



REGULAR MEETING OF CITY COUNCIL MINUTES

Monday, January 23, 2017

4:30 pm

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 J. Krmpotich, Councillor R. Romano

Officials: A. Horsman, R. Tyczinski, M. White, N. Kenny, L. Girardi, S. Schell, T. Vair, M. Figliola, F. Coccimiglio, R. Tyczinski, D. Elliott

1. ADOPTION OF MINUTES

Moved by: Councillor S. Butland

Seconded by: Councillor J. Krmpotich

Resolved that the Minutes of the Regular Council Meeting of 2017 01 09 and Budget Meeting of 2016 12 05 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 – Municipal Law Enforcement Officers

Spouse employed by Police Service

3.2 Councillor L. Turco – City By-Law Enforcement Officers

Spouse employed by Police Service

3.3 Councillor L. Turco – By-law 2017-28 (Parking) Municipal Law Enforcement Officers

Spouse employed by Police Service

3.4 Councillor L. Turco – By-law 2017-29 (Parking) By-law Enforcement Officers

Spouse employed by Police Service

3.5 Councillor M. Shoemaker – Retention of Restructuring Lawyer Fee Update

Law firm involved in CCAA proceedings

3.6 Councillor J. Krmpotich – Retention of Restructuring Lawyer Fee Update

Employed by Essar Steel Algoma Inc.; USWA

3.7 Councillor R. Niro – Mayor Provenzano to Assistant Deputy Fire Marshal

Family member employed by Fire Services

4. APPROVE AGENDA AS PRESENTED

Moved by: Councillor P. Christian

Seconded by: Councillor J. Krmpotich

Resolved that the Agenda and Addendum #1 for 2017 01 23 City Council Meeting as presented be approved.

Carried

5. PROCLAMATIONS/DELEGATIONS

5.1 Bon Soo 2017

A representative of the Bon Soo Board of Directors was in attendance.

5.2 Youth Homelessness Awareness Month

Mike Nadeau, Chief Administrative Officer, District of Sault Ste. Marie Social Services Administration Board and Anne Penney, Executive Director of Pauline's Place Non-Profit Homes Inc. were in attendance.

5.3 Black History Month

Jane Omollo, President, African Caribbean Canadian Association of Northern Ontario was in attendance.

5.4 Postpartum Depression Awareness Month

Lindsay Collins was in attendance.

5.5 Downtown Association – Strategic Planning Update

Bryan Hayes, Chair and Josh Ingram, General Manager were in attendance.

5.6 Convergent Energy

Dominic Parrella, President and CEO, PUC Inc. and Tremor Temchin, Director, Canadian Operations were in attendance.

5.7 Tire Processing Plant Status Update

Bob MacBean, CEO Environmental Waste International was in attendance.

Moved by: Councillor S. Butland

Seconded by: Councillor P. Christian

Resolved that Sault Ste. Marie City Council recognizes and supports the efforts of Environmental Waste International Inc. in its endeavours to expand its client base and that Mayor Provenzano be authorized to correspond with the Province in this regard.

Carried

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

Moved by: Councillor P. Christian

Seconded by: Councillor R. Romano

Resolved that all the items listed under date 2017 01 23 – Agenda item 6 – Consent Agenda be approved as recommended save and except Agenda item 6.4.

Carried

6.1 Correspondence

6.1.1 Mayor Provenzano to Assistant Deputy Fire Marshal

Councillor R. Niro declared a conflict on this item. (Family member employed by Fire Services)

6.1.2 AMO's 2017 Pre-Budget Submission

6.2 Street Closure – Push for Change

The letter of request for a temporary street closing in conjunction with Push for Change was received by Council.

The relevant By-law 2017-24 is listed under item 11 of the Minutes.

6.3 Council Travel

Moved by: Councillor P. Christian

Seconded by: Councillor R. Romano

Resolved that Councillor S. Hollingsworth be authorized to travel to Detroit, Michigan for 3 days in April to attend the Great Lakes Economic Forum at an estimated cost to the City of \$1,400.

Carried

Moved by: Councillor P. Christian

Seconded by: Councillor R. Romano

Resolved that Councillor L. Turco be authorized to travel to Toronto for 2 days in January to attend the AMO Board Meeting at an estimated cost to the City of \$300.

Carried

6.5 Tender for Bulk Coarse Highway Salt

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

Moved by: Councillor S. Butland

Seconded by: Councillor R. Romano

Resolved that the report of the Manager of Purchasing dated 2017 01 23 be received and that the tender submitted by K+S Windsor Salt for the supply and delivery of Bulk Coarse Highway Salt at their tendered price of \$98.94 plus HST per tonne for the first season, with adjusted pricing as shown for the following four seasons, be approved.

Carried

6.6 Advisory Services Engineering Agreement

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

The relevant By-law 2017-27 is listed under item 11 of the Minutes.

6.7 Black Road Widening Project

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

Moved by: Councillor P. Christian
Seconded by: Councillor J. Krmpotich

Resolved that the report of the Director of Engineering dated 2017 01 23 concerning the Black Road Widening Project be received as information.

Carried

6.8 Travel Request for Wawa Provincial Offences Court

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

Moved by: Councillor P. Christian
Seconded by: Councillor J. Krmpotich

Resolved that the report of the Solicitor/Prosecutor dated 2017 01 23 concerning Court Administration Enforcement Clerk/Court Reporter's travel to Wawa for Provincial Offences Court, including related travel expenses for 2017, such expenses estimated to be Seven Thousand Two Hundred (\$7,200.00) Dollars be approved.

Carried

6.9 Amendment of Ken Danby Art Loan Agreement

The report of the City Solicitor was received by Council.

The relevant By-law 2017-23 is listed under item 11 of the Minutes.

6.10 Approval of Standard Form Heritage Property Agreement

The report of the City Solicitor was received by Council.

The relevant By-law 2017-18 is listed under item 11 of the Minutes.

6.11 Municipal Law Enforcement Officers

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

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

The relevant By-law 2017-28 is listed under item 11 of the Minutes.

6.12 City By-Law Enforcement Officers

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

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

The relevant By-law 2017-29 is listed under item 11 of the Minutes.

6.4 Retention of Restructuring Lawyer Fee Update

Councillor M. Shoemaker declared a conflict on this item. (Law firm involved in CCAA proceedings)

Councillor J. Krmpotich declared a conflict on this item. (Employed by Essar Steel Algoma Inc.; USWA)

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

Moved by: Councillor S. Butland

Seconded by: Councillor S. Myers

Resolved that the report of the Chief Administrative Officer dated 2017 01 23 concerning the approval of an additional \$50,000 to the upset limit for the services of a restructuring lawyer to represent the City's interest in the CCAA protection proceedings of Essar Steel Algoma Inc. be approved and that the services be funded from the Contingency Reserve.

Carried

Postponement:

Moved by: Councillor R. Romano

Seconded by: Councillor M. Bruni

Whereas Council has been asked on January 23, 2017 to approve a further retainer payment to our legal counsel assisting us in the CCAA proceedings involving Essar Steel Algoma in the amount of \$75,000, in addition to the \$225,000 already paid; and

Whereas it is prudent of this Council to be cautious of unnecessary and fruitless spending that may offer no legitimate return on investment to the residents of the City of Sault Ste. Marie; and

Whereas any indication by the Corporation of the City of Sault Ste. Marie that we should be prepared to negotiate on the repayment of the taxes owed to us, for which we already hold priority status by virtue of statutory authority for said priority would be detrimental to the City being able to actively pursue the full amount of tax arrears presently owing to the City; and

Whereas this Council has never seen any accounts from our legal counsel that explains on a line-by-line basis, the costs that we have expended to date that appear, based on the January 23, 2017 request from staff to have reached \$225,000 of Sault Ste. Marie taxpayers' money; and

Whereas said accounts should be reviewed to ensure we as a Council make an informed decision as to what we can hope to receive for the further expenditure of an additional \$75,000 and how our last \$225,000 has been spent.

Now Therefore Be It Resolved that in the spirit of providing openness and transparency to the taxpayers of Sault Ste. Marie, which we serve, that this request for a further \$75,000 be postponed and that staff provide Council at our next meeting with:

1. a copy of the detailed itemized line-by-line accounts that have been provided to the Corporation of the City of Sault Ste. Marie from our legal counsel;
2. a copy of our retainer agreement(s); and
3. a copy of the correspondence and opinion letter from our legal counsel advising us as to the costs associated with any potential future steps or options moving forward and costs of same.

Defeated

7. REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

7.1 ADMINISTRATION

7.2 COMMUNITY SERVICES DEPARTMENT

7.3 ENGINEERING

7.4 FIRE

7.5 LEGAL

7.6 PLANNING

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 David Orazietti

Moved by: Councillor M. Shoemaker

Seconded by: Councillor S. Butland

Whereas David Orazietti recently stepped down from his position as MPP for Sault Ste. Marie and Minister of Correctional Services and Community Safety for the Province of Ontario; and

Whereas Minister Orazietti has served as MPP for Sault Ste. Marie since 2003, having also served in 3 cabinet portfolios; and

Whereas prior to becoming MPP, Minister Orazietti served two terms on City Council as councillor for Ward 1; and

Whereas Minister Orazietti has a long list of achievements that have helped Sault Ste. Marie, including a new Sault Area Hospital, an independent Algoma University, renewal of the Sault

College and Algoma U campuses, new schools built in Sault Ste Marie and innumerable other achievements;

Now Therefore Be It Resolved That the Council of the City of Sault Ste. Marie express to David Oraziotti their immense gratitude for his commitment and dedication to our community and Province.

Carried

8.2 Posting of Expenses to Website

Mayor Provenzano vacated the Chair. Councillor Krmpotich assumed the position of Acting Mayor.

Moved by: Councillor M. Shoemaker

Seconded by: Councillor S. Hollingsworth

Whereas the City website provides the opportunity to give additional information to the City residents in a quick and accessible way; and

Whereas many residents have an interest in how the City is spending its money; and

Whereas the City is committed to being open and transparent with taxpayers about the expenses it incurs;

Now Therefore Be It Resolved that staff review and report back to Council on the practicality of posting departmental budgets in an easily accessible place on the City website or in any other convenient format recommended by staff; as well as staff travel expenses and travel reports and all City credit card statements with all necessary security information redacted.

Carried

8.3 2018 Budget

Mayor Provenzano resumed the Chair.

Moved by: Councillor M. Shoemaker

Seconded by: Councillor F. Fata

Whereas on December 5, 2016 a City budget was passed containing a 4.34% levy increase for 2017; and

Whereas the community is facing economic anxiety due to instability in the local economy; and

Whereas Council expects preparations for the 2018 budget to commence immediately

Now Therefore Be It Resolved that the five City Departments, being: Public Works and Engineering, Emergency Services, City Legal Department, Corporate Services, and Community Development and Enterprise Services be directed to present to City Council 2018

preliminary budgets with a targeted decrease of no less than 1% versus their 2017 approved budgets.

Recorded	For	Against	Absent
Mayor C. Provenzano		X	
Councillor S. Butland		X	
Councillor P. Christian		X	
Councillor S. Myers		X	
Councillor S. Hollingsworth		X	
Councillor J. Hupponen		X	
Councillor L. Turco		X	
Councillor M. Shoemaker	X		
Councillor R. Niro		X	
Councillor M. Bruni	X		
Councillor F. Fata	X		
Councillor J. Krmpotich		X	
Councillor R. Romano		X	
Results	3	10	0
Defeated			

8.4 Third Line and Peoples Road Intersection

Moved by: Councillor M. Bruni

Seconded by: Councillor F. Fata

Whereas Third Line has had a very large increase in traffic, both commercial and residential; and

Whereas the intersection of Third Line and Peoples Road has become a very busy intersection with continual back up traffic and frustrated drivers; and

Whereas this intersection will probably continue to increase in traffic, from all directions, resulting in more frustrated drivers and more traffic accidents;

Now Therefore Be It Resolved that staff be requested to report to Council with a report on possible changes to the current status of this intersection, that may very well get worse if nothing is done (i.e. 4 way stop signs).

Carried

8.5 Free Parking for Shadows of the Mind Film Festival

Moved by: Councillor R. Niro

Seconded by: Councillor L. Turco

Whereas the Shadows of the Mind Film Festival runs from Monday, February 27 to Sunday, March 5, 2017; and

Whereas the Shadows of the Mind Film Festival “is a film festival that showcases films and other art forms for two purposes: to entertain and to educate. By attracting audiences through the entertainment value of film, the film festival uses select films and events to increase awareness and education on mental health and addiction issues as well as other prevalent social topics as decided each year”; and

Whereas the Shadows of The Mind Film Festival is a not-for-profit organization; and

Whereas the primary venue for the film festival is the Grand Theatre; and

Whereas on some days during the week, the film festival will have films and panel discussions from 9:00 a.m. to midnight; and

Whereas many patrons of the film festival attend in the morning and stay for the entire day, having lunch and dinner in the downtown area,

Now Therefore Be It Resolved that the 2 hour daily parking limit be waived at the Brock-Albert parking lot to permit full free parking from Monday, February 27, 2017 to Friday, March 3, 2017 during the week of the Shadows of the Mind Film Festival.

Carried

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 S. Butland

Seconded by: Councillor P. Christian

Resolved that all By-laws under item 11 of the Agenda under date 2017 01 23 be approved.

Carried

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

11.1.1 By-law 2017-18 (Heritage Designations) Standard Form For Heritage Property Agreements

Moved by: Councillor S. Butland

Seconded by: Councillor R. Romano

Resolved that By-law 2017-18 being a by-law to approve the standard form of a Heritage Property Agreement and authorize the executions of same be passed in open Council this 23rd day of January, 2017.

Carried

11.1.2 By-law 2017-19 (Street Assumption) Various

Moved by: Councillor P. Christian

Seconded by: Councillor J. Krmpotich

Resolved that By-law 2017-19 being a by-law to assume for public use and establish as public streets various parcels of land conveyed to the City be passed in open Council this 23rd day of January, 2017.

Carried

11.1.3 By-law 2017-21 (Taxes) Interim Tax Levies

Moved by: Councillor S. Butland

Seconded by: Councillor R. Romano

Resolved that By-law 2017-21 being a by-law to provide for Interim Tax Levies be passed in open Council this 23rd day of January, 2017.

Carried

11.1.4 By-law 2017-22 (Appointments - Local Boards) Municipal Freedom of Information and Protection of Privacy Act

Moved by: Councillor S. Butland

Seconded by: Councillor R. Romano

Resolved that By-law 2017-22 being a by-law to appoint members of Council to act as Head for the purposes of administering the *Municipal Freedom of Information and Protection of Privacy Act* be passed in open Council this 23rd day of January 23, 2017.

Carried

11.1.5 By-law 2017-23 (Agreement) Art Gallery of Hamilton

Moved by: Councillor S. Butland

Seconded by: Councillor R. Romano

Resolved that By-law 2017-23 being a by-law to authorize the execution of an amended Agreement between the City and the Art Gallery of Hamilton permitting the extension of the loan of Canadian artist Ken Danby's painting "Opening the Gates" be passed in open Council this 23rd day of January, 2017.

Carried

11.1.6 By-law 2017-24 (Temporary Street Closing) Gore Street Push For Change Event

Moved by: Councillor S. Butland

Seconded by: Councillor R. Romano

Resolved that By-law 2017-24 being a by-law to permit the temporary closing of Gore Street from Queen Street to Albert Street on February 1, 2017 to facilitate the Push for Change event be passed in open Council this 23rd day of January, 2017.

Carried

11.1.7 By-law 2017-25 (Zoning) 25 Findlay Drive (1890692 Ont. Ltd.)

Moved by: Councillor P. Christian

Seconded by: Councillor J. Krmpotich

Resolved that By-law 2017-25 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 25 Findlay Drive (1890692 Ont. Ltd.) be passed in open Council this 23rd day of January, 2017.

Carried

11.1.8 By-law 2017-26 (Development Control) 25 Findlay Drive (1890692 Ont. Ltd.)

Moved by: Councillor P. Christian

Seconded by: Councillor J. Krmpotich

Resolved that By-law 2017-26 being a by-law to designate the lands located at 25 Findlay Drive an area of site plan control (1890692 Ont. Ltd.) be passed in open Council this 23rd day of January, 2017.

Carried

11.1.9 By-law 2017-27 (Agreement) AECOM Canada Ltd.

Moved by: Councillor S. Butland

Seconded by: Councillor R. Romano

Resolved that By-law 2017-27 being a by-law to authorize the execution of an Agreement between the City and AECOM Canada Ltd. for consulting engineering services to address waste water conveyance, waste water treatment and waste water control system issues be passed in open Council this 23rd day of January, 2017.

Carried

11.1.10 By-law 2017-28 (Parking) Municipal Law Enforcement Officers

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

Moved by: Councillor S. Butland

Seconded by: Councillor R. Romano

Resolved that By-law 2017-28 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 23rd day of January, 2017.

Carried

11.1.1 By-law 2017-29 (Parking) By-law Enforcement Officers

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

Moved by: Councillor S. Butland

Seconded by: Councillor R. Romano

Resolved that By-law 2017-29 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 January, 2017.

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 S. Butland

Seconded by: Councillor J. Krmpotich

Resolved that this Council proceed into closed session to discuss the proposed acquisition of property in the west end of the City.

(a proposed or pending acquisition or disposition of land – section 239 (2)(c) 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 P. Christian

Seconded by: Councillor J. Krmpotich

Resolved that this Council now adjourn.

Carried

Christian Provenzano

Mayor

Rachel Tyczinski

Deputy City Clerk