

MINUTES

REGULAR MEETING OF CITY COUNCIL

2013 04 22

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, T. Sheehan, P. Mick

Officials: J. Fratesi, R. Tyczinski, N. Kenny, L. Girardi, N. Apostle, B. Freiburger, J. Bruzas, J. Dolcetti, D. Elliott, D. McConnell, M. Nadeau, S. Hamilton Beach, A. Starzomski, T. Reid

Absent: Councillors F. Fata, R. Niro, F. Manzo

1. ADOPTION OF MINUTES

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the Minutes of the Regular Council Meeting of 2013 04 08, Budget Meeting of 2013 03 25 and Special Meeting of 2013 04 15 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 L. Turco

Seconded by: Councillor B. Watkins

Resolved that the Agenda and Addendum #1 for 2013 04 22 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) Christine Campana, Networking Facilitator for the Arts Council was in attendance concerning proclamation – National Youth Arts Week.
- c) Kathy Yukich, Chair – Historic Sites Board was in attendance concerning agenda item 6.(8)(a).
- d) Dan Krmpotich, Co-ordinator – Local Immigration Partnership was in attendance concerning proclamation – Cultural Diversity Week.
- e) Terry Lemieux was in attendance concerning agenda item 5.(q).
- f) Tyler Pollard was in attendance concerning agenda item 6.(6)(a).
- g) Peter Bortolussi was in attendance concerning agenda item 6.(6)(b).

PART ONE – CONSENT AGENDA

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

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that all the items listed under date 2013 04 22 – Part One – Consent Agenda be approved as recommended with the exception of item 5.(t), 5.(q).
CARRIED

- a) Correspondence from AMO was received by Council.
- b) Correspondence from the City of Brantford (concerning heads and beds legislation), the Township of Wainfleet (concerning wind turbines) and the Township of Prince (concerning Ontario Rangers program) was received by Council.
- c) Correspondence from the Sault Community Career Centre concerning a request for a reduced rental rate for the Essar Centre was received by Council.

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that correspondence from the Sault Community Career Centre concerning a request for a reduced rental rate for the Essar Centre be referred to appropriate staff for review and report back to Council. CARRIED

d) Staff Travel

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

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that the report of the Chief Administrative Officer dated 2013 04 22 concerning Staff Travel requests be approved as requested. CARRIED

e) **Tender for Seasonal Security**

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 2013 04 22 be endorsed and that the tender for Seasonal Security Services required by various City Departments be awarded as recommended. CARRIED

f) **Property Tax Appeals**

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

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that pursuant to Section 357 of the Municipal Act, 2001, the adjustments for the tax accounts outlined on the City Tax Collector's report of 2013 04 22 be approved and that the tax records be amended accordingly. CARRIED

g) **Request for Financial Assistance for National/International Sports Competitions – Youth Bowling Nationals**

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 2013 04 22 concerning Request for Financial Assistance for National/International Sports Competitions be accepted and the recommendation to provide a \$400 grant to the Northcrest Lanes Youth League Bowling Team to attend the Youth Bowling Council National Youth Championships be approved. CARRIED

h) **Contract 2013-E – Reconstruction of Queen Street East (Simpson Street to Pine Street)**

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

The relevant By-laws 2013-071 and 2013-72 are listed under Item 10 of the Minutes.

i) **Sewer Repair Contract – Woodward Avenue and Rossmore Road**

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

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that the report of the Design and Construction Engineer dated 2013 04 22 concerning Sewer Repair Contract be accepted and the recommendation to proceed to tender the projects at an estimated total cost of \$400,000 with funding from the Emergency Repairs Projects allocation – 2013 Sewer Surcharge Budget be approved. CARRIED

j) **Resurfacing of City Streets – 2013 Miscellaneous Paving Program**

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

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the report of the Director of Engineering Services dated 2013 04 22 concerning Resurfacing of City Streets – 2013 Miscellaneous Paving Program be accepted and the recommendation to proceed with the 2013 program at a cost of \$2.48 million with funding from the miscellaneous construction allowance, the 2013 capital resurfacing allowance and under-runs from previous capital programs be approved. CARRIED

k) **Elementa Lease Extension – City Landfill**

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

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Whereas Elementa Group Inc. agrees that there will be no requests for future expansion of the pilot plant or development of a smaller scale commercial facility at the landfill; and

Whereas Elementa Group Inc. agrees to remove the equipment in accordance with the terms of the original lease by October 21, 2013; and

Whereas Elementa Group Inc. agrees to ensure that the building and its contents remain insured and that the building is regularly inspected; and

Whereas Elementa Group Inc. agrees to ensure that either the building remains heated or that the building services are properly winterized as may be required; and

Whereas Elementa Group Inc. remains responsible for all utility bills up to the lease expiry date or until such time as the building is officially transferred back to the City subsequent to the removal of the existing equipment;

Now Therefore Be It Resolved that the report of the Land Development and Environmental Engineer dated 2013 04 22 concerning Elementa Lease Extension – City Landfill be accepted and the request for a lease extension based on the conditions stated in the report be approved. CARRIED

l) **Animal Control By-law**

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

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the report of the Assistant City Solicitor dated 2013 04 22 concerning Animal Control By-law be accepted and the recommendation not to amend the present by-law but to refer the issue of noise from domesticated animals to the Noise By-law Review Committee be approved. CARRIED

m) **Regulation of Common Bawdy Houses**

The report of the City Solicitor was received by Council.

The relevant By-law 2013-068 is listed under Item 10 of the Minutes.

n) **Ontario Distribution Sector Review Panel**

The report of the City Solicitor was received by Council.

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that the report of the City Solicitor dated 2013 04 22 concerning Ontario Distribution Sector Review Panel be received as information. CARRIED

o) **Street Closing Application – Sharon Hill Subdivision II, Plan M391**

The report of the City Solicitor was received by Council.

The relevant By-laws 2013-060 and 2013-61 are listed under Item 10 of the Minutes.

p) **Collections Agreement with IQOR Canada for Third Party Collection Services on Outstanding Defaulted Provincial Offences Fines**

The report of the Manager of Provincial Offences was received by Council.

The relevant By-law 2013-069 is listed under Item 10 of the Minutes.

q) **Community Safety Zones – McNabb Street – Pine Street to Lake Street Safety Concerns**

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

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the report of the Deputy Commissioner of Public Works and Transportation dated 2013 04 22 concerning Community Safety Zones – McNabb Street – Pine Street to Lake Street Safety Concerns be received as information. DEFERRED

Moved by: Councillor S. Myers
Seconded by: Councillor M. Bruni
Whereas the item 5.(q) regarding Community Safety Zones involves Police Service Enforcement; and
Whereas no one from Sault Ste. Marie Police Service is in attendance tonight;
Now Therefore Be It Resolved that this item be brought forward at another meeting date when Sault Ste. Marie Police Service can be in attendance.
CARRIED

r) **Byrne/Morrison and North Street Intersection**

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

The relevant By-laws 2013-049 and 2013-70 are listed under Item 10 of the Minutes.

s) **Permission to Purchase One (1) 40-Foot Low Floor Nova Bus**

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

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that the report of the Manager of Transit and Parking dated 2013 04 22 concerning Purchase of One (1) 40-Foot Low Floor Nova Bus be accepted and the recommendation to purchase the bus at a cost of \$424,695 with funding from an MTO capital grant (\$309,032) and the transit equipment reserve (\$115,663) be approved. CARRIED

t) **Lions Club – Pointe Des Chenes Campground**

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

Moved by: Councillor L. Turco
Seconded by: Councillor P. Mick
Resolved that the report of the Commissioner of Public Works and Transportation dated 2013 04 22 concerning Lions Club – Pointe Des Chenes Campground be accepted and the recommendation to renew the existing agreement with the club for operation of the campground for a period of one year be approved. CARRIED

u) **Clearing Snow from Hydrants**

The memorandum from the President and CEO of PUC Services Inc. was received by Council.

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins

Resolved that the memorandum from the President and CEO of PUC Services Inc. dated April 10, 2013 concerning Clearing Snow from Hydrants be received as information. CARRIED

v) **Business Plan – Results Year Three (2012)**

The report of the Chief of Police was received by Council.

Moved by: Councillor B. Watkins

Seconded by: Councillor P. Mick

Resolved that the report of the Chief of Police dated 2013 04 05 concerning Business Plan – Results Year Three (2012) be received as information. DEFFERED

Pecuniary Interest – Councillor L. Turco – spouse employed by Sault Ste. Marie Police Service

w) Correspondence from Ontario Lottery and Gaming advising that the quarterly payment of the 5% allocation from January 1, 2013 to March 31, 2013 is \$296,866 was received by Council.

Pecuniary Interest – Councillor M. Bruni – employed by OLG

Councillor P. Christian – spouse employed by OLG

x) Copy of correspondence from the Mayor to the Premier of Ontario concerning Ontario Lottery and Gaming Corporation “Modernization” process was received by Council.

Pecuniary Interest – Councillor M. Bruni – employed by OLG

Councillor P. Christian – spouse employed by OLG

y) Copy of correspondence from the Minister of Finance to the Mayor concerning Ontario Lottery and Gaming Corporation “Modernization” process was received by Council.

Pecuniary Interest – Councillor M. Bruni – employed by OLG

Councillor P. Christian – spouse employed by OLG

z) **Council Travel**

Moved by: Councillor S. Butland

Seconded by: Councillor P. Mick

Resolved that Councillor Lou Turco be authorized to travel to the FONOM Board of Director’s Meeting, Annual General Meeting and Conference in Parry Sound for (4 days in May) at an estimated cost to the City of \$860 be approved. 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-6-13-Z – filed by Tyler Pollard – 66 Nicholas Avenue

The report of the Planning Division was received by Council.

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that the report of the Planning Division dated 2013 04 22 concerning Application No. A-6-13-Z – filed by Tyler Pollard be received and that City Council approve this application and rezone the subject property from “R2” (Single Detached Residential) zone to “R2.S” (Single Detached Residential zone with a Special Exception) to permit a duplex dwelling, in addition to the uses permitted in a “R2” zone, subject to the following provisions:

1. The required parking for the duplex dwelling may be located within a required front yard; and
2. That the required parking spaces may be stacked. CARRIED

b) Application No. A-7-13-Z – filed by Mattioli Craft Limited

The report of the Planning Division was received by Council.

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that the report of the Planning Division dated 2013 04 22 concerning Application No. A-7-13-Z – Mattioli Craft Limited – 1655 Trunk Road be received and that City Council approves this application and rezones the western portion of the ‘Subject Area’ as shown on the maps attached, from Medium Industrial zone with Special Exception 259 (M2.S259) to Medium Industrial zone with Special Exception 259 (M2.S259) with the following amendments:”

1. That in addition to the uses permitted in an “M2” zone a ‘Reload Centre for Logs and Pulpwood’ be permitted; and
2. That buildings and structures are prohibited from occupying the north 33m of the subject property until such time as an Archaeological Assessment is completed and approved by the Ministry of Culture. CARRIED

(7) PUBLIC WORKS AND TRANSPORTATION

(8) BOARDS AND COMMITTEES

a) Heritage Discovery Centre - Ermatinger•Clergue National Historic Site

The report of the Chair – Historic Sites Board was received by Council. The reports of the Commissioner of Community Services, the Commissioner of Finance/Treasurer, the Manager of Audits and Capital Planning and the City Solicitor were received by Council.

Moved by: Councillor S. Myers

Seconded by: Councillor L. Turco

Whereas the Heritage Discovery Centre is identified in the City's Strategic Plan; and

Whereas federal funding of \$1.9 million and provincial funding of \$1 million has been secured; and

Whereas after utilization of \$200,000 from the Historic Sites reserve, a shortfall of about \$900,000 would exist to complete the project; and

Whereas other funding applications have been unsuccessful; and

Whereas the Commissioner of Finance has, in a report dated 2013 04 22, articulated a funding plan.

Now Therefore Be It Resolved that:

1. the funding plan outlined in the said report be approved;
2. the necessary by-laws to authorize two federal funding agreements be approved;
3. appropriate staff proceed to issue the tender for this project as soon as possible; and
4. a Project Steering Committee with appropriate staff and representation from City Council (Councillors S. Myers, P. Mick and L. Turco) and the Historic Sites Board be established to oversee the project. CARRIED

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

a) Moved by: Councillor T. Sheehan

Seconded by: Councillor R. Niro

Whereas the City of Sault Ste. Marie signed accountability agreements with both the Sault Ste. Marie Economic Development Corporation and the Sault Ste. Marie Innovation Centre years ago;

Now Therefore Be It Resolved that City Council requests that staff report back to Council on how these agreements can be reviewed with the aim of creating greater efficiencies that ultimately result in taxpayers' savings and more business creating well-paying jobs. DEFERRED

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 22, 2013 be approved. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2012-192 being a by-law to stop up, close and authorize the conveyance of a lane in the Sault Ste. Marie Park Subdivision Plan 7602 be READ a THIRD time and PASSED in open Council this 22nd day April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-49 being a by-law to amend Schedule "F" and Schedule "I" of Traffic By-law 77-200 regarding Byrne/Morrison and North Street intersection be PASSED in open Council this 22nd of April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-60 being a by-law to assume for public use and establish as a public street, a street in the Sharon Hill II Subdivision, Plan M391 be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-61 being a by-law to stop up, close and authorize the conveyance of a street in the Sharon Hill II Subdivision, Plan M391 be read a FIRST and SECOND time in open Council this 22nd day of April, 2013.

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-62 being a by-law to provide for 2013 final tax billing be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-63 being a by-law to provide for the adoption of taxation transition ratios be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-64 being a by-law to provide for the adoption of property tax rates for 2013 BE PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-66 being a by-law to adopt optional tools for the purposes of administering limits for the commercial, industrial and multi-residential Property Classes be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-67 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 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-68 being a by-law to establish interim control provisions for the City of Sault Ste. Marie to prohibit the establishment of common bawdy houses for an interim period of one (1) year in order to allow for the completion of a planning study on the potential regulation of these uses be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-69 being a by-law to authorize an agreement between the City and IQOR Canada Ltd. to provide Professional Collection Services (collection of Provincial Offences Act fines) and to authorize the renewal of the Agreement subject to the same terms, conditions and provisions for a further period of one year commencing May 1st, 2013 and ending on April 30th, 2014 be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco

Seconded by: Councillor B. Watkins

Resolved that By-law 2013-70 being a by-law to authorize the temporary closing of the most easterly end of Byrne Avenue this Spring be PASSED in open Council this 22nd day of April, 2013. (This temporary by-law will be in place until such time as the road closure is constructed and can be surveyed.) CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2013-71 being a by-law to authorize a contract between the City and 1531161 Ontario Inc. (o/a Boyer Construction) for the reconstruction of Queen Street East from Simpson Street to Pine Street. (Contract 2013-1E) be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2013-72 being a by-law to permit the temporary closing of Queen Street East from Simpson Street to Pine Street from April 23, 2013 to November 30, 2013 to facilitate the reconstruction of Queen Street East be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2013-73 being a by-law to authorize the execution of an agreement between the City and Her Majesty the Queen in Right of Canada as represented by the Minister of Canadian Heritage for funding under the Cultural Spaces Fund for the Heritage Discovery Centre be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that By-law 2013-74 being a by-law to authorize the execution of an agreement between the City and Her Majesty the Queen in Right of Canada as represented by the Minister of Canadian Heritage for funding under the Federal Secretariat, Bicentennial of the War of 1812 program for the Heritage Discovery Centre be PASSED in open Council this 22nd day of April, 2013. CARRIED

Moved by: Councillor L. Turco
Seconded by: Councillor B. Watkins
Resolved that by-law 2013-75 being a by-law to amend Schedule "E" of Traffic By-law 77-200 regarding Byrne Avenue be PASSED in open Council this 22nd day of April, 2013. CARRIED

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

Moved by: Councillor S. Myers
Seconded by: Councillor M. Bruni
Resolved that Council shall now go into Caucus to consider:

- the acquisition of a portion of property along Base Line Road for bridge improvement purposes (section 239(2) Possible Land Acquisition and Disposition);

- Declaring property on Simcoe Street surplus and authorizing sale (section 239(2) Possible Land Acquisition and Disposition);
- A presentation by OPP Provincial Liaison Team Members with respect to the Idle No More movement and other demonstrations occurring in the Province (section 239(2)(1) Security of the Property of the Municipality and Section 239(3)(1) meeting for the purpose of training); and

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 L. Turco
 Seconded by: Councillor P. Mick
 Resolved that this Council now adjourn. CARRIED

Debbie Amaroso
 Mayor

Malcolm White
 City Clerk