

MINUTES

REGULAR MEETING OF CITY COUNCIL

2012 05 28

4:30 P.M.

COUNCIL CHAMBERS

Present: Mayor D. Amaroso, Councillors L. Turco, S. Butland, S. Myers, M. Bruni, J. Krmpotich, B. Watkins, R. Niro, P. Christian, F. Fata, T. Sheehan, F. Manzo, P. Mick

Officials: J. Fratesi, M. White, N. Kenny, L. Girardi, N. Apostle, B. Freiburger, J. Dolcetti, D. Elliott, P. Tonazzo, T. Dodds

1. ADOPTION OF MINUTES

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that the Minutes of the Regular Council Meeting of 2012 05 14 be approved. CARRIED

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

3. APPROVE AGENDA AS PRESENTED

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the Agenda for 2012 05 28 City Council meeting as presented be approved. CARRIED

4. DELEGATIONS/PROCLAMATIONS

- a) Troy and Annette Chandler were in attendance concerning proclamation – Spina Bifida and Hydrocephalus Month.

- b) Wayne King, Chair – Accessibility Advisory Committee and Don Calvert were in attendance concerning National Access Awareness Week and the Rick Hansen Anniversary Tour.
- c) Chief Bob Davies, Sault Ste. Marie Police Services was in attendance to update Council on community safety precautions regarding bears.
- d) Nuala Kenny, City Solicitor was in attendance to present the Legal Department 2012 budget and year-to-date financial information.
- e) Brian Curran, President and CEO, PUC Inc. was in attendance concerning the PUC Inc. and PUC Services Inc. Shareholder Annual Meeting.

Moved by: Councillor M. Bruni

Seconded by: Councillor T. Sheehan

Resolved that City Council is now authorized to meet in open session as the sole shareholder of PUC Inc. and PUC Services Inc.; and

Further resolved that City Council appoints Mayor Debbie Amaroso as Council's proxy to vote on the resolutions of the shareholder of PUC Inc. and PUC Services. CARRIED

- f) Kathy Yukich, Chair and Nancy Aronson, Vice-Chair – Historic Sites Board provided an update on fundraising activities to Council.
- g) Bill Wierzbicki was in attendance concerning agenda item 6.(6)(a).
- h) Richard DeLorenzi was in attendance concerning agenda item 6.(6)(b).
- i) Frank Provenzano was in attendance concerning agenda item 6.(6)(c).
- j) Robert Reid was in attendance concerning agenda item 6.(6)(d).

PART ONE – CONSENT AGENDA

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

Moved by: Councillor M. Bruni

Seconded by: Councillor S. Myers

Resolved that all the items listed under date 2012 05 28 – Part One – Consent Agenda and Addendum #1, save and except 5.(g), be approved as recommended. CARRIED

- a) Correspondence from AMO, OGRA was received by Council.
- b) Correspondence from Algoma Public Health (concerning smoking in movies) was received by Council.
- c) Correspondence requesting permission for private liquor license extension was received by Council.

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

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:

1. Portuguese Canadian Association
5 Cornwall Street
Annual Barbeque/Picnic – June 23, 2012 from 12:00 noon to 8:00 p.m.
2. G. Marconi Society
450 Albert Street West
Annual Italian Festival – July 15, 2012 from 12:00 noon to 1:00 a.m.

CARRIED

- d) Correspondence from residents of Allen's Side Road addressed to Councillors Manzo and Krmpotich was received by Council.

Moved by: Councillor J. Krmpotich

Seconded by: Councillor F. Manzo

Resolved that the correspondence and petition from residents of Allen's Side Road concerning heavy truck traffic be referred to staff for review and report back to Council. CARRIED

- e) **Council Travel**

Moved by: Councillor M. Bruni

Seconded by: Councillor T. Sheehan

Resolved that Councillor Lou Turco be authorized to travel to the AMO Board of Director's meeting being held in Windsor (3 days in June) at an estimated cost to the City of \$750. CARRIED

- f) **Staff Travel**

The report of the Chief Administrative Officer was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor S. Myers

Resolved that the report of the Chief Administrative Officer dated 2012 05 28 concerning Staff Travel requests be approved as requested. CARRIED

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

The report of the Manager of Purchasing was received by Council.

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that the report of the Manager of Purchasing dated 2012 05 28 be endorsed and that the tender for the supply of Ready-Mix Concrete, as required during the 2012 Construction Season, by the Public Works and Transportation Department be awarded as recommended. OFFICIALLY READ NOT DEALT WITH

h) **2011 Financial Statements and Appointment of City Auditor for the 2012 Fiscal Year**

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

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the report of the Commissioner of Finance and Treasurer dated 2012 05 28 concerning the audited Consolidated Financial Statements for 2011 be approved; and

Further that KPMG LLP, Chartered Accountants be appointed as the City Auditor for the 2012 fiscal year. CARRIED

i) **Queenstown Board of Management (O/A The Downtown Association) – 2011 Audit Report Prepared by KPMG LLP Chartered Accountants and 2012 Budget Estimates**

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

Moved by: Councillor M. Bruni

Seconded by: Councillor T. Sheehan

Resolved that the report of the Commissioner of Finance and Treasurer dated 2012 05 28 concerning Queenstown Board of Management (O/A The Downtown Association) Audited Financial Statements for the year 2011, as prepared by KPMG LLP Chartered Accountants be received and that the Downtown Association Budget Estimates for the year 2012 be approved. CARRIED

j) **Registration of Tax Arrears Certificate(s) and Sale**

The report of the City Tax Collector was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor S. Myers

Resolved that the report of the City Tax Collector be accepted to commence Tax Sale Proceedings in accordance with the report. CARRIED

k) **Ontario Education Collaborative Marketplace**

The report of the Manager of Information Technology Division was received by Council.

The relevant By-law 2012-101 is listed under Item 10 of the Minutes.

l) **Algoma Bioseptic Technologies, Biosolids Composting Pilot Indemnity Agreement**

The report of the Director of Engineering Services was received by Council.

The relevant By-law 2012-106 is listed under Item 10 of the Minutes.

m) **Lane Closing Application – Highland Park Subdivision, Plan 9110**

The report of the City Solicitor was received by Council.

The relevant By-laws 2012-103 and 2012-104 are listed under Item 10 of the Minutes.

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

The report of the City Solicitor was received by Council.

Moved by: Councillor F. Fata

Seconded by: Councillor T. Sheehan

Resolved that the report of the City Solicitor dated 2012 05 28 concerning Renewal of City's Insurance Program be accepted and the recommendation to place the City's insurance package for the year June 1, 2012 to May 31, 2012 with Jardine Lloyd Thompson Canada Inc. through Algoma Insurance Brokers Limited at a cost of \$1,339,866.60 be approved. CARRIED

o) **Easement Required for a Temporary Turn Around for Municipal Vehicles from Dennis Maninos and Patricia Rosa Maninos Over a Part of Lot 25 RCP H731 Tarentorus**

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

The relevant By-law 2012-102 is listed under Item 10 of the Minutes.

p) **Downtown Farmers' Market Feasibility Study**

The report of the Planning Director was received by Council.

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the report of the Planning Director dated 2012 05 28 concerning Downtown Farmers' Market Feasibility Study be received as information. CARRIED

q) **Request to Provide Free Bus Service on Community Day**

The report of the Manager of Transit and Parking was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor T. Sheehan

Resolved that the report of the Manager of Transit and Parking dated 2012 05 28 concerning Request to Provide Free Bus Service on Community Day be received as information. CARRIED

r) **PWT Sidewalk and Curb Program – 2012**

The report of the Deputy Commissioner of Public Works and Transportation was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor S. Myers

Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2012 05 28 concerning PWT Sidewalk and Curb Program – 2012. CARRIED

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.

The report of the Planning Division was received by Council.

Moved by: Councillor T. Sheehan

Seconded by: Councillor L. Turco

Resolved that agenda item 6.(6)(a) be deferred to a future meeting of Council.
DEFEATED

Pecuniary Interest – Councillor Niro – family member owns abutting property.

Recorded Vote:

For: Mayor D. Amaroso, Councillors L. Turco, S. Myers

Against: Councillor S. Butland, M. Bruni, J. Krmpotich, B. Watkins, P. Christian, F. Fata, T. Sheehan, F. Manzo, P. Mick

Moved by: Councillor T. Sheehan
Seconded by: Councillor S. Butland
Resolved that Council now reconsider the deferral of item 6.(6)(a).

CARRIED

Pecuniary Interest – Councillor Niro – family member owns abutting property.

Recorded Vote:

For: Mayor D. Amaroso, Councillors L. Turco, S. Butland, S. Myers, M. Bruni, P. Christian, F. Fata, T. Sheehan, P. Mick

Against: Councillor J. Krmpotich, B. Watkins, F. Manzo

Moved by: Councillor L. Turco
Seconded by: Councillor S. Myers
Resolved that agenda item 6.(6)(a) be deferred to the July 16, 2012 Council meeting. CARRIED

Pecuniary Interest – Councillor Niro – family member owns abutting property.

Recorded Vote:

For: Mayor D. Amaroso, Councillors L. Turco, S. Butland, S. Myers, M. Bruni, B. Watkins, P. Christian, F. Fata, T. Sheehan, P. Mick

Against: Councillor J. Krmpotich, F. Manzo

Moved by: Councillor M. Bruni
Seconded by: Councillor S. Myers
Resolved that the report of the Planning Division dated 2012 05 14 concerning Application No. A-13-10-T – 1151 Second Line West be received and that City Council approve the request to permit a topsoil stripping operation on the subject property for a period not to exceed one (1) year, subject to an agreement as per Section 142 of the Municipal Act, with Premiere Landscaping and Garden Centre Inc. The agreement will include, but not be limited to the 13 conditions contained in the report. DEFERRED

b) **Application No. A-17-12-Z – Steve Roberts – 415 Northland Road**

The report of the Planning Division was received by Council.

Moved by: Councillor F. Fata
Seconded by: Councillor T. Sheehan
Resolved that the report of the Planning Division dated 2012 05 28 concerning Application A-17-12-Z – 415 Northland Road be received and that City Council approve rezoning the subject property from “R3” (Low Density Residential)

zone to “R3.S” (Low Density Residential) zone with a Special Exception subject to the 3 conditions contained in the report. CARRIED

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

The report of the Planning Division was received by Council.

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the report of the Planning Division dated 2012 05 28 concerning Application No. A-18-12-OP – Lisa Lofstrom – 680 Fifth Line East be received and that City Council deny the applicant’s request to amend the Official Plan in order to create an additional rural residential lot. DEFEATED

d) Digital Signs By-law

The report of the Planning Division was received by Council.

Moved by: Councillor T. Sheehan

Seconded by: Councillor J. Krmpotich

Resolved that agenda item 6.(6)(d) be deferred to a future meeting of Council. CARRIED

Moved by: Councillor M. Bruni

Seconded by: Councillor T. Sheehan

Resolved that the report of the Planning Division dated 2012 05 28 concerning the Digital Signs By-law be received and that City Council approve the proposed Digital Signs By-law and repeal the current moratorium on digital signage. DEFERRED

(7) PUBLIC WORKS AND TRANSPORTATION

(8) BOARDS AND COMMITTEES

a) OLG Modernization – A Strategic Economic Development Opportunity for Sault Ste. Marie

The report of the Executive Director, Sault Ste. Marie Economic Development Corporation was received by Council.

Moved by: Councillor F. Fata

Seconded by: Councillor S. Myers

Resolved that the report of the Executive Director, Sault Ste. Marie Economic Development Corporation dated 2012 01 23 concerning Ontario Lottery and Gaming Modernization - Strategic Economic Development Opportunity be accepted and the recommendation to provide \$100,000 from the 2012 Economic Diversification Fund for the completion and implementation of the strategy be approved. CARRIED

Pecuniary Interest – Councillor Bruni – employed by OLG.

Councillor Christian – family member employed by OLG.

Councillor Niro – family member employed by OLG.

Recorded Vote:

For: Mayor D. Amaroso, Councillors L. Turco, S. Butland, S. Myers, B. Watkins, T. Sheehan, P. Mick

Against: Councillor J. Krmpotich, F. Fata, F. Manzo

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

- a) The following Notice of Motion was read at the 2012 05 14 Council Meeting and is now being presented for the consideration of Council.

Moved by: Councillor T. Sheehan

Seconded by: Councillor S. Myers

Whereas Cirque du Soliel show was thoroughly enjoyed by many residents of Sault Ste. Marie; and

Whereas Essar Centre staff were estimating that thousands of visitors would come to our City to see Cirque du Soliel Quidam; and

Whereas there are a number of traveling circuses that no longer use animal acts;

Whereas 29 municipalities across Canada have chosen to prohibit circuses that use animal acts;

Now Therefore Be It Resolved that the City Solicitor prepare a report on how City Council could enact a by-law that would prohibit circuses that use wild/exotic/travelling animal Acts. CARRIED

- b) Moved by: Councillor S. Myers

Seconded by: Councillor B. Watkins

Whereas based on recent conversations with the Downtown Association management, it appears there remains a challenge related to parking in the Downtown both at the meters and the municipal lots; and

Whereas there has been considerable work done on this matter with the previous management and the staff of the Downtown and City staff; and

Whereas there is great interest from the new Downtown Management to meet and review options for parking in the Downtown including “pay and display” in the municipal lots and to review current practices around meter monitoring and length of time use of meters;

Now Therefore Be It Resolved that City Council ask the appropriate staff to set up a task committee with the Downtown Management and interested members of Council to review the issues, bring forward possible solutions and report back to City Council before the end of October. CARRIED

- c) Moved by: Councillor S. Butland

Seconded by: Councillor L. Turco

Whereas the Highway Traffic Act presently prohibits all-terrain vehicles from using rural roadways to access the trails designated for recreational use and specifically prohibits the use of newer model all-terrain vehicles (side by sides); and

Whereas these are the vehicles of choice by the disabled because of their ease of use and additional safety features; and

Whereas the community has the authority to pass a by-law permitting the use of such vehicles on municipal roadways;

Now Therefore Be It Resolved that Legal staff in consultation with appropriate city departments as well as the Parks and Recreation Advisory Committee prepare recommendation(s) regarding this issue for the consideration of Council.

(the proponent of the above by-law has undertaken the responsibility of consulting with Police Services, Accessibility Committee, and the Snowmobile Association requesting input into any proposed by-law). CARRIED

- d) Moved by: Councillor M. Bruni
Seconded by: 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. 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 M. Bruni

Seconded by: Councillor T. Sheehan

Resolved that all by-laws listed under Item 10 of the AGENDA under date May 28, 2012 be approved. CARRIED

Moved by: Councillor M. Bruni
Seconded by: Councillor T. Sheehan
Resolved that By-law 2012-96 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 849 Second Line East be PASSED in open Council this 28th day of May, 2012. CARRIED

Moved by: Councillor M. Bruni
Seconded by: Councillor T. Sheehan
Resolved that By-law 2012-97 being a by-law to designate the lands located at 849 Second Line East an area of site plan control be PASSED in open Council this 28th day of May, 2012. CARRIED

Moved by: Councillor M. Bruni
Seconded by: Councillor T. Sheehan
Resolved that By-law 2012-98 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 39 Stevens Street be PASSED in open Council this 28th day of May, 2012. CARRIED

Moved by: Councillor M. Bruni
Seconded by: Councillor T. Sheehan
Resolved that By-law 2012-99 being a by-law to designate the lands located at 39 Stevens Street an area of site plan control be PASSED in open Council this 28th day of May, 2012. CARRIED

Moved by: Councillor M. Bruni
Seconded by: Councillor T. Sheehan
Resolved that By-law 2012-101 being a by-law to authorize an agreement between the City and Dell Canada for the participation in the Ontario Education Collaborative Marketplace (OECM) contract be PASSED in open Council this 28th day of May, 2012. CARRIED

Moved by: Councillor M. Bruni
Seconded by: Councillor T. Sheehan
Resolved that By-law 2012-102 being a by-law to authorize an easement with Dennis Maninos and Patricia Rosa Maninos to The Corporation of the City of Sault Ste. Marie over a portion of Lot 25 RCP H731 Tarentorus, shown as Part 1 on the draft reference plan prepared by Tulloch Geomatics Inc. ("Easement Lands") for the purposes of a temporary turn around for municipal vehicles and vehicles used for municipal purposes including snow ploughs, graders, school buses, garbage trucks and emergency vehicles be PASSED in open Council this 28th day of May, 2012. CARRIED

Moved by: Councillor M. Bruni
Seconded by: Councillor T. Sheehan
Resolved that By-law 2012-103 being a by-law to assume for public use and establish as a public lane, a lane in the Highland Park Subdivision, Plan 9110 be PASSED in open Council this 28th day of May, 2012. CARRIED

Moved by: Councillor M. Bruni
Seconded by: Councillor T. Sheehan
Resolved that By-law 2012-104 being a by-law to stop up, close and authorize the conveyance of a lane in the Highland Park Subdivision Plan 9110 be READ the FIRST and SECOND time in open Council this 28th day of May, 2012.
CARRIED

Moved by: Councillor M. Bruni
Seconded by: Councillor T. Sheehan
Resolved that By-law 2012-106 being a by-law to authorize an indemnity agreement between the City and PUC Services Inc. and Algoma Bioseptic Technologies for the provision of biosolids from the East End Plant for a pilot composting project be PASSED in open Council this 28th day of May, 2012.
CARRIED

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

Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers
Resolved that Council shall now go into Caucus to:
1. the potential disposition of property on Sackville Road; and
2. the potential disposition of property on Queen Street East; and
3. a personal matter concerning an identifiable individual;
Further Be It Resolved that should the said Caucus meeting be adjourned, Council may reconvene in Caucus to continue to discuss the same matters without the need for a further authorizing resolution. CARRIED

12. ADDENDUM TO THE AGENDA

13. ADJOURNMENT

Moved by: Councillor F. Fata
Seconded by: Councillor S. Myers
Resolved that this Council now adjourn. CARRIED

Debbie Amaroso
MAYOR

Malcolm White
CITY CLERK