

MINUTES

REGULAR MEETING OF CITY COUNCIL

2010 02 08

4:30 P.M.

COUNCIL CHAMBERS

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

ABSENT: Councillor S. Myers (recovering after hospitalization), D. Celetti

OFFICIALS: J. Fratesi, D. Irving, N. Apostle, J. Elliott, J. Dolcetti, L. Bottos, B. Freiburger, D. McConnell, B. Strapp, I. McMillan, J. Febbraro

1. **ADOPTION OF MINUTES**

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Resolved that the Minutes of the Regular Council Meeting of 2010 01 25 be approved. CARRIED.

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

3. **APPROVE AGENDA AS PRESENTED**

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Resolved that the Agenda for the 2010 02 08 City Council Meeting as presented be approved. CARRIED.

4. **DELEGATIONS/PROCLAMATIONS**

- (a) Proclamation – 19th Annual March for Murdered and Missing Women.
- (b) Local Canadian Forces members recently returned from Afghanistan were in attendance to receive recognition plaques from the City.
- (c) Don Mitchell, Vice-President EDC Board of Directors, was in attendance concerning Bruce Strapp, CEO receiving an Achievement Award.

4. (c) Moved by - Councillor T. Sheehan
Seconded by - Councillor F. Fata
Resolved that City Council expresses its congratulations and appreciation to Bruce Strapp, CEO Economic Development Corporation on his achievement of receiving the Joseph Montgomery Economic Development Achievement Award. This award is the highest award presented by the Economic Developers Council of Ontario and recognizes an individual's outstanding achievement and contribution within the economic development profession. CARRIED.
- (d) Bill Durnford, Chair EDC Gateway Committee and Donna Hilsinger, Chair Tourism SSM were in attendance concerning agenda item 6. (8)(a).

PART ONE – CONSENT AGENDA

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

Moved by - Councillor T. Sheehan
Seconded by - Councillor F. Fata
Resolved that all the items listed under date 2010 02 08 Part One - Consent Agenda be approved as recommended. CARRIED.

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

Moved by - Councillor L. Turco
Seconded by - Councillor P. Mick
Resolved that Sault Ste. Marie City Council supports and endorses the Federation of Northern Ontario Municipalities resolution dated January 22, 2010 which was forwarded to the Premier of Ontario as follows:
Whereas the Federation of Northern Ontario Municipalities (FONOM) recognizes the challenges of the Northern Ontario economy, particularly regarding the recent and ongoing loss of natural resource-based industries such as:

1. Closure of Xstrata Copper Canada's Kidd Creek metallurgical site in Timmins;
2. Sale of Grant Waferboard in Englehart to an American company;
3. The cost of energy and its effect on the competitiveness of the mining, forestry, pulp and paper industry;
4. Delays in the lower Mattagami Hydro-Electric Redevelopment Project.

Therefore Be It Resolved that the Federation of Northern Ontario Municipalities (FONOM) supports the group of Northeastern Ontario mayors in their efforts to communicate to the Government of Ontario the gravity of this situation; and Be It Further Resolved that FONOM petitions the Government of Ontario to make securing the long-term sustainability and dependability of the Northeastern Ontario economy a key priority; and

5. (a) Be It Further Resolved that a copy of this resolution be forwarded to the Premier, the Minister responsible for Industry Canada/FedNor, the Minister of Natural Resources, the Minister of Northern Development and Mines and Leaders of the Opposition Parties. CARRIED.
- (b) Correspondence from the Township of South Stormont (concerning a review of Conservation Authority mandate); Township of Southwold (concerning regulating the exotic animal industry); Municipality of West Grey (concerning requesting the Province to place an indefinite moratorium on industrial wind turbines) was received by Council.
- (c) A letter from the Minister of Labour in response to a Council resolution concerning a proposed Workplace Fatalities Family Bill of Rights was received by Council.
- (d) A Toronto Star article by Peter Gorrie was received by Council.
- (e) **Staff Travel Requests**
The report of the Chief Administrative Officer was accepted by Council.

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Resolved that the Staff Travel Requests contained in the report of the Chief Administrative Officer dated 2010 02 08 be approved as requested. CARRIED.

- (f) **Short Line Railway from Sault Ste. Marie to Sudbury**
Correspondence from the Chief Administrative Officer was accepted by Council.

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Whereas a Working Group of Stakeholders concerned about securing the future of the rail line between Sault Ste. Marie and Sudbury, chaired by Sault Ste. Marie CAO Joe Fratesi, has recently announced that an "Agreement in Principle" has been entered into with Huron Central Railway; and

Whereas the parties to the Agreement, who make up the Working Group, include Essar Steel Algoma Inc., Domtar and the City of Sault Ste. Marie on behalf of a larger group of interested parties; and

Whereas the next steps in the efforts to secure a long term and viable solution for continued rail operations (which are of utmost importance to all of Northern Ontario), include significant capital contribution from both the Federal and Provincial levels of Government for the repair and improvement of the rail line, as well as a restructuring of the lease arrangement with CP Rail, the owner of said line; and

5. (f) Whereas Huron Central Rail, with the assistance and facilitation of the Working Group, has made two applications for funding from the senior levels of government towards the \$33 million capital requirements for this important piece of short line rail,
Now Therefore Be It Resolved that the Council of the Corporation of the City of Sault Ste. Marie strongly urges the Federal and Provincial Governments to give immediate attention to this urgent matter and confirm the availability of government support for the capital improvements that are required, and
Further Be It Resolved that the municipal councils representing all of the communities affected by the future of this important rail line, be urged to support this request and forward copies of such resolutions to Ministers Baird and Duguid. CARRIED.

(g) **Historic Sites Board – Request for Proposals for Architectural and Engineering Services for the Heritage Discovery Centre at the Ermatinger•Clergue National Historic Site**

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

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Resolved that the reports of the Manager of Purchasing and the Commissioner Community Services dated 2010 02 08 be accepted and further that the proposal for the Architectural and Engineering Services for the construction of a Heritage Discovery Centre on the Ermatinger•Clergue National Historic Site required by the Community Services Department be awarded as recommended. CARRIED.

(h) **Renewal of Lease – Brody's Sports Bay and Grill**

The report of the Manager Community Centres was accepted by Council. The relevant By-law 2010-22 is listed under Item 10 of the Minutes.

(i) **Roberta Bondar Marina Fuel Dispensers**

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

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Resolved that the report of the Manager Recreation and Culture dated 2010 02 08 concerning Roberta Bondar Marina Fuel Dispensers be accepted and the recommendation that Council authorize replacement of the fuel dispensers at Roberta Bondar Marina with refurbished dispensers at an upset limit cost of \$15,000. + GST with funds to come from the Marina Reserve account plus the 2010 Roberta Bondar Marina Operating budget as necessary and further that staff be authorized to proceed immediately to tender this purchase, be approved. CARRIED.

5. (j) **Aqueduct Repairs – Alexandra and Young Street Crossings – Agreement for Engineering Services**

The report of the Director of Engineering Services was accepted by Council. The relevant By-law 2010-28 is listed under Item 10 of the Minutes.

(k) **Contract 2009-1E - McNabb/South Market Street Extension – Slip Around Lane at McNabb Street and Manitou Drive**

The report of the Design and Construction Engineer was received by Council.

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Resolved that the report of the Design and Construction Engineer dated 2010 02 08 concerning McNabb/South Market Street Extension – Slip Around Lane at McNabb Street and Manitou Drive be received as information. CARRIED.

(l) **Safety Concerns on Goulais Avenue between Third and Fourth Line**

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

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Resolved that the report of the Commissioner Engineering and Planning dated 2010 02 08 concerning Safety Concerns on Goulais Avenue between Third and Fourth Line be received as information. CARRIED.

(m) **Gateway Site Clean-up**

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

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Resolved that the report of the Commissioner Engineering and Planning dated 2010 02 08 concerning Gateway Site Clean-up be accepted and the recommendation that staff proceed with improvements to secure the site and improve its aesthetic appearance in the interim prior to any development occurring on the site, at the estimated cost of \$15,000.00 with funds to come from the Gateway Allocation Fund, be approved. CARRIED.

(n) **Loftstrom Appeal to the Ontario Municipal Board – Official Plan Amendment and Zoning By-law Amendment – Hearing Date**

The report of the Assistant City Solicitor was received by Council.

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

5. (n) Resolved that the report of the Assistant City Solicitor dated 2010 02 08 concerning Lofstrom Appeal to the Ontario Municipal Board - Official Plan Amendment and Zoning By-law Amendment - 626 Fifth Line East be received as information. CARRIED.
- (o) **Sponsorship Agreement – City, Royal Bank and Pino’s – Financial Commitment for the Video Scoreboard at Essar Centre**
The report of the Assistant City Solicitor was accepted by Council. The relevant By-law 2010-31 is listed under Item 10 of the Minutes.
- (p) **Set Fines under Scavenging By-law 2008-149**
The report of the City Solicitor was accepted by Council.
- Moved by - Councillor T. Sheehan
Seconded by - Councillor F. Fata
Resolved that the report of the City Solicitor dated 2010 02 08 concerning Set Fines under Scavenging By-law 2008-149 be accepted and the recommendation that Council authorizes the Legal department to request approval from the Attorney General to establish set fines for offences under By-law 2008-149, be approved. CARRIED.
- (q) **Garforth and Legacy Quest Claim v. the City, Various Council Members and Others**
The report of the City Solicitor was received by Council.
- Moved by - Councillor T. Sheehan
Seconded by - Councillor F. Fata
Resolved that the report of the City Solicitor dated 2010 02 08 concerning Garforth and Legacy Quest Claim v the City, Various Council Members and Others be received as information. CARRIED.
- (r) **Housekeeping Changes to By-law 84-170 Which Deals with Moving Structures on City Streets**
The report of the City Solicitor was accepted by Council. The relevant By-law 2010-24 is listed under Item 10 of the Minutes.
- (s) **Lane Closing Application – Steelton Park Subdivision**
The report of the City Solicitor was accepted by Council. The relevant By-law 2010-34 and 2010-35 is listed under Item 10 of the Minutes.
- (t) **Proposed Property Purchase from Philip & Michele Defazio – Rear Portion of 115 Fourth Line East**
The report of the City Solicitor was accepted by Council. The relevant By-law 2010-27 is listed under Item 10 of the Minutes.

5. (u) **Parking on Ken Danby Way**
The report of the Assistant Manager Transit/Parking was accepted by Council.
- Moved by - Councillor T. Sheehan
Seconded by - Councillor F. Fata
Resolved that the report of the Assistant Manager Transit/Parking dated 2010 02 08 concerning Parking on Ken Danby Way be accepted and the recommendation that a two hour parking limit be placed on Ken Danby way be approved. CARRIED.
- (v) **PUC Inc. – 2009 Fourth Quarter Report**
The report of the President and C.E.O., PUC Inc. was received by Council.
- Moved by - Councillor T. Sheehan
Seconded by - Councillor F. Fata
Resolved that the report of the President and C.E.O., PUC Inc. dated 2010 01 29 concerning PUC Inc. 2009 Fourth Quarter Shareholder Report be received as information. CARRIED.
- (w) **Ontario Heritage Act Registration - Bishophurst**
The report of the Chair Sault Ste. Marie Municipal Heritage Committee was accepted by Council.
- Moved by - Councillor T. Sheehan
Seconded by - Councillor F. Fata
Resolved that the report of the Chair Sault Ste. Marie Municipal Heritage Committee dated 2010 02 08 concerning Ontario Heritage Act Registration - Bishophurst be accepted and the recommendation that City Council register the property known as 'Bishophurst' at 134 Simpson Street under Part IV Section 27 (1.2) of the Ontario Heritage Act, be approved. CARRIED.

PART TWO – REGULAR AGENDA

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

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

(a) **EDC/TSSM Gateway Committee Update**

The report of the Chair – EDC Gateway Committee was accepted by Council.

Moved by - Councillor T. Sheehan
Seconded by - Councillor F. Fata

6. (8)(a) Whereas Sault Ste. Marie was designated an international tourism gateway in 1995 and this designation was reconfirmed in a recent letter (January 14, 2010) from Minister Michael Gravelle to Mayor John Rowswell; and
Whereas the NOHFC program offering \$15 Million for the Gateway site tourist attraction has ended and they are offering \$5 Million to an implementable tourism project; and
Whereas NOHFC would be prepared to receive an application regarding a major destination attraction project; and
Whereas City Council previously asked the EDC Tourism Gateway Committee to look at the right type of destination attraction to be suitable along with a relocated train station and other tourism amenities; and
Whereas the EDC Tourism Gateway Committee wishes to continue to guide the development of the Gateway lands and major destination attraction project with the addition of two City Councillors (Susan Myers and Lorena Tridico and Mayor ex-officio);
Now therefore be it resolved that the report of the Chair EDC Gateway Committee dated 2010 02 02 concerning Update on Activities of the EDC/SSM Gateway Committee be received as information; and
Further resolved that City Council authorizes providing the mandate to the EDC Gateway Committee to pursue 'an implementable' tourism project in Sault Ste. Marie that would be eligible for \$5 Million in NOHFC funding, be approved; and further that City Council looks forward to receiving conceptual plans in four to eight months as part of the Committee's two year mandate. CARRIED.

Recorded Vote

For: Mayor J. Rowswell, Councillors J. Caicco, L. Turco, O. Grandinetti, L. Tridico, F. Fata, T. Sheehan, S. Butland, P. Mick

Against: Councillor F. Manzo

Absent: Councillor D. Celetti, S. Myers

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

Economic Development Corporation – Tourism Sault Ste. Marie Gateway Committee

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

Moved by - Councillor T. Sheehan
Seconded by - Councillor F. Fata

Whereas, the City has invested approximately \$2 million in land acquisition costs for the Gateway site,

And Whereas, the EDC Gateway Committee is proposing a plan to develop the Gateway site,

Therefore Be It Resolved, the City Council require the recovery of approximately \$2 million of City land acquisition costs as part of any future Gateway plan proposal, and

Further Be It Resolved that for any proposal regarding a publicly owned and operated tourist attraction, the City be provided advance notice of its exposure for both the land cost recovery and any operational deficits be approved.

OFFICIALLY READ NOT DEALT WITH – Mover/Seconder removed their names from the motion.

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

(a) Moved by - Councillor T. Sheehan

Seconded by - Councillor S. Butland

Whereas Greyhound Canada in 2009 had announced that they would discontinue bus service to and from Sault Ste. Marie to/from Northwestern Ontario / Western Canada; and

Whereas bus service is important to Sault Ste. Marie as it provides affordable accessible transportation for those people who use it to travel for educational, health, business, family, tourism and other important reasons/matters; and

Whereas Sault Ste. Marie City Council has strongly lobbied for continued bus service west and north of this great City;

Whereas Greyhound has decided to continue and has announced changes to its scheduled routes in and out of Sault Ste. Marie;

Now therefore be it resolved that City Council continues to strongly encourage Greyhound Canada to continue this very important transportation service, and further that a copy of this resolution be forwarded to Greyhound Canada. CARRIED.

(b) Moved by - Councillor O. Grandinetti

Seconded by - Councillor T. Sheehan

Whereas the City of Sault Ste. Marie enjoyed the distinguished honour of hosting the 2010 Scotties Tournament of Hearts, Canada's most prestigious ladies event; and

Whereas the best curlers representing all of the Provinces and Regions of Canada provided all of us great sports entertainment over an eight day period; and

Whereas the citizens of Sault Ste. Marie were very fortunate to experience this excitement first hand,

7. (b) Now Therefore Be It Resolved that Sault Ste. Marie City Council expresses its sincerest congratulations to Jennifer Jones and Team Canada on the occasion of their third straight victory and further that Sault Ste. Marie expresses its sincerest gratitude to all the teams, organizers, spectators and especially the many volunteers who made this event so special. CARRIED.

- (c) Moved by - Councillor T. Sheehan
Seconded by - Councillor S. Butland
Whereas City Council has been and is concerned by the United States of America's Buy American Act; and
Whereas it has recently been reported that Canada has been exempt from some certain parts of the Buy American Act;
Now Therefore be it resolved that City Council requests that the Economic Development Corporation report back to Council on how these changes to the Buy American Act might affect local businesses and industry. 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 T, Sheehan
Seconded by Councillor F. Fata
Resolved that all the by-laws listed under Item 10 of the Agenda under date 2010 02 08 be approved. CARRIED.

Moved by Councillor T. Sheehan
Seconded by Councillor F. Fata
Resolved that By-law 2010-22 being a by-law to authorize an agreement between the City and 1309972 Ontario Limited for the operation of Brody's Sports Bar and Grill at the John Rhodes Community Centre be PASSED in open Council this 8th Day of February 2010. CARRIED.

Moved by Councillor T. Sheehan
Seconded by Councillor F. Fata
Resolved that By-law 2010-24 being a by-law to amend By-law 84-170 (a by-law to regulate the moving of structures on the streets of the City of Sault Ste. Marie by a system of permits) be PASSED in open Council this 8th day of February, 2010. CARRIED.

Moved by Councillor T. Sheehan
Seconded by Councillor F. Fata
Resolved that By-law 2010-27 being a by-law to authorize the City's acquisition from Michele Lisa Defazio and Philip Gerard Defazio of the rear portion of 115

10. Fourth Line East, an approximately 86.5' x 800' parcel of land be PASSED in open Council this 8th day of February, 2010. CARRIED.

Moved by Councillor T. Sheehan

Seconded by Councillor F. Fata

Resolved that By-law 2010-28 being a by-law to authorize an agreement between the City and STEM Engineering Group Incorporated to provide services in connection with the aqueduct repairs of the Fort Creek Aqueduct at Alexandra Street and the secondary Aqueduct on Central Street at the Young Street Crossing be PASSED in open Council this 8th day of February, 2010. CARRIED.

Moved by Councillor T. Sheehan

Seconded by Councillor F. Fata

Resolved that By-law 2010-31 being a by-law to authorize an agreement between the City, Royal Bank of Canada and 1138826 Ontario Limited operating as Pino's Get Fresh Foods to establish a financial support for the video scoreboard at the Essar Centre be PASSED in open Council this 8th day of February, 2010. CARRIED.

Moved by Councillor T. Sheehan

Seconded by Councillor F. Fata

Resolved that By-law 2010-32 being a by-law to appoint Malcolm White as City Clerk be PASSED in open Council this 8th day of February, 2010. CARRIED.

Moved by Councillor T. Sheehan

Seconded by Councillor F. Fata

Resolved that By-law 2010-33 being a by-law to appoint Rachel Tyczinski as Deputy Clerk and Manager of Quality Improvement be PASSED in open Council this 8th day of February, 2010. CARRIED.

Moved by Councillor T. Sheehan

Seconded by Councillor F. Fata

Resolved that By-law 2010-34 being a by-law to assume for public use and establish as a public lane, a lane in the Steelton Park Subdivision be PASSED in open Council with 8th day of February, 2010. CARRIED.

Moved by Councillor T. Sheehan

Seconded by Councillor F. Fata

Resolved that By-law 2010-35 being a by-law to stop up, close and authorize the conveyance of a lane in the Steelton Park Subdivision be read a FIRST and SECOND time this 8th day of February, 2010. CARRIED.

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

13.

ADJOURNMENT

Moved by - Councillor T. Sheehan

Seconded by - Councillor F. Fata

Resolved that this Council shall now adjourn. CARRIED.

"John Rowswell"

MAYOR

"Donna P. Irving"

CLERK