

RECOMMENDED FOR APPROVAL  
  
Joseph M. Fratesi  
Chief Administrative Officer

5(K)



2010 05 10

Our File: Contract 2010-4E

### CONTRACT 2010-4E

#### BROADVIEW DRIVE STORM SEWER

#### SUMMARY OF BIDS

CONTRACTOR	TOTAL BID PRICE
R. M. Belanger Limited	\$ 709,234.88
Avery Construction Limited	\$ 749,987.89
1531161 Ontario Inc. O/A Boyer Construction	\$ 792,779.00
General Contracting Limited	\$ 882,375.43
Pioneer Construction Inc.	\$ 950,410.25
786222 Ontario Inc. O/A Harold Phillip Haulage	\$1,045,723.26

Jerry D. Dolcetti, RPP  
Commissioner

Don W. Maki, CBCO  
Chief Building Official



ENGINEERING & PLANNING DEPARTMENT

Building Division

Tel: (705) 759-5410  
Fax: (705) 541-7165

2010 05 10

Mayor John Rowswell  
And Members of City Council

**Re: Annual Fee Report  
Proposed Fee Changes and Changes to the Building By-Law 2008-148**

This report is presented to Council as required under section 7. (4) of the Building Code Act. The report contains the information as required in Article 1.9.1.1, Division C Part 1 of the Ontario Building Code.

There is also a need to make amendments to the Building By-Law to reflect changes made to the Building Code Act and regulations that effects permit applications and the request for final inspections.

Minor amendments are also proposed to Schedule "A" of the Building By-Law that sets out permit application fee structure.

**Fee Report**

As required under the Building Code Act, the fee report (attached) will show permit fee revenue and expenditures for 2009. All expenditures shown are direct and indirect costs incurred by the Building Division related to permit issuance and building inspection. In 2008 a new fee structure was adopted. These fees were adjusted to better match anticipated costs. During this construction season we collected \$775,886.52 in fees and had expenditures of \$788,494.42 related to Building By-Law services.

As a result of this fee adjustment our revenues were relatively balanced with our overall costs. We have met the intent of the Building Code Act. The intent was to ensure that fees collected would be used for the purpose of permit related activities only and that revenues be somewhat equal to costs. However the Act also allows us to carry a reserve fund which is made up of surplus fees.

Our division remains financially balanced as the Building Division reserve fund will be used to cover a slight shortfall in our overall budget. An amount of \$12,607.90 can be drawn from the reserve fund to cover this shortfall.

**Utilization of Reserve Fund**

For the 2010 year and thereafter, the Building Division will see an increase in direct and indirect costs of approximate \$150,000. The increase is supported from two additional areas in service provisions. They include office rental charges and ancillary services, plus the Innovation Centre GIS services associated with Building Division usage.

The approval of Bill 124 in 2002 has enabled municipalities to collect fees in a manner not to exceed the anticipated reasonable costs to administer/enforce the act and carry a reserve fund.

It is necessary that a reserve fund retain excess amounts to address changes in economic conditions that impact on municipality's ability to administer the services.

Using the 2009 Annual Report as a base, the eligible operating expenditures amount to \$788,494.12. With the additional \$150,000 (office rent and Innovation Centre services), the annual operating amount is \$938,494.12. We anticipate this to be an average over the foreseeable future with an annual requirement of approximately \$1M.

In order to deal with the expected draw from reserves for the next 3 years (2011 – 2013) of \$150,000/year - total \$450,000 (office rent and Innovation Centre services), the Building Division requires a cushion of \$450,000. This is in addition to retaining approximately \$900,000 or (one year eligible operating amount) in the reserve. In addition, the 2010 approved budget has provided \$100,000 from the Building Permit Reserve to be used as part of the electronic records/filing equipment needed by the Building Division.

After the above amounts have been accounted, there is approximately \$300,000 in the reserve that can be redirected on a one-time basis. Proposed, is to charge office rent retroactively to the Building Division of \$100,000 for 3 years (2007 – 2009). The rationale for the 3 years is that we were able to create a substantial reserve using the building permit fees from the new hospital.

Large projects are coming to an end, and after the Stimulus Program terminates, we see building permit fees returning to normal levels with modest increases to the reserve, if any.

### Proposed Fee Changes

Attached is amended Fee Schedule A to By-law 2008-148. Proposed changes are as follows:

- Item #2 – Remove the sentence “*A minimum fee of \$50.00 shall be charged for all work, or if not described below, as a Fixed Fee (FF).*” and replace it with: “***A minimum fee of \$50.00 shall be charged for all permit applications.***”
- Add Item #3 as follows: “***For Building classifications that are not described in Section A to G, permit fees shall be based on the value of the proposed construction as determined by the Chief Building Official. The rate shall be 1% of the determined construction values.***” These changes will aid in the determination of fees for application where the proposed work does not fit a section.

It is also proposed to change the service index (SI) for some building classifications to better reflect the actual cost of service being provided. We propose changing the fee structure for garages to a SI cost rather than a flat fee as well as add a cost for an appeal to a work order and various file inquiries. Our Division will continue to do an annual review of our fee structure to ensure that fees collected will reflect costs incurred.

Notice was also given for a public information session concerning proposed fee changes. The session was held April 29, 2010 at the Civic Centre. There were no objections or concerns presented at the session concerning the proposed changes. Information was available which outlined the fee changes, rationale for the changes and a copy of the 2009 fee report.

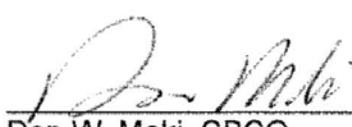
### Building By-Law Changes

The Building Code Act and regulations have been amended to address issues put forward by various Building Industry stakeholders. One change affects permit applications. There is now a time limit to when we must report in writing on a refusal of a permit application. Therefore clause 4.13 of By-law 2008-148 is proposed to be amended by adding the words "**within 2 working days**". Also provided, is clarification of the Chief Building Official's refusal of an application with the addition of: "**a written statement of reasons for the refusal must be provided to the applicant.**" This will bring our By-law in line with the requirements of the Building Code Act. There is also a minor change to referenced sections of the Building Code. The Building regulations have been amended to require a final inspection prior to occupancy of all buildings. This again is a result of an amendment to the Building By-law to ensure that final inspections are called for by the permit holder.

### Recommendation

It is our recommendation that Council accept the Fee Report and approve the withdrawal of \$300,000 from the 2009 Reserve Fund to accommodate retroactive office rent charges for 2007 – 2009, and further that the Building By-law 2008-148 and minor adjustments to the Fee Schedule be approved. A resolution to this effect appears elsewhere on your agenda.

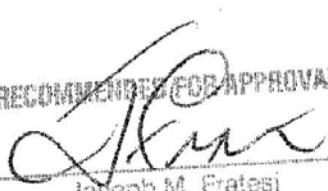
Respectfully submitted:

  
\_\_\_\_\_  
Don W. Maki, CBCO  
Chief Building Official

Recommended for Approval:

  
\_\_\_\_\_  
Jerry D. Dolcetti, RPP  
Commissioner of Engineering & Planning

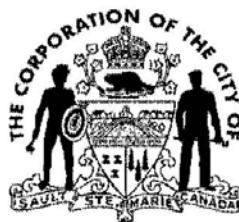
/bb

RECOMMENDED FOR APPROVAL  
  
\_\_\_\_\_  
Joseph M. Fratesi  
Chief Administrative Officer

5(1)

Jerry D. Dolcetti, RPP  
Commissioner

Don W. Maki, CBCO  
Chief Building Official



ENGINEERING &amp; PLANNING DEPARTMENT

Building Division

Tel: (705) 759-5410  
Fax: (705) 541-7165

**The Corporation of the  
City of Sault Ste. Marie**

**ANNUAL REPORT – BUILDING PERMIT FEES**

Total Permit Fees (Revenues) collected for this period January 1, 2009 to December 31, 2009 under Building By-Law 2008-148 of the City of Sault Ste. Marie .....\$775,886.52

Cost of Delivering Services:

**Direct Costs:**

Direct Costs are deemed to include the costs of the Building Department of the City of Sault Ste. Marie for the processing of building permit applications, the review of building plans conducting inspections and building related enforcement duties minus By-Law Enforcement.

Total Costs of Division.....\$ 892,172.22

Total By-Law Enforcement cost (minus)..... - 132,886.30

Total Building Enforcement Costs..... \$ 759,335.92

**Indirect Costs:**

Indirect Costs are deemed to include the costs for support and overhead services to the Building Division of the City of Sault Ste. Marie being a ratio .0384.

Total Building Enforcement..... \$. 759,335.92

Total Building Enforcement Costs x indirect cost ratio .0384.....\$ x.0384

Sub-Total – Indirect Costs.....\$ 29,158.50

**Total Costs:**

Total Building Enforcement.....\$ 759,335.92

Plus Indirect Costs..... \$ 29,158.50

Grand Total Indirect and Direct Building Enforcement Costs.....\$ 788,494.42

Revenues as of December 31, 2009.....\$ 775,886.52

Total Costs (revenue minus cost)..... \$ 788,494.42

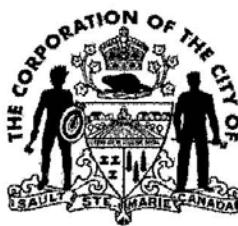
**Statement of Reserves:** difference \$ - (12,607.90)

**Building Division Reserve Fund Account.....\$ 1,894,047.71  
(to December 31, 2009)**

5(m)

Jerry D. Dolcetti, RPP  
Commissioner

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



ENGINEERING &amp; PLANNING DEPARTMENT

Engineering &amp; Construction Division

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

2010 05 10

Our File: B-97-09

Mayor John Rowswell  
Members of Council

## **RE: 2010 CAPITAL CONSTRUCTION PROGRAM - UPDATE**

At the 2009 04 07 meeting, Council approved a two year, \$39,990,000 capital construction plan for 2009/10. The purpose of this report is to provide Council with an information update on construction progress.

**Shannon Road from Wellington to Trunk Road:** A small portion remains between Capp and Trunk. Shannon Road will be complete to Trunk Road by the end of 2010.

**McNabb/Southmarket Extension - Black Road to North Limit of Southmarket:** The intention is to complete this project by the end of 2010. Property acquisitions required for the extension of the rail spur for the Shell tank farm are nearing completion. Trunk Road will be restricted to two lanes of traffic for a period of time at the intersection with Southmarket.

**Third Line Extension – People's Road to the New Hospital Entrance:** This project is scheduled for completion by the end of 2010 with the exception of some surface works which will be completed in 2011. Work is proceeding on the second and third contracts between the ravine and the hospital entrance. The tender for the fourth contract has closed for work between the ravine and People's Road. Third Line will be closed to through traffic between Great Northern Road and People's Road for the construction season. Traffic will be restricted to two lanes on Second Line at the intersection of Third Line for a period of time in the early portion of the construction season.

**Connecting Link (and Revoked Connecting Link Program):** This component of the plan includes the annual allowance for Connecting Link work, and the completion of Wellington Street from Simpson Street to East Street.

- **Wellington Street – Simpson to East:** Surface works will be completed this summer.
- **Right Turn Lane at Second Line/Great Northern Road:** A westbound right turn lane will be constructed this summer on Great Northern Road at Second Line. It is noted that this is anticipated to be a traffic disruption, especially given the volume of right turning trucks. Every effort will be made to ensure the duration of this disruption will be minimized.
- **Root River Bridges on Great Northern Road:** Connecting Link grant funding has been approved for the rehabilitation of the first of two bridges on Great Northern Road north of Fourth Line over the Root River. We await word on approval of similar funding for the second bridge. It is noted that the bridge will be restricted to one lane traffic controlled by temporary signals.
- **Second Line Resurfacing:** The completion of the resurfacing of Second Line between Great Northern Road and Old Garden River Road if the connecting Link grant is approved.

**Bridges:** Progress on several bridge projects is summarized as follows:

- **Sussex Road Bridge:** The replacement of the Sussex Road Bridge was completed in 2009.
- **Bennett Creek culvert at Third Line:** This culvert was replaced in 2009.
- **Old Goulais Bay Road Bridges:** Two single lane bridges with load restrictions on Old Goulais Bay Road north of Fifth Line were replaced with two lane structures in 2009.
- **Carpin Beach Road Bridge:** A single lane bridge with a load restriction on Carpin Beach Road south of Base Line was replaced with a two-lane structure in 2009.
- **Town Line Bridge:** One of three single lane bridges with load restrictions on Town Line Road was to be replaced in 2009. It is the bridge south of Base Line. The tender was awarded but the project was deferred to 2010 primarily because a federal Environmental Assessment was deemed necessary as the waterway was classified as navigable water. It is scheduled for completion in 2010.

**Borron Avenue from Fauquier to Pim:** This street was reconstructed in 2009. Surface works will be completed in 2010.

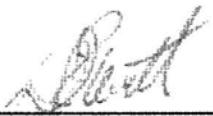
**Southmarket Street from Boundary Road to Chambers Ave:** This street was approved in the two year plan for 2010. A tender was recently advertised for reconstruction this year.

**John Street from Wellington to Conmee:** This project is on the approved five-year capital construction plan for 2010, however, based on budget constraints it was deferred to a future year.

The Engineering Department can advise that with two tenders remaining, the two-year capital works program is tracking slightly under budget.

This report is submitted for the information of Council.

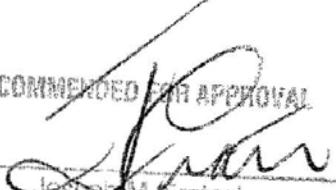
Respectfully submitted,

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

Recommended for approval,

  
Jerry D. Dolcetti, RPP  
Commissioner  
Engineering & Planning Department

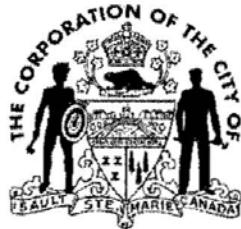
/bb

  
RECOMMENDED FOR APPROVAL  
Joseph M. Fratesi  
Chief Administrative Officer

5(n)

LORIE BOTTO  
CITY SOLICITOR

NUALA KENNY  
ASSISTANT CITY SOLICITOR



LEGAL  
DEPARTMENT

File No. C.4.2

REPORT TO: Mayor John Rowswell  
and Members of Council

REPORT FROM: Lorie A. Bottos  
City Solicitor

DATE: 2010 05 10

**RE: CITY RENEWAL OF THE CONTINUOUS SAFETY SERVICES  
AGREEMENT WITH THE ELECTRICAL SAFETY AUTHORITY**

Since early 1999 the City has had agreements in place with the Electrical Safety Authority for inspection of City buildings and facilities. The Electrical Safety Authority is an inspection branch of what was Ontario Hydro.

The Continuous Safety Authority Service program provides for the inspection of City facilities by the Electrical Safety Authority. These inspections highlight for the City possible electrical problems. City staff can then fix those problems before they cause any serious injury. The program also provides inspections for other City installations such as traffic lights and electrical wiring in pumping stations. An important component of the ESA service is the training offered by the ESA. The training teaches City employees how to deal with electricity in a safe manner. City staff has found the program worthwhile in the years that the City has been involved in the program.

The cost of the program – Continuous Safety Services is \$33,764.00 plus GST for the year April 1, 2010 to March 31, 2011.

**RECOMMENDATION**

By-law 2010-70 appears elsewhere on the agenda and is recommended for approval.

Respectfully submitted,

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

Lorie Bottos  
City Solicitor  
LAB/on

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

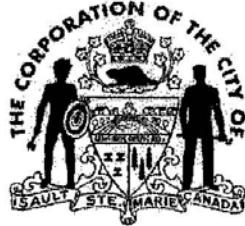
RECOMMENDED FOR APPROVAL

Joseph M. Fratesi  
Chief Administrative Officer

5(0)

LORIE BOTTO  
CITY SOLICITOR

NUALA KENNY  
ASSISTANT CITY SOLICITOR



LEGAL  
DEPARTMENT

File No. I.1

REPORT TO: Mayor John Rowswell  
and Members of Council

REPORT FROM: Lorie A. Bottos  
City Solicitor

DATE: 2010 05 10

**RE: JOINT AND SEVERAL LIABILITY – REQUEST FROM AMO FOR  
A RESOLUTION FROM MUNICIPALITES**

**PURPOSE**

The purpose of this report is to seek Council's endorsement of a resolution that AMO has requested municipalities pass regarding joint and several liability. This request came in AMO's April 15, 2010 publication.

**ATTACHMENT**

The table of contents of the AMO brief and the Executive Summary are attached to this report.

**COMMENT**

The concept of joint and several liability is a concept that requires one defendant that has been found negligent to pay the damages awarded to a plaintiff if other defendants do not have the resources to pay the award.

For example, if a plaintiff injured in a car accident sues a number of defendants such as the other driver or drivers and the municipality and is awarded significant judgment and each of the defendants is found to be at fault, even 1% at fault, each defendant is responsible for the entire judgment should the other defendants be unable to pay their share of the damage award.

Therefore if a municipality is found to be 10% at fault while the other 2 defendants are in total found to be 90% at fault but do not have the required insurance to pay the award the municipality would be responsible to pay the balance of the award that the other defendants are unable to pay.

AMO has for a number of years been asking the Provincial Government to change the provision of the Negligence Act that imposes joint and several liability.

Obviously plaintiffs' lawyers look for the defendant with the most insurance to add as a defendant hoping that a judge will find some negligence against that insured defendant.

AMO prepared a submission entitled the Case for Joint and Several Liability Reform in Ontario to the Attorney General's Office. The entire document is available for review on the Association of Municipalities of Ontario website. I have produced for Council's information the Table of Contents and the 3 page Executive Summary.

Obviously the impact of joint and several liability is that municipal insurance premiums continue to rise as courts find municipalities even minimally to blame and negligence action.

## **RECOMMENDATION**

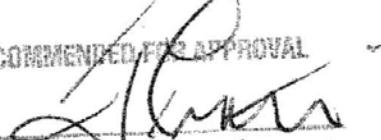
AMO has asked that municipalities pass a resolution that states:

"The Council of the Corporation of the City of Sault Ste. Marie supports the Association of Municipalities of Ontario in its efforts to seek joint and several liability reform in Ontario and calls on the Provincial Government to pursue much needed changes to the Negligence Act".

An appropriately worded resolution appears on the agenda this evening and is recommended for Council's approval.

Respectfully submitted,

  
Lorie Bottos  
City Solicitor  
LAB/on  
Enclosure

  
RECOMMENDED FOR APPROVAL  
Joseph M. Prolesi  
Chief Administrative Officer

## Table of Contents

Executive Summary.....	2
Municipal Implications.....	4
Insurance Implications .....	9
Case Studies.....	11
Origins of the Principle of Joint and Several Liability.....	13
Concerns Leading to Change.....	20
Joint and Several Reform in Common Law Jurisdictions.....	25
New Directions for Ontario.....	29
Conclusion.....	31

---

The Case for Joint and Several Liability Reform in Ontario

---

## Executive Summary

The joint and several provisions of the *Negligence Act*, indicate, "Where damages have been caused or contributed to by the fault or neglect of two or more persons ... and, where two or more persons are found at fault or negligent, they are jointly and severally liable to the person suffering the loss or damage..."

Also known as the 1% rule, the joint and several provisions may oblige a defendant, which is only 1% at fault, to pay the plaintiff's entire judgment particularly in cases where the other defendant is unable to meet a court ordered award. As "deep pocket" defendants with seemingly limitless public resources at their disposal through the power of taxation, municipalities have often become the targets of litigation when other defendants do not have the means to pay high damage awards.

Joint and several liability is problematic not only because of the disproportional burden on municipalities that are awarded by courts. It is also the immeasurable impact of propelling municipalities to settle out of court to avoid protracted and expensive litigation for amounts that may be excessive, or certainly represent a greater percentage than their degree of fault.

Municipalities exist to connect people to their community and the social and recreational opportunities which advance the development of a community. In this paper, there are many examples from across the province where municipalities have scaled back on what they offer as an unfortunate side effect of this litigious era. At what cost will this continue? It is time to find a reasonable balance and follow the lead of so many other jurisdictions which have pursued joint and several liability reform. In fact various forms of proportionate liability have now been enacted by all of Ontario's competing Great Lakes states as well as 38 other states south of the border.<sup>1</sup>

---

<sup>1</sup> Chartered Accountants of Ontario <http://www.casforchange.ca/LE/index.aspx>

---

The Case for Joint and Several Liability Reform in Ontario

---

It should be explicitly noted that for all of its faults, joint and several liability does ensure that plaintiffs are not left empty handed. This paper in no way intends for aggrieved parties to be denied justice or damages through the courts, rather that the inequity of how much "deep pocket" defendants like municipalities are paying for both in and out of court settlements be addressed.

This paper reveals that the origin of joint and several liability has never been an explicit legislated intent of common law jurisdictions. Rather the law has evolved over hundreds of years by default as the result of the combined effect of technical and often primitive concepts of tort law. Since the industrial era, many support mechanisms have been provided by modern societies which did not exist when joint and several liability principles first originated. Today in Ontario, the following exist: accident benefit schemes for those injured in automobile accidents, universal healthcare, employers benefit plans, private disability insurance, new home and title insurance, and workers compensation schemes for those injured on the job. While the legal environment has stayed the same, society has not, and these advances are further proof of the archaic nature of joint and several liability.

Many common law jurisdictions around the world have adopted legal reforms to limit the exposure and restore balance. With other Commonwealth jurisdictions and the vast majority of state governments in the United States having modified the rule of joint and several liability in favour of some form of proportionate liability, it is time for Ontario to do the same.<sup>2</sup>

Ontario municipalities call on the Government to reform joint and several liability as it exists today, with a particular regard for the impact it has on 'deep pocket' property taxpayers and their communities. Ontario municipalities ought not to be insurers of last resort, targeted deliberately in some instances because of joint and several. If this situation is allowed to continue, the scaling back on public services in order to limit liability exposure and insurance costs will only continue.

---

<sup>2</sup> Report of the Standing Senate Committee on Banking, Trade and Commerce, Chairman: The Honourable Michael Kirby, *Joint and Several Liability and Professional Defendants – Options Discussion Paper*, October 1997 Part 3, Section C.

---

The Case for Joint and Several Liability Reform in Ontario

Regrettably it will be at the expense of local communities across the province.

Discussion with the Attorney General through the Memorandum of Understanding process and in other forums which lead to reform can help alleviate the effects joint and several liability currently have on Ontario municipalities.

### **Municipal Implications**

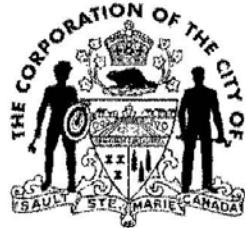
Under the current joint and several liability system in Ontario, a defendant whom is found to be only 1% liable for damages caused to the injured party can be burdened with responsibility for paying the entire damage award if the co-defendants lack the ability to pay. This situation has a profound impact on municipalities in particular. As "deep pocket" defendants with seemingly limitless public resources at their disposal through the power of taxation, municipalities have often become the targets of litigation when other defendants do not have the means to pay high damage awards.

According to current legislation; the *Negligence Act*, joint and several liability dictates that damages may be recovered from any of the defendants regardless of their individual share of the liability. For municipalities, as public organizations with "deep pockets", this often means even a finding of slight or minimal liability can result in responsibility for millions of dollars in damage awards, especially in cases where other liable parties do not have sufficient assets.

The effects of joint and several liability on municipalities are manifest in several areas including claims related to motor vehicle accidents, road safety, building inspections, and facility and event safety. It is a contributing factor in the slow pace Brownfield site redevelopment. The loss of economic activity this could create, particularly with sites located in prime urban areas that are ripe for new development. It has also resulted in increased insurance premiums and in many communities, has caused municipal governments to scale back the scope of the services provided to citizens in an effort to limit liability exposure and the duty of care.

LORIE BOTTO  
CITY SOLICITOR

NUALA KENNY  
ASSISTANT CITY SOLICITOR



LEGAL  
DEPARTMENT

File No. I.1

REPORT TO: Mayor John Rowswell  
and Members of Council

REPORT FROM: Lorie A. Bottos  
City Solicitor

DATE: 2010 05 10

**RE: BILL 16 – OHIP SUBROGATION**

**PURPOSE**

The purpose of this report is to bring to Council's attention a significant change that the Provincial Government is hoping to put in the Health Insurance Act regarding subrogation.

**ATTACHMENTS**

Attached is the Special Alert dated April 2010 from Frank Cowan Company.

**COMMENT**

Subrogation is a term used to define the act of insurer recouping insurance proceeds paid to their insured when another party is liable.

As the legislation now stands OHIP is prevented from recouping its payments to an injured party when those injuries arise from an automobile accident. Instead automobile insurers pay a portion of the liability premiums to OHIP.

What the Province is proposing to put in place is a minor wording change in section 30(5) of the Health Insurance Act which has significant implications for municipalities.

Many claims against municipalities arising from automobile accidents are not defended under the municipality's automobile policy. Rather they are defended under the liability policy.

The change proposed in section 30(5) of the Health Insurance Act (through schedule 10 of Bill 16) is to allow OHIP to recover the proceeds paid by OHIP when the insured person (or in this case a municipality) is not defended under its motor vehicle liability policy. As indicated above on many automobile accidents the municipality is defended under its liability policies as opposed to its automobile policies. An example of when this would arise is a claim based on icy road conditions. In that case it is our liability insurer that would respond to the claim, not our auto policy.

As the publication from Frank Cowan Company indicates this addition of "and defended" into the Act as overwhelming financial ramifications for municipalities.

### **RECOMMENDATION**

The recommendation from Cowan is that municipalities raise this concern with their member of parliament. I agree with that recommendation from Frank Cowan Company Limited. If Council is in agreement an appropriately worded resolution appears on the agenda.

Respectfully submitted,



Lorie Bottos  
City Solicitor  
LAB/on  
Enclosure

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



Frank Cowan Company

SPECIAL ALERT – April 2010

# News & Views

## **Bill 16 - Creating the Foundation for Jobs and Growth Act, 2010 OHIP Subrogation**

*The Provincial Government is addressing legislation which will allow OHIP to subrogate (recoup) against municipalities for Health Care expenses incurred as a result of automobile accidents in which the municipality has been found at fault for non repair of their roads. If passed, these expenses will have a significant impact on municipal liability claim costs in Ontario because OHIP will now have the right of subrogation.*

### **What is Subrogation?**

Subrogation is a term used to define the act of an Insurer recouping insurance proceeds paid to their insured when another party is liable. An example follows:

- Insurance Company A pays for repairs to their Insured's garage when a neighbour, while cutting down a tree, damages the garage when a limb falls on it. Insurance Company A is entitled to recover the payment for repairs to the garage from the insurer of the responsible neighbor.

### **OHIP's Current Right of Subrogation**

Since OHIP is a type of insurance, any health care expenses paid on account of injuries suffered in an accident can be subrogated against responsible (liable) parties. However, many years ago, through legislation, OHIP's right to subrogate its expenses incurred for treatments of victims of automobile related accidents was forfeited.

Under current legislation, in lieu of

subrogation rights, automobile insurers in Ontario agree to pay OHIP a portion of all liability premiums collected. Since municipalities have automobile policies, the current legislation does not allow OHIP to subrogate against them for road maintenance liability claims.

### **The Current Legislation**

The current legislation reads, in part, as follows (emphasis added):

Despite subsection (1), the Plan is not subrogated to the rights of the insured person, as against a person who is **insured under a motor vehicle liability policy issued in Ontario**, in respect of personal injuries arising directly or indirectly from the use or operation, after section 29 of the *Automobile Insurance Rate Stability Act, 1996* comes into force, of an automobile in Ontario or in any other jurisdiction designated in the *Statutory Accident Benefits Schedule* under the *Insurance Act*.

### **Proposed Legislation – Bill 16**

The proposed legislation reads, in part, as follows (emphasis added):

Despite subsection (1), the Plan is not subrogated to the rights of the insured person, as against a person who is **insured and defended by an insurer under a motor vehicle liability policy issued in Ontario**, in respect of personal injuries arising directly or indirectly from the use or operation of an automobile in Ontario or in any other jurisdiction designated in the Statutory Accident Benefits Schedule made under the *Insurance Act*.

**Under the proposed legislation (Bill 16) to avoid subrogation the municipality must have an auto policy AND MUST be defended under that automobile policy. In road maintenance liability claims the municipality is defended by their municipal liability policy not the automobile policy. This would allow OHIP to subrogate health care costs against the municipality in all of these cases.**

### **What This Means to You**

The addition of the two words, "and defended", while subtle has overwhelming financial ramifications for municipalities.

*An example is:*

A driver of an automobile loses control and strikes a hydro pole, is severely injured having sustained a brain injury and will require long-term health care. The municipality having jurisdiction over the road is sued and found liable. The municipality was defended under its municipal liability policy.

*...continued*



Frank Cowan Company

# News & Views

Under the **present** legislation, OHIP cannot subrogate the expenses they incur since the injuries resulted from an automobile accident and the municipality has automobile insurance. It does not matter that the defence would be brought under the municipal liability policy.

Under the **proposed** legislation OHIP would be able to subrogate as the defence of the municipality for this type of claim would be brought under the municipal liability policy, not under their automobile policy.

In the table below we have set out examples of the impact the changes in this legislation will trigger. For this purpose, we have assumed the municipality is found to be liable.

## OHIP Costs

OHIP's expenses can be costly. In 2002, in the Leamington ats Antonio matter, which involved a severe brain injury to a teenaged boy, the OHIP expenses were \$1.2M. In today's world of inflating health care costs, \$5M is not out of the question.

## Status of the Proposed Legislation

The proposed legislation has already passed first and second reading on March 25, 2010 and April 22, 2010 respectively and has been referred to the Standing Committee of Finance and Economic Affairs. The addition of two words, "and defended", while subtle has overwhelming financial ramifications for municipalities.

## Conclusion and call to action

Municipalities already face significant pressure with respect to insurance claims and the resultant impact on insurance costs.

The changes in Bill 16 described above are yet another example of where municipalities will face additional costs on insurance claims (and hence premiums) that were not there before. This impact will be significant.

As a leader in supplying insurance programs and services to the public sector, including municipalities, Frank Cowan Company urges you to raise these concerns over this issue with your provincial member of parliament.

Situation	Present Legislation	Proposed Legislation
An automobile driver is injured after losing control on an icy road	No OHIP subrogation	OHIP subrogation allowed
A pedestrian trips and falls due to a 1 1/2" trip ledge on a sidewalk	OHIP subrogation allowed	OHIP subrogation allowed
A passenger in an automobile is injured when the driver loses control due to a pothole, and strikes an oncoming motorist	No OHIP subrogation	OHIP subrogation allowed

We care about what you care about.

**Frank Cowan Company**

4 Cowan Street East  
Princeton, ON N0J 1V0  
Phone: 519-458-4331 Fax: 519-458-4366  
Toll Free: 1-800-265-4000  
[www.frankcowan.com](http://www.frankcowan.com)

5(g)



2010 05 10

## REPORT OF THE PLANNING ADVISORY COMMITTEE

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

**SUBJECT:** Community Development Award

Twelve years ago City Council initiated a Community Development Award Program and appointed the Planning Advisory Committee as administrators of the award.

The purpose of the award program was to:

- Recognize significant achievement in community development.
- Highlight successful development ideas that others can use.
- Inspire other projects to meet the standards set by successful projects.

Previous winners were the Canadian Bushplane Heritage Centre, the Sault Ste. Marie Cross on the Hill, the Waterfront Walkway, Super 8 Motel, the Algoma Central Corporation, Lyons Timbr-Mart, TenarisAlgomaTubes, and last year's winner, Muio's Restaurant.

This year eight projects were considered for the award.

After careful consideration, the Planning Advisory Committee recommends that this year's Community Development Award be presented to Essar Steel Algoma's Welded Shapes and Profiles Facility, located at 150 Conmee Avenue.

The facility dates back to 1937 when it was established by Dominion Bridge, then called Sault Structural Steel Co. Ltd. The facility was built to provide fabricated structural steel for the basic steel industry in Sault Ste. Marie. In the years that followed, Dominion Bridge expanded its services across Northern Ontario, including an expansion to the local plant in 1953. The name of the facility was changed to Dominion Bridge Co. Ltd. in October 1957. In 1964 Algoma Steel raised its ownership in Dominion Bridge to 43%. In 1965 Algoma took over

5(q)

operation of the facility and added welded wide flange beams to its product offering.

Operations at the facility have gone through several iterations over the years. Today the Welded Shapes and Profiles Facility operates as a custom fabrication shop, converting Essar Steel Algoma plate into welded wide and reduced flange girders and welded T sections. These custom products are manufactured for use in high-rise office towers, power generating stations, and bridges. The division also has CNC flame cutting capabilities to produce strip cutting for 3-plate girders, as well as double bevel plate profiling and detailing – equipped to service the wind tower industry and other niche manufacturers. There are currently fifty two (52) residents employed at the plant.

In 2008, the facility and grounds were identified for restoration. The aging building was in need of attention and the grounds required a significant overhaul. Between June and October of 2008, Essar Steel invested over \$750,000 in site improvements, including:

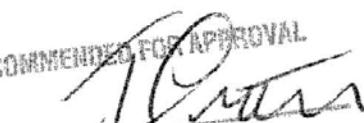
- Painting east and west cranes
- New siding
- Fence replacement
- Paving and curbing of parking lot
- Pedestrian pathway improvements
- Removal of substation from Conmee frontage
- Over 5,000 sq. yards of sod
- Planting of numerous trees and shrubs

The transformation of the site has been nothing short of remarkable. The improvements stand as an example for industrial sites throughout the community.

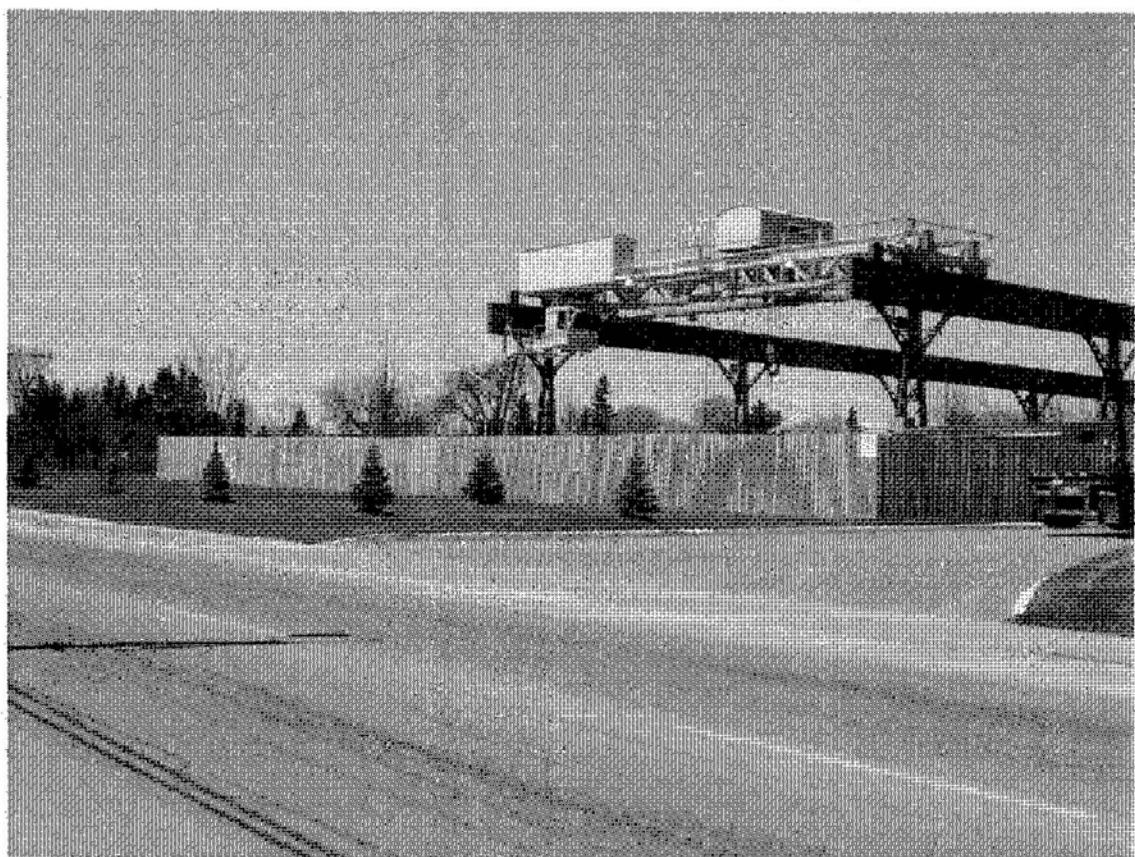
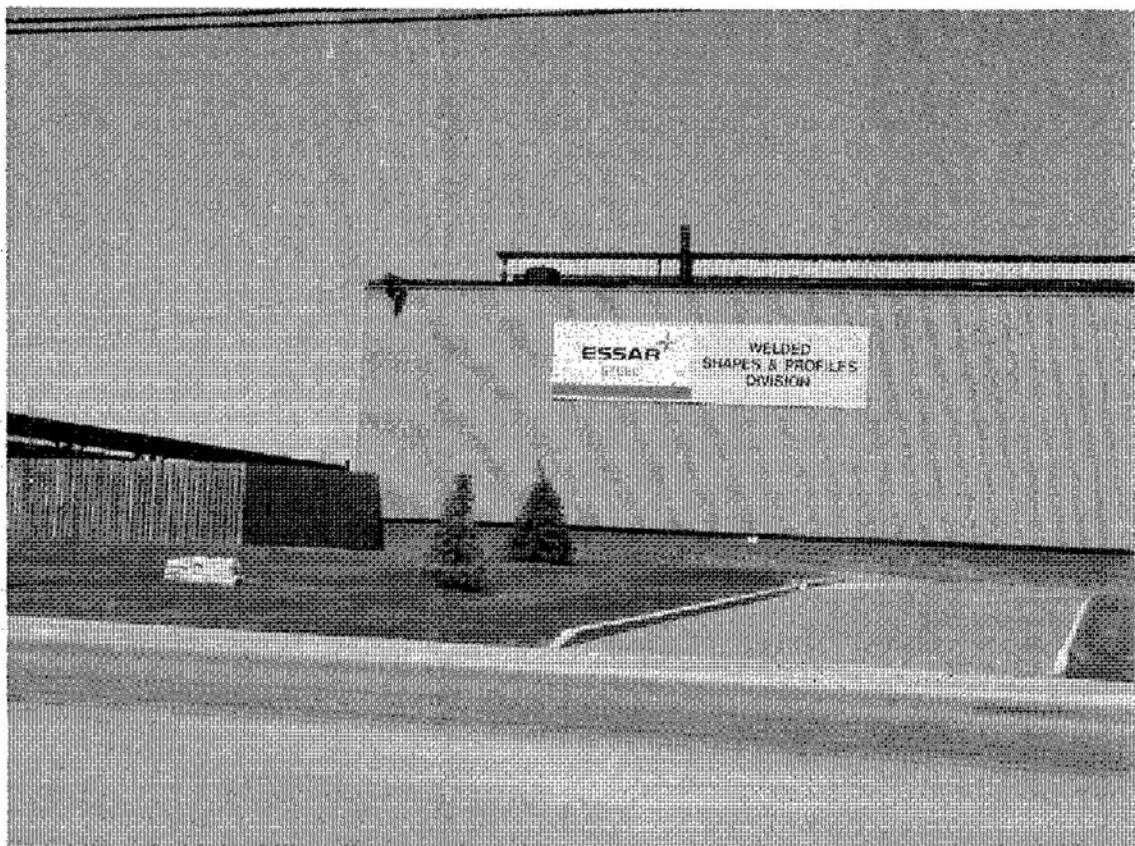
#### Planning Advisory Committee's Recommendation

That City Council award the 2010 Community Development Award to Essar Steel Algoma's Welded Shapes and Profile's Division, for significant building and site improvements that have transformed the property to an aesthetically pleasing functioning industrial site.

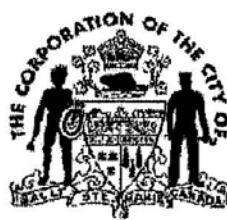
PT/pms

RECOMMENDED FOR APPROVAL  
  
Joseph M. Pretes  
Chief Administrative Officer

5(g)



Larry Girardi  
Deputy Commissioner



Public Works &  
Transportation  
Department

2010 05 10

Mayor John Rowswell  
And Members of Council  
Civic Centre

**Subject: Costs Associated with Preparing the East End Snow Dump for  
a Sunflower Crop.**

On April the twelfth 2010 Council passed the following resolution:

Be It Resolved that Parks staff be requested to report back to Council with a cost analysis for: soil preparation, seeding, cultivation, and any other associated costs to ensure sunflower crop for the summer of 2010 on the 11.6 acre East End snow dump site.

**Purpose**

This report addresses the request to prepare the East End snow dump for the purpose of establishing a sunflower crop for 2010 which can be used as part of the City's Green Energy Initiative.

**Background**

The East End snow dump is located at 2269 Queen Street East just north of the East End Sewage Plant. The area being considered for a sunflower crop is just inside the entrance of the snow dump site. A total of 3.7 acres is actually usable for this proposed initiative. The purpose of the snow dump is to deposit the snow that has accumulated in areas such as boulevards and parking lots throughout the City. Snow is delivered to the site with tandem trucks that carry approximately 13 yards per load. Traditionally snow piles in these locations do not melt completely until some time in July.

Local Farmers and equipment suppliers have been canvassed for information regarding process and cost to grow a crop of this type. The cost analysis provided below was based on the information collected.

## Cost Analysis

In the resolution it states that the intended area of cultivation is approximately 11.7 acres. The actual area that can be cultivated for growing sunflowers is only 3.7 acres. The related costs for preparing and harvesting Sunflowers are as follows:

- Equipment Costs = \$10,010.80
- Material Costs = \$ 5,202.40
- Manpower Costs = \$ 6,496.00

Total	<b>\$ 21,709.00</b>
-------	---------------------

A detailed cost analysis is attached.

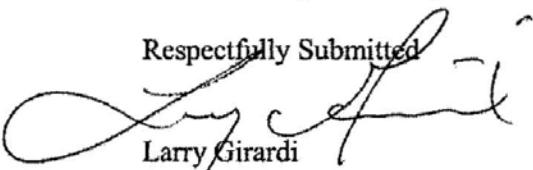
## Summary

Planting of sunflowers must be done by the third week of May in order to allow enough time for harvesting a full grown sunflower crop. The 2010 weather conditions are exceptional but under normal conditions there would still be snow in the East End Snow dump and therefore this initiative may be for this year only.

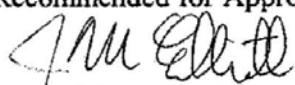
Not included in the costs above are the funds required to irrigate the crop and the handling of the sunflower seeds once harvested. Questions like how and where seeds will be shipped to be converted to oil still need to be determined along with the associated costs.

## Recommendation

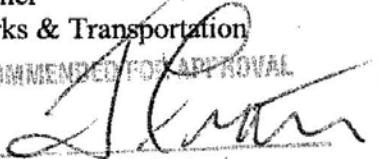
It is staff's recommendation that due to the costs and the short season we would normally experience, we postpone this initiative until we have more evidence that this product will have the proper amount of time to mature and that we have a complete plan on how to harvest and get the crop to the end user.

Respectfully Submitted  
  
 Larry Girardi  
 Deputy Commissioner  
 Public Works and Transportation

Recommended for Approval

  
 James M. Elliott P. Eng.  
 Commissioner  
 Public Works & Transportation

RECOMMENDED FOR APPROVAL

  
 Joseph M. Fratesi  
 Chief Administrative Officer

## Attachment (1)

---

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)

Larry Girardi  
Deputy Commissioner



Public Works &  
Transportation  
Department

May 10, 2010

Mayor John Rowswell  
And Members of Council  
Civic Centre

**Subject: Proposed Opening of Landfill on Saturday's During March**

On March the eighth, 2010 Council passed the following resolution:

Whereas the landfill hours are restricted during the winter months; and  
Whereas one Saturday a month during a winter is difficult for residents to keep track of and is inconvenient; and  
Whereas the cost to increased hours of service may be offset by the increased tipping fee in recent years or existing hours may be communicated better by the city; and  
Whereas the city should encourage all residents to recycle and used the landfill which may lead to a decrease in illegal dumping;  
Therefore be it resolved the appropriate staff report back to council the possibility of opening the landfill every Saturday starting in March instead of April or any other method of providing better service at the landfill to the residents of Sault Ste. Marie.

**Background**

The landfill is presently opened every Saturday from April until October of each year for a total of 31 Saturdays. Starting in the month of November, it is open one Saturday a month usually the third Saturday unless a statutory holiday is within the month. If the latter is the case, the landfill is open the Saturday after the holiday as a regular collection day to make up for the statutory holiday. The times of operation are 8 a.m. to 2:30 p.m. except for the month of May where the hours are extended from 8:00 a.m. to 4 p.m. to accommodate spring cleanup for residents.

**Discussion**

During the summer months, the Saturday vehicle traffic averages approximately 354 vehicles per day. In contrast, a Saturday during the winter months i.e. March would average approximately 88 vehicles per day.

The cost to operate the landfill's facility on any given Saturday is approximately \$5,517. If you include winter maintenance such as snow plowing and sanding the site you

increase the operational costs to \$5,964 per day. The gate fee generated on the limited number of vehicles that would use the landfill during the month of March would not offset the costs to operate the site. If the City were to open the landfill site on Saturdays starting in March, there would be additional operational cost of \$16,500.

At the present time, the Public Works and Transportation Department spends in the area of \$20,000 on advertising for landfill related notices as well as the recycling program. Every time there is an event or a change in service, it is put in the local Sault Star, Shoppers News along with our local corporate webpage. For people who don't use or have computers we also communicate through the landfill events calendar. The bottom line is that we have to continue to improve in keeping the public informed of all the issues related to the landfill operation and especially the times when the landfill site is open to the public.

### **Summary**

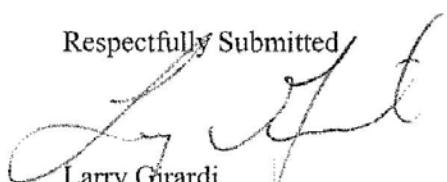
Presently, the landfill is open every Saturday from April until the end of October and one Saturday a month from November through to March. The program is designed so that in the month of April, the landfill will be able to accommodate the residents who are carrying out spring cleanup. The first part of 2010 was an exceptional winter and the public has been anxious to dispose of material at the landfill site. During a normal winter there is snow during the month of March and we would expect that there would be a limited number of people/vehicles using the landfill site.

The cost of opening the landfill during the month of March would require an expenditure of \$16,500. Staffs of the opinion that the number of people who would use the landfill at this time of year would not warrant the cost of keeping the site open for all the Saturdays during the month of March.

### **Recommendations**

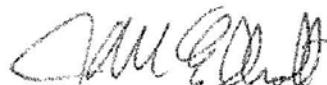
It is recommended that the landfill site not be open for the Saturdays during the month of March.

Respectfully Submitted



Larry Girardi  
Deputy Commissioner  
Public Works and Transportation

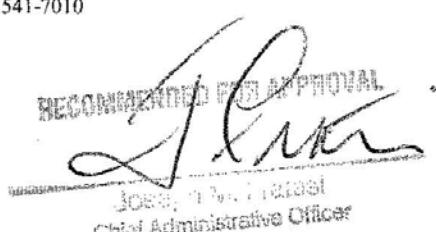
Recommended for Approval



James M. Elliott P. Eng.  
Commissioner  
Public Works & Transportation

---

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) 759-5201 ~ Fax: (705) 541-7010  
www.cityssm.on.ca



RECOMMENDED FOR APPROVAL  
Joe G. McRae, Chief Administrative Officer



5(+)

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

May 10, 2010

Mayor Rowswell and  
Members of City Council  
City of Sault Ste. Marie  
99 Foster Drive  
Sault Ste. Marie, Ontario

**Provincial Approval of Funding for  
Aqueduct Repair Beneath Farwell Terrace**

Dear Mayor Rowswell and  
Members of City Council:

The Province of Ontario has recently approved the final allocation of funding for the remedial work undertaken on the aqueduct beneath Farwell Terrace from the Water and Erosion Control Infrastructure program available only to Conservation Authorities. With the assistance of city staff, the Conservation Authority was successful in obtaining provincial funds to pay for half of the repair costs.

Funding in the amount of \$1,330,799 has been previously forwarded by the province and the recent allocation of \$314,381 brings the total of funds provided to the City of Sault Ste. Marie through the Conservation Authority for the aqueduct repair to \$1,645,180.

Payments in the amounts of \$95,250 and \$219,131 will be transferred by the Conservation Authority to the City of Sault Ste. Marie upon receipt.

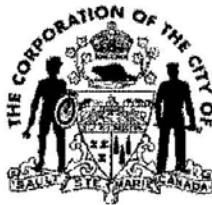
Respectfully submitted for your information,

Linda Whalen  
General Manager

cc: Joe Fratesi, CAO  
Bill Freiburger, Commissioner of Finance

6.(2)(a)

NICHOLAS J. APOSTLE  
COMMISSIONER COMMUNITY SERVICES



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

May 10, 2010

Mayor John Rowsell  
and Members of City Council

## POOL TIME ALLOCATION

As directed by Council at the January 11, 2010 meeting, the Parks and Recreation Advisory Committee have reviewed this matter and have a recommendation for your consideration. A detailed report is attached.

### Recommendation

The Parks and Recreation Advisory Committee recommends the following:

1. That the existing Sault Ste. Marie Aquatic Club, City Lessons, and Aquabics programs not have pool time taken away from their programs for allocation to the Northern Storm Aquatic Club.
2. That Northern Storm Aquatic Club be offered either four (4) lanes for training during the Monday Lane Swim (8:15 to 9:30 p.m.) OR four (4) lanes for training during the Lane Swim program on Wednesdays (8:15 to 9:30 p.m.)
3. That Northern Storm Aquatic Club continue to pursue any additional pool time at other aquatic facilities – YMCA; Norris Centre.
4. That implementation of any changes commence September 2010.

Respectfully submitted on behalf of the Parks and Recreation Advisory Committee,

A handwritten signature in black ink that reads "Nicholas J. Apostle".

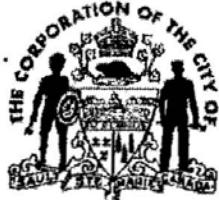
Nicholas J. Apostle  
Commissioner Community Services

jbs/council/pool time allocation cover rept may 10

attachments

6(2)(a)

NICHOLAS J. APOSTLE  
COMMISSIONER COMMUNITY SERVICES



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

April 26, 2010

Mr. Jerry Bumbacco, Chair  
and Members of the  
Parks and Recreation Advisory Committee

## POOL TIME ALLOCATION

### Background

At Council's January 11, 2010 meeting the following resolution was passed:

*"Whereas there are two significant organized swim clubs that use the John Rhodes facility, those being the Northern Storm Aquatic Club and the Sault Ste. Marie Aquatic Club; and*

*Whereas the Northern Storm Aquatic Club has been in existence for approximately two years and has comparable membership to the Sault Ste. Marie Aquatic Club; and*

*Whereas the Northern Storm Aquatic Club currently has allocated 7 hours per week of swim time in comparison to 14 hours per week for the Sault Ste. Marie Aquatic Club; and*

*Whereas the Northern Storm Aquatic Club has requested additional time for the provision of training for their club members; and*

*Whereas the time slots offered are not conducive to the efficient and equitable operation of the Northern Storm Aquatic Club, especially as it relates to the younger members with the time slot offered of 9:30 p.m. being far too late;*

*Now therefore be it resolved that PRAC report back to Council in six weeks with a solution that would provide fair and equitable time to the two organized swim clubs; and*

*Further that City staff should consider in its report the overall operations of the John Rhodes pool in the solution as opposed to simply the current time allocation."*

At their February 9, 2010 meeting the Parks and Recreation Advisory Committee struck a sub-committee to deal with the resolution and provide a report and recommendation.

### Process Followed by the PRAC Swim Sub-Committee

The sub-committee's initial meeting was on February 17<sup>th</sup> with Community Services Department staff. At this meeting the sub-committee accomplished the following:

- Reviewed the present allocation of pool time (attached).
- Reviewed the City-run programs – Lessons, Lane Swim, and Aquabics.
- Reviewed the history of the two aquatic clubs: the Northern Storm Aquatic Club (NSAC) and the Sault Ste. Marie Aquatic Club (SSMAC).
- Reviewed the existing policy on the allocation of pool time (attached).
- Established a format for meeting with the two clubs and dates for presentations from the two clubs.
- Established a list (attached) of information that the clubs were asked to provide at their presentations.

The sub-committee met with the NSAC on February 23<sup>rd</sup>. At this meeting NSAC provided the information that was requested. The club gave a presentation to the sub-committee and a question-and-answer period followed. Minutes of the meeting are attached.

On March 4<sup>th</sup> the sub-committee met with SSMAC. The Club provided the information that was requested and gave a presentation to the sub-committee. A question-and-answer period followed. Minutes of the meeting are attached.

The sub-committee met on March 23<sup>rd</sup> and reviewed the information that was provided by both clubs and City staff.

### Analysis

The following items were discussed in the sub-committee's analysis:

- SSMAC was the only competitive club operating out of the John Rhodes Community Centre Pool until 2008, when some of the club's executive and parents became disillusioned with the club's operation and formed NSAC.
- NSAC's request is for an additional three to four hours per week of pool time between the hours of 4:30 and 9:00 p.m. Monday to Friday.
- Other existing pool user groups have also requested additional prime-time hours to enhance their programs.
- The John Rhodes Community Centre Pool has eight (8) lanes available for competitive swimming instruction.
- The issue of "break-away" groups is not new. Many sports and local associations deal with this issue. The sub-committee discussed this and they are

sensitive to the implications that any decision they make, might have on other "break-away" situations in other sporting groups that use municipal facilities.

- There is an existing policy on how pool time is allocated. Staff follows this policy.
- Swim Ontario has a policy (copy attached) pertaining to the distribution of pool time when a second competitive club requests time at a pool where there is already an existing competitive club. Swim Ontario stated that this policy does not apply to NSAC because it was developed after NSAC was sanctioned by Swim Ontario.
- The resolution of Council states that the sub-committee was to provide a fair and equitable distribution of pool time to the two organized swim clubs. This statement was the topic of considerable discussion with the conclusion being that there is no fair and equitable solution because what is fair to one club is not fair to the other club.
- Review of SSMAC's Pool Time:
  - The sub-committee reviewed allocating some of SSMAC's pool time (prime time) to NSAC. The sub-committee decided against recommending this; it goes against the City's Pool Time Allocation policy; it is not fair to SSMAC; it could be a detriment to the SSMAC program.
  - The sub-committee reviewed having SSMAC and NSAC share pool time. The sub-committee decided against recommending this; this would not be fair to either club because it could be detrimental to their programs. In the sub-committee's opinion, at this time, it would be counter productive to have the two clubs share the pool because of the degree of animosity between the executive and coaches of both clubs.
- Review of Lessons, Aquabics, and Lane Swims:
  - The sub-committee reviewed allocating City Lesson time to NSAC. The sub-committee recommends against this course of action. The Lessons utilize the entire pool and therefore any time that is taken away would mean a cancellation of swim instruction, which is a very valuable program and the reason the pool was originally built. There would be a negative financial impact on the pool budget as Lessons bring in substantially more revenue than renting to the swim clubs.
  - Allocating time from the Aquabics (fitness) program to NSAC was reviewed and the sub-committee did not recommend this approach. The Aquabics program already shares the pool with the Lane Swim program leaving no room for lanes to be allocated to NSAC.
  - The Lane Swim program runs in prime time on Monday, Tuesday, Wednesday, Friday, and Sunday. This program already shares the pool with other programs (such as Aquabics and Public Swims) on Tuesdays, Wednesdays, Fridays and Sundays. This program could share four (4) lanes with NSAC on Mondays from 8:15 to 9:30 pm.

- o Due to fluctuations in Lane Swim attendance, sharing the pool with the Swim Club could negatively impact attendance at the lane swims.
- o Lane Swim participants may be disrupted by the addition of coaching activity on deck.
- o In their review of the Adult Lesson program an additional option became apparent to increase NSAC's pool time. The Wednesday Adult Lesson program can be offered on a different day of the week, meaning that NSAC could share four (4) lanes with the Lane Swim program from 8:15 to 9:30 p.m.
- o It is important to note that either the Monday pool time OR the Wednesday pool time can be made available to NSAC – not both – because of how the existing programs will have to be adjusted.

#### Additional Information

- It is equally important to note that there are additional non-prime pool times available to NSAC on the weekend and specifically on Tuesdays and Thursdays from 7:30 to 8:30 a.m.
- The Committee strongly encourages the amalgamation of the clubs. This could result in one stronger swim club at the John Rhodes Community Centre Pool which would be beneficial for all.

#### Recommendation

The PRAC Swim Sub-Committee recommends the following:

1. That the existing Sault Ste. Marie Aquatic Club, City Lessons, and Aquabics programs not have pool time taken away from their programs for allocation to the Northern Storm Aquatic Club.
2. That Northern Storm Aquatic Club be offered either four (4) lanes for training during the Monday Lane Swim (8:15 to 9:30 p.m.) OR four (4) lanes for training during the Lane Swim program on Wednesdays (8:15 to 9:30 p.m.)
3. That Northern Storm Aquatic Club continue to pursue any additional pool time at other aquatic facilities – YMCA; Norris Centre.
4. That implementation of any changes commence September 2010.

Respectfully submitted on behalf of the PRAC Swim Sub-Committee,



Nicholas J. Apostle  
Commissioner Community Services



## INFORMATION MANUAL

<b>Subject:</b>	John Rhodes Community Centre Pool Time Allocation Policy
<b>Department/Division:</b>	Community Services Department/Community Centres
<b>Source:</b>	Commissioner, CSD
<b>Date:</b>	August 30, 2008

Page: 1 of 1

**Purpose** To allocate available Facility rental time to user groups at the John Rhodes Community Centre Pool

**Procedure**

- All known special events and in house programming are scheduled prior to the scheduling of organized user group facility requests.
- Once all of the special events and in house programming is scheduled, any user group that had regular facility time in the previous year, has the first right of refusal for the upcoming year based on their previous year's allotment.
- Non-organized regular renters are allotted facility time once the requirements of organized groups have been met.
- The remaining facility time is made available to casual renters on a first-come-first-served basis.
- Requests for additional pool time in writing to the Manager of Community Centres by organized groups will be considered should time become available and will take precedent over Non-organized casual requests.

## **Information Requested of Both Swim Clubs**

The format for the meeting will be as follows: the Swim Club will have approximately 10 minutes to present their issue. After the presentation there will be a question and answer period moderated by the sub-committee Chair.

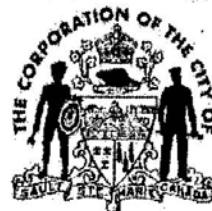
In order to make the meeting productive PRAC is limiting the number of Club members at the meeting to 4. If this is a problem please advise.

In order to assist the Committee they are requesting the following information be provided at or before the meeting:

1. Membership information including total membership, age categories and levels - for example, 50 members total. 10 swimmers aged 7-10, 15 aged 11-13 etc. In addition the levels that are offered and the number of swimmers in each of those levels.
2. How many swimmers use the pool during each rental hour? For example 20 swimmers Monday 7-8 am, 30 swimmers Wednesday 9:30 to 10:30 etc.
3. How many times per week does each classification/level swim
4. Number of coaches and their qualifications
5. Provide the mandate/philosophy of the Club

The meeting will be at the Civic Centre.

6(2)(a)



**Pool Time Allocation  
Meeting with Northern Storm Aquatic Club  
February 23, 2010 – 4:00 p.m.**

**Present:**

- R. Craftchick, Parks & Recreation Advisory Committee
- M. Kontulainen, Parks & Recreation Advisory Committee
- S. Milne, Parks & Recreation Advisory Committee
- N. Fera, Community Services Department
- C. Marinelli, Community Services Department
- N. Apostle, Community Services Department
- G. Naccarato, Northern Storm Aquatic Club
- M. Bordin, Northern Storm Aquatic Club
- N. Day, Northern Storm Aquatic Club
- T. Smith, Northern Storm Aquatic Club

- 1.0 R. Craftchick gave an overview of the issue and read the Council resolution.
  - 1.1 R. Craftchick gave an overview of the process the sub-committee would be following regarding fulfilling the directive of the resolution.
- 2.0 G. Naccarato gave the presentation on behalf of the NSAC.
  - 2.1 NSAC provided printed information to the subcommittee.
  - 2.2 NSAC would like additional time during the week at the prime time hours.
  - 2.3 Occasionally their weekend time slots have gotten cancelled due to swim meets (perhaps 4 times per year).
  - 2.4 Major issue: NSAC has 7 hours of pool time per week; SSMAC has 14 hours.
    - 2.4.1 NSAC has no prime time hours during the week.
  - 2.5 NSAC would share the pool with any group, including SSMAC, and Lane swims; they are very flexible; sharing means NSAC to use 4 of the 8 lanes.
  - 2.6 For growth, NSAC needs to get more and better times; they are looking to go to 10 hours per week; 1.5 hour blocks, 2 times per week preferable Times they would prefer are - start at 4:30, finishing at 9:00 p.m.
  - 2.7 September to June is their season.

- 3.0 Not willing to amalgamate with SSMAC at this time; perhaps in the future BUT would share the pool for practices.
- 4.0 C. Marinelli stated that lanes during lessons cannot be given up without having to cancel lessons. Lessons take up the entire pool.
- 5.0 Cathy will review how other cities are handling the issue of sharing pool time between more than one competitive club. Cities to contact – Thunder Bay, London, St. Catherine's, Markham.

jbf/reccut/pool time allocation/minutes feb 23 2010

6(2)(a)

**Pool Time Allocation Meeting with Sault Ste. Marie Aquatic Club  
Held Thursday, March 4, 2010 – 12:00 noon – Civic Centre**

**Present:**      D. Boucher, SSMAC      D. Stratton, SSMAC  
                  M. Theodossiou, SSMAC      J. Turgeon, SSMAC  
                  S. Milne, PRAC      R. Craftchick, PRAC  
                  C. Marinelli, CSD      N. Fera, CSD  
                  N. Apostle, CSD

- 1.0      R. Craftchick gave an overview of the issue.
  - 1.1      R. Craftchick gave an overview of the process the sub-committee would be following regarding fulfilling the directive (resolution) of Council on this issue.
- 2.0      J. Turgeon gave the presentation for the SSMAC.
  - 2.1      SSMAC distributed copies of the information that the sub-committee requested of them.
  - 2.2      SSMAC distributed copies of their PowerPoint presentation.
  - 2.3      The Council Resolution has caused loss of revenue to the Club and the City – cancellation of swim meet – loss of tourism.
  - 2.4      SSMAC stated that Swim Ontario put a moratorium on new clubs three days after NSAC was formed
- 3.0      SSMAC stated that their pool time is directly related to the degree of competitive swimmers. The more competitive swimmers need more pool time with not as many swimmers in each lane. The less competitive swimmers need less pool time and more swimmers can be put in each lane.
  - 3.1      SSMAC stated that other cities allot more pool time to competitive swimmers.
- 4.0      SSMAC stated that they require all of their time in order to deliver their program.
- 5.0      Next meeting Wednesday, March 10<sup>th</sup> – 12:00 noon – Biggins Room, Civic Centre.

6(2)(a)

# Swim Ontario Policy

## AFFILIATION OF A NEW CLUB POLICY AND PROCEDURE 2008 09 19

### **Policy Support**

This procedure will define how a club can become a member within the organization. The policy indicates that while no demographic license is given existing clubs, Swim Ontario's goal is to ensure that fragmentation in our clubs does not occur. As well Swim Ontario would like to ensure that the nature of the new club is such that it demonstrates support and compliance for existing policies and organizational direction.

### **Procedure**

Responsibility for approval or denial of club affiliations and changes to club names and/or call letters rests with the Executive Committee of the Board of Directors of Swim Ontario, following consideration of the recommendation of the submitting Region and subject to ratification of the Board of Directors.

### **Policy Regulations**

1. All applications for affiliation of a new Member Club or change to a current Club name and/or call letters shall be submitted simultaneously to the appropriate Regional Director and the Executive Director of Swim Ontario.
2. **Application Period.** Applications for affiliation of a new Club or changes to Club name and/or call letters shall only be received during the period March 1 – May 15, in any given calendar year.
3. **Review Period.** The Regional Director shall initiate a review of the application for affiliation of a new Member Club or name/call letter changes, upon receipt of same, according to the Procedure(s) stated below. The Regional Director shall make a recommendation to the Executive Committee no later than June 15.
4. **Approval Period.** The Executive Committee shall initiate a review of all Regional recommendations and arrive at a decision no later than July 15.
5. **Commencement.** All changes and commencement of new club operations, approved by the Executive shall take effect no sooner than August 15<sup>th</sup> of the same year.

### **Procedure for Affiliation of a New Member Club**

- A. All applications for affiliation of a new club shall be submitted simultaneously to the appropriate Regional Director and the Senior Administrative Assistant of Swim Ontario. Applications for affiliation of a new Club or changes shall only be received during the period March 1 – May 15.

The application package shall include but not be restricted to the following documentation:

1. Completed "New Club Affiliation Form." This form includes, but is not limited to,
  - 1) Club Information
    - i. Club Name (proposed)
    - ii. Club Call Letters (proposed)
    - iii. Contact information for the Club
    - iv. Contact information for the Administrators.
  - 2) Coaching Information.
  - 3) Pool Facility Information.

- 2. Intent to affiliate and operate one Club only and in one Region only.
- 3. Proof of incorporation.
- 4. Sound operating practices
  - 1) By-Laws
  - 2) Policies and Procedures
  - 3) Other information (e.g. code of conduct for swimmers, parents, chaperones).
- 5. Sound business practices
  - 1) Business Plan
  - 2) Projected forecasts (swimmer, financial).
- 6. Qualified Coaching Staff (all must be Members of Swim Ontario)
  - 1) All coaches/support staff volunteer or employed/contracted to be working with Swim Ontario members, must complete a security clearance check. (These security clearance checks are subject to the evaluation of the Swim Ontario policy regarding Risk Management and the procedure of Police checks for Swim Ontario BOD & Staff).
  - 2) Head Coach certified at a minimum of Level 2\* and with MED
  - 3) Assistant Coaches certified at a minimum of Skills Coach for coaching competitive registered swimmers and attending sanctioned competitions
  - 4) Assistant Coaches certified at a minimum of Swimming Teacher or "I Can Swim" for coaching non-competitive registered swimmers and not attending sanctioned competitions.
  - 5) Note that any coaches-in-training are excepted provided they are supervised by a qualified coach as referenced above in 6.2, 6.3 or 6.4.
- 7. Training and Development practices in adherence to the principles of Swim Ontario's and Swimming Canada's Long Term Athlete Development Strategies.
- 8. Athlete and Programme Periodization/Development
  - 1) Annualized Training Plan
  - 2) Meet Schedule.
- 9. Primary Club Focus/Mandate/Target Market (may be included with business plan)
  - 1) Private swim school
  - 2) Competitive club
  - 3) Non-competitive club
  - 4) Affiliate of an educational institution (e.g. university)
  - 5) Recreational institution (e.g. YMCA).
- 10. Projected athlete registration numbers, including
  - 1) Ratio of actual new Swim Ontario Members to those transferring from other Clubs
  - 2) Forecasted Age Group breakdown
  - 3) Coach to swimmer ratio for each practice group.
- 11. Pool time schedules and contracts do not infringe on those of existing Member Clubs.
- 12. Preparedness to develop a base of qualified officials and to host competitions.
- 13. Proof of benefit to Swim Ontario and existing member club community.
- 14. Affiliation fee.

\*The Region may recommend affiliation of a new Club with a Head Coach, who is Skills Coach qualified, but not Level 2, provided that the application presents an acceptable plan, complete with timeline (maximum of one year), to attain Level 2 certification.

Incomplete or insufficient applications may be returned to the applicant.

- B. Upon receipt of an application for affiliation, the Regional Director shall:
  1. Initiate the Approval Procedure so as to arrive at a decision on or before June 15.
  2. Notify all Member Clubs in the Region and invite written responses.
  3. Obtain the advice of the Executive Director of Swim Ontario.
  4. At a subsequent meeting of the Region's Board, the Regional Director shall ensure the Board's consideration of the application.
  5. Interview (in person or by teleconference) the applicant, when deemed appropriate.
- C. The Regional Director shall inform both the applicant and Swim Ontario in writing, within 15 days of the Regional Board Meeting of the Regional Board's recommendation to approve or deny the affiliation request. Minutes of the meeting and the decision shall accompany the response and in the event of a recommendation to deny, the reason(s) therefore.
- D. The Executive Committee of the Board of Directors of Swim Ontario shall meet and validate the recommendation of the Region. Final approval or denial of an application may only be undertaken after the receipt of the Regions response. The Executive Committee's final response shall be communicated to all parties following ratification by the Board of Directors. Where the Executive Committee reverses a Region recommendation a copy of the meeting minutes shall be included in the response.

### **Probationary Membership**

Newly approved clubs will be granted probationary status for a period of 12 months and be required to sign an agreement to abide by all of Swim Ontario's By-Laws, Policies and Procedures. At the end of the 12-month probationary period the Regional Director and the Executive Director of Swim Ontario, or their designates, shall conduct a review to ensure compliance with,

- Club submission
- Swim Ontario By-Laws, Policies and Procedures
- Financial accountability and assurance the club is "in good standing"
- Any other aspect of membership consideration deemed appropriate

Both reviews shall be filed jointly or separately with the Executive Committee which has 15 days to affirm the recommendation. The reviews, with written consideration, may only recommend to the Executive that Swim Ontario:

1. Grant full Member Club standing
2. Extend probationary Club standing for another 12 months. This may be recommended only once.
3. Refuse Member Club standing.

Both the Swim Ontario and Regional reviews must agree upon the course of action. Inconsistent reviews will automatically extend probationary status for an additional 12 months.

A Regional recommendation to extend the probationary period or deny membership status must be forwarded, complete with a copy of any report to both the Applicant and Swim Ontario, by the Executive Committee by September 1.

### **Procedure for Change of Club Name and/or Call Letters**

#### **A. Change Criteria**

1. Proposed changes must not infringe on the identity and operations of other Member Clubs.
2. Proposed new names and call letters must not duplicate those of other Member Clubs in the country.

6(2)(a)

Swim ON  
PG 7

3. Rationale for proposed change(s) must be clearly expressed.
  
- B. Change Procedure
  1. Clubs shall make application, including proposed change(s) and supporting rationale, simultaneously to the Regional Director and the Senior Administrative Assistant of Swim Ontario, a minimum of 30 days prior to consideration by the Region's Board of Directors.
  2. Upon receipt of an application the same procedure, outlined above, for New Club Affiliation Applications will be undertaken.

# February 22 - February 28

## Present Allocation of Pool Time

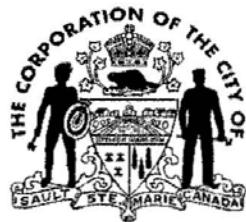
February 2010							March 2010						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6		1	2	3	4	5	6	
2	3	4	5	6	7		2	3	4	5	6	7	
3	4	5	6	7	8		3	4	5	6	7	8	
4	5	6	7	8	9		4	5	6	7	8	9	
5	6	7	8	9	10		5	6	7	8	9	10	
6	7	8	9	10	11		6	7	8	9	10	11	
7	8	9	10	11	12		7	8	9	10	11	12	
8	9	10	11	12	13		8	9	10	11	12	13	
9	10	11	12	13	14		9	10	11	12	13	14	
10	11	12	13	14	15		10	11	12	13	14	15	
11	12	13	14	15	16		11	12	13	14	15	16	
12	13	14	15	16	17		12	13	14	15	16	17	
13	14	15	16	17	18		13	14	15	16	17	18	
14	15	16	17	18	19		14	15	16	17	18	19	
15	16	17	18	19	20		15	16	17	18	19	20	
16	17	18	19	20	21		16	17	18	19	20	21	
17	18	19	20	21	22		17	18	19	20	21	22	
18	19	20	21	22	23		18	19	20	21	22	23	
19	20	21	22	23	24		19	20	21	22	23	24	
20	21	22	23	24	25		20	21	22	23	24	25	
21	22	23	24	25	26		21	22	23	24	25	26	
22	23	24	25	26	27		22	23	24	25	26	27	
23	24	25	26	27	28		23	24	25	26	27	28	
24	25	26	27	28	29		24	25	26	27	28	29	
25	26	27	28	29	30		25	26	27	28	29	30	
26	27	28	29	30	31		26	27	28	29	30	31	

February 22		February 23		February 24		February 25		February 26		February 27		February 28	
Monday	Tuesday	Monday	Tuesday	Wednesday	Thursday	Friday	Friday	Saturday	Sunday				
5 am													
6:00	Northern Storm 6 to 7:30	SSMAC 6 to 7:30	SSMAC 6 to 7:30	SSMAC 6 to 7:30	SSMAC 6 to 7:30	Northern Storm 6 to 7:30	SSMAC 7 to 9 am						
7:00	Lane swim	Lane swim	Lane swim			Lane swim							
8:00	aquatics	aquatics	aquatics	aquatics	aquatics	aquatics							
9:00	School # 5	School # 7	Kiwedin Public School 6 lessons	9:45 to 10:45 Etienne Brule 5K grade 1&2 4	Closing Ceremonies for Winter Olympics			lessons	lessons				
10:00													
11:00	Lane swim	Lane swim	Lane swim	Lane swim	Lane swim	Lane swim	Lane swim						
12 pm													
1:00	School # 6	Anne Trivers Thessalon Grade 5/6 37 students	1:15 to Preschool	School # 8				Public swim	Public swim				
2:00	Aquabics and lane and preschool	Aquabics and lane and preschool	2:15 deep swim	Aquabics and lane and preschool									
3:00													
4:00	SSMAC 4:15 to 5:45	SSMAC 4:15 to 5:45	SSMAC 4:15 to 5:45	SSMAC 4:15 to 5:45	SSMAC 4:15 to 5:45	SSMAC 4:15 to 5:45	Lessons						
5:00													
6:00	Lessons	Lessons	Lessons	Lessons	Lessons	Special Olympics		Family swim	Bronze med and cross				
7:00													
8:00	Lane swim 8:15 to 9:30	Lane swim 8:15 to 9:30	Lane swim 8:15 to 9:30	Adult lessons	Aquabics 8:15 to 9:30	Public swim and lane swim 7:30 to 9							
9:00													
10:00													
11:00													

6(3)(a)

Jerry D. Dolcetti, RPP  
Commissioner

Don W. Maki, CBCO  
Chief Building Official



ENGINEERING & PLANNING DEPARTMENT

Building Division

Tel: (705) 759-5410  
Fax: (705) 541-7165

2010 05 10

Mayor John Rowswell  
And Members of City Council

**Subject: Best Practices Complaint Tracking System**

As part of the CAO's directive to develop a best practices pilot project dealing with customer service, the City's Building Division is pleased to present its project – a computerized complaint tracking system.

With the assistance of the City's I.T. Division, we are now able to receive a complaint, enter the details into our system, record updates, and monitor progress at any stage.

We receive an average of 1600 complaints annually and many are brought to our attention by Council members. A unique feature being provided is the ability of Council members to actually follow the status of such complaints. It improves the flow of communication between staff and Council and enables a timely follow-up electronically by computer or blackberry.

The Complaint Tracking system will be a part of an overall strategy of designing an e-file system. We currently have and continue to enhance our Building Permit Tracking system by working with key developers in having building plans submitted to us electronically. Our building inspectors are in continual contact and can even access this information from remote sites using their laptops.

We believe this system will be user-friendly, reliable, informative and will increase productivity.

Recommend that Council accept this report as information.

Respectfully submitted:

  
\_\_\_\_\_  
Don W. Maki, CBCO  
Chief Building Official

/bb

Recommended for Approval:

  
\_\_\_\_\_  
Jerry D. Dolcetti, RPP  
Commissioner of Engineering & Planning

  
\_\_\_\_\_  
Joseph J. L'Amour  
Chief Administrative Officer

# Building Division

New Complaint Tracking System

(b)(3)(a)

# Introduction

---

- This presentation provides Council with a pilot project for a Best Practices initiative in addressing Complaint Tracking, with the ultimate goal of a complete e-filing system.
- We need a system that is:
  - User friendly,
  - Reliable,
  - Informative,
  - Increases productivity.

# Why Develop

---

- Ability to organize over 1600 annual inspection visits more efficiently;
- Improve flow of communication between Staff and Councilors;
- Improve overall efficiencies with complaint process;
- Create a tracking system that can be used by other City divisions, ie: Engineering, Planning, Legal;
- Create a tracking system to enable timely follow-up;
- It is an expansion of our Permit Tracking System
- Will enable future expansion to a comprehensive “E-filing” system for the Department.

## Tonight's Demonstration includes:

---

- Access through Corporate Systems for internal staff viewing and editing;
- Access through City Website for Council's use;
- Search by complaint #, civic address, or Councilor's name;
- View all documentation related to the complaint;
- Complainant and Complainee info is included;
- Please be mindful of the City's Confidentiality Policy.

# Log-in Page

← + C ☆ https://cityxchg.cityssm.on.ca/corporate/index.asp



The Corporation of the City of  
Sault Ste Marie

User name:

Password:

The logo of the City of Sault Ste. Marie, featuring two stylized figures standing in front of a central emblem.

(a)(3)(a)

# Search Page



The Corporation of the City of Sault Ste Marie  
Corporate Systems - Web

Logged in as: [User](#) [Logout](#)  
Home - Log In

? Home > Building Division > Complaint Tracking System > Complaint Search

## Search Complaints

[Search by Complaint No.](#)

[Search by Address](#)

Street Number:

Street Name:

 cdonald

Start Time (yyyy mm dd):

 2010

End Time (yyyy mm dd):

Filter to show:

- Open Complaints  
 All Complaints

[Search Complaints](#)

## Search Results

Complaint No	Address	Complaint Date	Details	Resolved Date
3718	MACDONALD AVENUE	2010-01-01	Open	
3875	MACDONALD AVENUE	2010-01-01	Open	

© 2010 Sault Ste Marie. All rights reserved.

(d3)(a)

# New Developments

---

- Blackberry compliant;
- Councilors to have the ability to add new complaints;
- Complaint Tracking will form part of our overall strategy of developing an e-filing system;
- Complaint Tracking system to be fully operational on June 1, 2010;
- Fine-tuning the Building Permit Tracking system currently in use for the past 14 months;
- Working with key developers to have building plans and documentation provided in a preliminary e-filing system format.

# Summary

---

- Part of the Corporation's Best Practices strategy;
- Improve By-Law Enforcement Officer's follow-up process;
- Improve exchange of communication between staff and Council.

6(6)(a)



2010 05 10

## REPORT OF THE ENGINEERING & PLANNING DEPARTMENT

### PLANNING DIVISION

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

**SUBJECT:** Application No. A-7-10-OP – filed by Denis Pepin

**SUBJECT PROPERTY:**

Location – Located on the south east corner of Maki Road and Avery Road, civic no. 165 Avery Road

Size – Approximately 294m (965') frontage x 390m (1,280') depth; 11.5 ha (28.4 acres)

Present Use – Rural Residential

Owner – Denis Pepin

**REQUEST:** The applicant, Denis Pepin, is requesting an Official Plan amendment to create seven (7) new Rural Residential lots.

### COMMENTS

Council originally heard this application at its April 26, 2010 meeting. At that time the applicants requested a deferral to allow them time to clarify a number of points in the original report package, which is attached.

The original report refers to the applicant's proposal to create seven (7) new lots as a 'subdivision'. The applicants felt that calling this proposal a subdivision was misleading, given that every lot will have frontage on an existing roadway, and the extension of public infrastructure is not required. Staff's use of the word 'subdivision' refers to the process to be followed. It is recognized that the extension of public infrastructure such as roads and sewers is not required to facilitate the proposed lot creations.

The applicants also feel that if approved, they should be permitted to create the lots by way of a severance application to the Committee of Adjustment, rather than the subdivision process.

Both Engineering and Legal staff's comments in the original report (attached) recommend that if approved, the lots be created by way of a Draft Plan of Subdivision and that the applicants be required to enter into a subdivision agreement with the City.

(b)(6)(a)

The subdivision process generally requires detailed site analysis including a hydrogeological study to ensure adequate quantity and quality of water to support seven (7) on-site wells. The process also requires a soils report, to ensure that the soils can support standard building footings. If such studies identify site limitations, mitigating measures (such as engineered footings) can be identified and placed on title as part of the subdivision agreement. The effect of placing such limitations on title protects prospective purchasers, as well as the Municipality.

It is worth noting that historically, lots have been created without requiring such studies, however experience has shown that if not placed on title, purchasers proceed with a building permit application unaware of the measures required to mitigate any limitations.

Upon further discussion with Legal and Engineering staff, it has been determined that if Council approves this application, the lots may be created by way of a severance application to the Committee of Adjustment.

Although the subdivision process is not required, a hydrogeological report and/or soils study may be required as a condition of the Committee of Adjustment. If any limitations or mitigating measures are identified, such measures may be required to be registered on title.

The applicants also wish to indicate that they are willing to reduce the total number of proposed lots from 7 to 5. The staff recommendation to deny remains, as approval would not be consistent with Provincial Policy or the City's Official Plan. In December 2009, City Council approved a new Official Plan policy to permit one severance for residential development purposes per rural area lot.

To date, the Committee of Adjustment has approved seven (7) new lots under this new policy. The proposal to create 5 or 7 new lots would not significantly impact the rural area, however, approval would set precedence, and Council will be faced with numerous multi-lot creation applications.

#### **Planning Director's Recommendation**

That City Council deny the applicant's request to amend Rural Area Policy 11 of the Official Plan to create seven (7) new rural residential lots on the subject property.

PT/pms

(b)(6)(a)



2010 04 26

## REPORT OF THE ENGINEERING & PLANNING DEPARTMENT

### PLANNING DIVISION

**TO:**

Mayor John Rowswell  
and Members of City Council

**SUBJECT:**

Application No. A-7-10-OP – filed by Denis Pepin

**SUBJECT PROPERTY:**

Location – Located on the south east corner of Maki Road and Avery Road, civic no. 165 Avery Road

Size – Approximately 294m (965') frontage x 390m (1,280') depth; 11.5 ha (28.4 acres)

Present Use – Rural Residential

Owner – Denis Pepin

**REQUEST:**

The applicant, Denis Pepin, is requesting an Official Plan amendment to create seven (7) new Rural Residential lots.

**CONSULTATION:**

Engineering – See attached memo

Building Division – No comments

Fire Services – No objection

CSD – No concerns

Municipal Heritage Committee – No concerns

Conservation Authority – See attached letter

Algoma Public Health – No objections

PUC Services – See attached letter

Accessibility Advisory Committee – No comments

Legal Department – See attached letter

## PREVIOUS APPLICATIONS

In 2004, the applicant requested an Official Plan Amendment to create one new lot by way of a severance. The application was withdrawn by the applicant prior to the Council hearing.

### Comments

The applicant, Denis Pepin is requesting an Official Plan Amendment to create seven (7) new lots for rural residential purposes, whereas Rural Area Policy 11 limits rural area lot creation to 1 new lot. Referring to the attached site plan, proposed lots will meet the minimum lot requirements in terms of frontage and area. The applicant has indicated that Lot's 4 and 6 would remain under the current ownership at this time.

Referring to the attached maps, the subject property is located on the southeast corner of Maki Road and Avery Road, with approximately 291m (955') of frontage along Avery Road, and 340m (1,115') of frontage on Maki Road. The total area of the subject property is 11.5ha (28.4 acres).

Planning Division cannot support the approval of this application. The proposal does not conform to the recently amended Rural Area Policies of the Official Plan or Provincial Policy.

Released in 2005, the Provincial Policy Statement is the guidance document which forms the backbone of local Official Plans throughout the Province. Official Plans 'shall be consistent with' Provincial Policies.

The overall goal of the Provincial Policy Statement (PPS) is to '*promote efficient development and land use patterns which sustain the financial well-being of Municipalities over the long-term.*' Section 1.1.3 of the PPS states that '*Settlement Areas shall be the focus of growth and their vitality and regeneration shall be promoted.*' Section 1.1.4.1 of the PPS further states that '*permitted uses and activities within rural areas shall relate to the management of resources, resource-based recreational activities, limited residential development, and other rural land uses.*

The PPS defines 'Rural Areas' as those areas outside of an Urban Settlement Area. The subject property is located well beyond the Urban Settlement Area, and although '*limited residential development*' is not defined within the PPS, the creation of seven (7) new lots is not '*limited*' within the local context. Historically an average of ten (10) new lots are created in the Rural Area each year, accounting for approximately 10% of the communities total residential development. The creation of seven (7) new rural area lots represents a substantial proportion of the community's average annual rural area lot creations.

The basic philosophy of Provincial Policy is to promote efficient growth from within. Good planning principles are based on limiting sprawl and promoting development, redevelopment and intensification within the urban settlement area at densities that can effectively support city services such as water, sewer and road maintenance etc. A characteristic of the rural area is large lot sizes and low development densities. As people move out to the Rural Area, there is a greater demand for services, even though densities are not high enough to generate a tax base capable of effectively sustaining such service demands.

The concept also revolves around limiting urban sprawl and maintaining rural areas as large blocks to accommodate future growth, or traditional rural area uses such as agriculture. As large blocks of land are subdivided, future development potential is severely impacted.

The City's Official Plan (OP) is the primary document which implements the Provincial Policy Statement. In 2007 Planning staff began a comprehensive review of the OP. While there were several reasons prompting this review, the driving force was the need to update Rural Area Policies as they pertained to the creation of new lots, by way of severance or subdivision.

When the Official Plan was approved in 1996, the creation of new rural residential lots was prohibited. This was a reflection of the local economy and the limited demand for new lots at the time. Starting in 2001, as the local economy strengthened and the population began to stabilize, demand for residential development increased. Given this new climate, Planning staff began recommending approval for single lot severances, and eventually a few estate subdivisions and multiple lot severances.

As demand continued to strengthen and additional multiple lot severance applications were filed, it was decided that a comprehensive review was required. In April 2007 Planning staff presented a 'Rural Residential Development Update' to Council. The report recommended an interim policy of approving single lot severances where appropriate, and maintaining the existing prohibition of new rural subdivisions. This prohibition was based in part on the number of previously approved subdivisions (some dating back to the mid 1980's) that have not yet been developed.

In December 2009 Council approved Official Plan Amendment 167 which amended the Rural Area Policies to permit the creation of not more than one new lot by way of a severance, without the need for an Official Plan Amendment. The prohibition of new rural area subdivisions was maintained.

Considerable discussion was held with the Ministry of Municipal Affairs and Housing, who eventually agreed with the proposal to allow one severance for every existing rural area lot. City staff recommended this policy as being the fairest approach to additional rural residential development. Council should be

6(6)(a)

aware that City staff have received similar multi-severance requests from other rural area landowners who did not proceed given Provincial and Official Plan policies.

Correspondence from the Engineering Department (attached) notes that if approved, the applicants will be required to enter into a subdivision agreement with the City, which will require hydrogeology and soils reports, and a lot grading plan. All plans must be completed by a qualified professional to the satisfaction of the Commissioner of Engineering and Planning or his designate.

PUC Services also notes that the owner will be required to enter into a subdivision agreement for the purposes of providing electrical service to the new lots.

The attached correspondence from the Legal Department notes that the lots should be created by way of a plan of subdivision instead of severances by the Committee of Adjustment. Dealing with lots on a plan of subdivision is easier for future owners of the lots.

Given staff's reluctance to support this application, it was decided to proceed with the Official Plan Amendment and if approved by Council, begin the more costly draft subdivision approval process. The applicant is aware that if approved further steps are required to complete a draft plan of subdivision.

Correspondence from the Conservation Authority (attached) notes that the proposed lots 1, 2 and 6 will require a permit from the Conservation Authority prior to any site alteration and grading. The Conservation Authority also notes that the subject property is under the consideration of the Sourcewater Protection Program. Although residential land uses do not pose a major threat to the aquifer, the applicants are reminded to ensure the proper storage and handling of chemical and petroleum products.

### **SUMMARY**

Traditionally Council has been sympathetic in allowing Rural Area property owners to sever or create one additional property where appropriate. There exists a strong local market for rural residential properties, however widespread 'rural sprawl' is problematic and not in accordance with sound long term planning principles.

Rural development occurs at densities that are not high enough to support the provision of city services in a cost effective manner. Experience shows that as more people move to an area, it eventually results in greater demands for local services, however at rural densities, the tax base is not sufficient enough to effectively sustain such services.

6(6)(a)

Provincial Policy indicates that residential development within a rural area shall be 'limited'. Although more homes may be built on existing lots of record, an average of only ten (10) new lots are created in the Rural Area each year. Given this local context, the proposal to create a 7-lot subdivision is not 'limited residential development'. Furthermore, if this application is approved, precedence would be set and Council will be faced with numerous multi-lot creation applications.

**Planning Director's Recommendation**

That City Council deny the applicant's request to amend Rural Area Policy 11 of the Official Plan to create seven (7) new rural residential lots on the subject property.

PT/pms

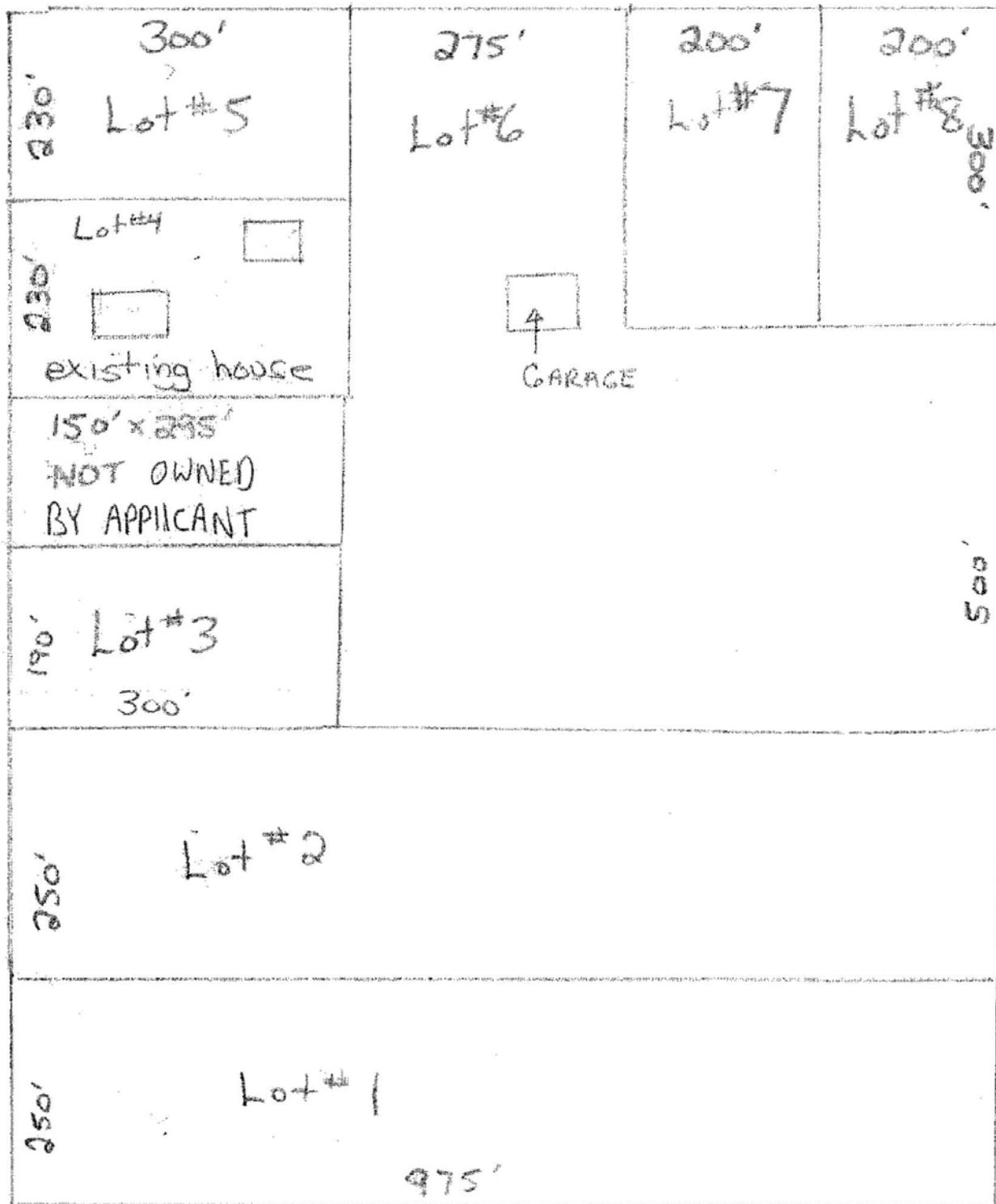
**PUBLIC NOTICE – 2010 04 26, Council Chambers, Civic Centre**

Data\APPL\REPORT\7-10-OP.doc

6(6)(a)

← AUERY ROAD →

↑  
MAKI ROAD ↓



(b)(6)(a)

## Pat Schinners

---

**From:** Don McConnell  
**Sent:** April 12, 2010 10:30 AM  
**To:** Pat Schinners; Peter Tonazzo  
**Subject:** FW: application to amend

---

**From:** Renee Wysynski **On Behalf Of** John Rowswell  
**Sent:** April 12, 2010 10:10 AM  
**To:** Don McConnell  
**Subject:** FW: application to amend

FYI

---

**From:** Cathy Pepin [mailto:[cathypepin@shaw.ca](mailto:cathypepin@shaw.ca)]  
**Sent:** April 09, 2010 9:27 PM  
**To:** John Rowswell  
**Subject:** application to amend

Dear Mayor and City Council;

Re: Application No. A-7-10-OP Amendment to Official Plan

We are writing this letter to our mayor and each of the city counselors of Sault Ste. Marie to provide relevant information that pertains to our request to amend the Official Plan of our property located on the South East corner of Maki Road and Avery Road.

Our home is located at 165 Avery Road, the house faces Maki Road. We purchased the property in 2002 while we were residents of this neighbourhood, living on Avery Road. We both grew up in this area, Dennis growing up on Avery Road. Many of our neighbours have become our friends, whom we have known most of our lives. Wanting to remain in this area and raise our family here, we purchased the 165 Avery Road property with great enthusiasm. What we purchased was a run-down shambles of a house, with property that suffered years of abuse and neglect. However, we are both energetic and put great effort into turning that house and property into the home it is today and we are proud of it. Numerous neighbours have complimented us over the years on the remarkable job we have done and how we have beautified a once sour point of the neighbourhood.

While we will continue to live in our house, we have personal reasons for requesting that the property be subdivided. Three of the lots will remain with us; our home, and two lots which will be given to our two sons. The lot sizes are consistent or above the average acreage for the area.

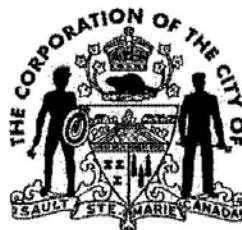
We have had positive responses from our neighbours who are interested in purchasing lots for their family who also wish to continue to live in this neighbourhood. Choosing to remain in this area ourselves, we will be mindful of who may potentially become our neighbours.

We are hoping for your support with our endeavour, and are available to meet with you, show you our home and property and answer any questions you may have. We may be contacted at 253-6481, or by email at [cathypepin@shaw.ca](mailto:cathypepin@shaw.ca)

Thank you for considering our application.

Sincerely,  
Dennis and Cathy Pepin

6(6)(a)



2010 03 29

Our File: A-7-10-OP

MEMO TO: Don McConnell, MCIP, RPP  
Planning Director

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

SUBJECT: APPLICATION No. A-7-10-OP  
165 AVERY ROAD  
REQUEST FOR AN AMENDMENT TO THE OFFICIAL PLAN



The Engineering Department has reviewed the above noted application. If a Plan of Subdivision is approved:

- The Engineering & Construction Division would require that the applicant enter into a Subdivision Agreement with the City;
- A hydrogeology report and soils report are typically required at the Plan of Subdivision stage, in order to ensure that the property is serviceable;
- The Owner may be required to submit soil tests by an independent testing laboratory on the stability of the soil and its ability to sustain superimposed loads from building and filling operations and to furnish at no cost to the City certified copies of the results thereof for examination by the Commissioner of Engineering & Planning or his designate;
- A Lot Grading Plan may be required with existing and proposed grades, to control grading and lot drainage for all of the Subdivision to the approval of the Commissioner of Engineering and Planning or his designate.

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)(a)

## Pat Schinners

**From:** Marlene McKinnon [mmckinnon@ssmrca.ca]  
**Sent:** March 23, 2010 3:33 PM  
**To:** Pat Schinners  
**Cc:** Peter Tonazzo; Frank Tesolin (Home); Linda Whalen  
**Subject:** SSMRCA Response - A-7-10-OP

March 23, 2010

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

### **Conservation Authority Comments:**

**Application #** A-7-10-OP  
Denis Pepin  
165 Avery Road  
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. The subject property are adjacent to an open water course on the eastern boundary. Therefore the proposed lots 1, 2 and 6 would require a review by SSMRCA of any development.

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 Significant and 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.

*Marlene McKinnon*  
GIS Specialist  
Sault Ste. Marie Region Conservation Authority  
1100 Fifth Line East,  
Sault Ste. Marie, Ontario P6A 5K7  
Business: (705) 946-8530 ext 204  
Fax: (705) 946-8533  
Email: [mmckinnon@ssmrca.ca](mailto:mmckinnon@ssmrca.ca)

6(6)(a)



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

April 6, 2010

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-7-10-OP  
165 Avery Road**

PUC wishes to advise that the Owner will be required to enter into a Subdivision agreement for purposes of providing electrical service to the new lots.

Yours truly,

PUC SERVICES INC.

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

Kevin Bell, P. Eng.  
Manager of Engineering

KB\*jf

6(6)(a)

## Pat Schinners

---

**From:** Don McConnell  
**Sent:** April 13, 2010 2:39 PM  
**To:** Pat Schinners; Peter Tonazzo  
**Subject:** FW: Official Plan amendment application A-7-10-OP--Pepin @ 165 Avery Road

---

**From:** Lorie Bottos  
**Sent:** March 30, 2010 7:34 AM  
**To:** Don McConnell  
**Subject:** Official Plan amendment application A-7-10-OP--Pepin @ 165 Avery Road

Don: On this application my recommendation is that the lots be created by way of a plan of subdivision. Seven lots are being created plus the existing lot. I think that warrants a plan of subdivision instead of severances by the committee of adjustment and a resulting reference plan. Dealing with lots on a plan of subdivision is easier for future owners of the lots. Lorie

Lorie Bottos  
City Solicitor  
City of Sault Ste. Marie  
Phone (705) 759-5403  
Fax (705) 759-5405



**2008 ORTHO PHOTO**  
**APPLICATION A-7-10-OP**  
**165 AVERY ROAD**



Metric Scale  
1 : 6000

Map Reference  
104 & 1-119

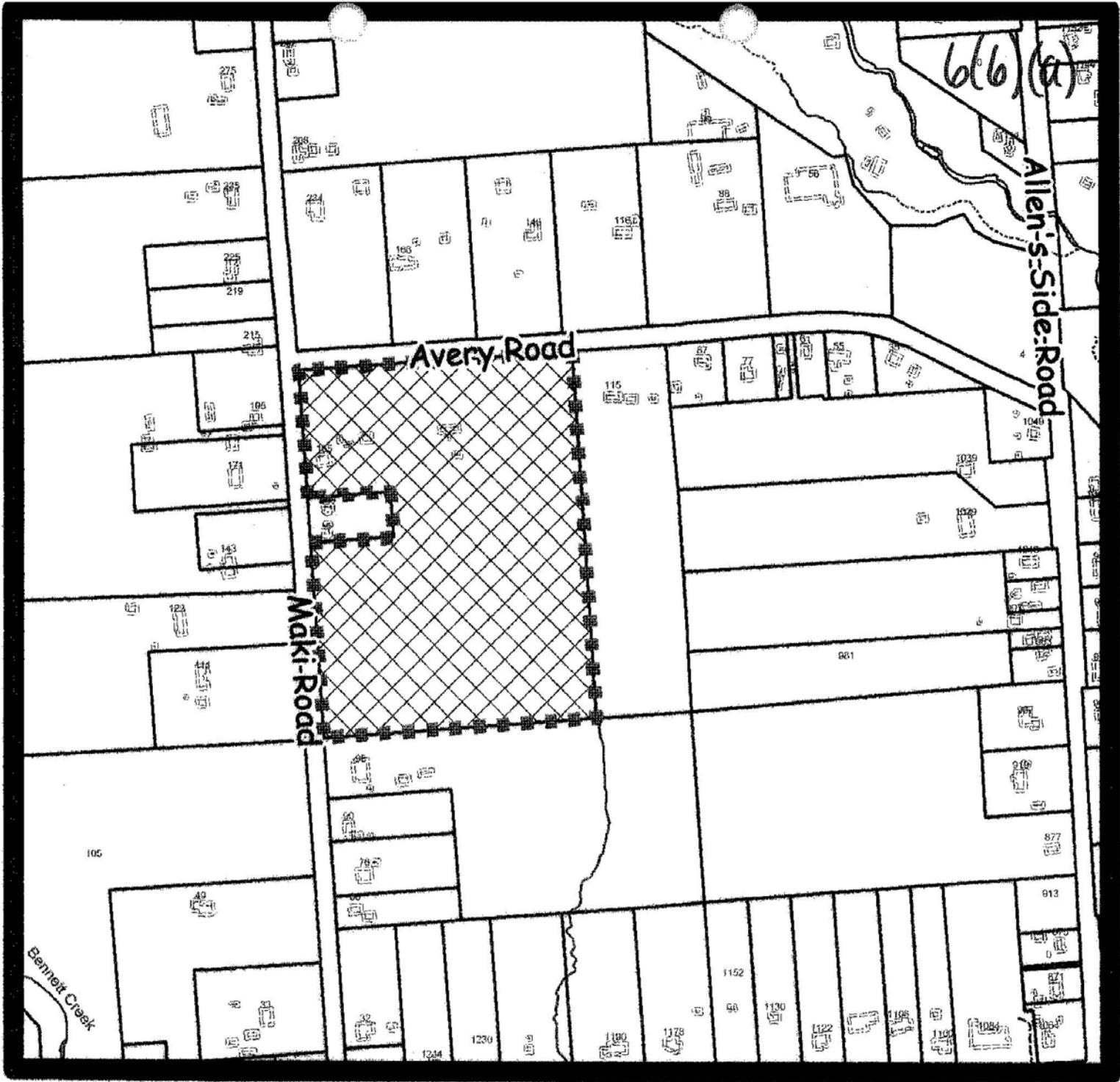
**Legend**



Subject Property - 165 Avery Road

Mail Label ID  
A7-10

March 19, 2010



**SUBJECT PROPERTY MAP**  
**APPLICATION A-7-10-OP**  
**165 AVERY ROAD**



**Metric Scale**  
**1 : 6000**

## Legend



## **Subject Property - 165 Avery Road**

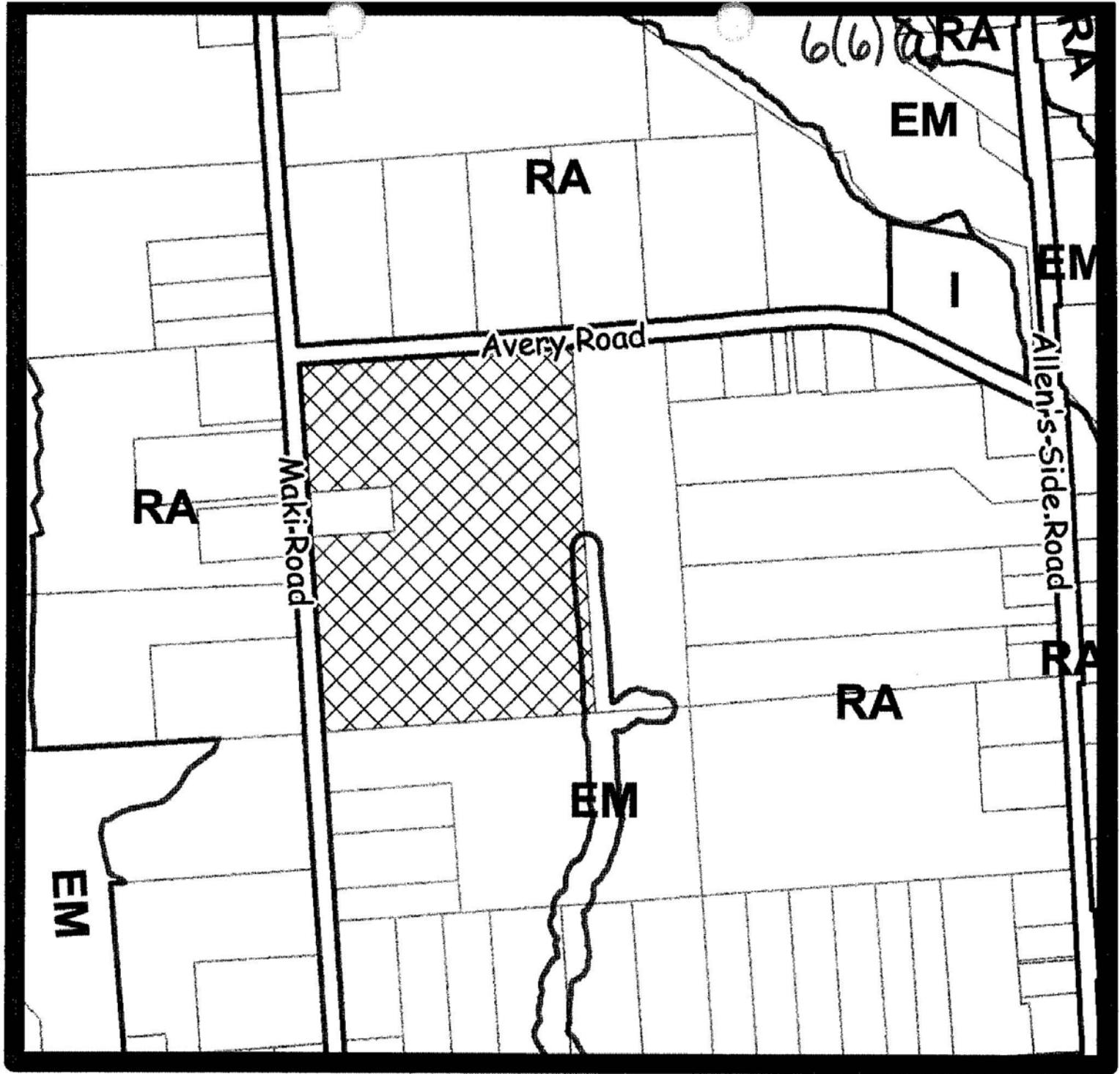


## **Subject Property - 165 Avery Road**

**Map Reference  
104 & 1-119**

Mail Label ID  
A8-10

March 19, 2010



## EXISTING ZONING MAP

APPLICATION A-7-10-OP

165 AVERY ROAD



Metric Scale  
1 : 6000

Subject Property - 165 Avery Road

RA - Rural Area Zone; RAhp

EM - Environmental Management Zone

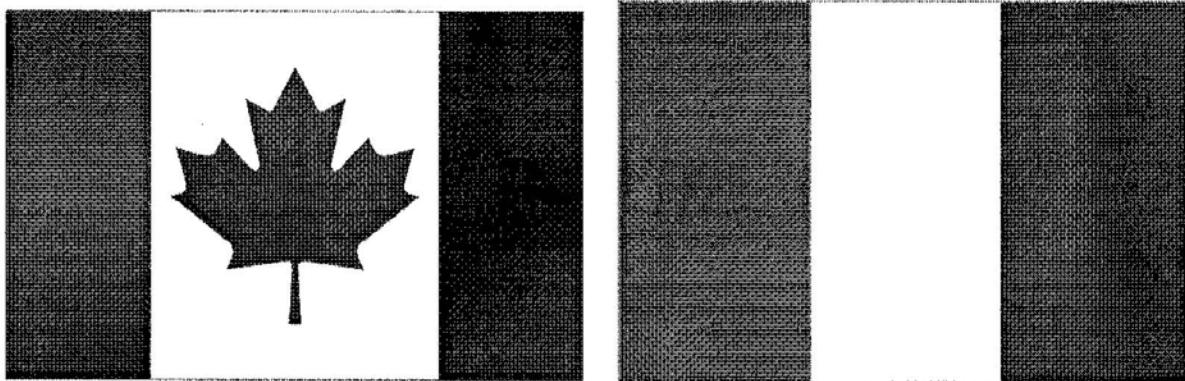
I - Institutional Zone

Map Reference  
104 & 1-119

Mail Label ID  
A7-10

March 19, 2010

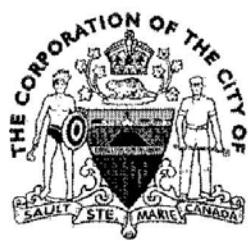
6(8)(a)



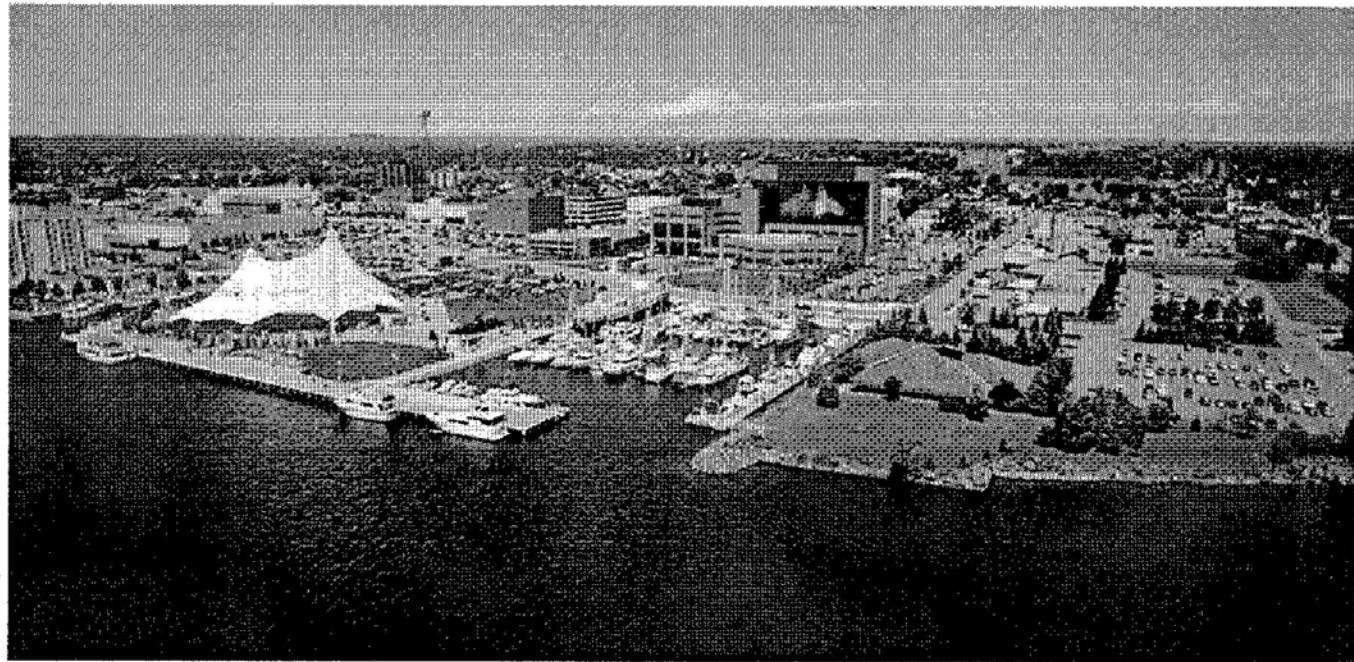
## Business Plan

### Sault Ste. Marie Trade Mission to Italy

September 18 - 30, 2010



*Sault Ste. Marie*  
**ECONOMIC  
DEVELOPMENT  
CORPORATION**



6(8)(a)

**Business Plan for the City of Sault Ste Marie to Dalmine Bergamo Lombardy Trade Mission and Cosenza Calabria Italy Sister City or Friendship City Arrangement**

The City of Sault Ste. Marie and the Sault Ste. Marie Economic Development Corporation have established an International Relations and Global Logistics program that reaches out to the world to develop global relationships between Countries, Cities, Economic Development Organizations, and Businesses. As well the SSMEDC has developed criteria and rationale as to the Countries and Communities that we forge relations with in accordance with our International Relations and Global Logistics Strategy.

The Italian Trade Mission project does not directly but has the potential to impact on both the job creation and property tax revenue criteria of the City's Economic Development Fund. The City's assistance assists in creating the environment (trade mission) for business to business networking and opportunity search that may lead into business to business trade agreements, joint ventures, innovation transfer or strategic alliances. Ultimately this will lead to the potential for job creation and plant expansion (increased tax assessment) depending upon the opportunity obtained, the size, and nature of the business deal.

The SSMEDC international and trade relations do take effort, frequency, and timing to nurture successful business to business deals. The first two Italian Trade Missions in 2002 and 2004 did result in positive business deals for one Sault Ste. Marie firm that assisted in diversifying the product and market for several firms in the U.S.

**BACKGROUND:** The Sault Ste. Marie Trade Mission to Dalmine, Bergamo of the Lombardy Region and Cosenza Calabria Region of Italy is planned for September 18- 30, 2010. For Dalmine Italy the preferred timeframe is September and that supports Mayor Rowswell timeframe as well, however an option has been discussed with Dalmine Italy and that date is November 13-25, 2010. The final decision or timing will rest with the Sault Ste. Marie City Council.

Alberto Iperi with Tenaris Algoma Tubes met with the City of Sault Ste. Marie Mayor John Rowswell in late October 2009 and informed Mayor Rowswell that he had discussions with the Mayor of Dalmine Bergamo Lombardy Region of Italy. Mr. Iperi shared with Mayor Rowswell there will be a formal invitation coming to the City of Sault Ste. Marie early in 2010 from the Mayor of Dalmine, Bergamo Lombardy Italy. Mr. Iperi also informed Mayor Rowswell that Tenaris Algoma Tubes are ready to help support the City of Sault Ste. Marie and the Sault Ste. Marie Economic Development Corporation to facilitate the process to get Dalmine Italy as a business sister city.

Mayor Rowswell advised Mr. Alberto Iperi, he assigned Randy Tallon, Director of International Relations with the SSMEDC. Mr. Alberto informed Mayor Rowswell that the City of Dalmine would assign Caterina Epis Director of Institutional Relationships for Tenaris Dalmine.

Sault Ste Marie has always had a naturally close connection to Italy since approximately one third of our population has its roots there, more specifically the Calabria Region.

Development SSM has had preliminary discussions with Ms. Epis Institutional Relations Manager Tenaris Dalmine including Mayor Claudia Maria Terzi Office and a time has been set (as their preferred time) for mid September 2010 for such a Sault Ste. Marie Trade Mission to Dalmine and Bergamo Lombardy Region of Italy and this will coincide with the Sister/Friendship Cities Arrangement with Cosenza, Calabria Region Italy at the same time.

Sault Ste. Marie will lead a trade and investment mission to Northern Italy from September 18-23, 2010 as part of an aggressive campaign to promote Northern Ontario business development and trade relations with Italy. The mission will generate opportunities for value added steel making,

manufacturing, I.T., Energy and service companies including financial investment services. **SSMEDC has set a 10 Business/Community Partners minimum for the mission to proceed** and, as well the City of SSM, Government Officials and SSMEDC Officials will then continue onto to Cosenza Calabria Region of Italy to establish a Sister City Friendship Arrangement from September 27-29, 2010 (September 24 and September 25&26, 2010 Travel Days)

#### **COMMUNITY PROFILE:**

Northern Italy holds the largest concentration of industrial activity in Europe and one of the highest densities of industrial development in the world. Italy is the world's sixth largest exporter and tenth largest direct foreign investor. Our trade mission will begin in Dalmine but take us to Bergamo, of the Lombardy Region and possibly into Milano, as well depending on the final "business to business" matching. As part of our mission we will be looking at the development of investment attraction opportunities Re: Sectors such as - alternative energy products and technologies, advanced manufacturing (e.g., medical devices, etc.), valued added - steel related products, I.T., and financial investment institutions looking at opportunities here in North America more specifically Sault Ste. Marie and Northern Ontario which could lead to markets in the USA.

#### *The Lombardy Region*

Lombardy covers an area of just under 24,000 km<sup>2</sup>. It is the fourth-largest region in Italy in area (after Sicily, Piedmont and Sardinia) and hosts 8 million plus residents. There were 959,567 companies registered in Lombardy at the end of 2007 (33.9 active companies per km<sup>2</sup> and 84.3 companies per 1,000 population). The business system is composed primarily of manufacturing and advanced service companies with employment and production levels well above the national average.

Lombardy represents:

- "20.7% of national GDP
- 36% of national imports
- 29% of national exports
- 28% of bank deposits
- 25.2% of all Italian capital-based companies
- 21.3% of employees
- 21% of the total R&D expenditures

Lombardy with an active population exceeding 8 million plus and more than 4.3 million employed, it is one of the Region with the highest participation in the labor market. The rate of female activity (59.3%) is eight percentage points higher than the national average. The unemployment rate is 3.4%. The GDP per inhabitant exceeds € 32,000 (28.3% above the national average). Manufacturing offers work to 36% of the employed. Only 1.7 of the total are employed in agriculture, but that is primarily high-productivity animal breeding activity. Service employees represent 62.3%.

The crafts represent a production quotient above the national average, and almost three-fourths relate to production or construction crafts closely integrated in to the production processes of industrial firms. The commercial structure is strongly oriented toward mass-retailing and chains.

Lombard imports represent 36% of the national total in value, while exports are slightly under the 30% mark. There are 59,000 companies that export. Approximately 60% of all imports and exports are to/from

6(8)(a)

other European countries (primarily EU member states). 37.4% of exports flow to the Asian and near and Middle Eastern markets. The characteristic Lombard exports are machinery and mechanical equipment, chemicals and pharmaceuticals, and products of the fashion system, which account for 46% of the total.

The Lombard market for banking and financial services is based on 190 banks (23.6% of the national total), with 6,453 branches that provide intensive geographical coverage (a branch for 1,479 inhabitants)".

*Dalmine:*

In recent years our Sault Ste. Marie industries have intertwined with the Dalmine Bergamo Lombardy Region. Even though Tenaris ownership is in Argentina, Tenaris Algoma Tubes originates in Northern Italy in Dalmine where it is one of the largest companies in Italy. Another large Italian firm, Danieli Corus, supplied the technology and equipment to Essar Steel Algoma for the new Direct Strip Production Complex which makes Essar Steel Algoma's strip steel one of the highest quality and most cost effective in the world. Small firms have found valuable linkages as well. In its venture with Main Filter, Northern Italy's Filtrec of Brescia Lombardy Region of Italy has been extremely successful in accessing the North American market from Sault Ste Marie.

Generally speaking, these companies have been happy with their experiences here in Sault Ste. Marie. In addition, other SSMEDC clients have had discussions with Italian firms towards distribution and subsequent manufacture of products through Sault Ste Marie for North American markets.

Dalmine "is a municipality in the Province of Bergamo in the Italian Region of Lombardy, located about 40 km northeast of Milan and about 8 km southwest of Bergamo. As of 31 December 2004, it had a population of 22,326 and an area of 11.6 km<sup>2</sup>. The municipality of Dalmine contains the Frazioni (subdivisions, mainly villages and hamlets) Sforzatica S. Maria d'Oleno, Sforzatica S. Andrea, Mariano al Brembo, Brembo, Guzzanica, and Sabbio.

Dalmine borders the following municipalities: Bonate Sotto, Filago, Lallio, Levate, Osio Sopra, Stezzano, and Treviolo". The primary industry in Dalmine is Tenaris and because of Tenaris this community has succeeded, as a result.

*Bergamo:*

Bergamo is served by the Orio al Serio Airport, which also serves the Province of Bergamo, and to a lesser extent the metropolitan area of Milan. The foothills of the Alps begin immediately north of the town. As capital and main town of its province, Bergamo hosts the public administration offices of provincial interest. In the past, many factories were in the community/territory, mainly for electrical components, industrial mechanics and publishing businesses but have then moved outward to the surrounding areas. In the town itself three large corporations are still based: Ital cementi Group (one of the main global cement producers); Brembo (is a leader in the design, development and production of original equipment, racing and aftermarket brake components and systems for the worldwide automotive industry) and UBI Banca (is the 5<sup>th</sup> largest banking group in Italy by both market capitalization and number of branches) which this trade mission hopes to meet and have site tours. Bergamo has a twinned City arrangement with Greenville USA.

In 2007, there were approximately 115,781 plus people residing in Bergamo (in which the greater area has more than 300 000 people), located in the province of Bergamo, Lombardy, of whom 46.7% were male and 53.3% were female. Minors (children ages 18 and younger) totaled 16.32 percent of the population compared to pensioners who number 23.67 percent. This compares

6(8)(a)

with the Italian average of 18.06 percent (minors) and 19.94 percent (pensioners). The average age of Bergamo residents is 45 compared to the Italian average of 42. In the five years between 2002 and 2007, the population of Bergamo grew by 1.92 percent, while Italy as a whole grew by 3.85 percent. The current birth rate of Bergamo is 8.72 births per 1,000 inhabitants compared to the Italian average of 9.45 births.

As of 2007, 90.47% of the population was Italian. The largest immigrant group comes from other European nations (the largest being Albania, and Romania): 3.15%, Americas (mostly from Cochabamba, Bolivia): 2.37%, sub-saharan Africa: 1.41%, and North Africa: 1.23%. Currently one-fifth of the babies born in Bergamo have at least one foreign parent which supports the migration from other parts of the world.

### **Calabria Region**

The Calabria Region is a fascinating fusion of hundreds of miles of wonderful coastline with 'hinter-land mountains' as the imposing Pollino chain in the North, the Sila forested plateau in the center and the Serre and Aspromonte chains in the South. With the mountains being so near to the sea the rivers are all very short and known as or called: "fiumare" and stay dry for long periods through-out the year.

The Calabria Region was always a land of emigration due to the scarcity of good arable lands and the population was concentrated in the plains and along the coast. Industry development was still remains low and agriculture is not very productive because of the rugged terrain, but tourism has been steadily on the rise in the last few decades.

#### **Cosenza:**

Cosenza is a small city and community in southern Italy located at the confluence of two rivers: the Busento and the Crathis. The municipal population is approximately around 70,000 plus. The urban area, however, counts for over 260,000 people. Cosenza stands 238 m above sea level in a valley between the Sila plateau and the coastal range of mountains. The old town, overshadowed by its castle, descends to the river Crathis; whereas the growing modern city lies to the north, beyond the Busento, on level ground.

Due to its cultural past, Cosenza was known in antiquity as the Athens of Calabria. The Cosentian Academy for example was one of the very first academies to be founded in Europe (1511). To this day, the city remains an important cultural centre with several museums, theatres, numerous libraries, and the University of Calabria.

Both Dalmine, Bergamo Lombardy Region of Italy and Cosenza Calabria Region of Italy has been chosen based on our SSMEDC International Relations Strategy, City's historical, cultural and family ties with feedback coming from the community through several City Councillors and Mayor Rowswell. As well, businesses with Italian associations have prospered in Northern Ontario. Local businesses such as Filtrec, Tenaris Algoma Tubes, National Supply and other Northern firms continue to develop model partnerships with Italian companies.

#### **GOALS:**

The goal of the mission will be to establish partnerships with Italian Businesses interested in North American markets. Partnerships may involve creation of joint ventures, transfer of technology, establishing a distributorship or providing after sales maintenance for Italian manufacturers. For service companies, opportunities could involve functioning as market representative, bidding on North American contracts on behalf of Italian companies and providing extensive in-market support or using and selling Italian technology.

(6)(8)(a)

This opportunity will appeal to those interested in exporting to Italy or importing to the Americas by means of adding value to the products and services imported from Italy.

Development SSM is encouraging local companies who are interested in conducting business or forming business relationships in Italy to attend this trade and investment mission. Beyond establishing a business match, we will introduce you to your potential trade partner. Development SSM will also assist businesses in developing a firm relationship by providing export advice and referrals to consultants who will assist you to address your exporting needs.

Northern Italian firms currently export products in the following categories: special purpose machinery, other metal products, parts and auto accessories, machinery for agriculture and forestry. This is where our Northern expertise also lies. With the 60 million Americans in our backyard, we are an ideal partner.

The US market is approximately ten times larger than the Canadian market yet Italian trade with Canada is ten times larger than with the USA. There is opportunity to expand Italian /US trade 100-fold with Northern Ontario as a base for Italian Canadian joint ventures. The most logical route for Italian firms to reach the US is via Sault Ste Marie as it is uniquely positioned at the hub of the Great Lakes with good transportation links by rail, highway, and waterways. The City is within the "just-in-time" radius of combined US and Canadian markets of over 60 million people. The number of Northern Ontario businesses exporting abroad has steadily increased over the years. Having said this, there is still a significant number who have not penetrated certain markets. Northern Ontario including Sault Ste. Marie has made the value added steel, and value added wood sectors key components to its economy. An opportunity exists for companies in Northern Ontario to increase their level of export activities in these areas.

#### **PROJECT OBJECTIVES:**

The overall objective of the project is to attract Italian business investment to Sault Ste. Marie ultimately leading to the North America market place. Deliverables will be established and noted under "**Appendix B**" of this Business Plan.

Phase I will focus on planning, business plan development, market research and logistics and will set the stage for the subsequent mission. Phase II will provide the opportunity for qualified participating businesses to meet Italian counterparts with common interests, as well as participating with the City of SSM and SSMEDC Officials who will continue onto to Cosenza Calabria Italy to establish a Sister City/Friendship Arrangements.

#### **Phase I Objectives: (already completed)**

1. To refine and expand the data available Sault Ste. Marie companies with interest in joint ventures and strategic alliances in Italy.
2. To introduce and promote Sault Ste Marie to consular officials and Italian business leaders as a cost effective and attractive destination for Italian foreign direct investment in Canada.
3. To collect information on Italian businesses with interest in operations in Canada.
4. To meet companies such as those associated with Filtrec and encourage them to consider similar ventures.
5. To lay the groundwork for a Sault Ste. Marie trade mission to Italy in September 2010.
6. To establish preliminary plans for such a mission:
  - i. Business Plan
  - ii. Venues
  - iii. Accommodation
  - iv. Routes, locations
  - v. Timing

6(8)(a)

7. To increase local knowledge and understanding of Italian business opportunities and practices.
8. To explore opportunities for the business of education and attraction of foreign students

**Phase II Objectives:**

1. To market the opportunity of a business investment mission to Italy
2. To successfully organize and complete the mission in Fall 2010
3. To support local and foreign businesses who express interest in establishing formal relationships in terms of joint venturing and exporting.
4. Increase their accessibility to the European Market.
5. Network with local industry personnel to find leads, joint venturing and/or investment opportunities both now and in the future.

Take advantage of the compatibility between the two "northern" regions in industry sectors such as alternative energy, manufacturing, metal and wood processing.

**MISSION PLANNING FORMAT:**

Phase 1 of the mission was designed to conduct a follow-up on the previous 2002 and 2004 Italy Trade missions and to meet "one on one" with the local companies identified in Italy who have successfully set up in Sault Ste. Marie and to meet with the industry representatives in the Dalmine, Bergamo in the Lombardy Region of Northern Italy.

Phase 2 of the mission is designed to follow up on the contacts made in Northern Italy and further expand on this via "business to business" matchmaking between Sault Ste. Marie northern Ontario and Northern Italy as well as establish friendship/sister city arrangements with Cosenza Calabria Italy based on our City's historical, cultural and family ties with feedback coming from the community through several City Councillors and Mayor Rowswell.

**FINANCIAL COSTS:**

Development SSM has done a preliminary cost estimate on the Sault Ste. Marie - Canada to Dalmine Bergamo Italy and Cosenza Calabria Italy Trade Mission. We have estimated approximately \$70,000 based on 18 delegation participants going to Dalmine, Bergamo Lombardy Region of Italy **with a 10 Business/Community Partners minimum**, City & SSMEDC (keeping in mind if both Provincial MPP (1) and Federal MP (1) will be invited and will increase numbers to 18 participating in Dalmine, Bergamo Lombardy Region of Italy Trade Mission however their costs will be covered by their appropriate levels of government but did include in our estimate costing). The Cosenza Calabria Region of Italy portion of the trip will consist of a delegation of 8 (City, SSMEDC, Government Officials MP/MPP, Businesses if interested) Sister City/Friendship Arrangement visit participants. Federal/Provincial and Municipal political official participation will be determined by each level within their own approval process.

Development SSM included costs at economy (business class and first class are not included and would increase the air travel costs by twice as much) for our estimates using airfare in economy for 18. This will and can be negotiated but prices will go up and will be at own expense.

Final costs will be determined based on number of days in travel, final location, date and purchase of tickets which can increase or decrease as purchased. Development SSM included meals and incidental costs. We estimated \$200.00 Canadian per traveler per day for both meals and incidentals.

6(8)(a)

Flying time is estimated at 8-10 hours one way. Development SSM is estimating this trip all inclusive will cost on average per delegate anywhere from \$3000 to \$4000 (depending on airfare status) and 3 days including the 1 day between Dalmine, Bergamo, Milano Lombardy and Cosenza, Calabria Regions Italy.

The EDF funds would go towards costs such as such as the "business to business matchmaking" services, collateral/marketing/promotional material, advertising, translation, special events, and ground transportation. See "**Appendix A**" of the Business Plan for which EDF costs will cover:

>Translation of company profiles, City of SSM/SSMEDC marketing and promotional materials, On-site simultaneously translation during "business to business" matching as required and during VIP speeches. Coordination for AV, and SSMEDC promotional material on-site as required.

>Correspondence, long distance calls to Italy, "business to business" matching with Bergamo area companies, 6-8 on-site meetings per company, pre-mission press release in Italian to business print and internet media of Lombardy.

>Development of Institutional and VIP itinerary in Lombardy and Calabria Regions, Coordination of VIP Dinner, Reception or Special Events hosted by Mayor of Sault Ste. Marie.

> Ground transportation to and from hotel, airport and business site tours.

>On-site support and coordination for the mission including facilitation; reporting back of site tours; escorting and coordination of Canadian delegates with Italian counterparts during site tours, business and institutional meetings.

**Travel, accommodation, meals, and incidental costs for the trade mission would be the responsibility of the Delegation participants and their organizations.**

#### **EXPECTED OUTPUTS:**

Upon return from the mission the listing of companies/ associations and chambers will be posted on the SSMEDC website and entered into our data base. The immediate follow up on mission results will be presented to City Council with testimonials. The participants were contacted periodically after the mission will be follow-up to determine their success. Many of the results and business intelligence for companies is sensitive and a certain degree of respect is required by SSMEDC Staff to ensure confidentiality.

Participants will share the pros and cons of the mission and made good suggestions on where areas of improvement could be done. Business profiles were advertised with several chamber organizations in Italy.

All Italian consultants or businesses visited will result in follow up on business matchmaking and other work on behalf of SSM companies. The participants will be asked to register with International Trade Canada VTC service, and obtained assistance on US market intelligence.

Formal Sister City Friendship City Agreements will be formalized at the time of the mission as more relationship building is required. Further research and mission activity is proposed to develop this opportunity.

The Sault Ste. Marie Italian community partners/associations need to be engaged and given an opportunity to participate in a coordinated Sault Ste. Marie effort both in the pre-planning, on-ground mission and follow-up stages.

6(8)(a)

**APPENDIX A - Business Plan Budget Estimate Sheet for Sault Ste. Marie to Dalmine Bergamo  
Lombardy and Cosenza Calabria Regions, Italy September 18- 30, 2010 (includ. 3 Days Travel)**

Item	Cost	# Units	Total Cost	Notes
<b>Air</b> Economy Air in Sept. or Nov on Air >Alitalia SSM - Milano return to SSM	\$1250.00	10	\$12500.00	Air Travel for both Dalmine & Cosenza Italy
>Air Alitalia to Lamezia >Air Alitalia Lamezia to SSM	\$1825.00	8	\$14600.00	Air Travel SSM returning after Dalmine business portion of mission
<b>Hotel</b> Guestrooms -- Dalmine	\$150.00 X 4	4 nights X18	\$10800.00	Daily Rate Taxes Exchange Included - Hotel Parigi 2
Guestrooms - Cosenza	\$175.00 X 8	5 NightsX8	\$7000.00	Daily Rate Taxes Exchange Included - Holiday Inn
<b>Estimated Dalmine Bergamo Cost Per Delegate</b>	18			\$2000-\$3000.00
<b>Estimated Dalmine Bergamo to Cosenza Calabria Cost Per Delegate</b>	8			\$3000-\$4000.00
<b>Total Costs covered by Delegation</b>			\$44,900.00	
<b>EDF REQUEST</b>				
<b>Third Party Ground Transportation</b> Airport to Hotel Dalmine Return	\$100.00	18	\$1800.00	
Ground Transportation Site Tours Bus Coach	\$300.00	18 (Transport 18 people over fours days)	\$1200.00	\$300 Per Day X 4 Days
Airport to Hotel Cosenza Calabria Return	\$100.00	8	\$800.00	
Ground Transportation Cosenza Calabria Bus Coach	\$300.00	8 (8 People over 6 days)	\$1800.00	\$300 Per Day X 6 Days
<b>Third Party Costs</b> Communication Materials Translation	\$4500.00	1	\$4500.00	English - Italian Translation
Out Sourcing Marketing, Promotion & Production	\$6000.00	100 (Produce multiple copies of materials)	\$6000.00	Handout Business to Business Matching Material
Third Party On-site Support & Sponsored Events	\$6000.00	Arrange, Set-up and fiancé Multiple Events	\$6000.00	SSM Mayor Hosting Events & Italian C of C - On site 24/7
Third Party "Business to Business" Follow- up & Analysis	\$3000.00	1	\$3000.00	
<b>Total Mission Estimate Costs</b>			\$70,000.00	
<b>Delegation Participant Costs</b>			-\$44,900.00	
<b>EDF (Third Party Costs)</b>			\$25,100.00	Up to \$25,000.00 Estimated

6(8)(a)

**APPENDIX B (If dates change will be reflected accordingly by 30-60 days)**

<b>PROJECT PLAN DELIVERABLES for Italy Mission Sept. 18-30, 2010</b>	<b>ACTION ITEM</b>	<b>DATE and STATUS</b>
Business Plan	Develop Business and seek SSMEDC Board of Directors approval for submission to City Council	April 6, 2010 April 19, 2010 Revised Date (May 3, 2010) (May 10, 2010 City Council)
Identification and Registration of Participating Companies	Complete Business Profile	May 28, 2010
Business Profiles sent Italy Chamber of Commerce in Bergamo	Profiles of participating companies to be delivered to ICOC, Trade Consults and Italian Embassy	May 30, 2010
SSMEDC meetings with confirmed Businesses prior to Mission	Meet with each participating company at least twice to define respective goals and objectives	1 <sup>st</sup> Meeting week of June 14, 2010 2 <sup>nd</sup> meeting week of September 6, 2010
SSMEDC work with confirmed Businesses to apply for Provincial Funding.	Assist businesses in accessing Provincial Government funding through the Ontario Chamber of Commerce for the Global Expansion Program which helps SMEs increase access to global markets. Assistance to businesses is available in these areas:  >Direct Contacts (international trade shows, fairs, exhibitions, and incoming and outgoing trade missions);  >Marketing Tools (development of electronic media, promotional materials, and generic branding material)  Detailed information and an application guide are available at <a href="http://www.exportaccess.ca">www.exportaccess.ca</a> .	May 10, 2010 On-going
Dalmine Bergamo Italian Chamber of Commerce to provide Business Profiles for Italian companies with SSMEDC who the SSM Trade Delegation will meet in Italy.	Review information on prospective Italian partner companies provided by ICOC within one week of receipt.  Work with the match-making information with Sault Ste. Marie and Italian companies  Provide feedback to the ICOC, Italian Embassy and Trade Consults on responses to proposed matches	May 30, 2010 On-going  June 15, 2010  June 21, 2010
SSMEDC develop Cosenza Calabria Itinerary with Government Officials	Cosenza Calabria Italy was chosen based on our City's historical, cultural and family ties with feedback coming from the community through several City Councillors and Mayor Rowswell.  Confirm VIP meetings Special Events and formalize meetings with Italian Government Officials	
SSMEDC to meet with local Italian Community Organizations with ties to Cosenza Calabria Region	Meet with official representatives with Italian Associations here in SSM for input into Italian homeland	May 2010
SSMEDC with Support from ICOC to confirm VIP and Governmental Officials	SSMEDC to work with DFAIT, Italian Chamber of Commerce and Italian Embassy to identify and confirm Italian Officials	May and June 2010
SSMEDC Final Report	SSMEDC will complete and final report with outcomes for SSMEDC Board of Directors and City Council	Final Quarter 2010

(8)(a)

SAULT STE. MARIE  
ECONOMIC DEVELOPMENT CORPORATION

Board of Directors' Meeting

Monday, May 3, 2010  
Cynergy Room – Algoma's Water Tower Inn  
11:30 am.

AGENDA ITEM 5.7 – Italian Trade Mission Business Plan

---

Moved by: R. Reid

Seconded by: S. Myers

Whereas, at the March 1, 2010 meeting, the SSMEDC Board of Directors conditionally approved an EDF application in the amount of \$25,000 to offset preliminary costs related to the proposed trade mission to Dalmine Bergamo Italy and Cosenza Calabria Italy based upon receipt of Business Plan,

Be it resolved that the Board accepts and approves the Business Plan with the condition that the budget be clarified and furthermore recommends this EDF application to City Council for their approval.

*10(a)*

THE CORPORATION OF THE CITY OF SAULT STE. MARIE  
BY-LAW 2010-70

**AGREEMENT:** (C.4.2.) A by-law to authorize an agreement with the City and the Electrical Safety Authority.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENTS**

The Mayor and the 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 10<sup>th</sup> day of May, 2010 and made between the City and the Electrical Safety Authority for inspections of City buildings and other facilities for compliance with the Ontario Electrical Safety Code for a 1 year contract for the period April 1, 2010 to March 31, 2011 for an annual fee of \$33,764.00 plus GST.

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.

PASSED in open Council this 10<sup>th</sup> day of May, 2010.

MAYOR – JOHN ROWSWELL

CITY CLERK – MALCOLM WHITE

**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



# CONTINUOUS SAFETY SERVICES AGREEMENT

Electricity Act, 1998, Ontario Electrical Safety Code, O. Reg. 10/02, Rule 2-006

Agreement With: **The Corporation of the City of Sault Ste Marie (hereinafter "Customer")**

Address: P.O. Box 580, 99 Foster Drive, Sault Ste Marie, Ontario P6A 5N1

## **1. Objective**

The Electrical Safety Authority ("ESA") is designated pursuant to Ontario Regulation 89/99 as the authority responsible for electrical safety in the Province of Ontario including the administration and enforcement of the Electricity Act, 1998, C. 15 and the Ontario Electrical Safety Code, Ontario Regulation 164/99 as amended 10/02 (the "OESC").

Rule 2-006 of the OESC provides for periodic inspection of electrical installations in prescribed circumstances. ESA offers periodic inspection services through a program known as Continuous Safety Services. ESA will provide a program to assist the Customer in meeting its due diligence, risk management and quality control obligations and objectives in respect of electrical safety in accordance with the terms and conditions of this Agreement.

## **2. Scope of Work**

### **2.1 Electrical Systems & Equipment**

The following electrical systems at the facility or facilities (the Facility or Facilities) listed in Schedule "B" to this Agreement is covered by the provisions of this Agreement:

- (a) panels and distribution systems
- (b) service and electrical equipment
- (c) building and general wiring; and
- (d) like-for-like or equivalent retrofits of components of the equipment and systems included in subsections (a), (b) and (c) of this section 2.1.

### **2.2 Excluded Systems & Equipment**

The following are not covered under this Agreement unless specifically provided in Schedule "A" or Schedule "C" (if applicable) to this Agreement:

- (a) safety training courses;
- (b) field evaluation (product approvals);
- (c) connection authorizations to the Local Distribution Company (Utility) for the connection or reconnection of the electrical service;
- (d) design review and consultation for renovation or new construction; and
- (e) new or retrofit equipment that alters electrical system size, characteristics, capacity or power consumption.

### **2.3 Scheduled Inspections**

ESA will establish, in consultation with the Customer, a schedule of inspections for the Facilities which will include a visual review of the electrical systems and equipment in the Facilities and the work done, from time to time, on the electrical systems and equipment. Electrical hazards, deficiencies and work which do not comply with the OESC, as identified during scheduled inspections will be reported to the Customer.

### **2.4 Record of Electrical Work**

ESA will assist the Customer in setting up a Record of Electrical Work to facilitate compliance with Rules 2-003 and 2-006 of the OESC.

### **2.5 Code Interpretation and Advice**

Within thirty (30) days of the commencement date of this Agreement, ESA will provide the Customer with the latest edition of the OESC as indicated in "Schedule A". Code Bulletins, Flash Notices and amendments to the OESC will also be provided to the Customer as they become available.

In the course of performing scheduled inspections, ESA will advise the Customer on compliance with the requirements of the OESC. The Customer will also have access to an ESA Technical Advisor during ESA's normal business hours.



# CONTINUOUS SAFETY SERVICES AGREEMENT

Electricity Act, 1998, Ontario Electrical Safety Code, O. Reg. 10/02, Rule 2-006

### 3. Service Delivery

#### 3.1 Inspection Staff

All work will be performed in a diligent and professional manner by fully qualified electrical inspectors employed by ESA. ESA will assign a primary and a backup inspector for each Facility.

#### 3.2 Hours of Service

Unless otherwise agreed in writing, all services will be performed during ESA's normal service delivery hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding statutory holidays.

#### 3.3 Compliance with Laws, Regulations, Policies and Procedures

ESA inspectors will comply with all applicable laws and regulations including legislation governing workplace health and safety and also with health, safety and other workplace policies, procedures and rules of the Customer. In the event a policy, procedure or rule of the Customer conflicts with a law or regulation, including a provision of the Electricity Act or the OESC, the law or regulation shall prevail.

#### 3.4 Confidentiality

ESA will not disclose any trade secrets or proprietary information of the Customer without the prior written consent of the Customer unless ESA is required to disclose such information for purposes of electrical safety or if required by law to make the disclosure.

#### 3.5 Electrical System & Equipment Stoppage

ESA may, from time to time, require that electrical systems or equipment be stopped or de-energized. ESA will confer with the Customer prior to taking such action except in circumstances where, in the opinion of the ESA inspector, the system or equipment poses a serious safety hazard in which case the ESA inspector may require immediate stoppage or de-energizing of the electrical system or equipment.

#### 3.6 Reporting

ESA shall advise the Customer in writing of all hazards, deficiencies or situations of non-compliance with the OESC identified through the visual inspection process.

### 4. Customer's Obligations

#### 4.1 Compliance

The Customer shall comply with all provisions of the OESC and this Agreement including the requirements of Rule 2-004 to file applications for inspection for work which is beyond the scope of this Agreement.

#### 4.2 Inspector Access

The Customer will provide reasonable access to the Facility and the electrical systems and equipment in the Facility in order to permit ESA to perform the required inspections pursuant to this Agreement and as required by the Electricity Act, 1998, s. 113 (10).

#### 4.3 Record of Electrical Work

The Customer will maintain a Record of Electrical Work in a format agreed with ESA and will make the Record available to ESA at ESA's request. The Customer will ensure all work within the scope of this Agreement is recorded, including that done by both the Customer's employees and a third party. At the Customer's option, the Customer may use the same Record of Electrical Work to record work outside the scope of this Agreement and for which applications for inspection are filed pursuant to Rule 2-004 of the OESC.

#### 4.4 Correction of Defects

The Customer will ensure all hazards; deficiencies or situations of non-compliance with the OESC identified and reported to the Customer by ESA are remedied as required by Rule 2-018 of the OESC.



# CONTINUOUS SAFETY SERVICES AGREEMENT

Electricity Act, 1998, Ontario Electrical Safety Code, O. Reg. 10/02, Rule 2-006

## 4.5 Reporting of Incidents

The Customer will report to ESA any serious electrical incident as required by Rule 2-007 of the OESC.

## 5. Fees and Payment

### 5.1 Fees and Terms of Payment

The Customer agrees to pay ESA the fees set out in Schedule "A" on the terms specified in Schedule "A".

### 5.2 Suspension of Service

If payment is not made within sixty (60) days of the due date, ESA may, at its option, without notice and without penalty or liability, suspend performance of this Agreement. During any period in which service is suspended, the Customer will be required to comply strictly with OESC Rule 2-004 by filing applications for inspection of all work on electrical systems and equipment in the Facility before or within 48 hours of commencement of the work, regardless of whether such work is within the scope of this Agreement.

## 6. Term, Renewal and Termination

### 6.1 Term

This Agreement will commence and expire on the dates shown in Schedule "A"

### 6.2 Renewal

On expiry this Agreement will be renewed for a further term of one (1) year at the expiry of the original term or any subsequent renewal term unless written notice is given by one party to the other not less than sixty (60) days prior to the original term or the subsequent renewal term as the case may be.

### 6.3 Termination for Cause

Either party may terminate this Agreement for cause without prior notice in the event the other party becomes bankrupt or insolvent or makes a proposal to creditors. Either party may otherwise terminate this Agreement for cause on five (5) days prior written notice to the other party if the defaulting party has failed to remedy a breach of the Agreement within ten (10) days of written notice of the breach. The Customer will pay to ESA all outstanding fees prorated to the date of termination.

### 6.4 Partial Termination

In the event the Customer ceases to carry on business in a Facility covered by this Agreement, the Customer may upon thirty (30) days written notice cancel this Agreement in so far as it applies to that Facility. The annual fee will be adjusted based on the work done at that Facility to the date the Agreement ceases to apply to the Facility.

## 7. Liability and Insurance

### 7.1 Liability

ESA's liability for injury to persons or damage to property shall be limited to that caused directly by negligence or willful default on the part of ESA or its employees. ESA shall, in no event be liable for indirect or consequential damages.

### 7.2 Force Majeure

ESA shall not be subject to any liability arising or penalty arising from or in connection with the failure to deliver, delay or interruption of service due to weather conditions, fire, accident, work stoppage or slowdown or other reasons beyond the control of ESA.



# CONTINUOUS SAFETY SERVICES AGREEMENT

Electricity Act, 1998, Ontario Electrical Safety Code, O. Reg. 10/02, Rule 2-006

## 7.3 Insurance

ESA will maintain insurance coverage considered appropriate by ESA and its insurance advisors. ESA is designated by Ontario Regulation 561/99 as a Schedule 2 employer under the Workplace Safety and Insurance Act. ESA will, on request, provide certificates of insurance to the Customer.

## 8. General Provisions

### 8.1 Entire Agreement

This Agreement, including any Schedules listed below is the entire agreement between the parties and there are no representations, conditions, undertakings or warranties except as expressly contained in this Agreement. Any amendment to this Agreement must be in writing and signed by both of the parties.

Schedule "A" – Fees, Terms and Included Services

Schedule "B" – Facilities

Schedule "C" – Special Provisions (*If Applicable*)

### 8.2 Non-Waiver

The failure of either party to enforce any provision of this Agreement shall not constitute a waiver of any rights of the party.

### 8.3 Governing Law

This Agreement shall be governed by, and interpreted in accordance with the laws of the Province of Ontario.

### 8.4 Assignment

This Agreement may not be assigned without the written consent of both parties.

### 8.5 Notice

Any notice given under this Agreement shall be in writing and delivered by fax or mailed to the address of the other party shown below. Notice given by fax will be deemed to be received on the date the notice is faxed. Notice given by mail will be deemed to be made on the third day following the mailing of the notice.

The foregoing terms and conditions are agreed to by the parties as evidenced by their signatures to this Agreement.

*Customer Signature*

*Name (Please Print)*

*Title*

*Address*

*Phone #*

*Date*

*ESA Signature*

Peter Lambert

*Name (Please Print)*

General Manager, Northern Region

*Title*  
2140 Regent Street, Unit 15  
Sudbury, Ontario P3E 5S8

*Address*

705 523-1032

*Date*

10(a)



# CONTINUOUS SAFETY SERVICES AGREEMENT

Electricity Act, 1998, Ontario Electrical Safety Code, O. Reg. 10/02, Rule 2-006

## Schedule "A"

### Fees, Terms and Included Services

Rev 4.5a 2010

#### Customer Information:

Full Legal Name: City of Sault Ste Marie  
 Address: 99 Foster Drive, PO Box 580  
 City: SAULT STE MARIE Prov/State: Ontario Country: Canada  
 Postal Code: P6A 5N1 Phone: (705) 759-5403 Fax: \_\_\_\_\_  
 Contact: Lorie Bottos  
 Title: City Solicitor  
 E-mail Address: l.bottos@cityssm.on.ca  
 Website: \_\_\_\_\_

Purchase Order Number: \_\_\_\_\_

Billing Address: Same As Above  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_  
 Province / State: Ontario Country: Canada Postal Code: \_\_\_\_\_  
 Direct Line: \_\_\_\_\_ Direct Fax: \_\_\_\_\_  
 Contact: \_\_\_\_\_ Title: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

<u>Included Services:</u>	Site Visit Reports to be provided for every visit: <u>YES</u>
Bulletin Quantity: <u>1</u>	Safety Meeting(s) Attended By Inspector: <u>0</u>
Bulletin Media Type: <u>CD Version</u>	Other Meetings: <u>0</u>
Code Books Quantity: <u>1</u>	Extra Code Consultation Hours: <u>0</u>
Code Books Media Type: <u>Hardcopy</u>	Plan Review Hours: <u>0</u>
Training Workshops: <u>5</u>	Units of Field Evaluation: <u>0</u>
Total Hours Training: <u>17.5</u>	CSSL Electronic Log: <u>YES</u>

Details of Training (*If Applicable*)  
 \_\_\_\_\_  
 \_\_\_\_\_

Terms of Agreement:

Years in Agreement: <u>1</u>	Agreement Start Date: <u>April 1, 2010</u>
Payment Terms: Net <u>30</u> Days	Agreement End Date: <u>March 31, 2011</u>
# of Billing Addresses: <u>1</u>	Billing Period / Frequency: <u>Quarterly in Advance</u>

Amount of Annual Fee: \$ 33,764.00 Plus GST

Overdue amounts will be subject to a late payment charge of 1.5% per month, which equals an effective annual rate of 19.5%

In each year subsequent to year 1 of this Agreement, the Annual Fee shall automatically increase by: 3%

## CONTINUOUS SAFETY SERVICES AGREEMENT

Electricity Act, 1998, Ontario Electrical Safety Code, O. Reg. 10/02, Rule 2-006

### Schedule "B"

Rev 4.5a 2010

Total # of Sites: 72

Total # of Visits: 111

Site Information							
	Site Name	Street Address	City	Inspector Contact	Phone	Email Address	Visits
1	City of Sault Ste Marie		SAULT STE MARIE	Roy Dewar	705-759-5367	r.dewar@cityssm.on.ca	
2	Fish Hatchery	35 Canal Drive	SAULT STE MARIE				2
3	Senior Citizens Ctr.	235-283 Wellington St W	SAULT STE MARIE				1
4	Senior Citizens Ctr.	619 Bay Street	SAULT STE MARIE				1
5	Essar Centre	269 Queen St East	SAULT STE MARIE				2
6	McMeeken Arena	616 Goulais Avenue	SAULT STE MARIE				2
7	John Rhodes Comm.Ctr	260 Elizabeth Street	SAULT STE MARIE				2
8	V.E. Greco Pool	269 Albert Street	SAULT STE MARIE				2
9	P.G. Manzo Pool	Goetz Street	SAULT STE MARIE				2
10	Norgoma Docks	Foster Drive	SAULT STE MARIE				2
11	Tent Structure Bondar Pav	Foster Drive	SAULT STE MARIE				2
12	Lock Tours Canada Bldg	Foster Drive	SAULT STE MARIE				2
13	Service Bldg, Bondar Pav	Foster Drive	SAULT STE MARIE				2
14	Pine Street Marina Fuel Pmps, Service Bldg.	Foster Drive	SAULT STE MARIE				2
15	Pine Street Marina Docks	Pine Street	SAULT STE MARIE				1
16	Maycourt Center	13 Salisbury	SAULT STE MARIE				1
17	Jesse Irving Center	84 Ruth Street	SAULT STE MARIE				1
18	Central Fire Station	72 Tancred Street	SAULT STE MARIE				2
19	Firehall #2	363 Second Line West	SAULT STE MARIE				1
20	Firehall #3	100 Bennett Blvd.	SAULT STE MARIE				1
21	Civic Center	99 Foster Drive	SAULT STE MARIE				4
22	Landfill Office/Scale/Garage	Fifth Line	SAULT STE MARIE				2
23	Main Library	50 East Street	SAULT STE MARIE				2
24	Branch Library	496 Second Line West	SAULT STE MARIE				2

## CONTINUOUS SAFETY SERVICES AGREEMENT

Electricity Act, 1998, Ontario Electrical Safety Code, O. Reg. 10/02, Rule 2-006

	Site Name	Street Address	City	Inspector Contact	Phone	Email Address	Visits
25	Museum	690 Queen Street East	SAULT STE MARIE				2
26	Ermatinger Stone House/ Block House/Summer Kitchen	831 Queen St. East	SAULT STE MARIE				1
27	Bandshell/Canteen/Washroom	Queen/Lake Street	SAULT STE MARIE				2
28	Police Headquarters/Storage Bldg	580 Second Line	SAULT STE MARIE				2
29	City Works Center/Equip.Storage/Equip. depot/Storage/Fuel pumps/Laboratory/Pipe plant	128 Sackville Road	SAULT STE MARIE				4
30	Transit Center	111 Huron Street	SAULT STE MARIE				2
31	Bus Depot	160 Queen Street	SAULT STE MARIE				2
32	Cemetery Office/Chapel/Storage	Fourth Line/Peoples Road	SAULT STE MARIE				1
33	Mausoleum/Rotunda	Holy Sepuchre Cemetery	SAULT STE MARIE				1
34	Equipment Garage/Fuel Pumps/3 Storage Bldgs.	1504 Peoples Road	SAULT STE MARIE				2
35	Office/Rec.Storage	316 Elizabeth Street	SAULT STE MARIE				2
36	Greenhouse/Potting Bldg.	Queen/Lake Street	SAULT STE MARIE				1
37	Queen Elizabeth Park, Bleachers/Press Box/Scoreboard/Ticket Booth/Storage/	280 Elizabeth Street	SAULT STE MARIE				2
38	Rossmore Road Park, Bleachers/Press Box/Storage/Canteen/Fieldhouse/Dugouts	Rossmore Road	SAULT STE MARIE				2
39	Point Dechenes Park, Office/Dwelling/Storage/Water Pumphouse/Washrooms/Shower/Water Treatment/Change rooms	Dechenes Drive	SAULT STE MARIE				2
40	Second Line East Park, Washrooms/Storage/Batters Cage/Booth/Bleachers/Ticket Booth	Second Line East	SAULT STE MARIE				2
41	K-9 Obedience School	76 Fourth Line	SAULT STE MARIE				1
42	Additional Bldg	Fifth Line East	SAULT STE MARIE				1
43	Pump station	765 Bonney Street	SAULT STE MARIE				1
44	Underground Station	Muriel Street	SAULT STE MARIE				1
45	Underground Station	Huron Street	SAULT STE MARIE				1
46	Underground Station	Lake Street	SAULT STE MARIE				1
47	Underground Station	Pine Street	SAULT STE MARIE				1
48	Underground Station	MacGregor Street	SAULT STE MARIE				1
49	Underground Station	Varsity Avenue	SAULT STE MARIE				1
50	Underground Station	Fort Creek Drive	SAULT STE MARIE				1

## CONTINUOUS SAFETY SERVICES AGREEMENT

Electricity Act, 1998, Ontario Electrical Safety Code, O. Reg. 10/02, Rule 2-006

	Site Name	Street Address	City	Inspector Contact	Phone	Email Address	Visits
51	Underground Station	Tallack Blvd.	SAULT STE MARIE				1
52	Underground Station	Mary Street	SAULT STE MARIE				1
53	Underground Station (2)	Industrial Park	SAULT STE MARIE				2
54	Underground Station	Upper Lake Street	SAULT STE MARIE				1
55	Underground Station	Foster Drive	SAULT STE MARIE				1
56	Office Building	540 Albert Street East	SAULT STE MARIE				2
57	Household Waste Depot	128 Sackville Road	SAULT STE MARIE				2
58	Storage & Repair Garage and Fire/EMS	65-71 Old Garden River Road	SAULT STE MARIE				2
59	Churchill Plaza Library	Trunk Road	SAULT STE MARIE				2
60	Boardwalk Lighting & Dist.	St.Marys River Drive	SAULT STE MARIE				1
61	SSM Welcome Sign	Hwy 17 East	SAULT STE MARIE				1
62	Pump station	Gore Street	SAULT STE MARIE				1
63	Pump station	Glasgow Street	SAULT STE MARIE				1
64	Pump station	Frontenac Street	SAULT STE MARIE				1
65	Millwood Pumping Station	19 Millwood Street	SAULT STE MARIE				1
66	Parking lots	Various locations	SAULT STE MARIE				1
67	Esposito Park Change house	134 Queen Street	SAULT STE MARIE				2
68	Anna McCrea Park	Mark Street	SAULT STE MARIE				1
69	Litner Park	98 Park Street	SAULT STE MARIE				1
70	Bay View	235 Pittsburgh	SAULT STE MARIE				1
71	Merrifield Rink	331 Patrick	SAULT STE MARIE				1
72	Grandstands Change room	York/North Streets	SAULT STE MARIE				2
73	Property Next to City Landfill	580 Fifth Line East	SAULT STE MARIE				1

## CONTINUOUS SAFETY SERVICES AGREEMENT

Electricity Act, 1998, Ontario Electrical Safety Code, O. Reg. 10/02, Rule 2-006

### Addendum #1 - INSPECTION OF NEW ELECTRICAL INSTALLATIONS

Supplemental to Agreement between ESA and The City of Sault Ste. Marie, and notwithstanding Article 2 of the Agreement Services and Provisions, ESA will inspect new electrical installations in accordance with the terms and conditions set out below.

- "New electrical installation" shall be defined as work that alters the size, characteristics, capacity or power consumption of the electrical system. For the purposes of this Agreement, replacement of a component with a similar or like-for-like component is not a new electrical installation (see Agreement Services and Provisions).
- Under this Addendum, The City of Sault Ste. Marie will record new electrical installations accomplished by their own staff or Contractors in the ESA online logbook system, avoiding the cost and administration of applying for numerous individual permits. However, The City of Sault Ste. Marie must record and notify ESA of each new electrical installation within 48 hours of the work's commencement, and must notify ESA of all work ready for inspection *before that work is energized or rendered inaccessible*.
- The City of Sault Ste. Marie shall pay ESA \$3,000.00 annually in advance to buy a blanket permit for inspection of new electrical installations. ESA will apply the rules and rates of the latest Electrical Inspection Fee Guide to applicable work reported by The City of Sault Ste. Marie, and debit the blanket permit purchase order accordingly.
- When the blanket permit purchase order has been depleted, The City of Sault Ste. Marie may issue another purchase order or revert to buying individual permits. Any outstanding credit at the time of renewal will be carried forward and applied in the subsequent Agreement year, provided that in the case of termination, any outstanding credit at the time of such termination shall be promptly repaid by the ESA to The City of Sault Ste. Marie.
- Inspection of new electrical installations will generally be done during regularly scheduled visits as outlined in the Agreement. Separate visits may be done as required, and if warranted, visits outside of ESA's normal working hours are available for a surcharge to cover site and travel overtime.
- To administer this Addendum the ESA shall charge The City of Sault Ste. Marie an annual non-refundable administration charge equaling fifteen (15) percent of the value of the blanket permit for the new electrical installations.

Upon The City of Sault Ste. Marie's request, ESA shall promptly provide a written accounting of amounts debited from the blanket permit purchase order with such accounting to include the inspections undertaken and the rate applicable to such inspection.

If the City of Sault Ste. Marie fails to comply with the terms and conditions of this Addendum, in particular the reporting requirements, ESA may cancel the services provided without notice. The parties hereto acknowledge and agree that this Addendum shall be governed by and subject to, including, without limitation, the Agreement Services and Provisions Article.

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2010-88

**AGREEMENT:** (P.2.1) A by-law to authorize the execution of an agreement between the City and the Sault Ste. Marie Innovation Centre for the provision of integrated geomatics services.

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 1st day of April, 2010 and made between the City and the Sault Ste. Marie Innovation Centre for the provision of integrated geomatics services for the period April 1, 2010 to December 31, 2014.

2. **SCHEDULE "A"**

Schedule "A" hereto forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect as of the day of its final passing.

PASSED in open Council this 10th day of May, 2010.

MAYOR - JOHN ROWSWELL

CITY CLERK - MALCOLM WHITE

*10(b)*

SCHEDULE "A"

THIS AGREEMENT made the 1<sup>st</sup> day of April, 2010

BETWEEN:

**SAULT STE. MARIE INNOVATION CENTRE**

(hereinafter referred to as the "Consultant")

**OF THE FIRST PART**

-and-

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

(together hereinafter referred to as the "client")

**OF THE SECOND PART**

**WHEREAS**

- A) The consultant is in the business of providing integrated geomatics services; and
- B) The client wishes to retain the Consultant to provide geomatics services and maintain the integrated geomatics solution currently in place.

**IN CONSIDERATION** of the premises and the mutual covenants and agreements contained herein the parties hereto agree as follows:

**1.0 SERVICES**

- 1.1. The Client hereby retains the Consultant to provide and maintain a geographic information system (the "Services"), the description, stages, terms and conditions of which are set forth in Schedule A which forms an integral part of this agreement.
- 1.2. Schedule A to this Agreement will continue to be modified after this Agreement is signed, over time and in accordance with the project, schedule and milestones referred to in Schedule A. The parties acknowledge that the Schedule and the milestones therein may have to be adjusted from time to time based on experience. Schedule A shows the state of development of the planning to date and all additions and changes to Schedule A are intended to be incorporated into and form part of this Agreement as they are made. Notwithstanding the foregoing the parties agree that no changes to Schedule A will be effective without the prior written consent of both parties.

## **2.0 SHARED INITIATIVE**

- 2.1.** The client recognizes that both the City of Sault Ste. Marie (City) and the PUC Services Inc (PUC) share common goals and objectives and that the delivery of the Services for both are closely related. Accordingly, a model described in Schedule A for the delivery of Services provides for one work plan for both the City and PUC. Schedule A defines the management of the project by the City and PUC through the City PUC Status Committee and the City PUC GIS Steering Committee.

## **3.0 APPLICABLE CHARGES**

- 3.1.** Schedule A sets forth the fees payable by the client for the services.
- 3.2.** All sales taxes, Goods and Services Taxes and other taxes applicable to the Services shall be in addition to the fees. Changes in taxes, due to the introduction of the new Harmonized Sales Tax (HST) are set to take effect starting July 1, 2010. This may affect the amount of taxes applicable to the services.
- 3.3.** The Consultant will submit invoices of all applicable charges incurred by it in respect to the Services on a monthly basis and any invoice submitted shall be due and payable within 30 days of receipt by the Client

## **4.0 TERM**

- 4.1.** The term of this agreement shall be for five years from April 1<sup>st</sup>, 2010 to and including December 31<sup>st</sup>, 2014
- 4.2.** If this agreement is not renewed or extended at the expiration of the term the Consultant shall deliver to the Client all data and source code for the customized applications and data models developed pursuant to this Agreement. All costs associated with the relocation of the geographic information system shall be the responsibility of the Client.

## **5.0 TERMINATION**

- 5.1.** If either party (the "Defaulting Party") shall at any time neglect, fail or refuse to perform under any of the provisions of this Agreement, then the other party may serve upon the Defaulting Party, notice of intention to terminate this Agreement, which notice shall specify the alleged neglect, failure or refusal and shall be served by registered mail, and, if within ninety (90) days after the date of service of this notice, the Defaulting Party shall not have fully cured all the defaults indicted in the notice, or presented a plan acceptable to the other party to cure these defaults, then upon expiration of the ninety (90) days, the other party may, at its option, elect to terminate this Agreement.

- 5.2. If the Client fails to pay the Consultant as set forth in this Agreement, the Consultant may immediately suspend all activity related to this Agreement upon delivery of written notice to the Client and may, in addition to any other rights it may have under this Agreement or otherwise under law, pursue termination pursuant to 5.1 above.
- 5.3. The right of either party to terminate this Agreement hereunder shall not be affected by its failure to take action with respect to any previous default.
- 5.4. In the event of termination, as set forth in this clause, the Consultant shall be paid on a pro rata basis for all Services performed up to the date of termination

## **6.0 ACCEPTANCE OF DELIVERABLES**

- 6.1. The Client will tell the Consultant in writing within ten (10) days of receipt of a paper deliverable and within 90 days of receipt of a data set deliverable whether it accepts or rejects such deliverable. The Client may reject any deliverable which does not comply with the description of work and/or with the Client's standards. If the Client fails to notify the Consultant within the specified time, the Client will accept the deliverable. If the Client rejects it, the Client shall allow the Consultant five days to revive a paper deliverable and 30 days to revise a data set deliverable to render such deliverable acceptable to the Client
- 6.2. Special customization projects beyond the allotted customization days in the contract will be administered through the Clients Information Technology Division.

## **7.0 STATUS REPORTING**

- 7.1. Information with respect to the status of the work and issues of accomplishments and difficulties shall be addressed at Status Committee meetings and Steering Committee meetings between representatives of the parties. Status reporting procedures shall be further detailed in Schedule A. The Consultant shall provide to the Client an agenda for Steering Committee meetings not less than five working days prior to such meeting and shall provide to the Client sufficient copies of all agendas and reports for delivery to all members of the Steering Committee.

## **8.0 WARRANTY**

- 8.1.** The Consultant warrants that the Services will be performed consistent with mutually acceptable industry standards. With respect to software applications this warranty shall be for the duration of the Contract and for software applications delivered within the last six months of the Contract this warranty shall extend to such applications for a period of six months after the date of delivery. This warranty is exclusive and in lieu of all other warranties, whether express or implied. For any breach of this warranty, the Client's exclusive remedy, and the Consultant's entire liability, shall be the re-performance of the Services. If the Consultant is unable to re-perform the Services as warranted, the Client shall be entitled to recover the fees paid to the Consultant for the deficient Services.

## **9.0 LIMITATION OF LIABILITY**

- 9.1.** In no event shall either party be liable for any indirect, incidental, special or consequential damages, or damages for loss of profits, revenue, data or use, incurred by either party whether or not such damages are foreseeable or whether or not the other party or any other person has been advised of the possibility of such damages.

## **10.0 CLIENT OBLIGATIONS**

- 10.1.** The Client shall be responsible for the timeliness, accuracy and completeness of any data supplied to the Consultant. If such data is incorrect or incomplete the Client shall have the option to either correct, complete or otherwise prepare such data or to request in writing that the Consultant correct, complete or otherwise prepare such data at such additional cost as the parties may agree in writing.
- 10.2.** The cost of the fibre connection from the Client to the GIS data warehouse will be funded by the Client.
- 10.3.** The Client shall be responsible to maintain under its care adequate backup materials that will enable the regeneration of files and other data in the event of loss, damage or destruction thereof. The Consultant shall be responsible to back up the GIS data warehouse using a "Grand Father, Father, Son" backup methodology [Monthly (Grand Father), Weekly (Father) and 3 Days a week (Son)].
- 10.4.** The Client shall be responsible for re-engineering work flows resulting from the introduction of the geographic information system and the Consultant will provide such consultation and support as required to assist the Client in this regard.

10.5. The Client shall ensure that the users of the system attend the training sessions provided by the Consultant.

10.6. The Client shall appoint data custodians to ensure all data is kept updated on the system.

## **11.0 CLIENT PREMISES**

11.1. The Consultant agrees that access to any of the Client's premises by any of the Consultant's employees which is necessary for the performance of the Services shall only be granted by the Client during the normal hours of the Client's premises in question unless otherwise previously authorized by the Client. The Consultant also agrees to observe all of the Client's security requirements and measures in effect at any of the Client's premises to which access is granted by this Agreement.

## **12.0 CHANGES IN SCOPE OF WORK**

12.1. Changes in the scope of work will only be made in strict compliance with the "change request" procedure set forth in Schedule A.

## **13.0 CONSULTANT, STAFFING AND TRAINING**

13.1. The consulting and professional personnel provided by the Consultant shall have appropriate technical and application skills to enable them to perform their duties. The Consultant shall supply the necessary instruction and training to enable the Client to utilize the Services contracted for hereunder. All instructions shall be given by qualified personnel.

## **14.0 PROPERTY RIGHTS TO DATA, CONFIDENTIALITY AND SECURITY**

14.1. The Consultant hereby acknowledges that all data provided by the Client is proprietary to the Client and constitutes valuable, confidential information. The Consultant agrees that it shall keep confidential all such data and shall not disclose or divulge or use any of such data otherwise without the prior written consent of the Client. The Consultant shall maintain reasonable security relating to the data belonging to the Client held at the premises of the Consultant or stored on any computer storage media under the care, custody and control of the Consultant or its agents.

14.2. The Consultant agrees that all information, records, files, input materials, forms and other data received, computed, created, used or stored pursuant to this Agreement are the exclusive property of the Client.

## **15.0 INTELLECTUAL PROPERTY RIGHTS TO DEVELOPED MODELS AND TOOLS**

- 15.1.** All developed database models, software tools, training materials are the intellectual property of the Consultant during this Agreement and after any termination of this Agreement.

The Client has full access to the use of all developed database models, software tools, training materials during this Agreement and after any termination of this Agreement. No fees will be charged for the continued use of these items.

## **16.0. RELATIONSHIP BETWEEN THE PARTIES**

- 16.1.** The Consultant is an independent contractor and nothing in this Agreement shall be construed to create a partnership, joint venture or agency relationship between the parties.

## **17.0. GOVERNING LAW**

- 17.1.** This Agreement and all matters arising out of or relating to this Agreement shall be governed by the laws of the Province of Ontario.

## **18.0. NOTICES**

- 18.1.** All notices, demands or other communications including notices of address changes required or permitted to be sent hereunder shall be in writing, and sent either by personal delivery, overnight courier or facsimile or e-mail transmission to the respective address of the parties. Any notice, demand or communication delivered in person or by overnight courier shall be deemed to have been received on the day of its delivery and if sent by facsimile transmission or e-mail, on the first business day following its transmission.

## **19.0. SEVERABILITY**

- 19.1.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions of this Agreement shall remain in full force.

## **20.0. WAIVER**

- 20.1.** No term or provision of this Agreement shall be deemed waived by either party, and no breach excused by either party, unless the waiver or consent shall be in writing signed by the party granting such waiver or consent.

**21.0. ENTIRE AGREEMENT**

**21.1.** Schedule A together with the terms of this Agreement represents the entire Agreement of the parties and supercedes all previous agreements, proposals or representations written or oral with respect to the Services specified in this Agreement and Schedule A. Modification to Schedule A or this Agreement shall be valid only when made in writing and signed by both parties.

**22.0 SUCCESSORS AND ASSIGNS**

**22.1.** This Agreement shall be binding upon and enure to the benefit of each of the parties hereto and their respective successors and assigns. This Agreement may not be assigned by either party except with the prior written consent of the other party.

**IN WITNESS WHEREOF** the parties hereto have executed this agreement by their duly authorized representatives as of the reference date.

**THE PARTIES AGREE** that a facsimile copy signature shall be deemed as effective as an original signature for purposes under this agreement.

**SAULT STE. MARIE INNOVATION CENTRE**

Per: \_\_\_\_\_

Per: \_\_\_\_\_

I/We have authority to bind the Corporation

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

Per: \_\_\_\_\_  
John Rowswell, Mayor

Per: \_\_\_\_\_  
Malcolm White, City Clerk

I/We have authority to bind the Corporation

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

## BY-LAW 2010-95

**AGREEMENTS:** (E.3.4.) A by-law to authorize a contract between the City and R. M. Belanger Limited for the construction of a storm sewer on Broadview Drive from Arden Street to Atwater Street including road and property restoration. (Contract 2010-4E).

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 a contract in the form of Schedule "A" hereto dated the 10<sup>th</sup> day of May, 2010 and made between the City and R. M. Belanger Limited for the construction of a storm sewer on Broadview Drive from Arden Street to Atwater Street including road and property restoration (Contract 2010-4E).

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.

PASSED in open Council this 10<sup>th</sup> day of May, 2010.

---

MAYOR – JOHN ROWSWELL

---

CITY CLERK – MALCOLM WHITE

**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(c)*

SCHEDULE "A"  
CORPORATION OF THE CITY OF SAULT STE. MARIE  
**CONTRACT 2010-4E**  
**FORM OF AGREEMENT**

This Agreement made (in triplicate) this 10th day of May in the year 2010 by and between R. M. Belanger Limited hereinafter called the "Contractor"

AND

The Municipal Corporation of the City of Sault Ste. Marie, Ontario hereinafter called the "Corporation".

WITNESSETH: That the Contractor and the Corporation undertake and agree as follows:

1. The Contractor will provide all the materials and all the works shown and described in the contract documents entitled:

**BROADVIEW DRIVE STORM SEWER**  
**CONTRACT 2010-4E**

Which have been signed in triplicate by both parties and which were prepared under the supervision of Jerry D. Dolcetti, RPP, Commissioner of Engineering & Planning acting as and herein entitled, the Owner.

2. The Contractor will do and fulfill everything indicated by the Agreement, the General Conditions, the Specifications, the Special Provisions and the Drawings.
3. The Contractor will complete all the work to the entire satisfaction of the Owner within the period of time specified.
4. The Corporation shall pay to the Contractor the contract price as set forth in the Form of Tender in accordance with the provisions as set forth in the General Conditions and the Special Provisions. The quantities contained in the Form of Tender are approximate only and the final payment shall be made for the actual quantities that are incorporated in or made necessary by the work covered by the contract.
5. The Corporation shall pay the Contractor for work that is ordered in writing by the Owner and that cannot be classified as coming under any of the contract units and for which no unit price, lump sum, or other basis can be agreed upon, on a time and material basis as set out in the General Conditions.
6. The Contractor shall indemnify and save harmless the Corporation, its officers, employees and agents, from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which may be made or brought against the Corporation, its officers, employees and agents, by reason or in consequence of the execution and performance or maintenance of the work by the Contractor, its employees, agents or officers.

*1d(c)*

7. All communications in writing between the Corporation, the Contractor and the Owner shall be deemed to have been received by the Addressee if delivered to the individual, a member of the firm or an officer of the Corporation for whom they are intended or if sent by post or by facsimile as follows:

**THE CORPORATION:** The Corporation of the City of Sault Ste. Marie  
P.O. Box 580

Civic Centre  
99 Foster Drive  
Sault Ste. Marie, ON P6A 5N1

**THE CONTRACTOR:** R. M. Belanger Limited  
100 Radisson Avenue  
Chelmsford, ON P0M 1L0

**THE OWNER:** Mr. Jerry D. Dolcetti, RPP  
Commissioner, Engineering & Planning  
P.O. Box 580  
99 Foster Drive  
Sault Ste. Marie, ON P6A 5N1  
Facsimile 705-541-7165

IN WITNESS WHEREOF the parties hereto have executed this Agreement by the day and year first above written.

Signed, Sealed and Delivered  
in the presence of

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

---

MAYOR - JOHN ROWSWELL

(seal)

---

CITY CLERK - MALCOLM WHITE

**THE CONTRACTOR**

---

COMPANY NAME

(seal)

---

SIGNATURE

*10(d)*

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2010-90

**BUILDING:** (B.1.1) A by-law to amend By-law 2008-148 (a by-law respecting construction, demolition and change of use permits, inspections and related matters for the City of Sault Ste. Marie).

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, pursuant to Municipal Act, 2001, c. 25 **ENACTS** as follows:

1. **TEXT OF BY-LAW 2008-148 AMENDED**

- (a) Section 4.13 of By-law 2008-148 is amended by inserting the words "within 2 working days" in the second sentence after the words "determines".
- (b) Section 4.13 of By-law 2008-148 is further amended by inserting the words "and a written statement of reasons for the refusal must be provided" at the end of the paragraph.
- (c) Section 7.1(a) is amended by inserting after "1.3.5.1" the words "Div. C Part 1".
- (d) Section 7.1(b) is amended by inserting after the word "subsection" the subsection number "1.3.5.1".

2. **SCHEDULE "A" TO BY-LAW 2008-148 AMENDED**

Schedule "A" to By-law 2008-148 is hereby repealed and replaced with Schedule "A" attached to this by-law.

3. **SCHEDULE "A"**

Schedule "A" to this by-law forms a part of this by-law and becomes Schedule "A" to By-law 2008-148.

4. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

PASSED in open Council this 10th day of May, 2010.

MAYOR - JOHN ROWSWELL

CLERK – MALCOLM WHITE

### Schedule "A"

- Permit fee shall be based on the formula given below unless otherwise specified in the schedule (or a fixed fee will apply (ff)).

$$\text{Permit fee} = \text{SI} \times A$$

Where SI = Service index for class of proposed work  
 A= floor area in m<sup>2</sup> of work involved.

- A minimum fee of \$50.00 shall be charged for all work or if not described below as a Fixed Fee (FF).
- For Building Classifications that are not described in sections A – G permit fees shall be based on the value of the proposed construction as determined by the Chief Building Official at a rate of 1% of the determined construction value.

#### Building Classification

A. New Construction	Service Index (SI) \$ x 1m <sup>2</sup> unless otherwise indicated
<b>Group A – (assembly occupancies)</b>	
School, churches-----	16.00
Restaurants-----	16.00
All other assembly-----	16.00
<b>Group B – (institutional occupancies)</b>	
All types-----	16.00
<b>Group C – (residential occupancies)</b>	
Single Dwelling (SFD, townhouse, semi, duplex-----	13.00
< 3 hour review time-----	11.00
All other multiple units-----	10.00
Hotels, motels-----	14.00
<b>Group D – (business &amp; personal services occupancies)</b>	
Offices, and all others-----	12.00
Offices and all others – shell only-----	9.00
Interior tenant finishing-----	2.50
<b>Group E – (mercantile occupancies)</b>	
Retail store shell, department store, supermarkets, all-----	9.00
Other E occupancies-----	2.50
<b>Group F – (industries occupancies)</b>	
Industrial building shell < 7500 2m-----	6.50
> 7500 2m-----	5.50
Interior tenant finishing-----	3.00
Parking garage-----	4.50
All other F occupancies-----	6.50
<b>B. Alteration and renovations</b>	
Groups A, B, D-----	3.50
Groups C, E, F-----	2.50

<b>C. Demolition</b>		
Group C SFD -----	50.00 ff	
All others -----	75.00 ff	
<b>D. Designated structures OBC Subsection 2.1.2</b>		
All other structures-----	200 ff/structure	
Crane runway-----	500 ff/structure	
Exterior tanks-----	500 ff/structure	
Outdoor pool and spa-----	16.00	
Wind power towers-----	500ff/structure	
<b>E. Stand alone and miscellaneous work</b>		
Air supported structure-----	3.50	
Balcony repairs-----	50 ff	
Basement finishing-----	3.00	
Basement new -----	300 ff	
Canopy, carport-----	6.50	
Commercial decks-----	2.00	
Emergency lighting-----	50/storey	
Fire alarms-----	50/storey	
Foundation water or damp proofing and tile-----	50.00ff	
Farm buildings-----	3.00	
Industrial Equipment Foundations-----	2.00	
Parking garage repairs-----	3.00	
Pools, fencing residential-----	50.00 ff	
Portable classrooms foundations-----	100.00 ff ea	
Residing, re-roofing residential-----	50.00 ff	
other-----	0.50	
Residential decks-----	75.00 ff	
Residential attached garage and accessory buildings-----	2.00	
Residential detached garage -----	3.00	
Residential shed < 25 m <sup>2</sup> -----	50.00ff	
Roof Structure-----	3.00	
Sprinkler, standpipes-----	0.25	
Tents		
< 225m <sup>2</sup> -----	50.00 ff	
> 225m <sup>2</sup> -----	200.00 ff	
Window replacement -----	2.50/win. + 50.00ff	
<b>F. Stand alone Mechanical</b>		
Group A,B,C,D,E,F new ductwork & units -----	50.00 ff + .75	
Group C residential SFD -----	50.00 ff	
New unit-----	50.00/unit	
HVAC alterations-----	50.00 ff	
Special mechanical system-----	200 ff	
Plumbing & drainage-----	10/fixture	
Sewer installation-----	50.00 ff	
<b>G. Additional Charges</b>		
Occupancy permit -----	10.00 ff/unit	
Conditional permit -----	100.00 ff	
Change of use permit-----	200.00 ff	
Permit renewal/transfer -----	100.00 ff	
Moving permit-----	50.00 ff	
Re-inspection -----	60.00 ff	
Sign permit -----	50.00 ff each	
Portable signs		
2 years-----	60.00 ff	
30 days-----	10.00 ff	
Sign renewal-----	15.00 ff	
<i>Culvert as determined by Public Works &amp; Transportation Dept.</i>		
Curb or sidewalk depression-----	8.00 ff	

*10(d)*

Certificate of zoning conformity SFD -----	30.00 ff
Other -----	60.00 ff
File Inquiry and plans inquiry -----	30.00/SFD
Other-----	60.00/others
Annual Fee -----	500.00/Year
Removal of work order -----	100.00 ff
Work order appeal-----	100.00 ff

**10(e)**

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2010-98

**DEVELOPMENT CONTROL:** A by-law to designate the lands located at 392 Second Line West as an area of site plan control (Fata).

THE COUNCIL of the Corporation of the City of Sault Ste. Marie **ENACTS** as follows:

**1. DEVELOPMENT CONTROL AREA**

The lands described on Schedule "A" attached hereto are hereby designated to be an area of site plan control pursuant to Section 41 of the Planning Act, R.S.O. 2000, chapter P. 13 and amendments thereto.

**2. SITE PLAN POWERS DELEGATED**

The Council hereby delegates to the Planning Director and in his absence to the Junior Planner of the City of Sault Ste. Marie, Council's powers to enter into a site plan agreement dealing with any of the works or matters mentioned in Section 41 of the Planning Act as amended, for the lands more particularly described in Schedule "A" to this by-law.

**3. SCHEDULE "A"**

Schedule "A" hereto forms a part of this by-law.

**4. PENALTY**

Any person who contravenes this by-law including the obligations pursuant to the agreement entered into under the authority of this by-law is liable upon conviction therefore to penalty provisions as contained in the Planning Act and the Municipal Act.

**5. EFFECTIVE DATE**

This by-law takes effect from the date of its final passing.

PASSED in Open Council this 10<sup>th</sup> day of May, 2010.

---

MAYOR – JOHN ROWSWELL

---

CITY CLERK – MALCOLM WHITE

/staff/on/zoning/dc/by-laws/2010-98

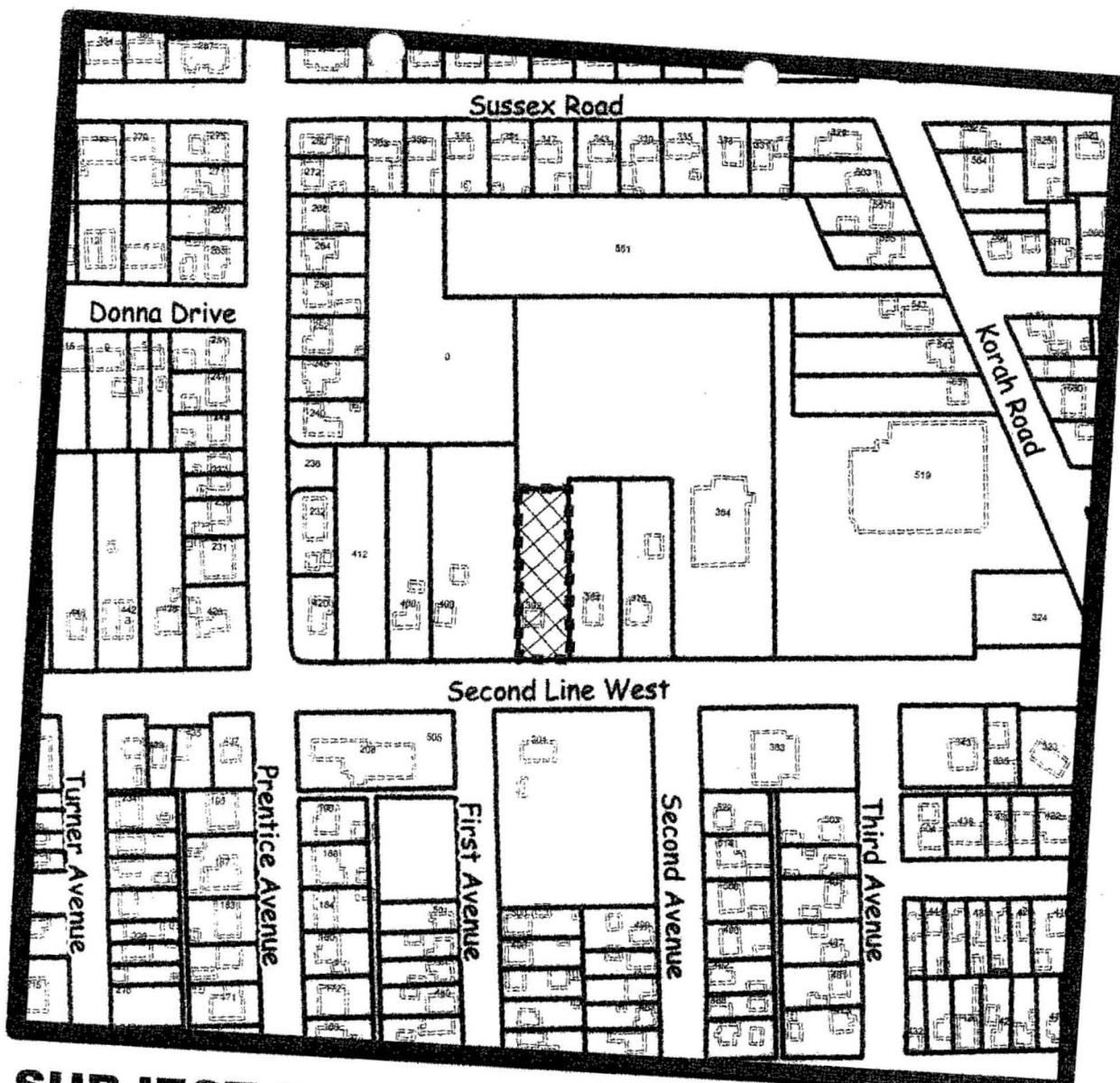
**NOTICE**

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

SCHEDULE "A" TO BY-LAW 2010-98 OF THE CORPORATION OF THE CITY  
OF SAULT STE. MARIE BE PASSED IN OPEN COUNCIL THIS 10<sup>TH</sup> DAY OF  
MAY, 2010.

10(e)



## SUBJECT PROPERTY MAP

APPLICATION A-8-10-Z  
392 SECOND LINE WEST



Metric Scale  
1 : 2500

Map Reference  
80 & 1-92

MAIL LABEL ID  
A8-09

DATE  
March 18, 2010

### Legend

- Subject Property - 392 2nd Line W
- Subject Property - 392 2nd Line W

10(f)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2010-87

**FEES:** (P.2.2.) A by-law to increase minor variance application fees for commercial, industrial or institutional zoned applications and to repeal by-law 2000-165 and by-law 2006-45.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to Section 69 of the Planning Act, R.S.O. 1990, Chapter P.13, and amendments thereto, **ENACTS** as follows:

1. **FEES FOR COMMITTEE OF ADJUSTMENT MATTERS**

- (1) The application fee to be charged by the Committee of Adjustment for minor variance applications for property that is zoned Single Unit Residential in Zoning By-law 2005-150, as amended is \$250.00
- (2) The application fee to be charged by the Committee of Adjustment for minor variance applications for property that is zoned Multiple Unit <5 units, property zoned Rural Area and property zoned Estate Residential in Zoning By-law 2005-150, as amended is \$350.00
- (3) The application fee to be charged by the Committee of Adjustment for minor variance applications for property that is zoned Multiple Unit >4 units, all other zones save and except those referred to above, in Zoning By-law 2005-150, as amended is \$450.00
- (4) The fee to be charged by the Committee of Adjustment for deferral of minor variance applications, if the deferral is requested by the applicant is \$50.00
- (5) The application fee to be charged by the Committee of Adjustment for consent applications for a lot addition, partial discharge of mortgage, easement is \$350.00.
- (6) The application fee to be charged by the Committee of Adjustment for consent applications for new lot creation is \$350.00.
- (7) The fee to be charged by the Committee of Adjustment for each Certificate of Official pursuant to a Committee of Adjustment decision is \$100.00 per transfer.
- (8) The fee to be charged by the Committee of Adjustment for deferral of consent or minor variance applications, if the deferral is requested by the applicant is \$75.00.
- (9) The fee to be charged by the Committee of Adjustment for deferral of consent or minor variance applications that require new notice is one-half of the fees set out above.
- (10) The fee to be charged to appeal a Property Standards Order to Remedy Violation is \$100.00.

2. **BY-LAW 2000-165 and BY-LAW 2006-45 REPEALED**

**NOTICE**

By-law 2000-165 and By-law 2006-45 are hereby repealed.

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(f)

3. **EFFECTIVE DATE**

This by-law shall be effective on the date of its final passing.

PASSED in open Council this 10<sup>th</sup> day of May, 2010.

---

MAYOR - JOHN ROWSWELL

---

CITY CLERK - MALCOLM WHITE

10(g)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2010-89

**REGULATIONS:** (R.1.2.1.) A by-law to amend By-laws 80-200 and By-law 4100 dealing with the exemption from the noise control by-laws for various events to be held at the Airport Fairgrounds.

The Council of the Corporation of the City of Sault Ste. Marie, pursuant to Section 129 of the Municipal Act, 2001 S.O. 2001 c. 25 ENACTS as follows:

1. **EXEMPTION FROM NOISE CONTROL BY-LAWS**

Despite the provisions of By-law 80-200 or By-law 4100, the discharge of noise from the area bounded at the Airport Fairgrounds shall be deemed not to be violations of either By-law 80-200 or By-law 4100 on the following dates and times to facilitate various events:

CMRC Motocross Racing:

June 6, 2010 – 9:00 a.m. to 6:00 p.m.

July 10, 2010 – 9:00 a.m. to 6:00 p.m.

July 11, 2010 – 9:00 a.m. to 6:00 p.m.

August 7, 2010 – 9:00 a.m. to 6:00 p.m.

August 8, 2010 – 9:00 a.m. to 6:00 p.m.

2. **EFFECTIVE DATE**

This by-law is effective on June 6, July 10<sup>th</sup>, July 11<sup>th</sup>, August 7<sup>th</sup> and August 8<sup>th</sup>, all in 2010.

PASSED in Open Council this 10<sup>th</sup> day of May, 2010.

MAYOR – JOHN ROWSWELL

CLERK – MALCOLM WHITE

Dh Bylaws\2010\2010-89 Airport Fairground Noise Exemption

**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(h)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2010-96

**TEMPORARY STREET CLOSING:** (S.2.) A by-law to authorize the temporary closing of Broadview Drive from Arden Street to Atwater Street from May 25, 2010 until October 31, 2010 to facilitate construction of a storm sewer.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto **ENACTS** as follows:

1. **TEMPORARY CLOSING OF BROADVIEW DRIVE FROM ARDEN STREET TO ATWATER STREET**

The Council of The Corporation of the City of Sault Ste. Marie hereby authorizes the closing to vehicular traffic of Broadview Drive from Arden Street to Atwater Street from May 25, 2010 until October 31, 2010 to facilitate construction of a storm sewer.

2. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

PASSED in open Council this 10th day of May, 2010.

---

MAYOR – JOHN ROWSWELL

---

CITY CLERK – MALCOLM WHITE

DH \Bylaws\2010\2010-96 Closed ST ~ Broadview Drive.doc

**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(i)

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2010-97

**ZONING:** A by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning the lands located at 392 Second Line West (Fata).

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, pursuant to Section 34 of the Planning Act R.S.O. 2000, Chapter P.13 and amendments thereto ENACTS as follows:

1. **392 SECOND LINE WEST, LOCATED ON THE NORTH SIDE OF SECOND LINE WEST APPROXIMATELY 107M EAST OF ITS INTERSECTION WITH PRENTICE AVENUE; CHANGE FROM R.3 TO C.4.S**

The zone designation on the lands described in Section 2 of this by-law, which lands are shown on Map 1-92 of Schedule "A" to Zoning By-law 2005-150, is changed from R.3 (Low Density Residential) zone to C.4.S. (General Commercial 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(293) and heading as follows:

**" 2(293) 392 Second Line West**

Despite the provisions of By-law 2005-150, the lands located on the north side of Second Line West approximately 107m east of its intersection with Prentice Avenue and having civic address 392 Second Line West and marked "subject property" on the map attached as Schedule 293 hereto is changed from R.3 (Low Density Residential) zone to C.4.S. (General Commercial with a Special Exception) to permit the uses of a C.4 zone subject to the following special condition only:

- (i) the buffering requirements as set out in Section 4.9 of Zoning By-law 2005-150 are waived."

3. **SCHEDULE "A"**

Schedule "A" hereto forms a part of this by-law.

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.

PASSED in open Council this 10<sup>th</sup> day of May, 2010.

---

MAYOR – JOHN ROWSWELL

---

CITY CLERK – MALCOLM WHITE

/staff/on/zoning/by-laws/2010-97

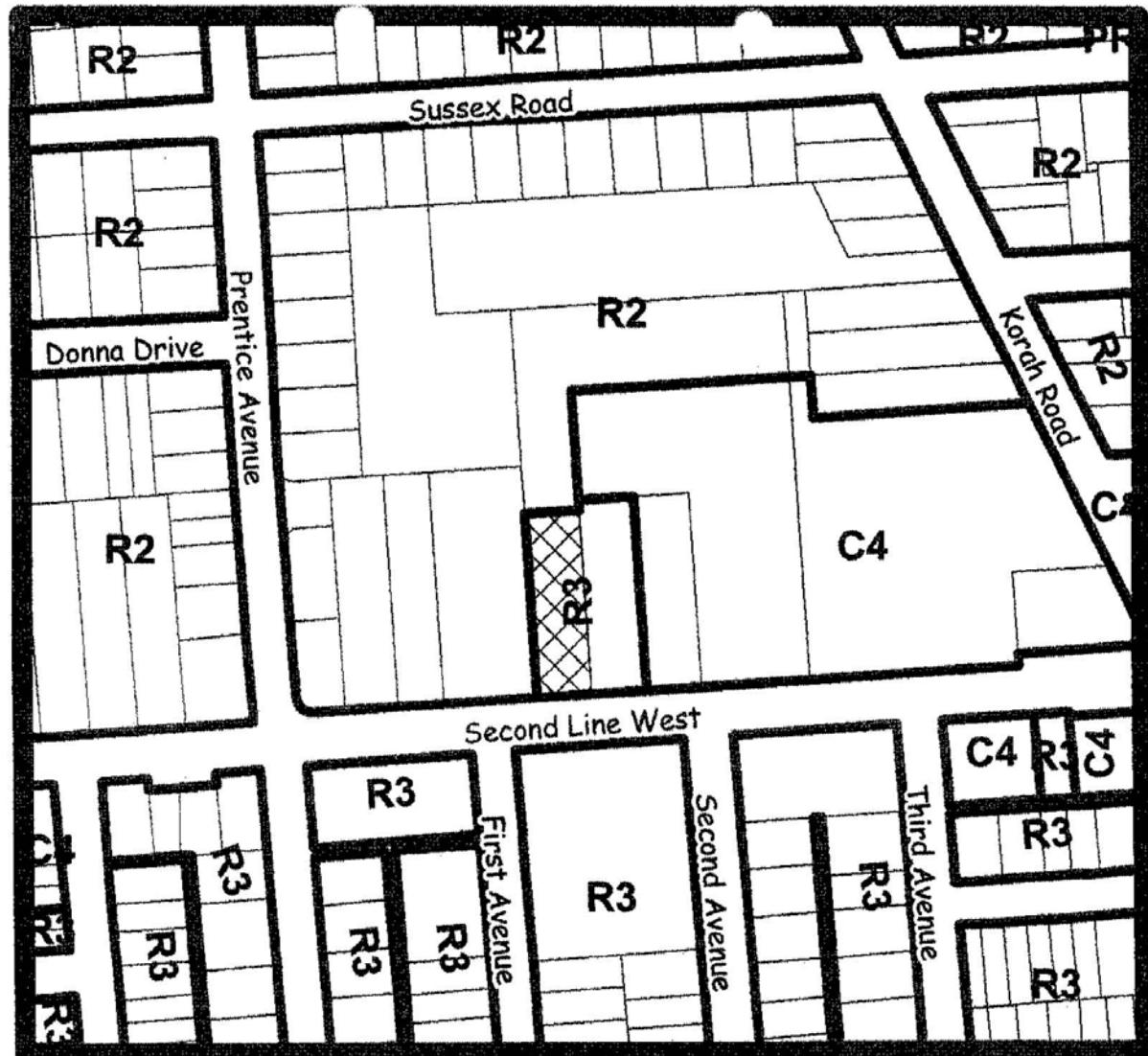
**NOTICE**

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(i)

SCHEDULE "A" TO BY-LAW 2010-97 AND SCHEDULE 293 TO BY-LAW 2005-151 OF THE CORPORATION OF THE CITY OF SAULT STE. MARIE, BE PASSED IN OPEN COUNCIL THIS 10<sup>TH</sup> DAY OF MAY, 2010.



## EXISTING ZONING MAP

APPLICATION A-8-10-Z

392 SECOND LINE WEST



Metric Scale  
1 : 2500

- Subject Property - 392 2nd Line W
- R2 - Single Detached Residential Zone
- R3 - Low Density Residential Zone
- C4 - General Commercial Zone

Map Reference  
80 & 1-92

MAIL LABEL ID  
A8-09

DATE  
March 18, 2010