

ADDENDUM
REGULAR MEETING OF CITY COUNCIL
2011 05 30
4:30 P.M.
COUNCIL CHAMBERS
PART ONE – CONSENT AGENDA

3. **APPROVE AGENDA AS PRESENTED**

Mover: Councillor F. Fata

Seconder: Councillor S. Myers

Resolved that the Addendum for the 2011 05 30 City Council meeting as presented be approved.

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

hh) Correspondence from OGRA is attached for the information of Council.

ii) Correspondence from the Town of Thessalon (concerning Green Energy) is attached for the information of Council.

jj) **Renewal of City's Insurance Program – Jardine Lloyd Thompson Canada Inc.**

A report of Corporate Counsel is attached for the consideration of Council.

Mover: Councillor M. Bruni

Seconder: Councillor T. Sheehan

Resolved that the report of Corporate Counsel dated 2011 05 30 be accepted and the recommendation that the City's insurance package for the year June 1, 2011 to May 31, 2012 be placed with Jardine Lloyd Thompson Canada Inc. through local broker Algoma Insurance Brokers Limited be approved.

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

(6) **PLANNING**

a) **Application No. A-11-11-Z.OP – 1138997 – 309 Fifth Line East**

Additional information is attached for the information of Council.

b) **Application No. A-12-11-Z – Carolyn Gagne – 113 Grosvenor Avenue**

Additional information is attached for the information of Council.



TO: Ontario Municipalities

FROM: J. W. Tiernay, Executive Director
Ontario Good Roads Association

DATE: May 26, 2011

RE: Minimum Maintenance Standards Litigation – Status Report

Background

Last year all heads of Council received a letter advising that a legal challenge had been filed to have the Minimum Maintenance Standards (MMS) declared null and void. The letter requested municipalities consider contributing to a Litigation Fund to fight the application. I am pleased to report that many municipalities have contributed to the fund and we are proceeding with our opposition to this application. If your municipality is still considering the request please let me know at your earliest convenience as to whether funds will be forthcoming.

This memo is intended to keep all municipalities informed as to the progress to date on this important matter.

Discussion

OGRA has retained J. Murray Davison, Q.C. of the law firm, Paterson, MacDougall, LLP as our legal counsel to represent your interests. Mr. Davison is very knowledgeable in the area of Minimum Maintenance Standards having volunteered his time and expertise in the development of the initial standards and the 5 year review that was recently undertaken.

Our counsel filed an application with the courts to grant OGRA intervenor status. The opposing counsel did not object to this application and the court issued an order adding OGRA as intervenor on October 8, 2010.

A MMS Litigation steering committee made up of representatives from the Ontario Good Roads Association; the Ontario Municipal Insurance Exchange (OMEX); the Regional Municipality of York; the Province of Ontario; the Waterloo Region Municipalities Insurance Pool and Frank Cowan Company Limited met on May 25, 2011 and received an update from our legal team.

The plaintiff's Counsel has filed a motion for the production of all documents associated with the creation of the original Minimum Maintenance Standards.

Our litigation team is supporting two motions filed by the Crown. The first being to limit the scope of the hearing to the standards that were in effect at the time of the accident that precipitated this action. The second motion is to transfer the hearing from the Superior Court to the Divisional Court. In the Superior Court only one judge presides, while at Divisional Court three judges preside. Our legal team feels that this move would be advantageous to our position.

All the above referenced motions are currently scheduled to be heard on June 13, 2011. A further update will be issued subsequent to that hearing.

We previously advised that the Ontario Trial Lawyers Association was going to seek intervenor status. They have not done so to-date however we anticipate that they will do so later.

At this time there is a possibility that the application will be heard in the fall of this year, however the prevailing opinion suggests that it might not be heard until spring of 2012.

Further updates will be issued as the matter progresses.

JWT

The Corporation of the Town of Thessalon

P.O. BOX 220
Phone: (705)842-2217
Email: townthess@bellnet.ca
Mayor: BRENT RANKIN

187 MAIN STREET

THESSALON, ONTARIO P0R 1L1
Fax: (705)842-2572
Website: www.townthessalon.ca
Clerk: ROBERT P. MacLEAN

May 6, 2011

The Honourable Brad Duguid
Minister of Energy
900 Bay Street, 4th Floor
Hearst Block
Toronto, Ontario
M7A 2E1

Dear Minister Duguid:

At the May 2, 2011 regular meeting of the Council of the Town of Thessalon, the following resolution was passed:

"Whereas in an effort to maintain the peace, quiet, dignity and desirable appearance of the municipality, the Council of the Corporation of the Town of Thessalon passed By-law Number 1774 on March 7, 2011 to amend Schedule A of By-law Number 1592, being a by-law to establish standards for the maintenance and occupancy of property in the Town of Thessalon, to include the following section:

Every person shall keep every front yard free and clear of any equipment or material relating to Renewable Energy Projects including, but not limited to, Ground and/or Pole Mounted Solar Photovoltaic(PV)Systems, Wind Facilities or any other like equipment.

And whereas Council has received confirmation of an individual=s intention to install large ground mounted solar systems on a vacant lot in a residential area in the municipality;

And whereas the Town of Thessalon has been advised by the Ministry of Municipal Affairs and Housing that the Green Energy and Green Economy Act, 2009 made amendments to the Planning Act, most notably the addition of a new section 62.0.2 which exempts renewable energy projects from most land use planning instruments under the Planning Act, including municipal official plans and zoning, site plan control, interim control and holding by-laws, thus eliminating the need for a property owner proposing a renewable energy project to seek an official plan amendment or a change to a zoning by-law, among other matters;

And whereas Council recognizes the importance of the Green Energy and Green Economy Act, 2009, Council is sensitive regarding the impact such installations will have on adjacent property owners who will be in extremely close proximity to such proposed solar systems;

Now therefore be it resolved that the Council of the Corporation of the Town of Thessalon hereby petitions the Government of Ontario through the Minister of Energy and Infrastructure to reconsider the provisions of the Green Energy and Green Economy Act, 2009 and to address the provisions having regard for the negative impact created by

installation of ground mounted solar systems within residential and commercial areas in municipalities;

And further that a copy of this resolution be forwarded to the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities and to all municipalities in the Province of Ontario for endorsement."

CARRIED

Your attention regarding this matter will be appreciated.

Yours truly,

Robert P. MacLean

Robert P. MacLean
Clerk-Treasurer

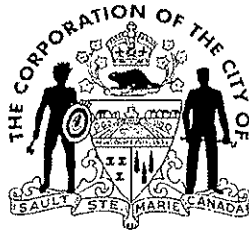
RPM/pw

cc: Premier Dalton McGuinty
Association of Municipalities of Ontario
Federation of Northern Ontario Municipalities
Ontario Municipalities

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
SOLICITOR / PROSECUTOR

LORIE BOTTOS
CORPORATE COUNSEL



**LEGAL
DEPARTMENT**

FILE NO.: I.1

REPORT TO: Mayor Debbie Amaroso
And Members of City Council

REPORT FROM: Lorie A. Bottos
Corporate Counsel

DATE: 2011 05 30

SUBJECT: **RENEWAL OF CITY'S INSURANCE PROGRAM –
JARDINE LLOYD THOMPSON CANADA INC.**

PURPOSE

The purpose of this report is to recommend to Council the renewal of the City's insurance program for the period June 1, 2011 to May 31, 2012.

BACKGROUND

Last year the City issued a request for proposals for insurance. There were four submissions at that time. The recommendation to Council was to stay with Frank Cowan Company Limited (Cowan) even though that Company was not the lowest submission. It was second lowest. However the City had had a five year history with Cowan. Cowan had a great deal of expertise in the municipal insurance area. Also the wordings in the policies from Cowan were superior to the wordings in the policies from Jardine.

COMMENT

As the renewal approached for June 1st of this year, our local broker, Algoma Insurance Brokers Limited, continued to request from Cowan the amount of the premium for the period starting June 1, 2011. Just within the last two weeks Cowan submitted a proposal that involved a significant premium increase of approximately 25% from last year.

Once Mr. Walz of Algoma Insurance received that premium quotation from Cowan he met with Ms. Kenny and myself to discuss various options. One option presented by Mr. Walz was to approach Jardine Lloyd Thompson Canada Inc. to see if that company would be prepared to and could provide a quotation in such a short period of time.

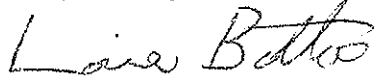
Fortunately Jardine was prepared to and was able to put forward an insurance proposal that meets the City's needs and provides for a premium in line with what the City paid this past year (June 1, 2010 to May 31, 2011). The premium being quoted by Jardine is \$1,212,278 plus applicable taxes. The premium that the City paid to Cowan on the year just completed is \$1,215,941.

This information was just provided to Mr. Walz from Jardine on the evening of May 26th and by Mr. Walz to me on May 27th. Mr. Walz is confident that the wordings in the Jardine policies have been improved and that the coverage afforded by Jardine adequately protects the City. In addition, Jardine, as did Cowan, will provide risk management courses and seminars for City employees.

RECOMMENDATION

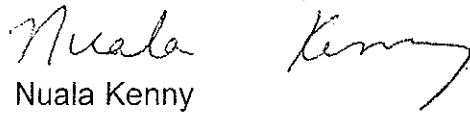
My recommendation to Council is that the City's insurance package for the year June 1, 2011 to May 31, 2012 be placed with Jardine Lloyd Thompson Canada Inc. through local broker Algoma Insurance Brokers Limited.

Respectfully submitted,



Lorie Bottos
Corporate Counsel

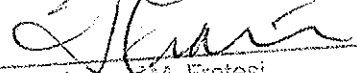
Recommended for approval,



Nuala Kenny
City Solicitor

LAB/on

RECOMMENDED FOR APPROVAL



Joseph M. Fratesi
Chief Administrative Officer

Malcolm White

From: Hugh MacDonald <hmacd@on.aibn.com>
Sent: May 26, 2011 11:28 AM
To: Don McConnell
Cc: Peter Tonazzo; Malcolm White
Subject: Re 309 Fifth Line East App A-11-11-Z.OP

Dear Don

Re this application's deferral the meeting with neighbours to discuss their concerns is scheduled for Tuesday May 31st at the Civic Center at 7pm. Notices have been delivered to all those on the original notice list. Planning staff are of course invited.

Rather than defer this application to the 27th the applicant would much prefer that it go over to the 13th of June. I understand that this is acceptable to your staff and yourself.

Can you kindly assist by speaking to this date so that we do not lose the additional 2 weeks?

I understand that I will not need to be in attendance. Please confirm.

Thanks

Hugh

Hugh N. MacDonald
Barrister and Solicitor
603-421 Bay Street
Sault Ste. Marie, Ontario P6A 1X3
Phone: 705 946 5830 Fax: 705 946 5835
hmacd@on.aibn.com

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Malcolm White

From: Kim Vaudry on behalf of City Clerk
Sent: May 30, 2011 8:26 AM
To: Malcolm White
Subject: FW: Application A-12-11-Z

From: Gary Brush [mailto:gtbrush@shaw.ca]
Sent: May 29, 2011 5:54 PM
To: City Clerk
Subject: Application A-12-11-Z

M. White, City Clerk
P.O. Box 580, Sault Ste. Marie, Ontario P6A 5N1

Re: Planning Application A-12-11-Z

Please notify me if this application is adopted.

Thank you.

Gary Brush
115 Grosvenor Ave.
Sault Ste. Marie, ON P6B 2M2

Malcolm White

From: Kim Vaudry on behalf of City Clerk
Sent: May 30, 2011 8:26 AM
To: Malcolm White
Subject: FW: AMENDMENT NO. A-12-11-Z

From: Gary Brush [mailto:gtbrush@shaw.ca]
Sent: May 28, 2011 2:46 PM
To: City Clerk
Subject: Fw: AMENDMENT NO. A-12-11-Z

From: Gary Brush
Sent: Saturday, May 28, 2011 2:40 AM
To: Gary Brush
Subject: AMENDMENT NO. A-12-11-Z

Attn: M. White, City Clerk, Sault Ste. Marie, ON

Please replace my previous submission and amendment concerning APPLICATION A-12-11-Z with the following proposed submission by the Appellant to the Ontario Municipal Board:

We are asking that no further commercial development in the Grosvenor Laneway be allowed until a class action lawsuit can be considered against the City of Sault Ste. Marie and Molson Breweries, the joint owners of the Grosvenor Laneway.

As shown in the SUBJECT PROPERTY MAP for Planning Application A-12-11-Z the original Grosvenor Laneway was only about 12 feet wide. The Beer Store widened it on their property for commercial truck access. Originally the widened laneway was paved and maintained both by the City and the Beer Store. Now neither entity will admit ownership to pave as far as previously maintained. This chronic neglect creates huge mud holes in the roadway with fine, windborn, clay dust, similar to asbestos, to seep into adjacent homes causing severe respiratory problems.

For the safety of the people, we ask that paving be resumed immediately on both the City and Beer Store properties before any new, commercial rezoning is considered.

Thank you.

Gary Brush
115 Grosvenor Ave.

Malcolm White

From: Kim Vaudry on behalf of City Clerk
Sent: May 30, 2011 8:26 AM
To: Malcolm White
Subject: FW: Dust

From: Gary Brush [mailto:gtbrush@shaw.ca]
Sent: May 29, 2011 10:11 AM
To: City Clerk
Subject: Fw: Dust

M. White, City Clerk, Sault Ste. Marie, ON
Re: Planning Application A-12-11-Z

Please add this Expert Witness testimony to my submission opposing Planning Application A-12-11-Z.

From: gtbrush@bell.blackberry.net
Sent: Saturday, May 28, 2011 8:18 AM
To: gtbrush@shaw.ca
Subject: Fw: Dust

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

From: "Henry Gonzalez" <comstock7@shaw.ca>
Date: Fri, 27 May 2011 20:15:32 -0700
To: gary brush<gtbrush@bell.blackberry.net>
Subject: Dust

Gary,

The reason that we moved from 113 Grosvenor Ave., was on account of the dust bowl that is created by the Beer Trucks in the laneway, Three years of those dusty conditions was very unhealthy, so we had no choice but to move , if not for the dust we would still be there. I do hope that for the health of you and your neibours that this situation is remeded , it is long overdue. It is shamfull that the Beer Store whom can deduct their costs, and the city whom has collected taxes all these years,will let this unhealthy condition continue..

Respectfully

Henry @ Evelyn Gonzalez

Malcolm White

From: Kim Vaudry on behalf of City Clerk
Sent: May 25, 2011 2:17 PM
To: Malcolm White
Subject: FW: APPLICATION NO. A-12-11-Z

From: Gary Brush [mailto:gtbrush@shaw.ca]
Sent: May 25, 2011 10:59 AM
To: City Clerk
Subject: Fw: APPLICATION NO. A-12-11-Z

From: Gary Brush
Sent: Wednesday, May 25, 2011 10:52 AM
To: Gary Brush
Subject: APPLICATION NO. A-12-11-Z

Attn. M. White, City Clerk, Sault Ste. Marie, ON

Dear Sir or Madam: Re: APPLICATION NO. A-12-11-Z

In addition to the emailed submission and amendment by Gary Brush, 115 Grosvenor Ave., and the written submission of Pat Field, 118 Grosvenor Ave., and the verbal authority of Guy Duguay, 117 Grosvenor Ave., all of Sault Ste. Marie, ON, please be advised that Pat Field is authorized to make an oral submission to answer any questions on our behalf in the Council Chambers on Monday, May 30, 2011, at 5:30 p.m. so that, if there is justification, a Notice of Appeal can be made to the Ontario Municipal Board.

Yours truly,

Gary T. Brush

Malcolm White

From: Kim Vaudry on behalf of City Clerk
Sent: May 24, 2011 9:29 AM
To: Malcolm White
Subject: FW: Amendment to submission of Gary Brush concerning APPLICATION NO. A-12-11-Z

From: Gary Brush [mailto:gtbrush@shaw.ca]
Sent: May 24, 2011 9:21 AM
To: City Clerk
Subject: Fw: Amendment to submission of Gary Brush concerning APPLICATION NO. A-12-11-Z

From: Gary Brush
Sent: Tuesday, May 24, 2011 8:34 AM
To: Gary Brush
Subject: Amendment to submission of Gary Brush concerning APPLICATION NO. A-12-11-Z

Attn: M. White, City Clerk, Sault Ste. Marie, ON

Please accept this amendment to the previous submission of Gary Brush concerning APPLICATION NO. A-12-11-Z

The Planning Dept. seems to think that replacing flower beds with an ugly commercial fence between lots at 113 and 115 Grosvenor Ave. will solve everybody's problem! Not so because pack ice and snow sliding off the roof of a two and a half storey building can knock fences down and block access to hydro and gas meters.

More important because the public does not consider commercial property to be private property, a commercial fence will encourage people to park in my driveway and walk through my property to the laneway to gain access to the back entrance at 113 Grosvenor. This is dangerous because giant trucks with very limited clearance and visibility are constantly moving backwards in the laneway. With the huge mud hole and dust created by trucks turning and backing into the laneway, and the city's steadfast refusal to do normal paving maintenance as far as the loading ramps, additional public parking at the rear of 113 Grosvenor Ave. is unsafe and should be abandoned.

The Beer Store's offer for three parking spaces anywhere in their parking lot to the one adjacent resident at 113 Grosvenor recognizes this additional safety hazard but would set an undue precedent for other adjacent residents.

Thank you for accepting this amendment.

Gary Brush

