



REGULAR MEETING OF CITY COUNCIL

MINUTES

Monday, June 11, 2018
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

Absent: Councillor O. Grandinetti

Officials: A. Horsman, R. Tyczinski, T. Vair, L. Girardi, N. Kenny, S. Schell, P. Milosevich, D. Elliott, B. Lamming, R. Madonna

1. Adoption of Minutes

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that the Minutes of the Regular Council Meeting of 2018 05 28 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 – Vehicle for Hire – New Rates

Spouse employed by Police Service

3.3 Councillor L. Turco – By-law 2018-118 (Parking) Amend By-law 90-305 Municipal By-law Enforcement Officers

Spouse employed by Police Service

3.4 Councillor M. Shoemaker – Status Update on the Disposition of 22 MacDonald Avenue

Purchaser is a client of law firm

3.5 Councillor M. Shoemaker – Fox Run Developments – Foxborough Trail – Sale of 1-Foot Reserve

One of the parties is a client of law firm

3.6 Councillor M. Shoemaker – By-law 2018-126 (Zoning) 87, 95, 107 Huron Street (1188004 Ontario Inc.)

Numbered company is a client of law firm

3.7 Councillor S. Hollingsworth – Fox Run Developments – Foxborough Trail – Sale of 1-Foot Reserve

Business relationship with company

3.8 Councillor M. Shoemaker – By-law 2018-125 (Property) Declare Surplus and Authorize Disposition of 1 Foot Reserve (Fox Run Subdivision)

One of the parties is a client of law firm

3.9 Councillor S. Hollingsworth – By-law 2018-125 (Property) Declare Surplus and Authorize Disposition of 1 Foot Reserve (Fox Run Subdivision)

Business relationship with company

4. Approve Agenda as Presented

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that the Agenda for 2018 06 11 City Council Meeting as presented be approved.

Carried

5. Proclamations/Delegations

5.1 World Elder Abuse Awareness Day

Evelyn Theriault, Seniors Rights Protection Council of Sault Ste. Marie and Area was in attendance.

5.2 World Refugee Day

Sean Halliday, Local Immigration Partnership was in attendance.

5.3 Canadian Multiculturalism Day

Sean Halliday, Local Immigration Partnership was in attendance.

5.4 PUC Rate Application

Jim Boniferro, Chair and Robert Brewer, President, Chief Executive Officer, PUC Services Inc. were in attendance.

5.5 Vehicle for Hire – New Rates

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

Ray Dawson was in attendance.

Michael Adams was in attendance.

6. Communications and Routine Reports of City Departments, Boards and Committees – Consent Agenda

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor S. Butland

Resolved that all the items listed under date 2018 06 11 – Agenda item 6 – Consent Agenda save and except Agenda items 6.11 and 6.17 be approved as recommended.

Carried

6.1 Korah Collegiate Relay for Life Event

The relevant By-law 2018-132 is listed under item 11 of the Minutes.

6.2 2017 Audited Financial Statements

The report of the Manager of Audits and Capital Planning was received by Council.

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that the report of the Manager of Audits and Capital Planning dated 2018 06 11 concerning 2017 Audited Financial Statements be received and that the audited Consolidated Financial Statements and Trust Fund Statements for 2017 be approved.

Carried

6.3 RFP – Engineering Services – Replacement of Transit Garage Roof

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

The relevant By-law 2018-124 is listed under item 11 of the Minutes.

6.4 RFP – Engineering Services – Repairs to Façade of Storage Building at Regional Emergency Services Complex

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

The relevant By-law 2018-123 is listed under item 11 of the Minutes.

6.5 Heritage Property Tax Rebate Program

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that the report of the Manager of Recreation and Culture dated 2018 06 11 concerning Heritage Property Tax Rebate Program be received and the recommendation of the Sault Ste. Marie Municipal Heritage Committee that 1164 Queen Street East be enrolled in the Heritage Property Tax Rebate Program be approved.

Carried

6.6 Municipal Parking Lot Lighting – LED Conversion

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that the report of the Manager of Transit and Parking dated 2018 06 11 concerning municipal parking lot lighting be received and that an additional \$43,320 be allocated from the Green Committee Reserve to cover costs associated with the implementation of the municipal parking lot lighting retrofit.

Carried

6.7 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 2018-118 is listed under item 11 of the Minutes.

6.8 Miscellaneous Paving – Contract 2018-9E

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

The relevant By-law 2018-120 is listed under item 11 of the Minutes.

6.9 Fort Creek Aqueduct – Revised Engineering Agreement

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that the report of the Design and Construction Engineer dated 2018 06 11 be received and that the engineering fee limit in Tulloch Engineering's agreement for reconstruction of the Fort Creek Aqueduct be increased to \$876,289 to include contract administration and construction inspection.

Carried

6.10 Upgrades to Class D Gravel Roads

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that the report of the Director of Engineering dated 2018 06 11 concerning upgrades to class D gravel roads be received and that the Legal Department be directed to investigate the acquisition of the remaining existing class D road private rights-of-way.

Carried

6.12 Landfill Operations and Monitoring 2017 – Environmental Monitoring Committee

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that the report of the Land Development and Environmental Engineer dated 2018 06 11 concerning the annual operations and monitoring reports for the municipal landfill be received as information.

Carried

6.13 Local Planning Appeal Tribunal – 248 Wallace Terrace and 292 Farwell Terrace (A-7-18-Z.OP)

The report of the City Solicitor was received by Council.

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that the report of the City Solicitor dated 2018 06 11 concerning Local Planning Appeal Tribunal – 248 Wallace Terrace and 292 Farwell Terrace be received as information.

Carried

6.14 Status Update on the Disposition of 22 MacDonald Avenue

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

The report of the Assistant City Solicitor/Senior Litigation Counsel was received by Council.

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

Resolved that staff be directed to waive the tipping fees related to the removal of soil from 22 MacDonald Avenue on the following basis:

1. That tipping fees be waived up a maximum of 3,000 tonnes of soil from 22 MacDonald Avenue, tested in accordance with City procedure and found to be useable by the City and conditional on (b), (c) and (d) herein;
 2. That the Purchaser confirm in writing on or before 6:00 p.m. on June 11, 2018 that all conditions in the Agreement have been satisfied;
 3. That the Purchaser further confirm in writing on or before 6:00 p.m. on June 11, 2018 that the Purchaser shall assume all environmental risk, costs and liability with respect to the subject property and complete the transaction on June 29, 2018; and
 4. That these conditions shall survive the closing of the transaction,
- and that the Legal Department be directed to complete any necessary documentation to facilitate same.

Carried

6.15 Fox Run Developments – Foxborough Trail – Sale of 1-Foot Reserve

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

Councillor S. Hollingsworth declared a conflict on this item. (Business relationship with company)

The report of the Assistant City Solicitor/Senior Litigation Counsel was received by Council.

The relevant By-law 2018-125 is listed under item 11 of the Minutes.

6.16 Lane Closing and Conveyance – Cornwall and York

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

The relevant By-law 2018-121 is listed under item 11 of the Minutes.

6.11 Request to Rename a Portion of Ontario Avenue

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

Lt. Col. Lance Knox, Commander, 49th Field Regiment was in attendance.

Moved by: Councillor S. Myers

Seconded by: Councillor S. Hollingsworth

Resolved that the report of the Director of Engineering dated 2018 06 11 be received and that the section of Ontario Avenue between Pine Street and Upton Road be renamed Garrison Way;

Further that the Legal Department be directed to prepare the necessary by-law to effect the same.

Carried

6.17 Vehicle for Hire – New Rates

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

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that the report of the Legal Department dated 2018 05 28 concerning rates and licencing considerations be received and that Council direct staff to amend its vehicle for hire by-law as suggested in the Police Chief's letter dated April 9, 2018.

Postponed

Postponement:

Moved by: Councillor M. Shoemaker

Seconded by: Councillor R. Niro

Resolved that this item be postponed pending the provision of more substantial information.

Carried

7. Reports of City Departments, Boards and Committees

7.1 Administration

7.2 Corporate Services

7.3 Community Development and Enterprise Services

7.4 Public Works and Engineering Services

7.5 Fire Services

7.6 Legal

7.7 Planning

7.8 Boards and Committees

7.8.1 AMO Nomination

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that Councillor L. Turco be nominated by the City of Sault Ste. Marie to the Association of Municipalities of Ontario (AMO) Board of Directors – Large Urban Caucus for a two-year term (2018-2020).

Carried

7.8.2 EDC Board Member Nominations

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that the following persons be nominated to the Sault Ste. Marie Economic Development Corporation Board of Directors: Terry Rainone, Pramod Shukla, Bill Freiburger and the Deputy CAO Community Development and Enterprise Services, with Mayor C. Provenzano and Councillor S. Hollingsworth as non-voting members.

Carried

7.8.3 Community Theatre Centre Appointments

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that Norman Fera and Bruce Butler be appointed to the Sault Ste. Marie Community Theatre Centre Board of Directors for a two-year period effective June 19, 2018.

Carried

8. Unfinished Business, Notice of Motions and Resolutions Placed on Agenda by Members of Council

8.1 Former Hospital Site

Moved by: Councillor S. Myers

Seconded by: Councillor S. Hollingsworth

Whereas the maintenance and security of the former hospital properties has been sorely neglected; and

Whereas it appears very unlikely this prime waterfront area will be further developed in the foreseeable future; and

Whereas the former hospital buildings are crumbling and action needs to be taken for the elimination of personal risk, and to address the aesthetics of this property; and

Whereas this area is part of the community's prime waterfront and is situated along a main east-west corridor creating an eyesore which impacts the reputation of the City to visitors and is discouraging to local residents; and

Whereas a number of serious concerns have been cited by the residents of Riverwalk Condominiums who are literally living in the midst of this abandoned property site, including the following:

- Unrestricted vehicular access; cars and trucks regularly using the area for high speed, dangerous driving and illegal drug activity is observed daily
- People are frequently seen on the roof of the former General Hospital and risk of serious injury is a concern to those living adjacent
- Health concerns are great due to an extensive rat infestation and evidence of a haven for roosting and breeding for pigeons in both the former renal site and General Hospital building; and

Whereas the demand on policing is substantial and associated costs are high due to the inordinate number of complaints received from concerned citizens over the past two years regarding these properties because the site is an unsecured magnet for intruders; and

Whereas the state of this property does directly affect the residents of the Riverwalk Condominium and those in the surrounding neighbourhood; and

Whereas the entire City suffers as this prime waterfront area appears so poorly and could discourage investment in our community by a seeming lack of commitment to maintain high property standards;

Therefore Be It Resolved that appropriate staff be requested to investigate and report back to City Council by the first meeting in September on all options to exercise the full authority available to the municipality to address this serious issue; and

Further Be It Resolved that staff recommend a specific course of action that can be taken to resolve this matter.

Carried

8.2 Road Resurfacing

Moved by: Councillor M. Shoemaker

Seconded by: Councillor S. Butland

Whereas every year the City of Sault Ste. Marie reconstructs or resurfaces many municipal roads; and

Whereas every year new cracks, potholes and damage appear in the municipal roads; and

Whereas the potholes are caused, in part, by water entering into small cracks left in the asphalt when it is initially laid, then freezing, and expanding, which, over time, creates large potholes; and

Whereas the City of Sault Ste. Marie, like many cities and provinces in Canada, has a significant infrastructure deficit when it comes to road reconstruction and resurfacing; and

Whereas research has shown that reducing the number of cracks in freshly laid asphalt lengthens the life of said asphalt; and

Whereas new technology is being studied by the Ministry of Transportation to increase the lifespan of newly laid asphalt; and

Whereas the Ministry of Transportation is also considering water permeability standards for newly laid asphalt to ensure water is not entering cracks, and thereafter creating potholes;

Now Therefore Be It Resolved that staff be requested to investigate the new technology being studied by the Ministry of Transportation and offer their support to the development of reasonable water permeability standards in new asphalt as a way to improve the roads for Sault Ste. Marie motorists.

Carried

8.3 Dogs at Large

Moved by: Councillor J. Hupponen

Seconded by: Councillor M. Shoemaker

Whereas the new animal care and control by-law 2018-19 under section 6.1 "Running at Large" states that "no owner shall cause or permit a dog or cat to be at large in the City of Sault Ste. Marie. For the purpose of this by-law the dog or cat shall be deemed to be running at large if it is found in any place other than on the premises of its owner, not on a leash held by any person, not under control of any person"; and

Whereas there have been numerous complaints in the past and recently about dogs running at large on the Hub Trail, Bellevue Park and Hiawatha Park to name a few; and

Whereas in the past, any complaints regarding dogs running at larger were not addressed effectively due to lack of enforcement capabilities by our by-law enforcement officer or the local Humane Society;

Now Therefore Be It Resolved that City staff and Humane Society staff be requested to report with options to effectively enforce the running at large provisions of the animal care and control by-law.

Carried

8.4 Animal-Free Circuses

Moved by: Councillor J. Hupponen

Seconded by: Councillor M. Shoemaker

Whereas By-law 2018-19, a new and enhanced animal care and control by-law was passed on May 28, 2018 to ban domestic animals such as dogs and horses in animal exhibitions in the City of Sault Ste. Marie; and

Whereas the "Super Spectacular Circus" uses dogs and horses in their performances and therefore will be banned from including Sault Ste. Marie in their traveling circuit unless they can offer an animal-free circus event; and

Whereas circuses have been coming to our city for many years as a form of family entertainment; and

Whereas it would be disappointing to many residents if the event were not replaced; and

Whereas animal-free circuses can offer an extravaganza with an array of acrobats, clowns, dancers, magicians and jugglers; and

Whereas animal-free circuses are growing in popularity throughout the country

Now Therefore Be It Resolved that staff be requested to investigate animal-free entertainment options available within one calendar year.

Carried

8.5 Retail Cannabis Sites

Moved by: Councillor S. Myers

Seconded by: Councillor S. Hollingsworth

Whereas Sault Ste. Marie has been told it will be one of the first 14 designations across Ontario to have a retail cannabis site and

Whereas a yet-to-be named location is scheduled to open this year; and

Whereas the province intends to open about 40 stand-alone marijuana retail stores; and

Whereas the City was required to provide the province with an inventory of potential properties zoned to accommodate the commercial outlet based on criteria provided by the province; and

Whereas the Ontario government, which will ultimately determine where a cannabis retail store will be located, has said that it will follow guidelines designed to protect youth by ensuring stores are not in close proximity to schools and preventing illegal storefronts; and

Whereas in recent months Sault Ste. Marie City Council has been informed more than once that our community has a higher than provincial average drug problem and that our youth are already at risk; and

Whereas City Council has also been informed that the non-medical use of marijuana is a proven pathway to increased chemical dependency use;

Now Therefore Be It Resolved that City Council goes on record opposing the opening of a retail cannabis outlet in our community.

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 O. Grandinetti			X
Results	1	11	1

Defeated

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. Krmpotich

Seconded by: Councillor S. Butland

Resolved that all By-laws under item 11 of the Agenda under date 2018 06 11 save and except By-laws 2018-125, 2018-126 and 2018-118 be approved.

Carried

- 11.1 **By-laws before Council to be passed which do not require more than a simple majority**
- 11.1.2 **By-law 2018-120 (Agreement) Miscellaneous Paving Contract 2018-9E**

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that By-law 2018-120 being a by-law to authorize the execution of the Contract between the City and Ellwood Robinson Inc. for the 2018 road resurfacing program which includes resurfacing People's Road from Third Line to Fourth Line, Shore Drive from Pine Street to east limit, and Rosita Street from Ransome Drive to Ellis Road, as well as surface treatment of Brookfield Avenue from Second Line to the south limit and Laurier Avenue from Second Line to the south limit be passed in open Council this 11th day of June, 2018.

Carried

11.1.3 By-law 2018-122 (Property) Sale of 84 Ruth Street

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that By-law 2018-122 being a by-law to authorize the sale of surplus property being civic 84 Ruth Street, legally described in PIN 31581-0146 (LT) to 1927522 Ontario Inc. o/a TTG Group and to repeal By-law 2018-109 be passed in open Council this 11th day of June, 2018.

Carried

11.1.4 By-law 2018-123 (Agreement) Façade Repairs at RESC Centre

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that By-law 2018-123 being a by-law to authorize the execution of the Agreement between the City and Elliott Engineering Inc. to provide engineering services for repairs to the façade at the RESC Centre be passed in open Council this 11th day of June, 2018.

Carried

11.1.5 By-law 2018-124 (Agreement) Transit Garage Roof Replacement

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that By-law 2018-124 being a by-law to authorize the execution of the Agreement between the City and Stem Engineering Group Incorporated to provide Engineering Services for replacement of the roof at the Transit Garage, 111 Huron Street be passed in open Council this 11th day of June, 2018.

Carried

11.1.8 By-law 2018-131 (Appointments) Humane Society By-Law Enforcement Officers

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that By-law 2018-131 being a by-law to appoint Municipal By-Law Enforcement Officers and Provincial Offences Officers to enforce City animal control by-laws be passed in open Council this 11th day of June, 2018.

Carried

11.1.9 By-law 2018-132 (Noise Exemption) Relay for Life

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that By-law 2018-132 being a by-law to amend Noise Control By-law 80-200 dealing with the exemption from the Noise Control By-law to accommodate a fundraising event held by the Korah Relay for Life team from 7:00 p.m. on June 14, 2018 to 7:00 a.m. on June 15, 2018 be passed in open Council this 11th day of June, 2018.

Carried

11.1.1 By-law 2018-118 (Parking) Amend By-law 90-305 Municipal By-law Enforcement Officers

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

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that By-law 2018-118 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 11th day of June, 2018.

Carried

11.1.6 By-law 2018-125 (Property) Declare Surplus and Authorize Disposition of 1 Foot Reserve (Fox Run Subdivision)

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

Councillor S. Hollingsworth declared a conflict on this item. (Business relationship with company)

Moved by: Councillor J. Krmpotich
Seconded by: Councillor S. Butland

Resolved that By-law 2018-125 being a by-law to declare the City owned property legally described as PT PIN 31511-0310 (LT) PT RESERVE BLOCK 31, PLAN 1M589, BEING PT 2 1R13362; CITY OF SAULT STE. MARIE being a 1' reserve in the Fox Run Subdivision as

surplus to the City's needs and to authorize the disposition of the said property to Sal-Dan Developments Limited or as otherwise directed be passed in open Council this 11th day of June, 2018.

Carried

11.1.7 By-law 2018-126 (Zoning) 87, 95, 107 Huron Street (1188004 Ontario Inc.)

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

Moved by: Councillor J. Krmpotich

Seconded by: Councillor S. Butland

Resolved that By-law 2018-126 being a by-law to remove the Holding (H) Provision from Zoning By-laws 2005-150 and 2005-151 for part of the lands known municipally as 87, 95, 107 Huron Street (1188004 Ontario Inc.).

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. Krmpotich

Seconded by: Councillor S. Butland

Resolved that this Council proceed into closed session to receive a legal opinion concerning Construction Employer - Cost Benefit Report; and

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 without the need for a further authorizing resolution.

(Municipal Act R.S.O. 2002 – section 239 (2) (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose)

Carried

14. Adjournment

Moved by: Councillor J. Krmpotich

Seconded by: Councillor P. Christian

Resolved that this Council now adjourn.

Carried

“Christian Provenzano”

Mayor

“Rachel Tyczinski”

Deputy City Clerk