



REGULAR MEETING OF CITY COUNCIL MINUTES

Tuesday, February 20, 2018

4:30 pm

Council Chambers

Civic Centre

Present: Mayor C. Provenzano, Councillor S. Butland, Councillor P. Christian, Councillor S. Myers, Councillor J. Hupponen, Councillor M. Shoemaker, Councillor R. Niro, Councillor M. Bruni, Councillor F. Fata, Councillor J. Krmpotich, Councillor O. Grandinetti

Absent: Councillor S. Hollingsworth, Councillor L. Turco

Officials: A. Horsman, M. White, L. Girardi, T. Vair, N. Kenny, S. Schell, P. Johnson, D. McConnell, S. Hamilton Beach, D. Elliott, V. McLeod, M. Blanchard, T. Vecchio, F. Coccimiglio

1. Adoption of Minutes

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that the Minutes of the Regular Council Meeting of 2018 02 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 M. Shoemaker – EDC and SSMIC MOU Update

EDC is a client of law firm.

eSCRIBE Minutes

3.2 Councillor M. Shoemaker – By-law 2018-33 (Agreement) The Sault Ste. Marie Economic Development Corporation Funding

EDC is a client of law firm.

3.3 Mayor C. Provenzano – Animal Care and Control By-law

One of the parties is a former client.

3.4 Mayor C. Provenzano – By-law 2018-19 (Regulations) Animal Care and Control

One of the parties is a former client.

3.5 Councillor M. Shoemaker – AG169- Fox Run Developments – Foxborough Trail

One of the parties is a client of law firm.

4. Approve Agenda as Presented

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that the Agenda for 2018 02 20 City Council Meeting as presented be approved.

Carried

5. Proclamations/Delegations

5.1 Heritage Week

Gord Smedley, recipient, 2017 Heritage Award was in attendance.

5.2 Estonian Independence Day

Ago Lehela, Chair, Estonian Association of Sault Ste. Marie was in attendance.

5.3 Easter Seals Month

Angie DiGasparro and Isobel Farstadt, Easter Seals Ambassador, were in attendance.

5.4 Sault Area Hospital

Ron Gagnon, President and CEO was in attendance.

5.5 Animal Control By-law

Julie Woodyer, Campaigns Director, Zoocheck; Paul Raymond Goulet, CEO, President and Chief Explainer, Little Ray's Reptile Zoo; Jonathan Poitras, Counsel for Spruce Haven Nature Park; Ken Marshall, Spruce Haven Nature Park and Howard Smith, Aspen Valley Wildlife Sanctuary were in attendance.

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

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that all the items listed under date 2018 02 20 – Agenda item 6 – Consent Agenda and Addendum be approved as recommended, save and except Agenda items 6.4 and 6.10.

Carried

6.1 Tender for Microsoft Enterprise Licensing Agreement

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

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that the report of the Manager of Purchasing dated 2018 02 20 be received and that the tender submitted by Compugen Inc. for three years of Microsoft Enterprise Licensing to be invoiced yearly in the amount of \$166,081.95 plus HST, subject to adjustment for the number of licenses required, for a total tendered amount of \$498,245.85 plus HST, be approved.

Carried

6.2 Property Tax Appeals

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

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that the report of the Manager of Accounting & City Tax Collector dated 2018 02 20 concerning Property Tax Appeals be received and the recommendation that the tax records be amended pursuant to Section 357 of the *Municipal Act* be approved.

Carried

6.3 2018 Community Heritage Ontario Conference

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

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that the report of the Deputy City Clerk dated 2018 02 20 concerning 2018 Community Heritage Ontario Conference be received and that the recommendation of the Conference and Major Special Events Committee to provide funding of \$5,000 be approved.

Carried

6.5 Ontario Municipal Commuter Cycling Program Funding

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

The relevant By-law 2018-36 is listed under item 11 of the Minutes.

6.6 Request to Rename Foster Drive

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

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that the report of the Director of Engineering dated 2018 02 20 be received and that the recommendation not to rename Foster Drive be approved.

Carried

6.7 Environmental Assessment Reform

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

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Whereas a coalition of the Municipal Engineers Association (MEA) and the Residential and Civil Construction Alliance of Ontario (RCCAO) have successfully applied to have a review of the Municipal Class Environmental Assessment process conducted under Part IV (Section 61) of the *Environmental Bill of Rights Act, 1993* (EBR Act); and

Whereas impact studies and public meetings required by the MCEA process often take two years or more to complete before construction can commence; and

Whereas the MCEA requirements to evaluate alternatives are often not well aligned with prior or municipal land use planning decisions; and

Whereas analysis by the Residential and Civil Construction Alliance of Ontario (RCCAO) has demonstrated that the time to complete an EA rose from 19 months to 26.7 months and costs went from an average of \$113,300 to \$386,500; and

Whereas the Auditor General of Ontario has tabled recommendations for modernizing the MCEA process; and

Whereas in spite of written commitments made by the Ministry of the Environment between 2013-2015, no action has been taken; and

Whereas local projects that do not have the necessary approvals could lose out on the next intake of Build Canada funding;

Resolved that The Corporation of the City of Sault Ste. Marie requests that the Minister of the Environment and Climate Change take immediate steps to expedite the response process for Part II Orders or Bump-Up requests, as part of the s.61 review to improve MCEA process times and reduce study costs; and

Further that the Minister of the Environment and Climate Change support changes to better integrate and harmonize the MCEA process with processes defined under the *Planning Act*, and

Further that the Minister of the Environment and Climate Change amend the scope of MCEA reports and studies to reduce duplication with existing public processes and decisions made under municipal Official Plans and provincial legislation.

Carried

6.8 Northern Avenue

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

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that the report of the Director of Engineering dated 2018 02 20 be received and that the recommendation to raise the engineering fee limit for the Northern Avenue EA by \$45,000 to \$135,000, with funds to come from a \$45,000 reduction to the 2018 miscellaneous construction resurfacing budget be approved.

Carried

6.9 Waste-Free Ontario Act Update

The report of the Area Coordinator – Environmental Services was received by Council.

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that the report of the Area Coordinator – Environmental Services dated 2018 02 20 concerning the Waste-Free Ontario Act Update be received as information.

Carried

6.11 Holiday Season – Curbside Bag Limits

The report of the Manager – Waste Management was received by Council.

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that the report of the Manager – Waste Management dated 2018 02 20 concerning the holiday season curbside bag limit be received and that the recommendation of doubling the maximum curbside set out limit as determined in By-Law 2004-68 or successor By-Laws for all future holiday seasons be approved.

Carried

6.12 Removal of Driveway Windrows

The report of the Deputy CAO, Public Works and Engineering Services was received by Council.

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that the report of the Deputy CAO, Public Works and Engineering Services dated 2018 02 20 concerning the removal of driveway windrows be received and that recommendation to continue with the existing practice of driveway clearing as determined by Public Works supervisory staff though consideration of the guideline described in the report be approved.

Carried

6.13 Sale of 22 MacDonald Avenue

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

The relevant By-law 2018-32 is listed under item 11 of the Minutes.

6.14 Sault Ste. Marie Model Aircraft Radio Control Club – Licence to Occupy City Property Agreement

A report of the City Solicitor is attached for the consideration of Council.

The relevant By-law 2018-31 is listed under item 11 of the Minutes.

6.15 Superior Seven Advertising Limited – Insurance Provision

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

The relevant By-law 2018-34 is listed under item 11 of the Minutes.

6.16 AG169- Fox Run Developments – Foxborough Trail

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

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

The relevant By-law 2018-40 is listed under item 11 of the Minutes.

6.4 EDC and SSMIC MOU Update

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

The report of the Deputy CAO, Community Development and Enterprise Services was received by Council.

The relevant By-laws 2018-33 and 2018-37 are listed under item 11 of the Minutes.

6.10 Curbside Waste

The report of the Director of Public Works was received by Council.

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that the report of the Director of Public Works dated 2018 02 20 be received and that Council direct staff to report to Council at a later date to seek approval of the framework for the upcoming Request for Proposal dealing with the provision of waste collection service for the City based on a split (hybrid) approach (Contractor and City areas balanced).

Officially Read and Not Dealt With

Moved by: Councillor M. Shoemaker

Seconded by: Councillor O. Grandinetti

Resolved that the report of the Director of Public Works dated 2018 02 20 be received and that Council direct staff to report to Council at a later date to seek approval of the framework for the upcoming Request for Proposal dealing with the provision of waste collection service for the City based on both a split (hybrid) approach (Contractor and City areas balanced) and the alternate Contractor only approach.

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

7.6.1 Animal Care and Control By-law

Mayor C. Provenzano declared a conflict on this item. (One of the parties is a former client.)

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

Moved by: Councillor S. Butland

Seconded by: Councillor S. Myers

Whereas City Council has been presented with a report and recommendation around consolidation and revision of the City's animal-related by-laws; and

Whereas without a statement of exemption or grandfathering being included in the proposed new bylaw, the current operation of Spruce Haven Nature Park would be in contravention of the by-law; and

Whereas the owners of Spruce Haven Nature Park have committed to winding down their operation and not accepting any new animals and do request that City Council allow the natural demise of the aging animals currently at the park; and

Whereas for over 30 years the owners of Spruce Haven Nature Park have accepted and cared for sick and injured animals brought to them by residents of Sault Ste. Marie as refuge when no other options existed and conducted hundreds of educational outings for area schools,

Therefore be it resolved that City Council direct the Solicitor to include in the proposed new by-law wording such that would exempt or grandfather Spruce Haven Nature Park from complying with any sections of the proposed new by-law that would otherwise cause the operation to be in a state of non-compliance; and

Further be it resolved that consideration be given to forming a written agreement between the City and Spruce Haven stating there will be no further expansion of the current business of Spruce Haven relative to the new animal care and control by-law.

Recorded	For	Against	Absent
Mayor C. Provenzano (conflict)			
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	6	4	2	
Carried				

7.7 Planning

7.7.1 A-1-18-Z.OP – Ben Pino Investments Inc. – 435, 439, 459 Great Northern Road and 41 Industrial Park Crescent

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

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that the Report of the Director of Planning and Enterprise Services, dated 2018 02 20 concerning Rezoning Application A-1-18-Z.OP be received and that Council approve the application and direct the Legal Department to prepare the necessary by-laws subject to the following conditions:

1. Approval of Official Plan Amendment No. 220 to re-designate a portion of the site (41 Industrial Park Crescent) from “Industrial” to “Commercial”
2. Rezone the subject property from “Highway Zone” (HZ) and “Medium Industrial” (M2) to “Shopping Centre Commercial Zone” (C5).
3. Reduce the required building setback from the westerly lot line from 15 m to 7.62 m.
4. Reduce the minimum parking requirement from 4.5 spaces per 100 m² to 4.25 spaces per 100 m².
5. Designate the property subject to site plan control pursuant to Section 41 of the Planning Act.

Carried

7.8 Boards and Committees

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

8.1 Level III Residential Withdrawal Management Services

Moved by: Councillor S. Butland

Seconded by: Councillor M. Bruni

Whereas Sault Area Hospital (SAH) has been operating a Level 1 Withdrawal Management Program and a 16 bed facility for over 40 years; and

Whereas this program and facility does not have the capacity to support the growing need for withdrawal management services in SAH catchment area; and

Whereas withdrawal management has been identified as a critical issue for our region and reviews by both the SAH and the North East LHIN have identified critical gaps in service; and

Whereas crisis visits to SAH related to substance related disorders have gone up dramatically every year since 2014; and

Whereas SAH has developed a business case for a Level III Residential Withdrawal Management Services including co-location of community and hospital mental health and addiction services with both day and evening programming and has made Application to the NELHIN for the necessary permission and funding to build the necessary facilities and operate the program;

Now Therefore Be It Resolved that City Council endorse a Level III Residential Withdrawal Management Services program and facility in the City of Sault Ste. Marie and call on the NELHIN and the MOHTLC to approve same without delay and further that the Mayor and staff support and assist SAH's application however it is determined helpful and requested by SAH.

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 11 0 2

Carried

8.2 Long Term Beds

Moved by: Councillor S. Butland

Seconded by: Councillor S. Myers

Whereas there are long waiting lists for both Long Term Care beds and Supportive Housing beds in Sault Ste. Marie as demand far outweighs supply; and

Whereas the Province has announced its intention to fund 5,000 new long term care beds over the next 4 years and 30,000 new long term care beds over the next 10 years; and

Whereas Sault Ste. Marie has the least number of long term care beds per resident over the age of 75 of all large communities in the North East LHIN; and

Whereas the current percentage of the population in Sault Ste. Marie over the age of 75 is 10% versus a provincial average of 7% and the number of people over the age of 75 in Sault Ste. Marie is expected to grow by 29% by 2025; and

Whereas while the number of beds is not increasing, the demand for beds is consistently growing: the community is currently 450 beds short and will be over 600 beds short by 2021; and

Whereas Sault area Hospital (SAH) is working with various parties to develop options to address this shortage; and

Whereas it is important that Sault Ste. Marie has the necessary infrastructure and facilities to support its seniors and provide the best possible care for them;

Now Therefore Be It Resolved that City Council support SAH's efforts and assist SAH in developing the various options and project(s) to address this challenge, as and when requested by SAH, and lobbying the NELHIN and MOHLTC for the appropriate funding to establish and build additional long - term care facilities in Sault Ste. Marie.

Carried

8.3 RFP of Group Benefits Brokerage and Underwriting

Moved by: Councillor M. Shoemaker

Seconded by: Councillor O. Grandinetti

Whereas in 2017 Sault Ste. Marie put out a request for proposals for their liability insurance brokerage, underwriting and adjusting; and

Whereas the 2017 insurance RFP was the first time in a number of years that our insurance brokerage, underwriting and adjusting services had all been tested in the market; and

Whereas as a result of the 2017 insurance RFP, the City of Sault Ste. Marie is saving more than \$300,000 annually in insurance costs for the term of contract; and

Whereas it has been a number of years since Sault Ste. Marie put out a request for proposals on the brokerage and underwriting of their group benefits; and

Whereas putting out a request for proposals on the brokerage and underwriting of their group benefits is the best way to ensure value for the taxpayers;

Now Therefore Be It Resolved that staff prepare a request for proposals for the brokerage and underwriting of the City's group benefits (both health and dental, as well as accident and disability insurance) in order to obtain the best value on these services for our residents.

Carried

8.4 Payday Lending By-law

Moved by: Councillor M. Shoemaker

Seconded by: Councillor S. Butland

Whereas the Province of Ontario has given municipalities the power to regulate the pay-day lending industry; and

Whereas Sault Ste. Marie has not yet approved any regulation for the pay-day lending industry; and

Whereas municipalities such as Hamilton, Ontario, are leading the way in pay-day lending regulation;

Now Therefore Be It Resolved that the City of Sault Ste. Marie Legal Department propose a by-law to the Council for the City of Sault Ste. Marie that, among other things, requires pay-day lending institutions to:

- Advertise in a prominent manner the cost of borrowing; and
- Provide to the borrower credit counselling brochures approved by the City of Sault Ste. Marie.

Carried

8.5 Electronic Invoicing

Moved by: Councillor O. Grandinetti

Seconded by: Councillor M. Shoemaker

Whereas most business transactions are now being completed electronically; and

Whereas there is significant cost savings in sending out tax bills, invoices electronically;

Now Therefore Be It Resolved that staff report back to Council as soon as possible on which area/department we could see the most cost savings by doing business electronically (email).

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. Myers

Seconded by: Councillor F. Fata

Resolved that all by-laws under item 11 of the Agenda under date 2018 02 20 be approved, save and except 2018-19, 2018-33 and 2018-37.

Carried

11.1 By-laws before Council to be passed which do not require more than a simple majority

11.1.2 By-law 2018-31 (Agreement) Sault Ste. Marie Model Aircraft Radio Control Club

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that By-law 2018-31 being a by-law to authorize the execution of the Agreement between the City and the Sault Ste. Marie Model Aircraft Radio Control Club for the use of a portion of Leigh's Bay Road for a model aircraft radio controlled flying site, be passed in open Council this 20th day of February, 2018.

Carried

11.1.3 By-law 2018-32 (Property) Sale of 22 MacDonald Avenue

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that By-law 2018-32 being a by-law to authorize the sale of surplus property being civic 22 MacDonald Avenue, legally described in PIN 31547-0002 (LT) to 2605046 Ontario Inc, In Trust (Joe Ruscio) be passed in open Council this 20th day of February, 2018.

Carried

11.1.5 By-law 2018-34 (Agreement) Superior Seven Advertising Limited

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that By-law 2018-34 being a by-law to authorize the execution of the Amending Agreement between the City and Superior Seven Advertising Limited to incorporate an insurance provision into the existing Licence to Occupy Agreement be passed in open Council this 20th day of February, 2018.

Carried

11.1.6 By-law 2018-36 (Agreement) Ontario Municipal Commuter Cycling Program Funding

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that By-law 2018-36 being a by-law to authorize the execution of the Agreement between the City and Her Majesty the Queen in Right of the Province of Ontario as Represented by the Minister of Transportation for the Province of Ontario for the Ontario Municipal Commuter Cycling Program be passed in open Council this 20th day of February, 2018.

Carried

11.1.8 By-law 2018-38 (Agreement) Insurance Company AON

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that By-law 2018-38 being a by-law for general insurance services for February 28, 2018 to February 28, 2021 be passed in open Council this 20th day of February, 2018.

Carried

11.1.9 By-law 2018-40 (Property) Part Lot Control Exemption

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that By-law 2018-40 being a by-law to designate part of Block 30, Plan IM-589, being Part 1 1R-13362 (Part Pin 31511-0315) in the Fox Run Subdivision - Phase 1, Sault Ste. Marie as an area not subject to part lot control be passed in open Council this 20th day of February, 2018

Carried

11.1.1 By-law 2018-19 (Regulations) Animal Care and Control

Mayor C. Provenzano declared a conflict on this item. (One of the parties is a former client.)

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that By-law 2018-19 being a by-law for responsible animal care and control for The Corporation of the City of Sault Ste. Marie be passed in open Council this 20th day of February, 2018

Officially Read and Not Dealt With

11.1.4 By-law 2018-33 (Agreement) The Sault Ste. Marie Economic Development Corporation Funding

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

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that By-law 2018-33 being a by-law to authorize the execution of the Agreement between the City and The Sault Ste. Marie Economic Development Corporation for funding be passed in open Council this 20th day of February, 2018.

Carried

11.1.7 By-law 2018-37 (Agreement) The Sault Ste. Marie Innovation Centre Funding

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that By-law 2018-37 being a by-law to authorize the execution of the Agreement between the City and The Sault Ste. Marie Innovation Centre for funding be passed in open Council this 20th day of February, 2018.

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

14. Adjournment

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that this Council now adjourn.

Carried

“Christian Provenzano”

Mayor

“Malcolm White”

City Clerk