



REGULAR MEETING OF CITY COUNCIL MINUTES

Monday, February 5, 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, Councillor O. Grandinetti

Officials: A. Horsman, M. White, T. Vair, L. Girardi, P. Johnson, N. Kenny, S. Schell, D. McConnell, D. Elliott, 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 01 22 be approved, as amended.

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 Services.

3.2 Councillor L. Turco - By-law 2018-22 (Parking) Municipal Law Enforcement Officers

Spouse employed by Police Services.

3.3 Councillor J. Krmpotich - Update – Retention of Restructuring Lawyer Fee

Employed by Essar Steel Algoma.

3.4 Councillor O. Grandinetti - Update – Retention of Restructuring Lawyer Fee

Employed by Essar Steel Algoma.

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

Law firm represents a client involved in the CCAA proceeding.

3.6 Mayor C. Provenzano - Correspondence – Spruce Haven Nature Park

One of the parties is a former client.

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

One of the parties is a former client

4. Approve Agenda as Presented

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that the Agenda and Addendum for 2018 02 05 City Council Meeting as presented be approved.

Carried

5. Proclamations/Delegations

5.1 Black History Month

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

5.2 Shape the Sault (New Official Plan)

Don McConnell, Director of Planning, Jonathan Kircal, Junior Planner and Patrick Lo, Planning Intern were in attendance regarding Agenda item 6.10.

5.3 Animal Care and Control By-law

Dr. Andrew Lentini was in attendance.

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

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor M. Bruni

Resolved that all the items listed under date 2018 02 05 – Agenda item 6 – Consent Agenda and Addendum be approved as recommended.

Carried

6.1 Council Travel

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that Mayor C. Provenzano be authorized to travel to Toronto for three days in March 2018 to attend the Prospectors and Developers Association of Canada conference at an estimated cost to the City of \$1,200.

Carried

6.1.1 Additional Request

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that Mayor C. Provenzano be authorized to travel to Toronto for three days in February 2018 regarding the NORONT bid at an estimated cost to the City of \$1,285.

Carried

6.2 Physician Recruitment Committee – Renewal of Operating Service Agreement

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

The relevant By-law 2018-28 is listed under item 11 of the Minutes.

6.3 Update – Retention of Restructuring Lawyer Fee

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

Councillor O. Grandinetti declared a conflict on this item. (Employed by Essar Steel Algoma.)

Councillor M. Shoemaker declared a conflict on this item. (Law firm represents a client involved in the CCAA proceeding.)

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor M. Bruni

Resolved that the report of the Chief Administrative Officer dated 2018 02 05 regarding approval of an additional \$25,000 to the upset limit for the services of a restructuring lawyer to

represent the City's interest in CCAA protection proceedings of Essar Steel Algoma Inc. be approved and that the services be funded from the Contingency Reserve

Carried

6.4 Tender for Two Trucks with Snow Plows (2018CDE-CS-AR-01-T)

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

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that the report of the Manager of Purchasing dated 2018 02 05 be received and that the tender for the supply and delivery of One (1) 8,600 GVW 4x4 ¾ Ton Pick-up Truck c/w Snow Plow as required by the Community Services Department be awarded to Superior Chrysler at their total tendered price of \$43,160.00 plus HST.

Carried

6.5 Finance Committee Revised Terms of Reference

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

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that the report of the Chief Financial Officer and Treasurer dated 2018 02 05 presented on behalf of the Finance Committee regarding revised Terms of Reference be received and that the recommendation of the Finance Committee be approved.

Carried

6.6 Sault Ste. Marie Public Library Reserve Request

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

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor M. Bruni

Resolved that the report of the Chief Financial Officer and Treasurer dated 2018 02 05 be received and the request of up to \$50,000 from the Library Expansion Reserve for lower lobby washroom renovations at the Centennial Library be approved.

Carried

6.7 Funding for Closed Captioning of Council Meetings

The report of the Manager of Information Technology was received by Council.

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor F. Fata

Resolved that the report of the Manager of Information and Technology dated 2018 02 05 regarding potential funding for closed captioning of City Council meetings be received and that closed captioning be referred to the next multi-year barrier removal plan.

Carried

6.8 By-law to Restrict the Use of Vehicles on the Hub Trail

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

The relevant By-law 2018-13 is listed under item 11 of the Minutes.

6.9 FutureSSM Project Update – Implementation of Community Adjustment Committee Recommendations

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

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor F. Fata

Resolved that the report of the Deputy CAO, Community Development and Enterprise Services dated 2018 02 05 concerning Future SSM Project Update – Implementation of Community Adjustment Committee Recommendations be received as information.

Carried

6.10 Shape the Sault (New Official Plan)

The report of the Senior Planner was received by Council.

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor F. Fata

Resolved that the Report of the Senior Planner dated 2018 02 05 concerning Shape the Sault (New Official Plan) be received as information.

Carried

6.11 Transit Advertising

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

The relevant By-law 2018-27 is listed under item 11 of the Minutes.

6.12 Municipal Law Enforcement Officers

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

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

The relevant By-law 2018-22 is listed under item 11 of the Minutes.

6.13 Request to Rename Shore Drive

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

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor F. Fata

Resolved that the report of the Director of Engineering dated 2018 02 05 be received and the recommendation to rename a portion of “Shore Drive” to “Rotary Parkway” be approved; further that the Legal Department be requested to prepare the appropriate by-law.

Carried

6.13.1 Additional Correspondence

6.14 Aqueduct Repairs

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

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor M. Bruni

Resolved that the report of the Director of Engineering dated 2018 02 05 concerning unforeseen repairs to small aqueducts be received, and that design and contract administration services be awarded to STEM Engineering Inc.

Carried

6.15 McNabb Street / St. George's Avenue EA – Completion

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 05 concerning the McNabb St. Georges EA be received as information.

Carried

6.16 Pim Street Pump Station

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

The relevant By-law 2018-15 is listed under item 11 of the Minutes.

6.17 Correspondence – Spruce Haven Nature Park

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

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

The relevant By-law 2018-19 is listed under item 11 of the Minutes.

Moved by: Councillor J. Hupponen

Seconded by: Councillor J. Krmpotich

Resolved that Agenda Item 7.6.1 be postponed to the February 20, 2018 Council Meeting.

Carried

7.6.1.1 Council Resolution – Animal Care and Control By-law

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 bylaw; 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

Now Therefore Be It Resolved that City Council direct the City 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 bylaw 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.

Postponed

7.7 Planning

7.7.1 57T-18-501 – 43 Sinclair Drive

Moved by: Councillor S. Myers

Seconded by: Councillor M. Bruni

Resolved that the Report of the Senior Planner dated 2018 02 05 concerning condominium approval application no. 57T-18-5017 be received and that Council grant draft approval of the proposed Vacant Land Condominium, subject to the following conditions:

1. That the owner enters into agreements with PUC Distribution Inc. and the Public Utilities Commission with respect to electrical and water servicing to the development, and that the agreements are registered on title upon final connection; and
2. That the owner adheres to the previously approved Site Plan Agreement (DC614) dated July 2, 2017; more specifically including, but not limited to, stormwater management, site servicing and site grading,

and that the Legal Department be directed to prepare the necessary by-law(s) to effect this approval.

Carried

7.8 Boards and Committees

7.8.1 Sault Ste. Marie Police Services Board

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

8.1 Crossing Guard – St. George's Avenue and McNabb Street

Moved by: Councillor R. Niro

Seconded by: Councillor P. Christian

Whereas St. Basil Catholic Elementary School is located on St. George's Avenue, which is a highly travelled roadway; and

Whereas the parents, students and staff at St. Basil Catholic Elementary School are greatly concerned for the safety of their children who walk to and from school and must cross St. George's Avenue; and

Whereas the Parents' Council of St. Basil Catholic Elementary School has collected 192 names on a petition requesting a crossing guard at the traffic control lights at St. George's Avenue and McNabb Street,

Now Therefore Be It Resolved that the Council of the City of Sault Ste. Marie accept the petition from the Parents' Council, and further that the request for a crossing guard be referred to to Public Works and Engineering Services for a study and report back to Council.

Carried

8.2 Residential Driveway Snow Removal

Moved by: Councillor S. Myers

Seconded by: Councillor S. Hollingsworth

Whereas snow management is a challenging aspect of City operations; and

Whereas no two winters are exactly the same and varying approaches are dictated by weather determinants; and

Whereas this particular winter appears to require more snow cutting on the roadways including residential streets; and

Whereas in so doing large chunks of ice and snow are left in the entryways of many homeowners; and

Whereas under the usual snow removal task homeowners are able to use a domestic snowblower or such; and

Whereas it appears on some occasions included in the City operation of snow cutting on the roadway, the heavy material left in residential driveways is removed with a "one scoop" City blade which creates a manageable task for residential homeowners; and

Whereas there is a "two foot rule" applicable for snowfall and normal plow operations,

Now Therefore Be It Resolved that appropriate staff be requested to report back to City Council on February 20, 2018 outlining the policy and procedure as to when the City will remove the heavier material and when it will not.

Carried

8.2.1 Brantford Windrow Guidelines

8.3 Bloor Street West Exits

Moved by: Councillor F. Fata

Seconded by: Councillor M. Bruni

Whereas Bloor Street West only exits on to Lyons Avenue; and

Whereas exiting on to Lyons Avenue can be dangerous with speed and a blind spot (road curves) from traffic travelling easterly on Lyons Avenue; and

Whereas the option to exit onto Patrick Street would be much easier and safer for everyone, especially those residing in the neighbourhood;

Now Therefore Be It Resolved that staff be requested to report back to Council, including possible removal of the "no exit" signs to Patrick Street from Bloor Street West.

Carried

8.4 Essar Centre Private Management

Moved by: Councillor S. Myers

Seconded by: Councillor S. Hollingsworth

Whereas the City's premiere event venue Essar Centre opened in the fall of 2006; and

Whereas the facility has been owned, operated and managed by the City of Sault Ste. Marie from the beginning; and

Whereas there is an option for the City to consider contracting with a private management company; and

Whereas City Council has not had a report outlining the advantages and disadvantages of private management vs. City management of the Essar Centre; and

Whereas the last five year's average loss for the Essar Centre is \$437,585.76 and is budgeted to be \$626,890.41 in 2018; and

Whereas the City of Kingston has contracted with a private management company for running the 10-year-old and 6,700 seat Rogers K-Rock Centre; and

Whereas Kingston City Council did enter into a new five year contract last year whereby the City is guaranteed 100% of the first \$550,000 of profit; and

Whereas Sault Ste. Marie City Council must have detailed information in order to ascertain any opportunity to seek private management of the Essar Centre and stem the flow of loss,

Now Therefore Be It Resolved that staff be requested to report back to City Council by August 2018 providing the following:

1. examples of other similar sized municipalities with a similar facility being operated privately

2. what process and time line would be required for City Council to consider the option of private management of the Essar Centre

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	12	1	0

Carried

Moved by: Councillor M. Shoemaker

Seconded by: Councillor J. Hupponen

Resolved that agenda item 8.4 be amended by adding each municipal arena facility to the review and to amend the date of reporting back to October of 2018.

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	5	8	0
Defeated			

8.4.1 Additional Information

8.5 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 26 to Sunday, March 4, 2018; 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 all day long; 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 including 3195 filmgoers in 2017,

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 26, 2018 to Friday March 4, 2018, all during the week of the Shadows of the Mind Film Festival.

Carried

8.6 Closed Captioning of Council Meetings

Moved by: Councillor M. Shoemaker

Seconded by: Councillor S. Butland

Resolved that appropriate staff review how to finalize, implement and fund closed captioning of City Council meeting broadcasts and webcasts for the balance of 2018 with funding for subsequent years to be referred to the 2019 budget process and report back to Council as soon as possible.

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 05 be approved, save and except bylaw 2018-19 and 2018-22.

Carried

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

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

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

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 5th day of February, 2018.

11.1.4 By-law 2018-22 (Parking) Municipal Law Enforcement Officers

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

Moved by: Councillor S. Myers

Seconded by: Councillor F. Fata

Resolved that By-law 2018-22 being a by-law 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 5th day of February, 2018.

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. Myers

Seconded by: Councillor F. Fata

Resolved that this Council proceed into closed session to discuss:

1. a property disposition;
2. property acquisitions;
3. an issue under the *Companies' Creditors Arrangement Act*
4. an issue regarding a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of another;
5. a labour relations matter

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.

Municipal Act R.S.O. 2002, section 239 (2):

(c) a proposed or pending acquisition or disposition of land by the municipality

(d) labour relations / employee negotiations.

(f) advice that is subject to solicitor/client privilege

(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably

be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization

Carried

14. Adjournment

Moved by: Councillor S. Hollingsworth

Seconded by: Councillor M. Bruni

Resolved that this Council now adjourn.

Carried

"Christian Provenzano"

Mayor

"Malcolm White"

City Clerk