

ADDENDUM

REGULAR MEETING OF CITY COUNCIL

2012 05 28

4:30 P.M.

COUNCIL CHAMBERS

3. APPROVE AGENDA AS PRESENTED

Mover: Councillor M. Bruni

Seconder: Councillor T. Sheehan

Resolved that the Addendum #1 for the 2012 05 28 City Council meeting as presented be approved.

4. DELEGATIONS/PROCLAMATIONS

PART ONE – CONSENT AGENDA

5. COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

- a) Further correspondence is attached for the information of Council.

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

- (1) ADMINISTRATION**
- (2) COMMUNITY SERVICES DEPARTMENT**
- (3) ENGINEERING**
- (4) FIRE**
- (5) LEGAL**
- (6) PLANNING**

a) **Application No. A-13-10-T – Premiere Landscaping and Garden Centre Inc.**

Further correspondence is attached for the information of Council.

c) **Application No. A-18-12-OP – Lisa Lofstrom – 680 Fifth Line East**

Further correspondence is attached for the information of Council.

d) **Digital Signs By-law**

Further correspondence is attached for the information of Council.

(7) PUBLIC WORKS AND TRANSPORTATION

(8) BOARDS AND COMMITTEES

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

d) Mover: Councillor M. Bruni
Second: Councillor F. Fata

Whereas there have been serious concerns raised from neighbours of the Hub Trail concerning people smoking in the wooded areas; and

Whereas there have been a number of fires caused by people carelessly tossing their cigarette butts; and

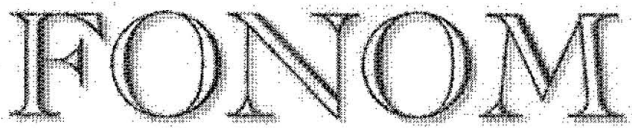
Whereas it is only a matter of time before a fire is caused that could result in a significant loss of personal and public property;

Now Therefore Be It Resolved that City Council ask the appropriate staff and relevant outside agencies to review the feasibility of banning smoking on the Hub Trail and report back to Council.

**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



The Federation of Northern Ontario Municipalities

For Immediate Release

May 28, 2012

NEWS RELEASE

FONOM MEETS WITH INFRASTRUCTURE ONTARIO ON ONTC: NO PLAN AS YET

Alan Spacek, Mayor of Kapuskasing and President of the Federation of Northern Ontario Municipalities (FONOM), along with a group of Northern mayors, met with Infrastructure Ontario to discuss the future of the Ontario Northland Transportation Commission (ONTC).

"Infrastructure Ontario wanted to discuss some of the technical details related to the province's divestiture of the ONTC with us. It was made clear to us that it's still 'very early on' in the divestiture process and that the Province has 'no formal plan' as yet," stated Spacek. This leads us to believe that we will be actively involved in the process going forward. We re-iterated that we (FONOM) want to work with our provincial government to get our concerns across and if necessary to get the best deal possible for the North and Northerners. We were also assured that Northern industry has been thoroughly consulted in this process and that their concerns will be addressed", explained Spacek.

Tom Laughren, Mayor of Timmins and Vice President of FONOM expressed that, "We pushed for such a meeting and are happy to share our thoughts on how important we feel the ONTC is to the North. However, we were a little surprised that there is no structured plan in place to address the many details required in such a major endeavor".

Roger Sigouin, Mayor of Hearst, who was also in attendance at the technical briefing suggested that, "We need to work together to get through these difficult, rapidly changing times. Our communities want to hold consultations in Northern Ontario, and talk with the people who have a stake in the future of the ONTC. We'll be happy to share our findings with the Province."

Al McDonald, Mayor of North Bay said that, "The interests of Northerners must be fully and frankly represented. We want a representative at the table."

"Municipalities from across the North are working together to represent our people. We want to work with all levels of government for the betterment of Northerners. FONOM is committed to giving voice to the needs of Northerners and Northern municipalities – with the Province, the Federal government, with First Nations and with other stakeholders," noted Spacek.

Other Mayors who attended this meeting on behalf of Northern municipalities included Gilles Forget from Iroquois Falls and Mike Millinkovich from Black River-Matheson.

-30-

FONOM's membership is made up of 110 municipalities, towns and cities in Northeastern Ontario. FONOM acts in an advocacy role in relation to political and economic issues of concern in Northern Ontario. Its board of directors consists of 11 municipal leaders from the seven Northeastern districts and four cities.

For more information, contact:

Mayor Alan Spacek, Federation of Northern Ontario Municipalities

Tel: (705) 335-0001

Willson, Carter

BARRISTERS & SOLICITORS

C. Bruce Willson, B.A., L.L.B., L.L.M.
Murdoch J. Carter, B.A. (Hon.) L.L.B.

494 Albert Street East,
Sault Ste. Marie, Ontario
P6A 2K2
Tel. (705) 942-2000
Fax (705) 942-6511

May 28th, 2012

Corporation of the City of Sault Ste. Marie
Engineering & Planning Department
99 Foster Drive,
Sault Ste. Marie, Ontario
P6A 5N1

Attention: Mr. Peter Tonazzo, Planner

Dear Sir:

RE: Application A-13-10-1 filed by Premiere Landscaping & Garden Centre Inc.

Further to our telephone conversation this a.m. I have been approached by Mr. Notte to provide legal advice to whether or not to proceed with this application. I wonder if the matter could be deferred a few weeks pending my review of the file.

Yours very truly

WILLSON, CARTER



C. BRUCE WILLSON

CBW/ms

Premiere Landscaping & Garden Centre Inc



1215 SECOND LINE WEST
(705) 949-9614
SAULT STE. MARIE, ON

1215 Second Line West
Sault Ste. Marie, Ontario
P6C 2L9
Phone # (705) 949-9614
Fax # (705) 575-3657
premiere@shaw.ca

Fax

To: Peter TONAZZO

From: Peter Notte

Fax: 541-7165
~~253-2897~~

Pages: 1

Phone: 759-2780

Date: MAY

Regarding: TOPSOIL STRIPPING PLAN - 1151 2ND LINE WEST

I Peter Notte OWNER OF PREMIERE
LANDSCAPING WISH TO WITHDRAW MY
APPLICATION OF TEMPORARY ZONING -
TOPSOIL REMOVAL

Peter Notte

6(6)(c)

May 27 2012

Mr. Peter Tonazzo, Planner
Planning Department
City of Sault Ste. Marie, ON

Re: application No: A-18-12-OP

Dear Mr. Tonazzo;

With regard of the applicant requesting an Official Plan Amendment to facilitate an application to the Committee of Adjustment to create an addition lot in the Rural Area. Rural Area Policy 11 of the Official Plan limits new lot creation to one new severance, applied from December 2009. The subject property has already been severed one since December 2009.

I am opposing this application for the following 2 reasons:

1. As per City policy, when an application is submitted to the Committee of Adjustment notice protocol are to be followed. In this case, they have not been followed i.e. not all neighbours in the area have been notified and further more the yellow sign to notify public have not been posted by the applicant.
2. I own adjacent property to the proponent which is zoned rural residential with special exception to operate a trailer business. It is my intention in the future to build my residence on this property and have the ability to severe residence from the business. If this application hinders this process in any way, I oppose it.

Before I withdraw my opposition to this application, I request a written confirmation from the city planning department that this application No: A-18-12-OP will not jeopardize my plan for moving forward.

Regards,

Ed Lofstrom

32 Powley Rd
Sault Ste Marie, ON P6A 5K7

Malcolm White

From: Kim Vaudry on behalf of City Clerk
Sent: May 28, 2012 8:35 AM
To: Malcolm White
Subject: FW: DIGITAL SIGN BY-LAW

From: domenic coccimiglio [mailto:d_coccimiglio@hotmail.com]

Sent: May 27, 2012 5:28 PM

To: City Clerk; Renee Wysynski; Steve Butland; Paul Christian; Susan Myers; Terry Sheehan; Pat Mick; Brian Watkins; Rick Niro; Lou Turco; Marchy Bruni; Frank Fata; j.krmpoctich@cityssm.on.ca; Peter Tonazzo; domenic coccimiglio

Subject: DIGITAL SIGN BY-LAW

Thank-you to all who responded to my earlier e-mail and those who took the time to speak to me personally. Thank-you to Peter Tonazzo for hosting the "open house-meeting" on May 25. I was glad to see that our comments were taken into account and some recommended changes were made.

I also would have liked 10 second duration of message but 15 seconds I can live with. The safety review I could understand if "new" signage was to be installed to determine where any signage should be installed. Where a permit was applied for and the city issued the permit, and a sign has been in place for many years, and now an "add on" digital sign to be added I can't see where a safety review will be beneficial.

Again thanks

Domenic Coccimiglio
Broker of Record/Owner
BRIDGETOWN REALTY INC.

Malcolm White

From: Peter Tonazzo
Sent: May 25, 2012 10:07 AM
To: Malcolm White
Subject: FW: Re: Digital Signs By-law

Hi Malcolm,

Could you please attach this to the Addendum.

Regards,
 Peter.

From: Peter McLarty [mailto:pjmclarty@shaw.ca]

Sent: May 25, 2012 7:24 AM

To: Peter Tonazzo

Cc: Rick Niro; Brian Watkins; Joe Krmpotich; Paul Christian; Marchy Bruni; Mayor Amaroso; Frank Fata; Lou Turco; Pat Mick; Steve Butland; Susan Myers; Terry Sheehan

Subject: Re: Re: Digital Signs By-law

Good morning Peter

Thank you for the ongoing updates. As you are aware I have been out of the country for 3 weeks...thus the late response.

I was quite happy with the initial proposal but I am reluctant to support the proposed compromise. Compromises tend to serve the "proponants" and usually are not supportive of the greater good ie. the silent majority.

Digital signs are probably (sadly) going to become the norm and all businesses will probably want one to "stay competitive".

At many intersections I am sure that 15 or more business signs are visible meaning that one could be changing every second and grabbing your attention thus distracting you from your purpose which is to drive from point A to point B safely. I do not have to be reminded on every trip as to "who" is trying to sell "what"!

I find it a pleasure to travel in all countries outside North America and NOT have my senses constantly bombarded by commercial "visual pollution". Only in North America are you constantly bombarded by someone trying to sell something. As an example, in Spain (in 1995) only 2 companies were permitted to erect billboards outside of a city!!!

Regards

Peter McLarty

----- Original Message -----

From: Peter Tonazzo

To: twincitysigns@live.com ; northern.lights@shaw.ca ; fiore.boschi@sisgroup.ca ; febbz_77@hotmail.com ; willson.carter.bruce@hotmail.com ; superior7@shaw.ca ; mmaki@mgp-arch-eng.ca ; terra.fisher@daktronics.com ; mdelfre@bushplane.com ; domenic@bridgetownrealty.ca ; jeffry@algomaastro.org ; waynehudson@shaw.ca ; John Dick ; ross.viotto@century21.ca ; ross.muzylo@outdooropportunities.com ; pjmclarty@shaw.ca ; danny@algomamortgage.com ; CLASSIC SIGNS ; Leslie Cook ; shelley@ssmcoc.com ; jeffrey@algomaastro.org

Cc: Malcolm White

Sent: Friday, May 18, 2012 11:14 AM

Subject: RE: Re: Digital Signs By-law

Hello,

(b)(6)(d)

Please find attached the proposed digital signs by-law. Copies are available online and at the Planning Division offices. The by-law will be on Council's May 28th Agenda. It is estimated that this will be discussed at approximately 6pm or thereafter. Notable changes include:

1. Min. Duration of message reduced from 1minute to 15seconds.
2. We will no longer regulate on-site vs. off-site advertising.
3. Projected signage will be permitted on a case-by-case basis.
4. Original draft by-law required a safety review if signs were proposed within 100m of a signalized and 50m of a non-signalized intersection or rail crossing. The distances have been reduced to 30m/15m respectively.

The covering report will be available Thursday of next week. I will forward it to you then. If you have any questions or comments, please contact me. If you wish to provide formal comments in writing, please forward them to:

M. White, City Clerk
P.O. Box 580, Sault Ste. Marie, ON, P6A 5N1
cityclerk@cityssm.on.ca

Regards,

Peter Tonazzo, MCIP, RPP
Planner
City of Sault Ste. Marie
99 Foster Dr.
Sault Ste. Marie, ON
P6A 5X6
Tel: 705.759.2780
Fax: 705.541.7165
p.tonazzo@cityssm.on.ca

From: Peter Tonazzo
Sent: May 11, 2012 3:58 PM
To: 'twincitysigns@live.com'; 'Northern Lights' (northern.lights@shaw.ca); 'fiore.boschi@sisgroup.ca'; 'febbz_77@hotmail.com'; 'willson.carter.bruce@hotmail.com'; Matt (superior7@shaw.ca); 'mmaki@mgp-arch-eng.ca'; 'terra.fisher@daktronics.com'; 'mdelfre@bushplane.com'; 'domenic@bridgetownrealty.ca'; 'jeffry@algomaastro.org'; 'waynehudson@shaw.ca'; 'John Dick'; 'ross.viotto@century21.ca'; Ross Muzylo (ross.muzylo@outdooropportunities.com); Peter McLarty (pimclarty@shaw.ca); Dan Alessandrini (danny@algomamortgage.com); 'CLASSIC SIGNS'; 'Leslie Cook'; 'shelley@ssmcoc.com'
Subject: Re: Digital Signs By-law

Hello,

Again, thanks for your input at the recent digital sign's open house. We have reviewed all comments, and substantial changes have been made to the Draft By-law. We have decided to bring the revised by-law forward for Council's approval on May 28th.

I anticipate the new by-law being available for your review later next week. I will forward a copy to everybody via email.

Have a nice weekend,

7(d)

Malcolm White

From: m.bruni@cityssm.on.ca
Sent: May 27, 2012 10:03 PM
To: Malcolm White
Subject: Fw: Ban Smoking in Conservation Areas

Good Evening Malcolm,
Councillor Fata and myself would like to proceed with a resolution regarding this concern.

Regards,
Marchy Bruni
Councillor Ward 5
m.bruni@cityssm.on.ca
Cell - 705-971-0029
Home - 705-949-9187

Sent wirelessly from my BlackBerry device on the Bell network.
Envoyé sans fil par mon terminal mobile BlackBerry sur le réseau de Bell.

From: Dominic Parrella <dominic.parrella@ssmpuc.com>
Date: Sun, 27 May 2012 20:47:21 -0400
To: <mayor.amaroso@cityssm.on.ca>; <s.butland@cityssm.on.ca>; <p.christian@cityssm.on.ca>; <t.sheehan@cityssm.on.ca>; <s.myers@cityssm.on.ca>; <p.mick@cityssm.on.ca>; <b.watkins@cityssm.on.ca>; <r.niro@cityssm.on.ca>; <l.turco@cityssm.on.ca>; <m.bruni@cityssm.on.ca>; <f.fata@cityssm.on.ca>; <j.krmpotich@cityssm.on.ca>
Cc: <j.fratesi@cityssm.on.ca>; <r.davies@ssmps.org>; <m.provenzano@cityssm.on.ca>; <lwhalen@ssmrca.ca>
Subject: Ban Smoking in Conservation Areas

Dear Mayor and Council,

I am writing as a constituent of Ward 5 in regards to a situation that occurred this past Saturday which my wife and I have discussed with Councillors Fata, Bruni and Krmpotich over the weekend. As a result of this incident, we are requesting Council to consider passing a municipal By-law (as soon as possible) that would prohibit smoking on Conservation Authority lands and city parks or playgrounds.

We live at 83 Westridge Road and our property backs onto the Fort Creek Conservation Area. There is a trail passing through the Conservation Area that runs within 2 feet of our rear property line. People often stop at this point as it is at the crest a ravine and a fork in the trail.

Saturday evening, for the second time in two weeks, a group of young people (teenagers or young adults) were walking along the trail and smoking. There were 6 people Saturday evening, all smoking, and they stopped at the back of our property. My wife went out (I was not home at the time) to ask them to stop smoking and pointed out how dangerous it was to smoke given the very dry conditions in the forest.

The response was typical of young people in these situations -- "This is public property; I know my rights; I can smoke if I want to; you can't tell me what to do" etc. (of course there is always a good amount of profanity used)

My wife called city Police and the Fire Department, but was told by both that there was nothing they could do about it. She has in the past also discussed this issue with the SSMRCA. In the absence of a by-law that prohibits smoking on

CA lands, it appears that no one can take any action to stop people from smoking, even during such dangerous weather conditions as we have at this time (with forest fires raging across the province, such as near Timmins).

I have included extracts from the Forest Fires Prevention Act and the Conservation Authorities Act below that I would think are relevant in this situation. Specifically, section 28 of the FFP Act prohibits smoking while walking through a forest. Admittedly, this seems to leave a loophole open for anyone to stop, have a cigarette, put it out and then move on. However, section 29 prohibits anyone from dropping a lit cigarette in a forest. So technically, no one should light up a cigarette if they cannot drop it to stamp it out.

Also, section 29 (b) of the CA Act allows for a CA to make regulations to protect the CA lands – I would think this gives the CA the authority to pass a by-law that prohibits people from smoking within conservation areas in order to protect the lands from forest fires.

Laurel and I are quite concerned about the potential for forest fires in the Fort Creek CA. Why should people be allowed to carry on such dangerous activity that puts the forest (and all adjacent houses) at undue risk of fire, especially during such high risk weather periods as we are currently experiencing? We don't want to have a repeat of Slave Lake here!

We ask that Council pass an appropriate by-law so that residents (like us - that monitor activities in the CA) and local Police and Fire authorities have the power to take action in these situations.

Thank you all for your attention to this matter.

Sincerely,

Laurel and Dominic Parrella
83 Westridge Road
705-254-6526

Forest Fires Prevention Act

Fire season

10. The period from the 1st day of April to the 31st day of October in each year shall be a fire season. R.S.O. 1990, c. F.24, s. 10.

Smoking prohibited

28. No person shall smoke while walking or working in a forest area during the fire season. R.S.O. 1990, c. F.24, s. 28; 2009, c. 33, Sched. 22, s. 3 (9).

Smoking material, etc.

29. No person shall throw or drop, in or within 300 metres of a forest area,

- (a) a lighted match, cigarette, cigar or other smoking material;
- (b) live coals; or
- (c) hot ashes. R.S.O. 1990, c. F.24, s. 29; 2009, c. 33, Sched. 22, s. 3 (10).

Conservation Authorities Act

Regulations by authority re lands owned by it

- 29. (1)** An authority may make regulations applicable to lands owned by the authority,
- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
 - (b) providing for the protection and preservation from damage of the property of the authority;
 - (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
 - (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for permits;
 - (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
 - (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
 - (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;
 - (h) subject to the *Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires. R.S.O. 1990, c. C.27, s. 29 (1); 1998, c. 18, Sched. I, s. 13 (1).