

MINUTES

REGULAR MEETING OF CITY COUNCIL

2013 09 23

4:30 P.M.

COUNCIL CHAMBERS

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

Absent: Councillors F. Manzo (illness), J. Krmpotich (business)

Officials: J. Fratesi, M. White, N. Kenny, L. Girardi, N. Apostle, B. Freiburger, J. Dolcetti, D. Elliott, J. Luszka, D. McConnell, M. Blanchard, D. Scott, M. Nadeau, M. Provenzano, F. Brescacin, B. Davies, T. Dodds, F. Coccimiglio

1. ADOPTION OF MINUTES

Moved by: Councillor P. Mick

Seconded by: Councillor L. Turco

Resolved that the Minutes of the Regular Council Meeting of 2013 09 09 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 L. Turco

Resolved that the Agenda and Addendum #1 for 2013 09 23 City Council meeting as presented be approved. CARRIED

4. DELEGATIONS/PROCLAMATIONS

- a) Julie Frenette, President Francophone Centre was in attendance concerning proclamation – Francophone Day.
- b) Georgia McIntyre, Public Health Inspector Algoma Public Health was in attendance concerning proclamation – Environmental Health Week.
- c) Matt Trainor, Chair – Community Advisory Committee and Morgan Levy, Community Resource Facilitator - Learning Disability Association of Sault Ste. Marie were in attendance concerning proclamation – Learning Disabilities Awareness Month.
- d) Rhonda Bateman, General Manager and Anjum Amin, Water Resources Engineer – Conservation Authority were in attendance to present information concerning the recent storm event.
- e) Dave Pettalia, President – Sault Ste. Marie and District Labour Council, Tom Cardinal, Business Manager – United Brotherhood of Carpenters and Joiners, Wayne Scott, President – Labourers International Local 1036, Marc LePore, representing the Sault Ste. Marie Construction Association and Mike Moore Construction Ltd., Sean Reid – Progressive Contractors Association of Canada/Christian Labourer Association and Shawn Evoy – North America Construction, were in attendance concerning agenda item 6.(1)(b).
- f) Nick Apostle, Commissioner of Community Services was in attendance to present the department's 2013 budget and year-to-date financial information – agenda item 6.(2)(a).
- g) Ralph Medaglia was in attendance concerning agenda item 6.(6)(a).
- h) Ed Lofstrom 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 P. Mick

Seconded by: Councillor R. Niro

Resolved that all the items listed under date 2013 09 23 – Part One – Consent Agenda be approved as recommended. CARRIED

- a) Correspondence from AMO was received by Council.
- b) Correspondence from the City of Stratford (concerning enhancing community safety) was received by Council.
- c) Correspondence from the Minister of Natural Resources was received by Council.
- d) Correspondence from the Bancroft and Hastings Highlands Disaster Relief Committee concerning fundraising support was received by Council.

e) **Council Travel**

Moved by: Councillor B. Watkins

Seconded by: Councillor R. Niro

Resolved that Mayor Debbie Amaroso's request to travel to the Northern Ontario Business Awards and Northern Ontario Large Urban Mayors meeting taking place in North Bay (2 days in October) at an estimated cost of \$650 be approved. CARRIED

Moved by: Councillor P. Mick

Seconded by: Councillor R. Niro

Resolved that Councillor Lou Turco be authorized to travel to the AMO Board meeting being held in Toronto (2 days in September) at an estimated cost to the City of \$300. CARRIED

Moved by: Councillor P. Mick

Seconded by: Councillor R. Niro

Resolved that Councillor Terry Sheehan be authorized to travel to the Algoma District Municipal Association meeting being held in Wawa (1 days in September) at an estimated cost to the City of \$200. CARRIED

f) **Staff Travel**

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

Moved by: Councillor P. Mick

Seconded by: Councillor L. Turco

Resolved that the report of the Chief Administrative Officer dated 2013 09 23 concerning Staff Travel requests be approved as requested. CARRIED

g) **Tenders for Equipment**

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

Moved by: Councillor B. Watkins

Seconded by: Councillor L. Turco

Resolved that the report of the Manager of Purchasing, dated 2013 09 23, be endorsed and that the tenders for the supply and delivery of various pieces of equipment, as required by the Public Works & Transportation Department, be awarded as recommended. CARRIED

h) **Request for Financial Assistance For National/International Sports Competition – Zephyr Rouleau**

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

Moved by: Councillor P. Mick

Seconded by: Councillor R. Niro

Resolved that the report of the Manager of Recreation and Culture dated 2013 09 23 concerning Request for Financial Assistance for National/International Sports Competitions be accepted and the recommendation to provide \$200 to Zephyr Rouleau to participate in the World Karate and Kickboxing Council's World Championships in Taranto, Italy from October 14-19, 2013 be approved.
CARRIED

i) **Contract 2013-10E – Small Pump Station Upgrades**

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

The relevant By-law 2013-172 is listed under Item 10 of the Minutes.

j) **Suncor and Shell Properties**

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

Moved by: Councillor B. Watkins

Seconded by: Councillor R. Niro

Resolved that the report of the Commissioner of Engineering and Planning dated 2013 09 23 concerning Suncor and Shell Properties be accepted as information.
CARRIED

k) **Sidewalk Construction – From 303/313 McDonald to Pine Street, South Side**

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

Moved by: Councillor S. Myers

Seconded by: Councillor T. Sheehan

Resolved the agenda item 5.(k) be postponed to October 7, 2013 Council meeting. CARRIED

Moved by: Councillor P. Mick

Seconded by: Councillor L. Turco

Resolved that the report of the Director of Engineering Services dated 2013 09 23 concerning Sidewalk Construction – from 303/313 MacDonald Avenue to Pine Street, South Side be accepted and the recommendation to have the sidewalk proposal proceed through the local improvement process be approved.
POSTPONED

l) **Former St. Thomas Street Storm Sewer Replacement**

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

Moved by: Councillor B. Watkins

Seconded by: Councillor L. Turco

Resolved that the report of the Design and Construction Engineer dated 2013 09 23 concerning Former St. Thomas Street Storm Sewer Replacement be accepted and the recommendation to add the replacement work to the Heritage Discovery Centre Contract as a change order at a total cost of \$80,000 with funding from the 2013 Urban Only Capital Construction Account be approved. CARRIED

m) **Stormwater Management Environmental Assessments – Two Locations – McNabb Street and MacDonald Avenue**

The report of the Director of Engineering Services was received by Council. Also attached is correspondence from the YMCA and Algoma Child and Youth Services and a previous engineering report.

Moved by: Councillor B. Watkins

Seconded by: Councillor L. Turco

Resolved that the report of the Director of Engineering Services dated 2013 09 23 concerning Stormwater Management Environmental Assessments – Two Locations – McNabb Street and MacDonald Avenue be accepted and the recommendation to authorize entering into an agreement with Tulloch Engineering for completion of environmental assessments for flooding mitigation in the areas of McNabb Street near Pim Street and MacDonald Avenue near Brien Avenue be approved. CARRIED

n) **Parking Enforcement's Four Year Implementation Plan for Solar Powered Pay and Display Machines on Queen Street**

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

Moved by: Councillor P. Mick

Seconded by: Councillor R. Niro

Resolved that the report of the Manager of Transit and Parking dated 2013 09 23 concerning Parking Enforcement's Four Year Implementation Plan for Solar Powered Pay and Display Machines on Queen Street be accepted as information. CARRIED

o) Correspondence from AMO was received by Council.

p) **Ronald Sonke – 397 Sunnyside Beach Road – Ontario Municipal Board Appeal**

The report of the Solicitor/Prosecutor was received by Council.

Moved by: Councillor B. Watkins

Seconded by: Councillor L. Turco

Resolved that the report of the Solicitor/Prosecutor dated 2013 09 23 concerning Ronald Sonke – 397 Sunnyside Beach Road – Ontario Municipal Board Appeal be received as information. CARRIED

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

(1) ADMINISTRATION

a) Request for Disaster Declaration

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

Moved by: Councillor B. Watkins

Seconded by: Councillor R. Niro

Whereas the municipality of the Corporation of the City of Sault Ste. Marie recently experienced severe flooding as a result of extraordinary and unforeseen amounts of heavy rainfall on September 9, 2013 and experienced substantial damage to municipal property and infrastructure and has received reported losses of private damage, the Council of the Corporation of the City of Sault Ste. Marie hereby requests the Minister of Municipal Affairs & Housing to declare the City of Sault Ste. Marie a “disaster area” for the purposes of the Ontario Disaster Relief Assistance Program (ODRAP);

Further, should the Minister declare a disaster area regarding the private component of ODRAP, Council will immediately, under the authority of ODRAP, appoint members to a Disaster Relief Committee to administer ODRAP.
CARRIED

b) Supporting Resolution for the “Fair & Open Tendering Act” To End Labour Monopolies

The report of the Commissioner of Human Resources was received by Council. Additional information is also attached for Council's information.

Moved by: Councillor T. Sheehan

Seconded by: Councillor S. Myers

Resolved that agenda item 6.(6)(1) be postponed indefinitely. CARRIED

Recorded Vote:

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

Against: Councillors S. Butland

Absent: Councillors J. Krmpotich, F. Manzo

Moved by: Councillor P. Mick

Seconded by: Councillor L. Turco

Whereas public employers like municipalities are not businesses and have a different purpose and mandate from commercial enterprises; and

Whereas the OLRB treats many public employers as businesses for the purpose of the construction industry provision of the Labour Relations Act, 1955; and

Whereas when a public employer is organized by an affiliated construction craft union it creates a labour monopoly for construction work that is contracted out by the employer; and

Whereas the construction section of the Labour Relations Act should not apply to public employers like municipalities; and

Whereas some local qualified construction contractors are excluded from bidding on publicly funded City construction projects due to the existing construction union affiliation monopoly thereby forcing the City in many cases to contract work to out-of-town contractors; and

Whereas construction union labour monopolies significantly increase the cost of construction projects to the taxpayer; and

Whereas an amendment to the Labour Relations Act, 1995 would ensure public employers are able to tender construction work in a free and open competitive environment that would maximize fairness and value for construction expenditures;

Now Therefore Be It Resolved that the City of Sault Ste. Marie ask the Province of Ontario to amend Section 126 of the Ontario Labour Relations Act, 1995 so that it explicitly states municipalities are not construction employers.
POSTPONED

(2) COMMUNITY SERVICES DEPARTMENT

a) Community Services Department Budget Update

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

Moved by: Councillor P. Mick

Seconded by: Councillor R. Niro

Resolved that the report of the Commissioner of Community Services dated 2013 09 23 concerning the Community Services Department Budget Update be received as information. CARRIED

(3) ENGINEERING

(4) FIRE

(5) LEGAL

(6) PLANNING

a) Application No. A-20-13-Z – filed by Marilynn Nicastro – 728 Wellington Street West

The report of the Planning Division was received by Council.

Moved by: Councillor B. Watkins

Seconded by: Councillor R. Niro

Resolved that the report of the Planning Division dated 2013 09 23 concerning Application No. A-20-13-Z – filed by Marilyn Nicastro – 728 Wellington Street West be received and that City Council approve the request to rezone the subject property from 'R2', (Single Detached Residential) zone, to 'R3', (Low Density Residential) zone, subject to the following:

- 1) That a total of 2 dwelling units be permitted.
- 2) That the required minimum frontage be reduced from 18m to 15.
- 3) That the property be designated subject to Site Plan Control. CARRIED

b) Amendment to Site Plan Control Agreement – 626 Fifth Line East – Martins Trailers

The report of the Planning Division was received by Council.

Moved by: Councillor P. Mick

Seconded by: Councillor L. Turco

Resolved that the report of the Planning Division dated 2013 09 023 concerning Amendment to Site Plan Control Agreement – 626 Fifth Line East – Martins Trailers be received and that City Council deny the applicant's request to amend the Site Plan Control Agreement at 626 Fifth Line East until such time as the subject property is developed in accordance with the current agreement, final occupancy permits have been issued, and all aspects of the business have been relocated from 32 Powley Road. CARRIED

c) Urban Beekeeping

The report of the Planning Division was received by Council.

Moved by: Councillor L. Turco

Seconded by: Councillor P. Mick

Resolved that agenda item 6.(6)(c) be postponed to the Oct. 7, 2013 Council meeting. CARRIED

Moved by: Councillor B. Watkins

Seconded by: Councillor L. Turco

Resolved that the report of the Planning Division dated 2013 09 23 concerning Urban Beekeeping be received and that City Council continue with the status quo, which is that beekeeping is permitted as an agricultural use in a Rural Area zone, subject to all applicable legislation, including the Ontario Bees Act. Individual applications for bee hives in other zones can be assessed on a case by case basis by way of a rezoning application. POSTPONED

(7) PUBLIC WORKS AND TRANSPORTATION

(8) BOARDS AND COMMITTEES

a) 2012 Annual Report – Sault Ste. Marie Police Service

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

Moved by: Councillor B. Watkins

Seconded by: Councillor R. Niro

Resolved that the report of the Chief of Police dated 2013 09 23 concerning 2012 Annual Report – Sault Ste. Marie Police Services be received as information. CARRIED

Pecuniary Interest – Councillor L. Turco – wife employed by Sault Police Services.

b) 2013 Second Quarter Shareholder Report – PUC Inc. and PUC Services Inc.

A report of PUC Inc. and PUC Services Inc. was received by Council.

Moved by: Councillor B. Watkins

Seconded by: Councillor L. Turco

Resolved that the 2013 Second Quarter Shareholder Report of the PUC Inc. and PUC Services Inc. be received as information. CARRIED

c) 2012 Annual Reports – PUC Inc., PUC Services Inc. and the Public Utilities Commission

Reports of PUC Inc., PUC Services Inc. and the Public Utilities Commission are attached under separate cover for the consideration of Council.

Moved by: Councillor B. Watkins

Seconded by: Councillor R. Niro

Resolved that the 2012 Annual Reports of PUC Inc., PUC Services Inc. and the Public Utilities Commission be received as information. CARRIED

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

- a) Moved by: Councillor S. Butland
Seconded by: Councillor T. Sheehan

Whereas many significant alternative energy initiatives have been denied because of lack of transmission capacity,

Be It Resolved that the Environmental Initiatives Committee through appropriate staff consider and evaluate the MicroFIT Solar proposal from Solar Logix with attention to feasibility, logistics and economies and report back to Council. CARRIED

- b) Moved by: Councillor T. Sheehan
Seconded by: Councillor P. Christian
Whereas Sault Ste. Marie's public parks are thoroughly enjoyed by all of its citizens; and
Whereas the City of Sault Ste. Marie is approached with various offers of donations for public parks individuals, private businesses and public sector organizations,
Therefore Be It Resolved that City Council requests that appropriate City Staff advise how a policy could be developed that would cover both monetary and in-kind donations for our beautiful public parks. 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

By-laws before Council TO BE PASSED which do not require more than a simple majority.

Moved by: Councillor P. Mick
Seconded by: Councillor L. Turco
Resolved that all by-laws listed under Item 10 of the agenda under date 2013 09 23 be approved. By-laws before Council TO BE PASSED which do not require more than a simple majority. CARRIED

Moved by: Councillor B. Watkins
Seconded by: Councillor R. Niro
Resolved that By-law 2013-172 being a by-law to authorize execution of a contract between the City and Avery Construction Ltd. for the Muriel Avenue, Tallack Boulevard, Fort Creek Drive and Pine Street Sewage Pumping Station Upgrades (Contract 2013-10E) be PASSED in open Council this 23rd day of September, 2013. CARRIED

Moved by: Councillor B. Watkins
Seconded by: Councillor R. Niro
Resolved that By-law 2013-173 being a by-law to appoint by-law enforcement officers to enforce the by-laws of the Corporation of the City of Sault Ste. Marie be PASSED in open Council this 23rd day of September, 2013. CARRIED

Moved by: Councillor B. Watkins

Seconded by: Councillor R. Niro

Resolved that By-law 2013-174 being a by-law to authorize an agreement between the City and Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation to carry out winter control maintenance operations on Secondary Highways 550 and 565 located in Prince Township be PASSED in open Council this 23rd day of September, 2013. 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 B. Watkins

Seconded by: Councillor L. Turco

Resolved that this Council now adjourn. CARRIED

"Debbie Amaroso"
Mayor

"Malcolm White"
City Clerk