



## **REGULAR MEETING OF CITY COUNCIL MINUTES**

Monday, September 26, 2016

4:30 p.m.

Council Chambers

Civic Centre

Present: Mayor C. Provenzano, Councillor S. Butland, Councillor P. Christian, Councillor S. Myers, Councillor S. Hollingsworth, Councillor J. Hupponen, Councillor L. Turco, Councillor M. Shoemaker, Councillor R. Niro, Councillor M. Bruni, Councillor F. Fata, Councillor R. Romano

Absent: Councillor J. Krmpotich

Officials: A. Horsman, M. White, N. Kenny, L. Girardi, S. Schell, P. Niro, M. Figliola, F. Coccimiglio, C. Rumiel, T. Gowans

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### **1. ADOPTION OF MINUTES**

Moved by: Councillor M. Shoemaker

Seconded by: Councillor L. Turco

Resolved that the Minutes of the Regular Council Meeting of 2016 09 12 be approved.

Carried

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

**3. DECLARATION OF PECUNIARY INTEREST**

**3.1 Councillor L. Turco – Policy Implications of Ridesharing Services and the Applicability of By-law 2015-72 as an Enforcement Tool**

Spouse is employed by Police Services.

**3.2 Councillor L. Turco – Municipal Law Enforcement Officers – Appointment**

Spouse is employed by Police Services.

**3.3 Councillor M. Shoemaker – Policy Implications of Ridesharing Services and the Applicability of By-law 2015-72 as an Enforcement Tool**

Proposals may affect a client of law firm.

**3.4 Councillor M. Shoemaker – A-13-16-Z – 475 Airport Road**

Applicant is a client of law firm.

**3.5 Councillor L. Turco – By-law 2016-149 (Parking) Municipal Law Enforcement Officers**

Spouse is employed by Police Services.

**4. APPROVE AGENDA AS PRESENTED**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that the Agenda and Addendum for the 2016 09 26 City Council Meeting as presented be approved.

Carried

**5. PROCLAMATIONS/DELEGATIONS**

**5.1 Culture Days**

Kathy Fisher, Curator, Ermatinger-Clergue National Historic Site and Helena Huopalainen, Manager of Community Engagement, Sault Ste. Marie Public Library were in attendance.

**5.2 Fire Prevention Week**

Paul Milosevich, Deputy Chief – Fire Prevention and Public Education was in attendance.

**5.3 A-13-16-Z - 475 Airport Road**

Steven Shoemaker (for the applicant).

**6. COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES – CONSENT AGENDA**

Moved by: Councillor M. Shoemaker

Seconded by: Councillor R. Niro

Resolved that all the items listed under date 2016 09 26 – Agenda item 6 – Consent Agenda be approved as recommended.

Carried

## **6.1 Correspondence**

### **6.1.1 Diversion of Water from the Great Lakes**

Correspondence from Mayor Provenzano to the International Joint Commission was received by Council.

## **6.2 PUC Services Inc.**

The report of the Chief Financial Officer and Treasurer was received by Council.

The relevant By-law 2016-151 is listed under item 11 of the Minutes.

## **6.3 2017 Council Meeting Schedule**

The report of the Deputy City Clerk was received by Council.

Moved by: Councillor J. Hupponen

Seconded by: Councillor L. Turco

Resolved that the report of the Deputy City Clerk dated 2016 09 26 regarding 2017 Council Meeting Schedule be received and that the proposed schedule be approved.

Carried

## **6.4 Mausoleum Phase XIV – Price List**

The report of the Deputy CAO / City Clerk was received by Council.

The relevant By-law 2016-155 is listed under item 11 of the Minutes.

## **6.5 DSSMSSAB Transition Agreement**

The report of the Executive Director, Human Resources was received by Council.

The relevant By-law 2016-144 is listed under item 11 of the Minutes.

## **6.6 Request for Financial Assistance for National and International Sports Competitions – Sault Surge Aquatics Team**

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

Moved by: Councillor J. Hupponen

Seconded by: Councillor L. Turco

Resolved that the report of the Manager of Recreation and Culture dated 2016 09 26 concerning Request for Financial Assistance for National and International Sports Competitions – Sault Surge Aquatic Team be received and that the recommendation of the Parks and Recreation Advisory Committee that City Council approve an additional \$200 financial assistance grant for the team that attended the 2016 Canadian Age Group Swimming Championships held in Calgary, Alberta July 27 to August 1, 2016 be approved.

Carried

**6.7 Request for Financial Assistance for National and International Sports Competitions – Sault Golf Team**

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

Moved by: Councillor M. Shoemaker

Seconded by: Councillor R. Niro

Resolved that the report of the Manager of Recreation and Culture dated 2016 09 26 concerning the Request for Financial Assistance for National and International Sports Competitions – Sault Golf Team be received and that the recommendation of the Parks and Recreation Advisory Committee that City Council approve \$400 financial assistance grant for the team to attend the 2016 Canadian PGA Scramble – Canadian National Final to be held in Niagara Falls, Ontario from September 29 – October 1, 2016 be approved.

Carried

**6.8 Firearms By-law Exemptions – Ermatinger-Clergue National Historic Site**

The report of the Curator, Ermatinger-Clergue National Historic Site was received by Council.

Moved by: Councillor M. Shoemaker

Seconded by: Councillor R. Niro

Resolved that the report of the Curator, Ermatinger-Clergue National Historic Site dated 2016 09 26 concerning Firearms By-law Exemption – Ermatinger-Clergue National Historic Site be received and that the request of the Historic Site Board for temporary exemptions of firearms regulation 2008-168, regulation R. 1.2.6. from September 27, 2016 to December 15, 2017 be approved.

Carried

**6.9 Fort Creek Aqueduct Environmental Assessment – Notice of Completion**

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

Moved by: Councillor J. Hupponen

Seconded by: Councillor L. Turco

Resolved that the report of the Design and Construction Engineer dated 2016 09 26 concerning the Notice of Completion for the Fort Creek Aqueduct Environmental Assessment be received as information.

Carried

#### **6.10 Off-Road Vehicle Use on Municipal Roadways**

The report of the City Solicitor was received by Council.

Moved by: Councillor J. Hupponen

Seconded by: Councillor L. Turco

Resolved that the report of the City Solicitor dated 2016 09 26 concerning Off-Road Vehicle Use on Municipal Roadways be received as information; that it has the authority to pass a by-law that would allow ATV and UTVs to be operated on municipal roads to access trails; and that the Legal Department be directed to draft a by-law for Council's consideration.

Carried

#### **6.11 Policy Implications of Ridesharing Services and the Applicability of By-law 2015-72 as an Enforcement Tool**

Councillor L. Turco declared a conflict on this item. (Spouse is employed by Police Services.)

Councillor M. Shoemaker declared a conflict on this item. (Proposals may affect a client of law firm.)

The report of the City Solicitor was received by Council.

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that the report of the City Solicitor dated 2016 09 26 concerning Policy Implications of Ridesharing Services and the Applicability of By-law 2015-72 as an Enforcement Tool be received and Council authorize the formation of a special committee of Council with the mandate of reviewing current regulations on the local taxi-cab and limousine industry, analyzing newly implemented ridesharing regulations, engaging community and industry stakeholders throughout the process, and reporting back to Council on a plan of action.

Carried

#### **6.12 Municipal Law Enforcement Officers – Appointment**

Councillor L. Turco declared a conflict on this item. (Spouse is employed by Police Services.)

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

The relevant By-law 2016-149 is listed under item 11 of the Minutes.

## **7. REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES**

### **7.1 ADMINISTRATION**

### **7.2 COMMUNITY SERVICES DEPARTMENT**

### **7.3 ENGINEERING**

#### **7.3.1 Rodent Abatement Program**

Moved by: Councillor M. Shoemaker

Seconded by: Councillor R. Niro

Resolved that the report of the Deputy CAO of Public Works and Engineering Services dated 2016 09 12 and 2016 07 18 concerning Rodent Abatement Program be received and that the following recommendations be approved:

- Discontinue the existing rodent abatement program for private properties
- Co-ordinate the services of City staff, Sault Ste. Marie Innovation Centre and Algoma Public Health to explore implementation of a program as proposed by SSMIC in assessing and tracking "hot spots" (similar to the nuisance bear program in 2004)

Officially Read and Not Dealt With

#### **Amendment:**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Bruni

Resolved that motion #1, Agenda item 8.1, Rodent Abatement Program be amended by:

DELETING the words:

"discontinue the existing rodent abatement program for private properties"

and INSERTING the words:

"approve the Rodent Abatement Program on private properties as outlined in the RFP at a cost of \$36,465"

Officially Read and Not Dealt With

Moved by: Councillor J. Hupponen

Seconded by: Councillor L. Turco

Resolved that the report of the Manager of Purchasing dated 2016 09 26 be received and the recommendation that the proposal submitted by Abell Pest Control to provide Rodent Abatement Program Services be approved, subject to Council direction and the allocation of the necessary funding.

Officially Read and Not Dealt With

Moved by: Councillor L. Turco

Seconded by: Councillor S. Myers

Resolved that the reports of 2016 09 26 regarding Rodent Amendment Program and associated RFP be referred to staff for further clarification.

Carried

#### **7.4 FIRE**

#### **7.5 LEGAL**

#### **7.6 PLANNING**

##### **7.6.1 A-13-16-Z – 475 Airport Road**

Councillor M. Shoemaker declared a conflict on this item. (Applicant is a client of law firm.)

The report of the Senior Planner was received by Council.

Moved by: Councillor R. Niro

Seconded by: Councillor L. Turco

Resolved that the Report of the Senior Planner dated 2016 09 26 concerning Rezoning Application A-13-16-Z be received and that Council rezone the Subject Area from “AIR” (Airport Zone) to “R.1” (Estate Residential Zone), and that Council deem the rezoned area as subject to Site Plan Control.

Carried

##### **7.6.2 A-11-16-Z – 899 Second Line West**

The report of the Senior Planner was received by Council.

Moved by: Councillor M. Shoemaker

Seconded by: Councillor R. Niro

Resolved that the report of Senior Planner dated 2016 09 26 rezoning Application A-11-16-Z – 899 Second Line West be received and that this application be postponed to the 2016 10 24

Council meeting.

Carried

### **7.6.3 Development Charges Study Update**

The report of the Director of Planning and Enterprise Services was received by Council.

Moved by: Councillor J. Hupponen

Seconded by: Councillor L. Turco

Resolved that the report of the Director of Planning and Enterprise Services dated 2016 09 26 be received and that Council authorize an increase in the development charges study budget by \$15,000 to update the existing work to be consistent with provincial requirements for implementation in 2017 and that this funding be taken from the uncommitted funds of the 2016 Overall Capital Works Budget; and further that the consultant work with City staff to provide recommendations concerning possible exemptions.

Defeated

### **7.6.3.1 Correspondence – Chamber of Commerce**

The letter from Sault Ste. Marie Chamber of Commerce was received by Council.

### **7.6.4 Welcome Feature Options**

The report of the Senior Planner was received by Council.

Moved by: Councillor M. Shoemaker

Seconded by: Councillor R. Niro

Resolved that the report of the Senior Planner dated 2016 09 26 concerning Welcome Feature Options be received and that Council authorize Option 2 using available funding of \$276,631 from the Downtown Development Initiative (including re-allocated and previously approved funds).

Defeated

Moved by: Councillor R. Niro

Seconded by: Councillor S. Myers

Resolved that the report of the Senior Planner dated 2016 09 26 concerning Welcome Feature Options be received and that Council authorize Option 4 – Cancellation of Project.

Carried

## **7.7 PUBLIC WORKS AND TRANSPORTATION**



**7.8 BOARDS AND COMMITTEES**

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

**8.1 Convergent Energy**

Moved by: Councillor S. Butland

Seconded by: Councillor M. Shoemaker

Be It Resolved that Johannes Rittershausen, CEO of Convergent Energy be invited to attend Council to provide an update to the community on the status, nature, value, timelines and operation of the multi-million dollar energy storage facility slated to begin operation in the spring of 2017.

Carried

**8.2 Survey Park Usage**

Moved by: Councillor M. Shoemaker

Seconded by: Councillor S. Butland

Whereas the Parks Master Plan identifies completing a survey of all parks in the City of Sault Ste. Marie as an action item to be completed; and

Whereas such survey would provide Council with helpful information on the best uses for our parks, and whether changes are needed to their existing configuration, layout, purpose, or use; and

Whereas it would be beneficial to the entire Parks Master Plan to have usage statistics for the City of Sault Ste. Marie's parks prior to implementing other action items;

Now Therefore Be It Resolved that the Council of the City of Sault Ste. Marie request from staff a survey on the usage of all parks in the City of Sault Ste. Marie and that such information be provided in a report to Council as soon as practicable.

Carried

**8.3 LED Streetlight Conversion**

Moved by: Councillor R. Romano

Seconded by: Councillor R. Niro

Whereas this Council has committed to a city-wide LED streetlight conversion given the cost of efficiencies of said conversion; and

Whereas there is presently no such direction to have a conversion to LED of all interior/exterior lighting within all city-owned properties; and

Whereas such conversion to LED lighting would provide additional efficiencies and cost savings to the Corporation;

Now Therefore Be It Resolved that staff be directed to report to Council as to the cost benefits of said conversion and outline financing options available that will deliver the greatest return on investment.

Carried

#### **8.4 Edward Street**

Moved by: Councillor S. Myers

Seconded by: Councillor S. Hollingsworth

Whereas Edward Street is a small unpaved street located between McGregor Avenue and Upton Road and was used as a staging area by the contractor during the 2015 reconstruction of Upton Road; and

Whereas this is a serviced street in that it is plowed during the winter months; and

Whereas the street has now been rendered almost impassable due to oversize potholes retaining deep water; and

Whereas the state of the street is a health and safety concern to neighbouring residents; and

Whereas Edward Street abuts Victoria Park, a well-used neighbourhood site;

Now Therefore Be It Resolved that appropriate staff be requested to review all options for restoring the street to its previous state and further that staff report back to City Council with the outcome.

Officially Read and Not Dealt With

#### **8.5 CAO Performance Review**

Moved by: Councillor M. Shoemaker

Seconded by: Councillor S. Myers

Whereas we are at the end of the first year of the CAO's contract; and

Whereas a one year performance review is in order; and

Whereas goal setting for the second year of the contract is also in order;

Now Therefore Be It Resolved that a CAO Performance Review Committee be composed of the Mayor, Councillor Shoemaker and Councillor Myers with Deputy CAO / City Clerk – Corporate Services as staff resource; and

Further Be It Resolved that the Committee will seek and solicit input from the remainder of Council which input will inform both the performance review and goal setting.

Carried

**8.6 Notice of Motion – Board and Committee Appointments Process**

Moved by: Mayor C. Provenzano

Whereas the City of Sault Ste. Marie City Council makes appointments to more than 40 boards and committees; and

Whereas the majority of the appointments are volunteer positions; and

Whereas boards and committees are very important to our community and its development; and

Whereas it is very important that appointments are skill-based and that we ensure that the volunteers appointed to boards & committees have the right skills and abilities needed by the respective board or committee; and

Whereas the City of Sault Ste. Marie City Council wants to ensure that it is making the best appointments possible and using the best process available to it to make those appointments;

Now Therefore Be It Resolved that the City Clerk's Office be requested to report on or before the first meeting in November providing its best advice on how City Council should hereafter make its board & committee appointments.

**9. COMMITTEE OF THE WHOLE FOR THE PURPOSE OF SUCH MATTERS AS ARE REFERRED TO IT BY THE COUNCIL BY RESOLUTION**

**10. ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE**

**11. CONSIDERATION AND PASSING OF BY- LAWS**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that all By-laws under item 11 of the Agenda under date 2016 09 26 be approved, save and except 2016-149.

Carried

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

**11.1.1 By-law 2016-144 (Agreement) Union Local 67 and DSSMSSAB**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-144 being a by-law to authorize the execution of a Transition Agreement between the City, the Canadian Union of Public Employees, Local 67, and the District of Sault Ste. Marie Social Services Administration Board for the transition that would result in the District of Sault Ste. Marie Social Services Administration Board becoming the direct employer of certain employees as noted in the Agreement be passed in open Council this 26th day of September, 2016.

Carried

**11.1.2 By-law 2016-146 (Property) Sale to 1753495 Ontario Limited (Part 3 Yates Avenue)**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-146 being a by-law to authorize the sale of surplus property being part 110 Yates Avenue (legally described as PT S.W. 1/4 SECTION 34 BEING PART 3 ON 1R13242; Sault Ste. Marie, part PIN 31609-0368) to 1753495 Ontario Limited or as otherwise directed by them be passed in open Council this 26th day of September, 2016.

Carried

**11.1.3 By-law 2016-147 (Property) Sale to Premiere Landscaping (Part 2 Yates Avenue)**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-147 being a by-law to authorize the sale of surplus property being part 110 Yates Avenue (legally described as PT S.W. 1/4 SECTION 34 BEING PART 2 ON 1R13242; Sault Ste. Marie, part PIN 31609-0368) to Premiere Landscaping or as otherwise directed by them be passed in open Council this 26th day of September, 2016.

Carried

**11.1.4 By-law 2016-148 (Property) Sale to Nick Parniak (Part 1 Yates Avenue)**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-148 being a by-law to authorize the sale of surplus property being part 110 Yates Avenue (legally described as PT S.W. 1/4 SECTION 34 BEING PART 1 ON

1R13242; Sault Ste. Marie, part PIN 31609-0368) to Nick Parniak or as otherwise directed by him be passed in open Council this 26th day of September, 2016.

Carried

**11.1.6 By-law 2016-151 (Agreement) PUC Services Inc.**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-151 being a by-law to authorize the execution of a Service Agreement between the City and PUC Services Inc. for the operational and capital requirements for the LED street lights as well as the delegated authority to staff to administer be passed in open Council this 26th day of September, 2016.

Carried

**11.1.7 By-law 2016-152 (Agreement) 531 Trunk Road Municipal Capital Facility**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-152 being a by-law to designate 531 Trunk Road as a Municipal Capital Facility for the purpose of providing affordable housing be passed in open Council this 26th day of September, 2016.

Carried

**11.1.8 By-law 2016-153 (Streets) Name Change Portion Bruce Street**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-153 being a by-law to rename the southerly portion of Bruce Street (from Queen Street to Bay Street) Ron Francis Way be passed in open Council this 26th day of September, 2016.

Carried

**11.1.9 By-law 2016-154 (Zoning) 289 Bay Street (Algoma Central Properties Inc.)**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-154 being a by-law to amend Sault Ste. Marie Zoning By-law 2005-150 concerning lands located at 289 Bay Street (Algoma Central Properties Inc.) be passed in open Council this 26th day of September, 2016.

Carried

**11.1.10 By-law 2016-155 (Finance) Amend By-law 2016-3 User Fees**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-155 being a by-law to amend By-law 2016-3 (User Fees and Service Charges by-law) be passed in open Council this 26th day of September, 2016.

Carried

**11.1.11 By-law 2016-157 (Agreement) 844 Queen Street East Municipal Capital Facility**

Moved by: Councillor J. Hupponen

Seconded by: Councillor R. Niro

Resolved that By-law 2016-157 being a by-law to designate 844 Queen Street East as a Municipal Capital Facility for the purpose of providing affordable housing be passed in open Council this 26th day of September, 2016.

Carried

**11.1.5 By-law 2016-149 (Parking) Municipal Law Enforcement Officers**

Councillor L. Turco declared a conflict on this item. (Spouse is employed by Police Services.)

Moved by: Councillor M. Shoemaker

Seconded by: Councillor R. Niro

Resolved that By-law 2016-149 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 on the 26th day of September, 2016.

Carried

**11.2 By-laws before Council for FIRST and SECOND reading which do not require more than a simple majority**

**11.3 By-laws before Council for THIRD reading which do not require more than a simple majority**

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

**13. CLOSED SESSION**

Moved by: Councillor J. Hupponen

Seconded by: Councillor L. Turco

Resolved that this Council proceed into closed session to discuss:

- the acquisition of properties in the downtown area
- two legal matters (potential renegotiation of a contract, potential litigation)
- an issue under the *Companies' Creditors Arrangement Act*  
(a proposed or pending acquisition or disposition of land – section 239 (2)(c) *Municipal Act*; advice that is subject to solicitor/client privilege – section 239(2)(f) *Municipal Act*).

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

Carried

#### 14. **ADJOURNMENT**

Moved by: Councillor M. Shoemaker

Seconded by: Councillor R. Niro

Resolved that this Council shall now adjourn.

Carried

Christian Provenzano

Mayor

Malcolm White

City Clerk