

MINUTES

REGULAR MEETING OF CITY COUNCIL

2012 04 16

5:30 P.M.

COUNCIL CHAMBERS

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

Absent: Councillor R. Niro

Officials: J. Fratesi, M. White, N. Kenny, L. Girardi, B. Freiburger, N. Apostle, D. Elliott, J. Dolcetti, D. McConnell, A. Starzomski, D. Scott

1. ADOPTION OF MINUTES

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the Minutes of the Regular Council Meeting of 2012 04 02 and the Joint Council Meeting of 2012 03 12, 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 B. Watkins

Seconded by: Councillor M. Bruni

Resolved that the Agenda and Addendum #1 for 2012 04 16 City Council meeting as presented be approved. CARRIED

4. DELEGATIONS/PROCLAMATIONS

- a) Joe Krmpotich, 1st Vice President, Sault Ste. Marie and District Labour Council was in attendance concerning proclamation – Day of Mourning.
- b) Theresa Mudge, Executive Director for ARCH was in attendance concerning proclamation – Hike for Hospice Day.
- c) Captain John and Shellie Kerschman and Mildred Brodie, Family Service Worker were in attendance concerning proclamation – Salvation Army Red Shield Month.
- d) Dan Krmpotich, Co-ordinator, Local Immigration Plan was in attendance concerning – Cultural Diversity Week.
- e) Stephanie Blaney, Registered Nurses Association of Ontario, Chapter President was in attendance concerning proclamation – Nurses Week.
- f) Maarit and Mitchell Steinwedel were in attendance concerning – Free-cycle Saturday – May 12, 2012.
- g) Guido Caputo, Chair and Dr. Allan Northan, Algoma Public Health were in attendance concerning an award presentation.
- h) Patti Jo Duggan, a Very Grateful Organ Recipient and Volunteer Member of the Provincial Volunteer Committee, Trillium Gift of Life Network was in attendance concerning proclamation – National Organ and Tissue Donation Awareness Week.

PART ONE – CONSENT AGENDA

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

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that all the items listed under date 2012 04 16 – Part One – Consent Agenda be approved as recommended. CARRIED

- a) Correspondence from AMO was received by Council.
- b) A letter of request for a temporary street closing was received by Council.
 - 1) On St. Mary's River Drive from Station Mall - Zellers entrance near 49 St. Mary's River Drive to Station Mall – Sears Entrance in conjunction with Kiwanis International Walleye Tournament Parade of Boats (July 13th).

The relevant By-law 2012-76 is listed under Item 10 of the Minutes.

c) **Staff Travel**

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

Moved by: Councillor L. Turco

Seconded by: Councillor F. Fata

Resolved that the report of the Chief Administrative Officer dated 2012 04 16 concerning Staff Travel requests be approved as requested. CARRIED

d) **Tender for Traffic Marking Paint (2012WA02T)**

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

Moved by: Councillor L. Turco

Seconded by: Councillor M. Bruni

Resolved that the report of the Manager of Purchasing, dated 2012 04 16 be endorsed and the tender for the Supply and Delivery of Traffic Marking Paint, as required by the Traffic Division, Public Works and Transportation Department, be awarded as recommended. CARRIED

e) **Tender for Seasonal Security (2012CT01T)**

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

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the report of the Manager of Purchasing, dated 2012 04 16 be endorsed and the tender for Seasonal Security Services, required by various City Departments, be awarded as recommended. CARRIED

f) **RFP for Professional Collection Services – POA (2012LP01P)**

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

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that the report of the Manager of Purchasing, dated 2012 04 16 be endorsed and the RFP for Professional Collection Services, as required by the POA Division, Legal Department, be awarded as recommended. CARRIED

g) **Celebrate 100! Anniversary Flower Garden and Commemorative Plaque**

The report of the City Clerk was received by Council.

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the report of the City Clerk dated 2012 04 16 concerning Celebrate 100! Anniversary Flower Garden and Commemorative Plaque be accepted and the recommendation that the City of Sault Ste. Marie Celebrate 100! legacy project comprised of a commemorative plaque located at the new municipal flower garden on Civic Centre north property to be named the 100th Anniversary Flower Garden be approved. CARRIED

h) **Renewal Collective Agreement – CUPE Local 3 Public Works and Transportation – Feb. 1, 2012 to Jan. 31, 2015**

The report of the Commissioner of Human Resources was received by Council.

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that the report of the Commissioner of Human Resources dated 2012 04 16 concerning Renewal of Collective Agreement – CUPE Local 3 Public Works and Transportation be accepted and further that the Memorandum of Settlement for CUPE Local 3 Public Works and Transportation and the City of Sault Ste. Marie be approved for ratification by City Council and that the appropriate by-law be presented at a future Council Meeting be approved. CARRIED

i) **Bellevue Marina Dock and Launch Repairs**

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

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the report of the Manager of Recreation and Culture dated 2012 04 16 concerning Bellevue Marina Dock and Launch Repairs be accepted and the recommendation to proceed with the repairs funded by \$18,000 from the Communities in Bloom reserve be approved. CARRIED

j) **Contract 2012-1E – Reconstruction of John Street – Phase 2 – 90m South of Bloor Street to Elm Street**

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

The relevant By-laws 2012-67 and 2012-68 are listed under Item 10 of the Minutes.

k) **Contract 2012-2E – Reconstruction of White Oak Drive – North Street to Carmen's Way**

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

The relevant By-laws 2012-69 and 2012-70 are listed under Item 10 of the Minutes.

l) **Contract 2012-3E – Reconstruction of Queen Street East – Pim Street to Simpson Street**

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

The relevant By-laws 2012-71 and 2012-72 are listed under Item 10 of the Minutes.

m) **Standard Encroachment Agreement**

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

The relevant By-law 2012-66 is listed under Item 10 of the Minutes.

n) **Licence Between the City and Algoma Sailing Club Inc.**

The report of the City Solicitor was received by Council.

The relevant By-law 2012-64 is listed under Item 10 of the Minutes.

o) **Memorandum of Settlement – Renewal Collective Agreement – CUPE 3 Local 3 – Community Services Group**

The report of the Commissioner of Human Resources was received by Council.

Moved by: Councillor L. Turco

Seconded by: Councillor M. Bruni

Resolved that the report of the Commissioner of Human Resources dated 2012 04 16 concerning Memorandum of Settlement – Renewal Collective Agreement – CUPE Local 3 – Community Services Group be accepted and further that the Memorandum of Settlement – Renewal Collective Agreement for CUPE Local 3 Community Services Group and the City of Sault Ste. Marie be approved for ratification by City Council and that the appropriate by-law be presented at a future Council Meeting be approved. CARRIED

p) **2012 Budget**

The report of the Manager of Budgets and Revenue was received by Council.

The relevant By-laws 2012-73, 2012-74 and 2012-75 are listed under Item 10 of the Minutes.

q) Correspondence from FONOM was received by 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**
- (7) PUBLIC WORKS AND TRANSPORTATION**
- (8) BOARDS AND COMMITTEES**

a) EDF Request - \$10,000 Sault Community Entrepreneur Network Exchange (SCENE) Proposal

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

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the report of the Executive Director, Sault Ste. Marie Economic Development Corporation dated 2012 04 16 concerning Sault Community Entrepreneur Network Exchange (SCENE) be accepted and the recommendation to provide \$10,000 in funding for the program from the 2012 Economic Diversification Fund be approved. CARRIED

Recorded Vote:

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

Against: Councillor F. Manzo

Absent: Councillor R. Niro

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

- a) Moved by: Councillor S. Butland
Seconded by: Councillor P. Christian
Be It Resolved that Council request PUC to make presentation at the May 14 council meeting as to the status, progress and strategies pertaining to the introduction of free chlorine to the water distribution system. CARRIED
- b) Moved by: Councillor J. Krmpotich
Seconded by: Councillor F. Manzo

Whereas the Ontario Court of Appeal in the case of *Bedford v. Canada (Attorney General)* [2012] O.J. No. 1296 ("*Bedford*") recently struck down certain sections of the Criminal Code of Canada, effectively legalizing brothels and bawdy houses; and

Whereas the Ontario Court of Appeal in *Bedford* further suspended the declaration of these sections of the Criminal Code of Canada for a period of twelve (12) months to permit the Parliament of Canada an opportunity to re-draft a Charter-compliant provision; and

Whereas the City of Sault Ste. Marie Zoning By-law 2005-150 controls the use of land in the City by dividing the municipality into land use zones and specifying the uses permitted in each zone; and

Whereas the City of Sault Ste. Marie Zoning By-law 2005-150 is silent on what zone in the City of Sault Ste. Marie a brothel or bawdy house would be permitted; and

Whereas there has been no discussion or public input as to what zone in the City of Sault Ste. Marie Zoning By-law 2005-150 a brothel or bawdy house would be permitted;

Now Therefore Be It Resolved that Council institute a moratorium on all brothels and bawdy houses until such time as the Ontario Court of Appeal lifts the suspension of the invalidity of these sections of the Criminal Code of Canada; and

Further until such time as a formal review of the City's Zoning By-law has been completed with public input so that appropriate consideration can be made to the appropriate location of such brothels and/or bawdy houses. CARRIED

- c) Moved by: Councillor B. Watkins
Seconded by: Councillor S. Butland

Whereas at the April 2, 2012 Council meeting a \$20,000 from the Economic Diversification Fund was approved for the completion of a Combined Heat and Power (CHP) pre-feasibility study,

Therefore be it resolved that the study proponents be requested to consider the following sites as well as any others previously planned for the study – Public Works and Transportation and the new PUC site, and

Further that the City Police Dept., Industrial Park, Sackville Road, Superior Heights High School, Ontario Finnish Rest Home, Croation Housing complex, Big Box development and Sault Area Hospital be considered as end users.
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. Watkins
Resolved that all by-laws listed under Item 10 of the Agenda under date April 16, 2012. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2012-60 being a by-law to appoint inspectors under the Building Code Act, 1992 and Municipal Law Enforcement Officers under the Police Services Act be PASSED in open Council this 16th day of April, 2012.
CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2012-64 being a by-law to authorize a Licence Agreement between the City and the Algoma Sailing Club Inc. for the use of the property at Bellevue Park, Sault Ste. Marie, Ontario be PASSED in open Council this 16th day of April, 2012. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2012-65 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 open Council this 16th day of April, 2012. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2012-66 being a by-law to authorize a standard Encroachment Agreement for commercial and residential developments and to repeal By-law 85-29 be PASSED in open Council this 16th day of April, 2012. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2012-67 being a by-law to authorize a contract between the City and 1531161 Ontario Inc. (o/a Boyer Construction) for the reconstruction of John Street from 90m south of Bloor Street to Elm Street (Contract 2012-1E) be PASSED in open Council this 16th day of April, 2012. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2012-68 being a by-law to permit the temporary closing of John Street from 90m south of Bloor Street to Elm Street from April 17, 2012 until October 31, 2012 to facilitate the reconstruction of John Street be PASSED in open Council this 16th day of April, 2012. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2012-69 being a by-law to authorize a contract between the City and Palmer Construction Group Inc. for the reconstruction of White Oak Drive from North Street to Carmen's Way (Contract 2012-2E) be PASSED in open Council this 16th day of April, 2012. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2012-70 being a by-law to permit the temporary closing of White Oak Drive from North Street to Carmen's Way from April 17, 2012 until October 31, 2012 to facilitate the reconstruction of White Oak Drive be PASSED in open Council this 16th day of April, 2012. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2012-71 being a by-law to authorize a contract between the City and R. M. Belanger Limited for the reconstruction of Queen Street East from

Pim Street to Simpson Street (Contract 2012-3E) be PASSED in open Council this 16th day of April, 2012. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2012-72 being a by-law to permit the temporary closing of Queen Street East from Pim Street to Simpson Street from April 17, 2012 until October 31, 2012 to facilitate the reconstruction of Queen Street East be PASSED in open Council this 16th day of April, 2012. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2012-73 being a by-law to provide for the adoption of taxation transition ratios be PASSED in open Council this 16th day of April, 2012. CARRIED

Recorded Vote:

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

Against: Councillor F. Manzo

Absent: Councillor R. Niro

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2012-74 being a by-law to provide for the adoption of property tax rates for 2012 be PASSED in open Council this 16th day of April, 2012. CARRIED

Recorded Vote:

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

Against: Councillor F. Manzo

Absent: Councillor R. Niro

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2012-75 being a by-law to provide for the adoption of property tax rates for 2012 for both Municipal and Provincial Education purposes be PASSED in open Council this 16th day of April, 2012. CARRIED

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

Against: Councillor F. Manzo

Absent: Councillor R. Niro

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2012-76 being a by-law to permit the temporary closing of St. Mary's River Drive from Station Mall Zellers entrance to Station Mall Sears entrance on July 13, 2012 to facilitate the Kiwanis International Walleye Tournament Parade of Boats be PASSED in open Council this 16th day of April, 2012. CARRIED

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

12. ADDENDUM TO THE AGENDA

13. ADJOURNMENT

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that this Council now adjourn. CARRIED

Debbie Amaroso
MAYOR

Malcolm White
CITY CLERK