

MINUTES

REGULAR MEETING OF CITY COUNCIL

2012 12 03

4:30 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, F. Manzo, P. Mick

Absent: Councillor R. Niro

Officials: J. Fratesi, M. White, N. Kenny, L. Girardi, N. Apostle, B. Freiburger, S. McLellan, J. Dolcetti, D. Elliott, M. Zuppa, D. McConnell, D. Irving, L. Ballstadt

1. ADOPTION OF MINUTES

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that the Minutes of the Regular Council Meeting of 2012 11 19 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. Manzo

Seconded by: Councillor S. Butland

Resolved that the Agenda for 2012 12 03 City Council meeting as presented be approved. CARRIED

4. DELEGATIONS/PROCLAMATIONS

- a) Talia Bruno, Community Christmas for Children planning committee member were in attendance concerning proclamation – Community Christmas for Children.
- b) Eric McLean was in attendance to receive the 2012 Community Development Award for Wacky Wings, 688 Great Northern Road.
- c) Jasmina Jovanovic, Director, Art Gallery of Algoma and Susan Hunter were in attendance concerning *“100 Years of Art in the Sault”* and agenda item 5.(j).

Moved by: Councillor S. Myers

Seconded by: Councillor T. Sheehan

Whereas the Art Gallery of Algoma exhibit called *“100 Years of Art in the Sault”* celebrating Sault Ste. Marie’s 100th birthday opens December 6 and runs until February 16, 2012; and

Whereas the community has been invited to participate in the creation of their impression of our city that will be on display during the exhibit along with historical and contemporary art; and

Whereas during the exhibition opening, a special legacy painting created by Canadian artist John Hartman will be unveiled and become a new addition to the permanent collection;

Now Therefore Be It Resolved that all Sault residents and visitors are encouraged to visit the Art Gallery of Algoma to view and enjoy *“100 Years of Art in the Sault”*. *CARRIED*

- d) Councillor Susan Myers, Management Chair, Celebrate 100! was in attendance concerning agenda item 6.(8)(a).
- e) Madison Zuppa, Environmental Initiatives Coordinator, Engineering and Planning was in attendance concerning departmental Best Practice – Environmental Initiatives Map.
- f) Frank Provenzano was in attendance concerning agenda item 6.(6)(a).
- g) Farhan Kassam, Sam Kassam, Quentin Branch, Percy Cook, Vivienne Cote, and Terry Klesh were in attendance concerning agenda item 6.(6)(c).

PART ONE – CONSENT AGENDA

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that all the items listed under date 2012 12 03 – Part One – Consent Agenda be approved as recommended. CARRIED

- a) Correspondence from OGRA and FONOM was received by Council.
- b) Correspondence from Chris Wray, CAO/Clerk-Treasurer, Municipality of Wawa concerning his resignation from the Sault Ste. Marie Innovation Centre Board of Directors was received by Council.
- c) Correspondence from Kristen Spence, Northern Ontario Trail Co-ordinator, Trans Canada Trail Ontario concerning the John Rowswell Hub Trail was received by Council.

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that correspondence from Kirsten Spence, Northern Ontario Trail Co-ordinator, Trans Canada Trail Ontario requesting that the John Rowswell Hub Trail be designated as part of the Trans Canada Trail be referred to planning staff for review and report back to Council. CARRIED

d) Tender for New Tires and Tire Repairs

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

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that the report of the Manager of Purchasing dated 2012 12 03 be endorsed and that the tender for the supply of New Tires and Tire Repairs as required by various City Departments, and co-operatively with PUC Services Inc., be awarded as recommended. CARRIED

e) Tender for Bio-Diesel Fuel Supply (2012WA18T)

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

Moved by: Councillor F. Manzo

Seconded by: Councillor P. Christian

Resolved that the report of the Manager of Purchasing dated 2012 12 03 be endorsed and that the tender for supply and delivery of Bio-Diesel Fuel as required by the Transit and Parking Division of the Public Works and Transportation Department be awarded as recommended. CARRIED

f) **Borrowing By-laws for 2013**

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

The relevant By-laws 2012-208 and 2012-209 are listed under Item 10 of the Minutes.

g) **Mayor and Council Travel Expenses – January 1 to September 30, 2012**

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that the report of the Commissioner of Finance and Treasurer dated 2012 12 03 concerning Mayor and Council travel expenses for the period January 1 to September 30, 2012 be received as information. CARRIED

h) **2013 Budget**

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that the report of the Commissioner of Finance and Treasurer dated 2012 12 03 concerning 2013 Budget be received as information. CARRIED

i) **Property Tax Appeals**

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

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that pursuant to Sections 354 and 357 of the *Municipal Act, 2001* adjustments for the tax accounts outlined on the City Tax Collector's report of 2012 12 03 be approved and that the tax records be amended accordingly. CARRIED

j) **Loan of Artwork to the Art Gallery of Algoma**

The report of the City Clerk was received by Council.

The relevant By-law 2012-222 is listed under Item 10 of the Minutes.

k) **Leash Free Dog Park Update**

The report of the Commissioner of Community Services was received by Council.

Moved by: Councillor F. Manzo

Seconded by: Councillor P. Christian

Resolved that the report of the Commissioner of Community Services dated 2012 12 03 concerning Leash Free Dog Park be accepted and that \$45,000 be set aside from the 5% Subdividers Reserve fund for construction of a leash free dog park at Strathclair Park; further that the construction process not begin until the User Group (LOLDOGS) has raised a minimum of \$25,000. CARRIED

l) 2011 Property Tax Rebates

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that the report of the Manager of Recreation and Culture Division dated 2012 12 03 concerning 2011 Property Tax Rebates be accepted and that rebates for the 2011 tax year be approved. CARRIED

m) Repeal By-laws 88-296 and 95-198 – Former Truck Routes

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

The relevant By-law 2012-215 is listed under Item 10 of the Minutes.

n) MIII Funding Application – Single Lane Bridges Shared with Prince Township

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that the report of the Director of Engineering dated 2012 12 03 concerning Municipal Infrastructure Initiative Capital Program Funding (MIII) Application – Single Lane Bridges Shared with Prince Township be accepted and that Council endorse the submission of an expression of interest jointly with Prince Township and subsequent joint application for MIII funding. CARRIED

o) Landfill Gas to Energy Update

The report of the Land Development and Environmental Engineer was received by Council.

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that the report of the Land Development and Environmental Engineer dated 2012 12 03 concerning Landfill Gas to Energy Update be accepted and that appropriate staff be authorized to enter into negotiations with PUC Inc. regarding a Landfill Gas to Energy agreement. CARRIED

p) **Emergency Spill Response – Consulting and Contractor Services**

The report of the Land Development and Environmental Engineer was received by Council.

Moved by: Councillor F. Manzo

Seconded by: Councillor P. Christian

Resolved that the report of the Land Development and Environmental Engineer dated 2012 12 03 concerning Emergency Spill Response – Consulting and Contractor Services be accepted and the recommendation that \$45,000 be budgeted annually for consulting and remediation services be referred to 2013 budget; further that if then approved, unspent funds in any year be transferred to a reserve for future spill remediation, also that an expression of interest for consulting engineering services be distributed in relation to emergency spill response measures. CARRIED

q) **Local Improvement Act Regulation 322/12**

The report of the Environmental Initiatives Coordinator was received by Council.

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that the report of the Environmental Initiatives Coordinator dated 2012 12 03 concerning Local Improvement Act Regulation 322/12 be received as information. CARRIED

r) **Amendments to By-law 77-200 Schedule “K” – Increased Speed Limits**

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

The relevant By-law 2012-219 is listed under Item 10 of the Minutes.

s) **Sidewalk Snow Plowing**

The Sidewalk Snow Plowing policy is attached for the information of Council. Please note that the deadline for submitting petitions for the 2012-13 winter season was October 31, 2012.

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-32-12-Z & 57T-12-502 – filed by Palmer Development (Northern) Corp.**

The report of the Planning Division was received by Council.

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that the report of the Planning Division dated 2012 12 03 concerning Application No. A-32-12-Z and 57T-12-502 filed by Palmer Development (Northern) Corp. be received and that City Council approve the proposed 59 lot draft plan of subdivision subject to the nine conditions contained in the said report. DEFERRED

Moved by: Councillor M. Bruni

Seconded by: Councillor F. Fata

Resolved that agenda item 6.(6)(a) – A-32-12-Z & 57T-12-502 – filed by Palmer Development (Northern) Corp. be deferred to the January 7, 2013 Council meeting. CARRIED

- b) **Application No. A-33-12-Z – Major Contracting – 345 Queen Street East**

The report of the Planning Division was received by Council.

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that the report of the Planning Division dated 2012 12 03 concerning Application No. A-33-12-Z filed by Major Contracting – 345 Queen Street East be received and that City Council defer the application to rezone the subject property from “C2” Central Commercial zone to “C2” Central Commercial zone with a Special Exception to permit residential dwelling units on the ground floor until such time as the applicant addresses the design concerns outlined in this report. CARRIED

c) **Application A-34-12-Z – Sam Kassam (Howard Johnson) – 503 Trunk Road**

The report of the Planning Division was received by Council.

Moved by: Councillor F. Manzo

Seconded by: Councillor P. Christian

Resolved that the report of the Planning Division dated 2012 12 03 concerning Application No. A-34-12-Z filed by Sam Kassam – 503 Trunk Road be received and that City Council approve rezoning of the subject property, amending the existing Special Exception zoning S-219, subject to the following:

1. That the following uses associated with road transportation be added as permitted uses:
 - a. Bus depots
 - b. Taxi and limousine yards
 - c. Public transportation yards; and
2. The uses outlined above be permitted only within the defined front yard of the subject property. DEFEATED

Moved by: Councillor S. Butland

Seconded by: Councillor P. Christian

Resolved that City Council approve a three-year temporary use permit to allow a bus depot, taxi and limousine service, and public transportation yard at 503 Trunk Road subject to none of this activity occurring within 180 m of the nearest residentially zoned property. CARRIED

Moved by: Councillor S. Butland

Seconded by: Councillor P. Christian

Be It Resolved that Council request that Howard Johnson – Greyhound Canada consider erecting a fence between the rear of the hotel property and Silverbirch Drive. CARRIED

(7) PUBLIC WORKS AND TRANSPORTATION

(8) BOARDS AND COMMITTEES

a) **Celebrate 100! – Year in Review**

A report of Councillor Susan Myers, Management Chair, Celebrate 100! – Year in Review was received by Council.

Moved by: Councillor S. Myers

Seconded by: Councillor T. Sheehan

Whereas 2012 is the 100th Anniversary of the Incorporation of the City of Sault Ste. Marie; and

Whereas City Council established a Management Committee to deliver a year long event called Celebrate 100!

Therefore Be It Resolved that City Council accept as information the year-end report called "Celebrate 100! A Year in Review". CARRIED

b) **Safe Drinking Water Act**

The report of the President and CEO, PUC Services Inc. was received by Council.

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that the report of the President and CEO, PUC Services Inc. dated 2012 11 23 concerning *Safe Drinking Water Act* be received as information. CARRIED

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

a) **PUC Inc.**

Moved by: Councillor P. Christian

Seconded by: Councillor R. Niro

That Council inform the PUC by way of this resolution that it would like to renegotiate the shareholder agreement with regard to an upset limit on corporate donations. DEFERRED

Moved by: Councillor P. Christian

Seconded by: Councillor S. Butland

That the motion listed under agenda item 7.(a) requesting renegotiation of the shareholder agreement with PUC be postponed to January 7, 2013. CARRIED

b) Moved by: Councillor S. Myers

Seconded by: Councillor T. Sheehan

Whereas constituents residing along McNabb are very concerned about the speed of vehicular traffic; and

Whereas under the *Highway Traffic Act* municipalities do, on occasion, request that a certain stretch of highway (which includes roads, streets, drives, avenues, etc) be designated as a Community Safety Zone, if traffic safety within the area is of special concern; and

Whereas this seems to be especially true if there is a school, senior citizen residence, daycare, hospital or a large mall in the vicinity and accidents are bound to happen if preventative or extra measures are not put into place; and

Whereas McNabb Street is a major arterial route connecting to all of the above and

Whereas any area that is designated as a Community Safety Zone is dealt with in a much more severe way by the courts

Now Therefore Be It Resolved that appropriate staff be requested to investigate the process, potential and implications of McNabb Street being designated as a Community Safety Zone and report back to City Council with recommendations associated with such a designation. CARRIED

- c) Moved by: Councillor L. Turco
Seconded by: Councillor P. Mick
Whereas City high school football champions, the St. Mary's Knights, defeated North Bay and Sudbury champions enroute to the 2012 NOSSA championship; and
Whereas St. Mary's Knights defeated Thunder Bay's Sir Winston Churchill Trojans by a score of 47-28 at Rogers Centre in Toronto on Tuesday, November 27, 2012 making them the Northern Bowl champions; and
Whereas with this victory the St. Mary's Knights became the first team to win six OFSSA bowl victories since the series began in 2000;
Now Therefore Be It Resolved that this Council on behalf of the City of Sault Ste. Marie congratulates coach Marty Smith and the Northern Bowl Champions St. Mary's Knights not only on their victory but also in making history. 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 F. Manzo
Seconded by: Councillor S. Butland
Resolved that all by-laws listed under Item 10 of the AGENDA under date December 3, 2012 be approved. CARRIED

Moved by: Councillor F. Manzo
Seconded by: Councillor S. Butland
Resolved that By-law 2012-194 being a by-law to stop up and close the portion of Bloor Street abutting civic 465 Northland Road (formerly 229 Bloor Street) be read a THIRD time and PASSED in open Council this 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo
Seconded by: Councillor S. Butland
Resolved that By-law 2012-208 being a by-law to authorize the borrowing of \$10,000,000 to meet current expenditures until taxes are collected be PASSED in open Council this 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo
Seconded by: Councillor S. Butland
Resolved that By-law 2012-209 being a by-law to authorize the borrowing of \$15,000,000 to finance capital expenditures for short and long term purposes for

The Corporation of the City of Sault Ste. Marie and \$6,200,000 for the Public Utilities Commission of the City of Sault Ste. Marie be PASSED in open Council this 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that By-law 2012-215 being a by-law to repeal By-law 88-296 (a by-law to permit transport trucks servicing the Algoma Steel Corporation) and By-law 95-198 (a by-law to permit transport trucks servicing G.P. Flakeboard Limited) be PASSED in open Council this 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that By-law 2012-216 being a by-law to adopt Amendment No. 185 to the Official Plan (1704608 Ontario Inc.) be PASSED in open Council this 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that By-law 2012-217 being a by-law to amend Sault Ste. Marie Zoning By-law 2005-150 regarding lands located at 181 Greenfield Drive (1704608 Ontario Inc.) be PASSED in open Council this 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that By-law 2012-218 being a by-law to designate the lands located at 181 Greenfield Drive an area of site plan control (1704608 Ontario Inc.) be PASSED in open Council this 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that By-law 2012-219 being a by-law to amend Schedule "K" of By-law 77-200 regarding Second Line Road be PASSED in open Council this 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that By-law 2012-220 being a by-law to authorize an agreement between the City and The Canadian Union of Public Employees Local No. 3 – Public Works and Transportation Department from February 1, 2012 to January 31, 2015 be PASSED in open Council this 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that By-law 2012-221 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 3rd day of December, 2012. CARRIED

Moved by: Councillor F. Manzo

Seconded by: Councillor S. Butland

Resolved that By-law 2012-222 being a by-law to authorize the execution of an agreement between the City and Art Gallery of Algoma for the borrowing of three pieces of Art Work to be displayed in an exhibition entitled 100 Years of Art in Sault Ste. Marie be PASSED in open Council this 3rd day of December, 2012. CARRIED

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that Council shall now go into Caucus to discuss:

One solicitor/client matter concerning receiving a legal opinion concerning a set of minutes of PUC Distribution; and

One personal matter about an identifiable individual concerning the vacancy of a senior staff position; and

2013-2014 Board and Committee appointments;

Further Be It Resolved that should the said caucus meeting be adjourned, Council may reconvene in caucus to continue to discuss the same matter without the need for a further authorizing resolution.

12. ADDENDUM TO THE AGENDA

13. ADJOURNMENT

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that this Council now adjourn. CARRIED

Debbie Amaroso
Mayor

Malcolm White
City Clerk