

**The Corporation of the City of Sault Ste. Marie  
Regular Meeting of City Council  
Revised Agenda**

Monday, June 3, 2019

4:30 pm

Council Chambers

Civic Centre

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|   | Pages   |
|---|---------|
| <b>1. Adoption of Minutes</b>   | 11 - 31 |
| Mover Councillor P. Christian<br>Seconder Councillor C. Gardi<br>Resolved that the Minutes of the Regular Council Meeting of 2019 05 21 be approved.    |         |
| <b>2. Questions and Information Arising Out of the Minutes and not Otherwise on the Agenda</b>  |         |
| <b>3. Declaration of Pecuniary Interest</b>   |         |
| <b>4. Approve Agenda as Presented</b>   |         |
| Mover Councillor P. Christian<br>Seconder Councillor M. Scott<br>Resolved that the Agenda for 2019 06 03 City Council Meeting as presented be approved. |         |
| <b>5. Proclamations/Delegations</b>   |         |
| <b>5.1 Queen Street Cruise Committee</b>  |         |
| Joe Bisceglia, Gary Trembinski and Josh Ingram  |         |
| <b>5.2 World Elder Abuse Awareness Day</b>  |         |
| Sandra Greef, Chair, Seniors' Rights Protection Council of Sault Ste. Marie and Area  |         |

|            |   |         |
|------------|---|---------|
| <b>5.3</b> | <b>Asset Management Policy</b>  | 32 - 51 |
|            | Peter Simcisko, Manager, Watson & Associates Economists Ltd.  |         |
| <b>5.4</b> | <b>Historic Sites Board Annual Report</b>   | 52 - 66 |
|            | Kathy Fisher, Curator, Ermatinger-Clergue National Historic Site  |         |
| <b>5.5</b> | <b>June is Recreation and Parks Month</b>   |         |
|            | Virginia McLeod, Manager of Recreation and Culture  |         |
| <b>5.6</b> | <b>PUC Inc. Acquisition</b>   |         |
|            | Rob Brewer, President & CEO, PUC Services Inc.  |         |
| <b>6.</b>  | <b>Communications and Routine Reports of City Departments, Boards and Committees – Consent Agenda</b>                 |         |
|            | Mover Councillor S. Hollingsworth   |         |
|            | Seconder Councillor C. Gardi  |         |
|            | Resolved that all the items listed under date 2019 06 03 – Agenda item 6 – Consent Agenda be approved as recommended. |         |
| <b>6.1</b> | <b>Korah Collegiate Relay for Life – June 13 and 14, 2019</b>   | 67 - 68 |
|            | Correspondence from the Korah Collegiate Relay for Life Committee.  |         |
|            | The relevant By-law 2019-134 is listed under item 11 of the Agenda and will be read with all by-laws under that item. |         |
| <b>6.2</b> | <b>Community Museum Operating Grant Application</b>   | 69 - 70 |
|            | A report of the Curator, Ermatinger-Clergue National Historic Site is attached for the consideration of Council.      |         |
|            | The relevant By-law 2019-113 is listed under item 11 of the Agenda and will be read with all by-laws under that item. |         |
| <b>6.3</b> | <b>Firearms By-law Exemptions – Ermatinger-Clergue National Historic Site</b>   | 71 - 72 |
|            | A report of the Curator, Ermatinger-Clergue National Historic Site is attached for the consideration of Council.      |         |
|            | The relevant By-law 2019-114 is listed under item 11 of the Agenda and will be read with all by-laws under that item. |         |
| <b>6.4</b> | <b>Municipal By-Law Enforcement Officers</b>  | 73 - 75 |
|            | A report of the Manager of Transit and Parking is attached for the consideration of Council.                          |         |

The relevant By-law 2019-124 is listed under item 11 of the Agenda and will be read with all by-laws under that item.

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| <b>6.5</b>  | <b>Asset Management Policy</b>  | 76 - 83  |
|             | A report of the Director of Engineering is attached for the consideration of Council.   |          |
|             | Mover Councillor S. Hollingsworth   |          |
|             | Seconder Councillor M. Scott  |          |
|             | Resolved that the report of the Director of Engineering dated 2019 06 03 concerning the Strategic Asset Management policy be received and that the policy be approved.                                  |          |
| <b>6.6</b>  | <b>Landfill Operations and Monitoring 2018 – Environmental Monitoring Committee</b>   | 84 - 87  |
|             | A report of the Land Development and Environmental Engineer is attached for the information of Council.   |          |
|             | Mover Councillor P. Christian   |          |
|             | Seconder Councillor C. Gardi  |          |
|             | Resolved that the report of the Land Development and Environmental Engineer dated 2019 06 03 concerning annual operations and monitoring reports for the municipal landfill be received as information. |          |
| <b>6.7</b>  | <b>Ditching Program – 2019</b>  | 88 - 92  |
|             | A report of the Director of Public Works is attached for the information of Council.  |          |
|             | Mover Councillor P. Christian   |          |
|             | Seconder Councillor M. Scott  |          |
|             | Resolved that the report of the Director of Public Works dated 2019 06 03 concerning Public Works 2019 Ditching Program be received as information.   |          |
| <b>6.8</b>  | <b>Fox Run Subdivision (Part Lot Control)</b>   | 93 - 95  |
|             | A report of the Assistant City Solicitor/Senior Litigation Counsel is attached for the consideration of Council.  |          |
|             | The relevant By-law 2019-126 is listed under item 11 of the Agenda and will be read with all by-laws under that item.   |          |
| <b>6.9</b>  | <b>Licence to Occupy City Property – Outspoken Brewing Inc.</b>   | 96 - 98  |
|             | A report of the Assistant City Solicitor/Senior Litigation Counsel is attached for the consideration of Council.  |          |
|             | The relevant By-laws 2019-127 and 2019-128 are listed under item 11 of the Agenda and will be read with all by-laws under that item.  |          |
| <b>6.10</b> | <b>Deeming By-law – Des Chene Park Subdivision “A” (221 Sunnyside Beach Road)</b>   | 99 - 101 |

A report of the Solicitor/Prosecutor is attached for the consideration of Council.

The relevant By-law 2019-121 is listed under item 11 of the Agenda and will be read with all by-laws under that item.

|             |   |           |
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| <b>6.11</b> | <b>Deeming By-law – Des Chene Park Subdivision (209 Sunnyside Beach Road)</b> | 102 - 104 |
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A report of the Solicitor/Prosecutor is attached for the consideration of Council.

The relevant By-law 2019-120 is listed under item 11 of the Agenda and will be read with all by-laws under that item.

|             |                       |           |
|-------------|-----------------------|-----------|
| <b>6.12</b> | <b>Correspondence</b> | 105 - 105 |
|-------------|-----------------------|-----------|

Correspondence from the Minister of Public Services in response to Mayor Provenzano's correspondence regarding Canada Post and the national opioid crisis.

## **7. Reports of City Departments, Boards and Committees**

|            |                       |
|------------|-----------------------|
| <b>7.1</b> | <b>Administration</b> |
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|            |                           |
|------------|---------------------------|
| <b>7.2</b> | <b>Corporate Services</b> |
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| <b>7.3</b> | <b>Community Development and Enterprise Services</b> |
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| <b>7.4</b> | <b>Public Works and Engineering Services</b> |
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|              |                                |           |
|--------------|--------------------------------|-----------|
| <b>7.4.1</b> | <b>Bay Street Improvements</b> | 106 - 111 |
|--------------|--------------------------------|-----------|

A report of the Manager of Design and Transportation Engineering is attached for the consideration of Council.

The relevant By-laws 2019-132 and 2019-133 are listed under item 11 of the Agenda and will be read with all by-laws under that item.

Mover Councillor S. Hollingsworth

Seconder Councillor C. Gardi

Resolved that the report of the Manager of Design and Transportation Engineering dated 2019 06 03 concerning Bay Street Improvements be received and that Contract 2019-6E be awarded to Pioneer Construction Inc.;

Further that the reduced scope of work described in this report be removed from the contract in order to reduce cost;

Further that the engineering fee limit for Kresin Engineering previously approved be increased from \$477,650 to \$580,000;

Further that the PUC be sole-sourced for the associated electrical relocations and street lighting upgrades;

And that \$1,900,000 of the Special 2019 Gas Tax funds originally allocated to the

Downtown Initiative and \$600,000 originally allocated to resurfacing projects be redirected to the Bay Street project.

**7.5 Fire Services**

**7.6 Legal**

**7.7 Planning**

**7.8 Boards and Committees**

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

**8.1 Employee Parking** 112 - 120

Mover Councillor M. Shoemaker

Seconder Councillor M. Bruni

Whereas in June 2017 Council requested that staff review paid parking options for municipal staff; and

Whereas in May 2018 staff reported on various options for paid parking options for municipal staff; and

Whereas a system for paid parking options for municipal staff could not be agreed upon at that time; and

Whereas the City of Sault Ste. Marie remains one of the few public institutions within Sault Ste. Marie that does not charge for employee parking;

Now Therefore Be It Resolved that Council strike a sub-committee to review the report of May 2018 and further study the issue of paid parking for municipal staff, and come to Council with a recommendation on a structure for paid parking for municipal staff;

Further Be It Resolved that the said committee consist of Councillor M. Shoemaker, Councillor M. Bruni, a representative of the C.A.O's office, a representative from Corporate Services, a representative from Community Development and Enterprise Services, a representative from one of the City's larger bargaining units and a community member from the public at large.

**8.2 Property Standards / Yard Maintenance / Sewer By-law Enforcement**

Mover Councillor L. Dufour

Seconder Councillor R. Niro

Whereas at its 2019 01 28 meeting, Council accepted as information a report concerning property standards and yard maintenance by-law enforcement which outlined various means of reducing the amount of time for properties to reach compliance; and

Whereas the 2019 budget included increased funding for a second By-Law Enforcement Inspector to increase compliance; and,

Whereas there is a need to increase enforcement efforts related to the sewer use by-law and drainage agreements; and,

Whereas there continues to be a strong direction by Council to improve the effectiveness of property standards, yard maintenance, sewer use and drainage by-law enforcement efforts across the City;

Now Therefore Be It Resolved that a task force including Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, as well as representatives from Legal, Public Works, Engineering and Building Division staff be formed to review the property standards, yard maintenance, sewer use by-laws, and drainage agreements, and compare with best practices in order to obtain improved and timely compliance, and report back to Council with recommendations.

### 8.3

#### **Fan-Friendly Pricing – GFL Memorial Gardens**

Mover Councillor M. Shoemaker

Seconder Councillor P. Christian

Whereas balancing the cost of concessions must always strike a balance between satisfying fans and turning a profit for the concession stands; and

Whereas a recent trend in major league sports has been to implement fan-friendly pricing on the most popular menu items available at sporting events; and

Whereas fan-friendly pricing at major league sports venues across North America has resulted in increased revenue because it has increased the sale of concessions at major sporting events;

Now Therefore Be It Resolved that staff be requested to investigate and report to Council regarding the implementation of fan-friendly pricing at the GFL Memorial Gardens for the 2019-2020 Soo Greyhound Season, and, if it is proposed that a fan-friendly menu be implemented, that a review be conducted after said season to determine the success of the fan-friendly pricing.

### 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**

Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that all By-laws under item 11 of the Agenda under date 2019 06 03 be approved.

### 11.1

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

**majority**

|               |   |           |
|---------------|---|-----------|
| <b>11.1.1</b> | <b>By-law 2019-113 (Agreement) Community Museums Operating Grant</b>  | 121 - 121 |
|               | A report from the Curator Ermatinger-Clergue National Historic Site is on the Agenda.   |           |
|               | Mover Councillor P. Christian<br>Seconder Councillor C. Gardi<br>Resolved that By-law 2019-113 being a By-law to authorize the approval for the annual Community Museums Operating Grant (CMOG) Ministry of Culture, through Grants Ontario be passed in open Council this 3rd day of June, 2019.   |           |
| <b>11.1.2</b> | <b>By-law 2019-114 (Regulations) Firearms and Noise Exemptions</b>  | 122 - 122 |
|               | A report from the Curator Ermatinger-Clergue National Historic Site is on the Agenda.   |           |
|               | Mover Councillor P. Christian<br>Seconder Councillor C. Gardi<br>Resolved that By-law 2019-114 being a By-law to exempt the Ermatinger-Clergue National Historic Site, from By-law 2008-168 being a firearms by-law to prohibit the discharge of firearms in the municipality and from By-law 80-200 being a by-law respecting noises in the City of Sault Ste. Marie be passed in open Council this 3rd day of June, 2019. |           |
| <b>11.1.3</b> | <b>By-law 2019-120 (Subdivision Control) Des Chene Park</b>   | 123 - 125 |
|               | A report from the Solicitor/Prosecutor is on the Agenda.  |           |
|               | Mover Councillor P. Christian<br>Seconder Councillor C. Gardi<br>Resolved that By-law 2019-120 being a by-law to deem not registered for purposes of subdivision control certain lots in the Des Chene Park Subdivision, pursuant to section 50(4) of the <i>Planning Act</i> be passed in open Council this 3rd day of June, 2019.   |           |
| <b>11.1.4</b> | <b>By-law 2019-121 (Subdivision Control) Des Chene Park "A"</b>   | 126 - 128 |
|               | A report from the Solicitor/Prosecutor is on the Agenda.  |           |
|               | Mover Councillor P. Christian<br>Seconder Councillor C. Gardi<br>Resolved that By-law 2019-121 being a by-law to deem not registered for purposes of subdivision control certain lots in the Des Chene Park "A" Subdivision pursuant to section 50(4) of the <i>Planning Act</i> be passed in open Council this 3rd day of June, 2019.  |           |
| <b>11.1.5</b> | <b>By-law 2019-124 (Parking) Municipal By-law Enforcement Officers</b>  | 129 - 130 |

A report from the Manager of Transit and Parking is on the Agenda.

Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that By-law 2019-124 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 3rd day of June, 2019.

**11.1.6      By-law 2019-126 (Part Lot Control) Fox Run Subdivision                          131 - 133**

A report from the Assistant City Solicitor/Senior Litigation Counsel is on the Agenda.

Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that By-law 2019-126 being a by-law to amend By-law 2013-95 to extend the time period specified for the expiration of the by-law as provided in Section 4 of by-law 2013-95 so as to continue to designate Lots 1 to 24 inclusive, Plan 1M589 in the Fox Run Subdivision, Phase I, Sault Ste. Marie as an area not subject to part lot control be passed in open Council this 3rd day of June, 2019.

**11.1.7      By-law 2019-127 (Delegation) OutSpoken Delegation                          134 - 134**

A report from the Assistant City Solicitor/Senior Litigation Counsel is on the Agenda.

Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that By-law 2019-127 being a by-law to delegate to the Assistant City Solicitor/Senior Litigation Counsel, or his/her designate to enter into Amending Agreements if so requested, between the City, OutSpoken Brewing Inc. and a Third Party (as applicable) for the OutSpoken Patio located on the laneway adjaced to OutSpoken's property located at 360 Queen Street East be passed in open Council this 3rd day of June, 2019.

**11.1.8      By-law 2019-128 (Agreement) Vera Pizza OutSpoken Brewery                          135 - 150**

A report from the Assistant City Solicitor/Senior Litigation Counsel is on the Agenda.

Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that By-law 2019-128 being a by-law to authorize the execution of the Agreement between the City, Vera Pizza and OutSpoken Brewing Inc. to permit a pizza oven and accompanying structures on the OutSpoken patio located on City property, specifically a laneway adjacent to OutSpoken's property located at 360 Queen Street East and thereafter prepare and serve pizza on same be passed in open Council this 3rd day of June, 2019.

**11.1.9      By-law 2019-129 (Zoning) 726 Wellington Street West                          151 - 153**

Council Report was passed by Council resolution on May 21, 2019.

Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that By-law 2019-129 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 726 Wellington Street West (BDI Holdings Inc. c/o Brandon Stubbs) be passed in open Council this 3rd day of June, 2019.

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| <b>11.1.10</b> | <b>By-law 2019-130 (Delegation) Electrical Safety Authority Contractor License</b> | 154 - 154 |
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Council Report was passed by Council resolution on May 21, 2019.

Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that By-law 2019-130 being a by-law to delegate to the Director of Public Works, or his/her delegate to be identified as a Director of the Corporation on the application for the Electrical Safety Authority ("ESA") Contractor License Application and to thereafter have signing authority on behalf of the City of Sault Ste. Marie with regard to the ESA Contractor License agreement and renewals be passed in open Council this 3rd day of June, 2019.

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| <b>11.1.11</b> | <b>By-law 2019-132 (Agreement) Contract 2019-6E</b> | 155 - 158 |
|----------------|---|-----------|

A report from the Manager, Design and Transportation Engineering is on the Agenda.

Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that By-law 2019-132 being a by-law to authorize the execution of the Contract between the City and Pioneer Construction Inc. for the reconstruction of Bay Street from Andrew Street to Pim Street (Contract 2019-6E) be passed in open Council this 3rd day of June, 2019.

|                |  |           |
|----------------|--|-----------|
| <b>11.1.12</b> | <b>By-law 2019-133 (Temporary Street Closing) Bay Street</b> | 159 - 159 |
|----------------|--|-----------|

A report from the Manager, Design and Transportation Engineering is on the Agenda.

Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that By-law 2019-133 being a by-law to permit the intermittent partial road closure of Bay Street between Andrew Street and Pim Street from June 4, 2019 to October 31, 2019 to facilitate the partial reconstruction and resurfacing of Bay Street between Andrew Street and Pim Street be passed in open Council this 3rd day of June, 2019.

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| <b>11.1.13</b> | <b>By-law 2019-134 (Regulations) Korah Relay for Life Noise Exemption</b> | 160 - 160 |
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Mover Councillor P. Christian

Seconder Councillor C. Gardi

Resolved that By-law 2019-134 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 13, 2019 to 7:00 a.m. on June 14, 2019 be passed in open Council this 3rd day of June, 2019.

**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**

Mover Councillor P. Christian

Seconder Councillor M. Scott

Resolved that this Council proceed into closed session to discuss two items subject to solicitor-client privilege;

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.

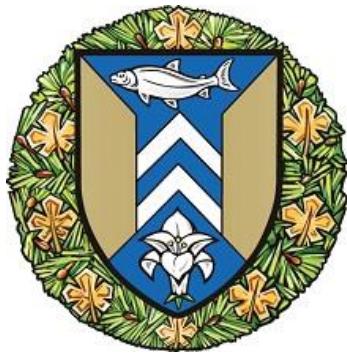
*Municipal Act section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose*

**14. Adjournment**

Mover Councillor S. Hollingsworth

Seconder Councillor M. Scott

Resolved that this Council now adjourn.



## REGULAR MEETING OF CITY COUNCIL MINUTES

Tuesday, May 21, 2019

4:30 pm

Council Chambers  
Civic Centre

Present: Mayor C. Provenzano, Councillor P. Christian, Councillor L. Dufour, Councillor D. Hilsinger, Councillor M. Shoemaker, Councillor M. Bruni, Councillor R. Niro, Councillor C. Gardi, Councillor M. Scott  
Absent: Councillor S. Hollingsworth, Councillor L. Vezeau-Allen  
Officials: A. Horsman, M White, L. Girardi, S. Schell, T. Vair, P. Johnson, K. Fields, D. McConnell, D. Elliott, F. Coccimiglio, B. Lamming, T. Vecchio  
Others: T. Anderson, K. Elliott, R. Nenonen, J. King

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### 1. Adoption of Minutes

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the Minutes of the Regular Council Meeting of 2019 05 06 be approved.

| Majority                    | For | Against | Absent |
|-----------------------------|-----|---------|--------|
| Mayor C. Provenzano         | X   |         |        |
| Councillor P. Christian     | X   |         |        |
| Councillor S. Hollingsworth |     |         | X      |

|                            |          |          |          |
|----------------------------|----------|----------|----------|
| Councillor L. Dufour       | X        |          |          |
| Councillor L. Vezeau-Allen |          | X        |          |
| Councillor D. Hilsinger    | X        |          |          |
| Councillor M. Shoemaker    | X        |          |          |
| Councillor M. Bruni        | X        |          |          |
| Councillor R. Niro         | X        |          |          |
| Councillor C. Gardi        | X        |          |          |
| Councillor M. Scott        | X        |          |          |
| <b>Results</b>             | <b>9</b> | <b>0</b> | <b>2</b> |

**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 – Ruscio/Martella – 22 MacDonald Avenue – Zoning By-law 2019-80/2019-81 – Zoning Application A-8-19-Z**

Applicant is a client of law firm.

- 3.2 Councillor M. Shoemaker – Downtown Community Improvement Plan Financial Incentive Grants**

Multiple applicants are clients of law firm.

- 4. Approve Agenda as Presented**

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the Agenda for 2019 05 21 City Council Meeting as presented be approved.

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |
|-----------------------------|------------|----------------|---------------|
| Mayor C. Provenzano         | X          |                |               |
| Councillor P. Christian     | X          |                |               |
| Councillor S. Hollingsworth |            |                | X             |
| Councillor L. Dufour        | X          |                |               |

|                            |          |
|----------------------------|----------|
| Councillor L. Vezeau-Allen | X        |
| Councillor D. Hilsinger    | X        |
| Councillor M. Shoemaker    | X        |
| Councillor M. Bruni        | X        |
| Councillor R. Niro         | X        |
| Councillor C. Gardi        | X        |
| Councillor M. Scott        | X        |
| <b>Results</b>             | <b>9</b> |
|                            | <b>0</b> |
|                            | <b>2</b> |

Carried

**5. Proclamations/Delegations**

**5.1 Mayor's Youth Advisory Council**

Rob Sandvik, Chair, Erin Riley, Vice-Chair and Andrew Kenopic, Communications Lead were in attendance.

**5.2 Spina Bifida and Hydrocephalus Awareness Month**

Troy and Annette Chandler were in attendance.

**5.3 Diffuse Intrinsic Pontine Glioma Awareness Day**

Gerald Fowler was in attendance.

**5.4 Disability Awareness Week**

Nancie Scott, Accessibility Coordinator was in attendance.

**5.5 City Brand and Visual Identity**

Travis Anderson, Project Manager, FutureSSM and Katie Elliott, Communications Coordinator, FutureSSM were in attendance.

**5.6 EDC Annual Report**

Dan Hollingsworth, Executive Director, Economic Development Corporation was in attendance.

**5.7 Active Transportation Implementation – Cycling Lanes (item 7.7.2)**

Dolores Prioetti, Brian Cook and Corrine Meunier were present.

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

Mayor Provenzano was not present during Consent Agenda deliberations. Acting Mayor M. Shoemaker assumed the Chair.

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that all the items listed under date 2019 05 21 – Agenda item 6 – Consent Agenda be approved as recommended, save and except items 6.4 and 6.5..

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |                |
|-----------------------------|------------|----------------|---------------|----------------|
| Mayor C. Provenzano         |            |                | X             |                |
| Councillor P. Christian     |            |                | X             |                |
| Councillor S. Hollingsworth |            |                | X             |                |
| Councillor L. Dufour        |            |                | X             |                |
| Councillor L. Vezeau-Allen  |            |                | X             |                |
| Councillor D. Hilsinger     | X          |                |               |                |
| Councillor M. Shoemaker     | X          |                |               |                |
| Councillor M. Bruni         | X          |                |               |                |
| Councillor R. Niro          | X          |                |               |                |
| Councillor C. Gardi         | X          |                |               |                |
| Councillor M. Scott         | X          |                |               |                |
| <b>Results</b>              | <b>6</b>   | <b>0</b>       | <b>5</b>      | <b>Carried</b> |

**6.1 Correspondence**

**6.2 Finance Committee – Budget Schedule**

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

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Chief Financial Officer and Treasurer dated 2019 05 21 regarding 2020 Operating and Capital Budget schedule and 2019 Budget Input be approved.

**Carried**

**6.3 Cellular Service Contract**

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

The relevant By-law 2019-115 is listed under item 11 of the Minutes.

**6.4 RFP – Professional Services – Assessment and Property Taxation Support**

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

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Manager of Purchasing dated 2019 05 21 be received and that the provision of additional professional services associated with Assessment and Taxation support for the City of Sault Ste. Marie, at an upset limit of \$145,000 including the non-rebatable portion of the HST by the Municipal Taxation Advisory Group for 2019 and 2020 be approved on a single-source basis.

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |
|-----------------------------|------------|----------------|---------------|
| Mayor C. Provenzano         |            |                | X             |
| Councillor P. Christian     | X          |                |               |
| Councillor S. Hollingsworth |            |                | X             |
| Councillor L. Dufour        | X          |                |               |
| Councillor L. Vezeau-Allen  |            |                | X             |
| Councillor D. Hilsinger     | X          |                |               |
| Councillor M. Shoemaker     |            | X              |               |
| Councillor M. Bruni         | X          |                |               |
| Councillor R. Niro          | X          |                |               |
| Councillor C. Gardi         | X          |                |               |
| Councillor M. Scott         |            | X              |               |
| <b>Results</b>              | <b>6</b>   | <b>2</b>       | <b>3</b>      |

**Carried**

**6.5 RFP – Submersible Pump Replacements**

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

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Manager of Purchasing dated 2019 05 21 be received and that the supply and delivery of ten submersible pumps for installation at the City's small pumping stations at a proposed price of \$104,666.27 plus HST by Xylem Canada Company of Sudbury, ON be approved on a sole source-basis.

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |                |
|-----------------------------|------------|----------------|---------------|----------------|
| Mayor C. Provenzano         |            |                | X             |                |
| Councillor P. Christian     | X          |                |               |                |
| Councillor S. Hollingsworth |            |                | X             |                |
| Councillor L. Dufour        | X          |                |               |                |
| Councillor L. Vezeau-Allen  |            |                | X             |                |
| Councillor D. Hilsinger     | X          |                |               |                |
| Councillor M. Shoemaker     |            | X              |               |                |
| Councillor M. Bruni         | X          |                |               |                |
| Councillor R. Niro          | X          |                |               |                |
| Councillor C. Gardi         | X          |                |               |                |
| Councillor M. Scott         |            | X              |               |                |
| <b>Results</b>              | <b>6</b>   | <b>2</b>       | <b>3</b>      | <b>Carried</b> |

**6.6 Tender for Boiler Replacement – Public Works**

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

The relevant By-law 2019-103 is listed under item 11 of the Minutes.

**6.7 Tenders for Equipment**

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

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Manager of Purchasing dated 2019 05 21 be received and that the tenders for the supply and delivery of various pieces of equipment be awarded as follows:

Two (2) diesel riding mowers w/ front mower deck – Northshore Tractor Ltd. \$45,900.00

One (1) rear mount hydraulic broom – Service Rentals & Sales \$7,958.72

One (1) eight ton excavator – Northshore Tractor Ltd. \$109,350.00

One (1) walk-behind compactor – Battlefield Equipment \$16,269.00

for a total amount of \$179,477.72 (HST extra) be approved.

**Carried**

#### **6.8 Thomson Farms – By The Glass Liquor Sales**

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

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Deputy City Clerk dated 2019 05 21 concerning Thomson Farms – By the Glass Liquor Sales be received and that Sault Ste. Marie City Council supports Thomson Farms' application to the Alcohol and Gaming Commission of Ontario for a Manufacturer's Limited Liquor Sales Licence to sell and serve wine for consumption by patrons at its manufacturing site, 4057 Second Line West, Sault Ste. Marie, Ontario.

**Carried**

#### **6.9 Investing in Canada Infrastructure Program**

The report of the Director of Community Services was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Director of Community Services dated 2018 05 21 concerning application to the Infrastructure Canada Investment Program for 2019-2021 be approved.

The Transfer Payment Agreement will appear on a future Council Agenda.

**Carried**

**6.10 Mausoleum Phase XV – Design and Planning**

The report of the Director of Community Services was received by Council.

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Director of Community Services dated 2019 05 21 concerning Mausoleum Phase XV – Design and Planning be approved and staff be authorized to issue an RFP for the provision of architectural services to advance the construction of a new mausoleum.

**Carried**

**6.11 Downtown Sidewalk Furnishings and Signs**

The report of the Planning Director was received by Council.

The relevant By-laws 2019-122 and 2019-123 are listed under item 11 of the Minutes.

**6.12 Downtown Community Improvement Plan Financial Incentive Grants**

Councillor M. Shoemaker declared a conflict on this item. (Multiple applicants are clients of law firm.)

The report of the Senior Planner was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Senior Planner dated 2019 05 21 concerning Downtown Community Improvement Plan Financial Incentive Grants be received and that the following grant applications be approved:

- 421 Bay Street – \$20,000
- 216 Queen Street East – \$35,000
- 529 Queen Street East – \$20,000
- 626 Queen Street East – \$20,000
- 477 Queen Street East – Tax Increment Equivalent Grant

**Carried**

**6.13 Designated Property Grant – Wellington Townhouses**

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

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Manager of Recreation and Culture dated 2019 05 21 concerning a designated heritage property grant for Wellington Townhouses be received and that the recommendation of the Sault Ste. Marie Municipal Heritage Committee of a combined grant of \$12,000 to the five owners of the Wellington Square Townhouses, each owner to receive up to 19.75% of the cost of restoration and repointing the chimneys and brickwork of their respective unit as presented in the application and as amended by the Committee be approved that final payment be based upon the paid invoices submitted following completion of the project and upon final approval of the work by the S.S.M.M.H.C. further that the funds come from the Designated Heritage Property Grant budget.

**Carried**

**6.14 Municipal Law Enforcement Officers**

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

The relevant By-law 2019-89 is listed under item 11 of the Minutes.

**6.15 Batchewana First Nation Rankin Reserve Fire Protection**

The report of the Fire Chief was received by Council.

The relevant By-law 2019-112 is listed under item 11 of the Minutes.

**6.16 Batchewana First Nation – Rankin Traffic Access**

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

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Director of Engineering dated 2019 05 21 be received and that the recommendations to write two letters of support to the Batchewana First Nation for two new traffic connections to the Rankin Reserve be approved.

**Carried**

**6.17 ESA Contractor License Application**

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

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Director of Public Works and Engineering Services dated 2019 05 21 concerning ESA Contractor License Application be received and that Council direct the Legal Department to draft the appropriate by-law granting authority for the Director of Public Works to be listed as the Director with signing authority for the application for the ESA Contractor License Agreement and to thereafter have signing authority on behalf of the City of Sault Ste. Marie with regard to the ESA Contractor License agreement and renewals.

**Carried**

**6.18 Property Declared Surplus – 25 Donna Drive**

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

The relevant By-law 2019-116 is listed under item 11 of the Minutes.

**6.19 R1.5 – Animal Care and Control By-law – Amendments**

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

The relevant By-law 2019-117 is listed under item 11 of the Minutes.

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Solicitor/Prosecutor dated 2019 05 21 concerning Animal Care and Control By-law be received and that a Dangerous Dog Committee be re-established under the said by-law;

Further that Councillors Bruni, Gardi, Hilsinger and Scott be appointed to the Dangerous Dog Committee from May 21, 2019 to December 31, 2020.

**Carried**

**6.20 Ruscio/Martella – 22 MacDonald Avenue – Zoning By-law 2019-80/2019-81 – Zoning Application A-8-19-Z**

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

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

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Assistant City Solicitor/Senior Litigation Counsel dated 2019 05 21 be received and that Council confirms that despite the appeals, it wishes to proceed with zoning by-law 2019-80.

**Carried**

## **6.21 Municipal Transient Accommodation Tax Update**

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

The relevant By-law 2019-119 is listed under item 11 of the Minutes.

## **7. Reports of City Departments, Boards and Committees**

### **7.1 Administration**

### **7.2 Corporate Services**

### **7.3 Community Development and Enterprise Services**

#### **7.3.1 City Brand and Visual Identity**

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

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Deputy CAO, Community Development and Enterprise Services dated 2019 05 21 concerning the City Brand and Visual Identity be received and that Council approve the new logo and brand which will be used as the visual identity for the Corporation of the City of Sault Ste. Marie moving forward.

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |
|-----------------------------|------------|----------------|---------------|
| Mayor C. Provenzano         | X          |                |               |
| Councillor P. Christian     | X          |                |               |
| Councillor S. Hollingsworth |            |                | X             |
| Councillor L. Dufour        | X          |                |               |
| Councillor L. Vezeau-Allen  |            |                | X             |
| Councillor D. Hilsinger     | X          |                |               |
| Councillor M. Shoemaker     |            | X              |               |
| Councillor M. Bruni         |            | X              |               |
| Councillor R. Niro          | X          |                |               |
| Councillor C. Gardi         |            |                | X             |

|                     |          |          |          |
|---------------------|----------|----------|----------|
| Councillor M. Scott | X        |          |          |
| <b>Results</b>      | <b>5</b> | <b>3</b> | <b>3</b> |
| <b>Carried</b>      |          |          |          |

Moved by: Councillor M. Shoemaker

Seconded by: Councillor M. Scott

Resolved Council refer this item to staff to bring forward to a future council meeting options for an updated Naturally Gifted logo at which time the updated Naturally Gifted and the proposed logo from the May 21, 2019 council meeting can be considered and debated

**Defeated**

**7.4 Public Works and Engineering Services**

**7.5 Fire Services**

**7.6 Legal**

**7.7 Planning**

**7.7.1 A-10-19-Z 726 Wellington Street West (BDI Holdings Inc. c/o Brandon Stubbs)**

The report of the Planner was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Planner dated 2019 05 21 concerning Rezoning Application A-10-19-Z be received and that the subject property be rezoned from Single Detached Residential Zone (R2) to Low Density Residential Zone (R3.S) with a special exception to:

Reduce the south interior side yard from 3m to 1.2m.

Reduce the north exterior side yard from 4.5m to 4m.

Permit three parking spaces in a required exterior side yard.

Increase the maximum fence height in a required front yard from 0.9m to 1.8m.

Permit a 3.05m deck projection into the required front yard.

Require the construction of a 100% visually solid fence between the parking area and the abutting parcel to the east, in accordance with the fencing provisions of Zoning By-law 2005-150.

Require an eavestrough be installed on the semi-detached structure.

| Majority                    | For      | Against  | Absent   |
|-----------------------------|----------|----------|----------|
| Mayor C. Provenzano         | X        |          |          |
| Councillor P. Christian     | X        |          |          |
| Councillor S. Hollingsworth |          |          | X        |
| Councillor L. Dufour        | X        |          |          |
| Councillor L. Vezeau-Allen  |          |          | X        |
| Councillor D. Hilsinger     | X        |          |          |
| Councillor M. Shoemaker     | X        |          |          |
| Councillor M. Bruni         | X        |          |          |
| Councillor R. Niro          | X        |          |          |
| Councillor C. Gardi         |          |          | X        |
| Councillor M. Scott         | X        |          |          |
| <b>Results</b>              | <b>8</b> | <b>0</b> | <b>3</b> |

**Carried**

### **7.7.2 Active Transportation Implementation – Cycling Lanes**

Mayor Provenzano was not present during consideration of this matter. Acting Mayor M. Shoemaker assumed the Chair.

The report of the Senior Planner was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Senior Planner dated 2019 05 21 concerning Active Transportation Implementation – Cycling Lanes be received and that the four (4) routes identified in this report be implemented and; that these routes be implemented through the City's annual line painting contract (and through a combination of the 2019 Miscellaneous Construction contract and/or through City resources and/or a separate contract); and that parking prohibitions be extended on the four (4) routes as outlined in this report.

**Officially Read and Not Dealt With**

Moved by: Councillor D. Hilsinger  
Seconded by: Councillor C. Gardi

Resolved that the Queen Street and Willoughby/Wawanosh routes identified in this report be implemented and; that these routes be implemented through the City's annual line painting contract (and through a combination of the 2019 Miscellaneous Construction contract and/or through City resources and/or a separate contract).

**Carried**

Moved by: Councillor M. Bruni  
Seconded by: Councillor M. Scott

Resolved that the approval of the Pine Street and Willow Avenue routes outlined in the report be postponed to a future meeting of Council to allow for further consultation to occur, including those residents specifically affected by the proposed parking prohibition.

**Carried**

## **7.8 Boards and Committees**

### **7.8.1 EDC Annual Report**

Mayor Provenzano was not present during consideration of this matter. Acting Mayor M. Shoemaker assumed the Chair.

The report of the Executive Director, Economic Development Corporation was received by Council.

Moved by: Councillor R. Niro  
Seconded by: Councillor D. Hilsinger

Resolved that the report of the Executive Director, Economic Development Corporation dated 2019 05 21 concerning EDC Annual Report be received as information.

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |
|-----------------------------|------------|----------------|---------------|
| Mayor C. Provenzano         |            |                | X             |
| Councillor P. Christian     |            |                | X             |
| Councillor S. Hollingsworth |            |                | X             |
| Councillor L. Dufour        | X          |                |               |
| Councillor L. Vezeau-Allen  |            |                | X             |
| Councillor D. Hilsinger     | X          |                |               |

|                         |          |          |          |  |
|-------------------------|----------|----------|----------|--|
| Councillor M. Shoemaker | X        |          |          |  |
| Councillor M. Bruni     |          | X        |          |  |
| Councillor R. Niro      | X        |          |          |  |
| Councillor C. Gardi     | X        |          |          |  |
| Councillor M. Scott     | X        |          |          |  |
| <b>Results</b>          | <b>6</b> | <b>0</b> | <b>5</b> |  |

**Carried**

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

**8.1 Downtown Trolley**

Mayor Provenzano was not present during consideration of this matter. Acting Mayor D. Hilsinger assumed the Chair.

Moved by: Councillor M. Shoemaker

Seconded by: Councillor P. Christian

Whereas in 2003 the City of Sault Ste. Marie commissioned a report that proposed a Downtown Trolley for tourism service between Sault Ste. Marie's tourism attraction spaces; and

Whereas a Downtown Trolley would be a motorized bus with the exterior designed to look like an old-fashioned streetcar; and

Whereas a Downtown Trolley would allow tourists, Agawa Canyon passengers, cruise ship passengers and others more time at various attractions instead of spending time getting to those attractions; and

Whereas a Downtown Trolley could be operated seasonally during Sault Ste. Marie's busiest tourism months; and

Whereas the Local Accommodation Tax may provide funding that, in the past, hasn't been available for the execution of such a project; and

Whereas local tourism partners may be willing to participate in the funding or operation of the Downtown Trolley;

Now Therefore Be It Resolved that staff be requested to study, review, consult and subsequently advise council of the feasibility of implementing of a Downtown Trolley in Sault Ste. Marie.

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |
|-----------------------------|------------|----------------|---------------|
| Mayor C. Provenzano         |            |                | X             |
| Councillor P. Christian     | X          |                |               |
| Councillor S. Hollingsworth |            |                | X             |
| Councillor L. Dufour        | X          |                |               |
| Councillor L. Vezeau-Allen  |            |                | X             |
| Councillor D. Hilsinger     | X          |                |               |
| Councillor M. Shoemaker     | X          |                |               |
| Councillor M. Bruni         | X          |                |               |
| Councillor R. Niro          | X          |                |               |
| Councillor C. Gardi         | X          |                |               |
| Councillor M. Scott         | X          |                |               |
| <b>Results</b>              | <b>8</b>   | <b>0</b>       | <b>3</b>      |

**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**

Mayor Provenzano was not present during consideration of these matters. Acting Mayor M. Shoemaker assumed the Chair.

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that all By-laws under item 11 of the Agenda under date 2019 05 21 be approved.

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |
|-----------------------------|------------|----------------|---------------|
| Mayor C. Provenzano         |            |                | X             |
| Councillor P. Christian     | X          |                |               |
| Councillor S. Hollingsworth |            |                | X             |

|                            |          |          |          |
|----------------------------|----------|----------|----------|
| Councillor L. Dufour       | X        |          |          |
| Councillor L. Vezeau-Allen |          | X        |          |
| Councillor D. Hilsinger    | X        |          |          |
| Councillor M. Shoemaker    | X        |          |          |
| Councillor M. Bruni        | X        |          |          |
| Councillor R. Niro         | X        |          |          |
| Councillor C. Gardi        | X        |          |          |
| Councillor M. Scott        | X        |          |          |
| <b>Results</b>             | <b>8</b> | <b>0</b> | <b>3</b> |

**Carried**

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

**11.1.1 By-law 2019-89 (Parking) Municipal Law Enforcement Officers**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that By-law 2019-89 being a By-law to appoint Municipal Law Enforcement Officers and to amend Schedule "A" to By-law 90-305 be passed in open Council this 21st day of May, 2019.

**Carried**

**11.1.2 By-law 2019-103 (Agreement) Boiler Replacement Public Works**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that By-law 2019-103 being a By-law to authorize the execution of the Agreement between the City and Coco's Plumbing, Heating & Sheet Metal for the Boiler Replacement at Public Works be passed in open Council this 21st day of May, 2019.

**Carried**

**11.1.3 By-law 2019-112 (Agreement) Batchewana First Nation Rankin Fire Services**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that By-law 2019-112 being a by-law to authorize the execution of the Agreement between the City and The Batchewana First Nation of Ojibways of Rankin Indian Reserve 15D for a five (5) year renewal for fire protection services be passed in open Council this 21st day of May, 2019.

**Carried**

**11.1.4 By-law 2019-116 (Property) 25 Donna Drive**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that By-law 2019-116 being a by-law to declare the City owned property legally described as PIN 31595-0333 (LT) BLK A H534 KORAH; SAULT STE. MARIE being civic 25 Donna Drive, as surplus to the City's needs and to authorize the disposition of the said property be passed in open Council this 21st day of May, 2019.

**Carried**

**11.1.5 By-law 2019-117 (Regulation) Animal Care & Control By-law**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that By-law 2019-117 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 21st day of May, 2019.

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |
|-----------------------------|------------|----------------|---------------|
| Mayor C. Provenzano         |            |                | X             |
| Councillor P. Christian     | X          |                |               |
| Councillor S. Hollingsworth |            |                | X             |
| Councillor L. Dufour        | X          |                |               |
| Councillor L. Vezeau-Allen  |            |                | X             |
| Councillor D. Hilsinger     | X          |                |               |
| Councillor M. Shoemaker     | X          |                |               |
| Councillor M. Bruni         | X          |                |               |
| Councillor R. Niro          | X          |                |               |
| Councillor C. Gardi         | X          |                |               |

|                     |          |          |          |                |
|---------------------|----------|----------|----------|----------------|
| Councillor M. Scott | X        |          |          |                |
| <b>Results</b>      | <b>7</b> | <b>1</b> | <b>3</b> |                |
|                     |          |          |          | <b>Carried</b> |

**11.1.6 By-law 2019-118 (Street Assumptions) Various Streets**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that By-law 2019-118 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 21st day of May, 2019.

**Carried**

**11.1.7 By-law 2019-119 (Agreement) Municipal Transient Accommodation Tax**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that By-law 2019-119 being a By-law to authorize the execution of the Memorandum of Understanding between the City and the Sault Ste. Marie Economic Development Corporation to transfer the 2019 Municipal Transient Accommodation Tax (MAT) allotment be passed in open Council this 21st day of May, 2019.

**Carried**

**11.1.8 By-law 2019-122 (Streets) Amend Streets By-law 2008-131**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that By-law 2019-122 being a by-law to amend By-law 2008-131 being a by-law respecting streets and related matters be passed in open Council this 21st day of May, 2019.

**Carried**

**11.1.9 By-law 2019-123 (Signs) Amend Signs By-law 2017-35**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that By-law 2019-123 being a by-law to amend By-law 2017-35 being a by-law for regulating or prohibiting signs and other advertising devices be passed in open Council this 21st day of May, 2019.

**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 R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that this Council proceed into closed session to discuss one item concerning instructions for negotiations, one item concerning potential property assessment classification and one item concerning property acquisition.

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 section 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, (d) labour relations or employee negotiations, (c) proposed or pending acquisition or disposition of land.*

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |
|-----------------------------|------------|----------------|---------------|
| Mayor C. Provenzano         |            |                | X             |
| Councillor P. Christian     | X          |                |               |
| Councillor S. Hollingsworth |            |                | X             |
| Councillor L. Dufour        | X          |                |               |
| Councillor L. Vezeau-Allen  |            |                | X             |
| Councillor D. Hilsinger     | X          |                |               |
| Councillor M. Shoemaker     | X          |                |               |
| Councillor M. Bruni         | X          |                |               |
| Councillor R. Niro          | X          |                |               |
| Councillor C. Gardi         | X          |                |               |

|                     |          |          |          |                |
|---------------------|----------|----------|----------|----------------|
| Councillor M. Scott | X        |          |          |                |
| <b>Results</b>      | <b>8</b> | <b>0</b> | <b>3</b> |                |
|                     |          |          |          | <b>Carried</b> |

**14. Adjournment**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that this Council now adjourn.

| <b>Majority</b>             | <b>For</b> | <b>Against</b> | <b>Absent</b> |
|-----------------------------|------------|----------------|---------------|
| Mayor C. Provenzano         |            |                | X             |
| Councillor P. Christian     | X          |                |               |
| Councillor S. Hollingsworth |            |                | X             |
| Councillor L. Dufour        | X          |                |               |
| Councillor L. Vezeau-Allen  |            |                | X             |
| Councillor D. Hilsinger     | X          |                |               |
| Councillor M. Shoemaker     | X          |                |               |
| Councillor M. Bruni         | X          |                |               |
| Councillor R. Niro          | X          |                |               |
| Councillor C. Gardi         | X          |                |               |
| Councillor M. Scott         | X          |                |               |
| <b>Results</b>              | <b>8</b>   | <b>0</b>       | <b>3</b>      |

**Carried**

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\_\_\_\_\_  
Mayor

---

\_\_\_\_\_  
City Clerk



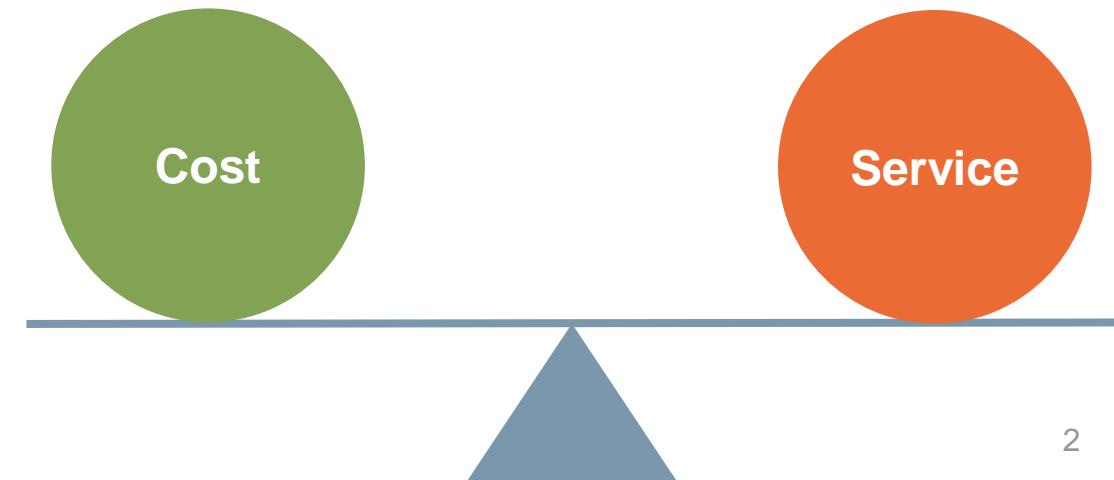
# Strategic Asset Management Policy

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City of Sault Ste. Marie  
June 3, 2019



- **Assets** – things that provide value to the municipality and its stakeholders
- **Asset Management** – “the **set of planned actions** that will enable the **assets** to provide the **desired level of service** in a **sustainable way**, while **managing risk**, at the **lowest lifecycle cost**”
- Balancing **lifecycle costs** and **levels of service**





|  | 1-Jan-18 | 1-Jul-19 | 1-Jul-20 | 1-Jul-21 | 1-Jul-22 | 1-Jul-23 | 1-Jul-24 |
|--|----------|----------|----------|----------|----------|----------|----------|
| <b>Strategic Asset Management Policy</b>   |          |          |          |          |          |          |          |
| <b>Asset Management Plans - Current Levels of Service</b>  |          |          |          |          |          |          |          |
| - Current levels of service<br>- Asset (inventory) analysis<br>- Current performance of assets<br>- Lifecycle activities and costs to maintain current levels of service<br>- Impacts of growth on current levels of service |          |          |          |          |          |          |          |
| <b>Asset Management Plans - Proposed Levels of Service</b>   |          |          |          |          |          |          |          |
| - Proposed levels of service<br>- Proposed performance of assets<br>- Lifecycle activities and costs to achieve proposed levels of service<br>- Financial strategy<br>- Impacts of growth on proposed levels of service      |          |          |          |          |          |          |          |

◆ Deadline for completion  
 Update

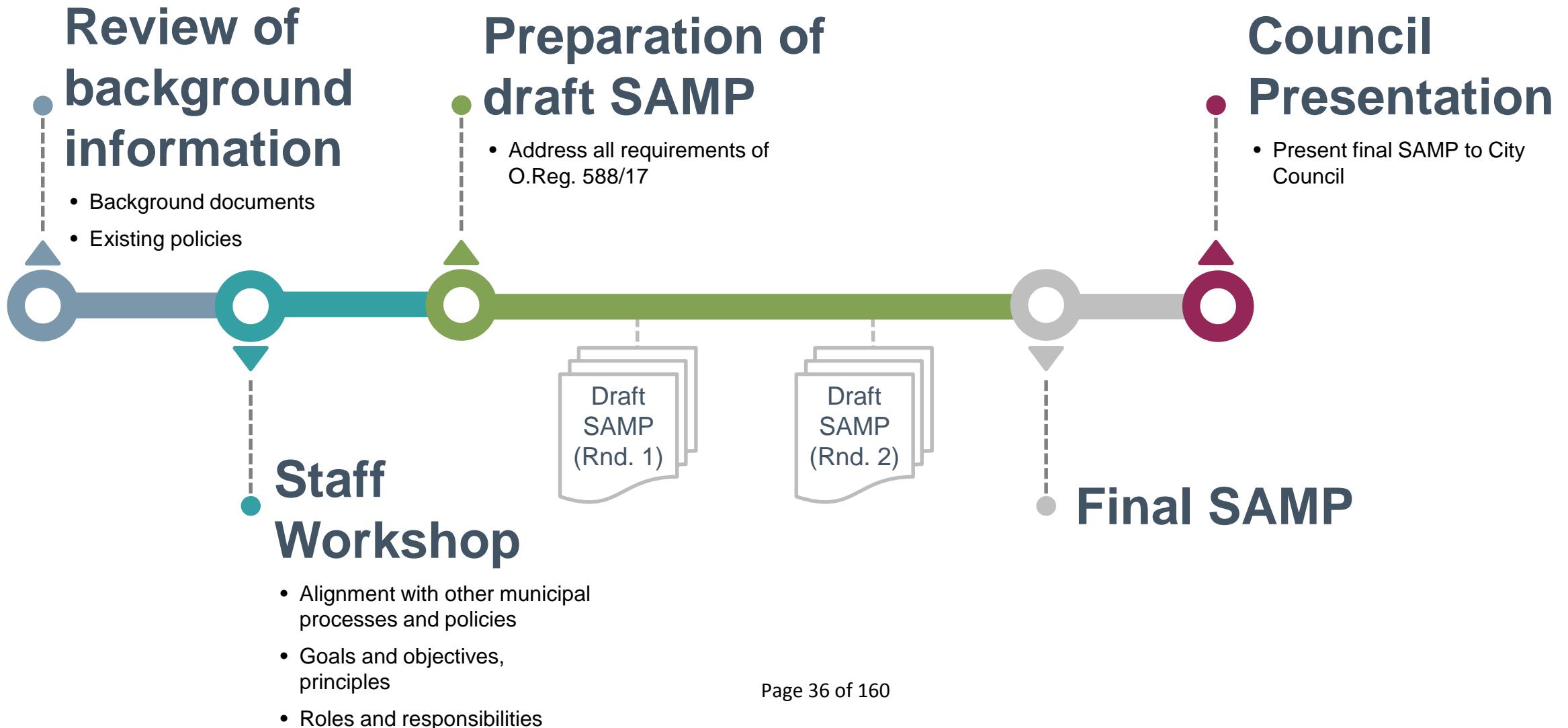
# Strategic Asset Management Policy

## Role of the policy within an Asset Management System



# Strategic Asset Management Policy

## Development of the SAMP for Sault Ste. Marie



# City of Sault Ste. Marie

## Strategic Asset Management Policy

# Strategic Asset Management Policy

## Contents



1. Background
2. Terms and Definitions
3. Scope
- 4. Asset Management Goals and Objectives**
- 5. Principles**
6. Strategic Alignment & Integration
7. Roles & Responsibilities
8. Review Period

# Asset Management Goals

# Strategic Asset Management Policy

## Asset Management Goals and Objectives



- Primary objective of asset management planning is to enable the City to consistently achieve defined service targets
- The City's asset management planning is undertaken with a number of specific goals in mind

# Asset Management Principles

# Strategic Asset Management Policy

## Principles



Service delivery

Long-term  
sustainability and  
resiliency

Holistic approach

Fiscal  
responsibility

Innovation and  
continual  
improvement

Public  
Engagement

# Strategic Asset Management Policy

## Principles



- Service delivery is the key purpose of municipal assets
- Decision-making should be focused on delivering defined levels of service that reflect customer expectations and balance risk and affordability



# Strategic Asset Management Policy

## Principles



- Services and infrastructure assets should be sustainable over the long term
- Achieving this involves long-term planning that incorporates socio-cultural, environmental, and economic considerations

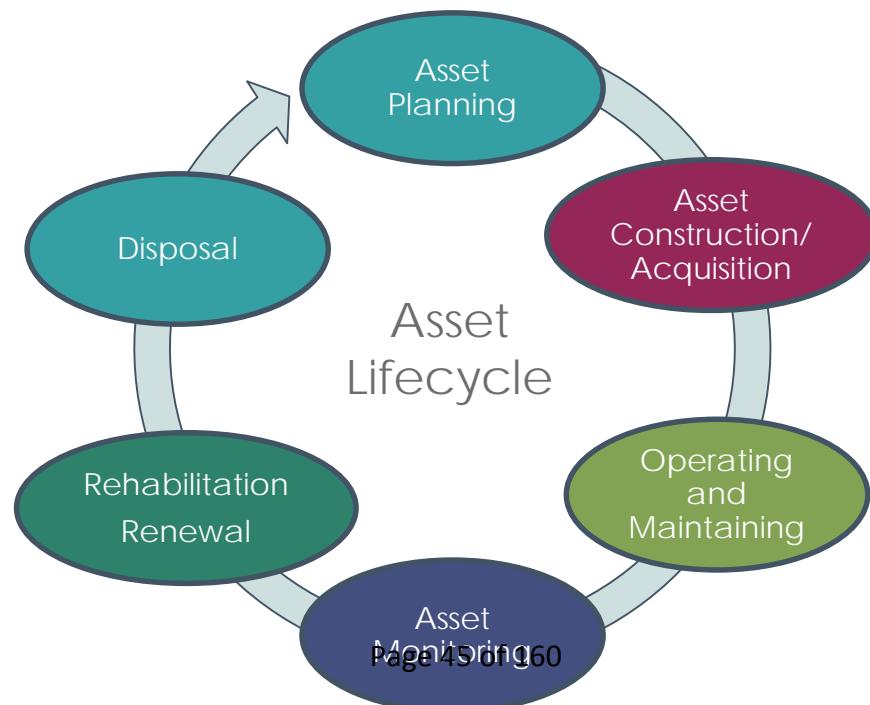


# Strategic Asset Management Policy

## Principles



- Encouraging holistic thinking and collaborative asset management decision-making across departments and disciplines will help the City realize maximum value for the community



# Strategic Asset Management Policy

## Principles



- Financial challenges and constraints are a reality for municipalities
- Robust asset management decision-making processes are required to make the best use of available funds to deliver services



# Strategic Asset Management Policy

## Principles



- A culture of continual improvement helps to increase asset management maturity and deliver services to the community and stakeholders more effectively and efficiently



# Strategic Asset Management Policy

## Principles



- Public engagement can improve both the quality and quantity of information available to the public and decision-makers



# Next Steps

# Next Steps



- Questions/comments
- Council approval of Strategic Asset Management Policy



Thank you!

# ANNUAL REPORT 2018



## ERMATINGER•CLERGUE NATIONAL HISTORIC SITE



Kathy Fisher

Curator / Supervisor

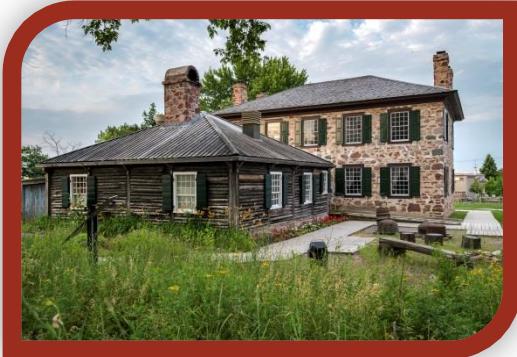
May 2019

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## EXECUTIVE SUMMARY

2018 brought the highest total visitors to date since building the Heritage Discovery Centre. Cruise Ships, and Group of Seven bus tour programs contributed to the success of the year. This annual report will provide further information on the details of the year.



## MANDATE

“The Ermatinger•Clergue National Historic Site provides visitors and residents of Sault Ste. Marie with an opportunity to experience the history of our community through the preservation and historic interpretation of artifacts related to the Site; within the Ermatinger Old Stone House, the Clergue Blockhouse, the Heritage Discovery Centre, and including the heritage gardens and grounds.”

## GOVERNANCE

The Ermatinger•Clergue National Historic Site is owned and operated by the City of Sault Ste. Marie, under the management of the Historic Sites Board, an appointed Board of Council.

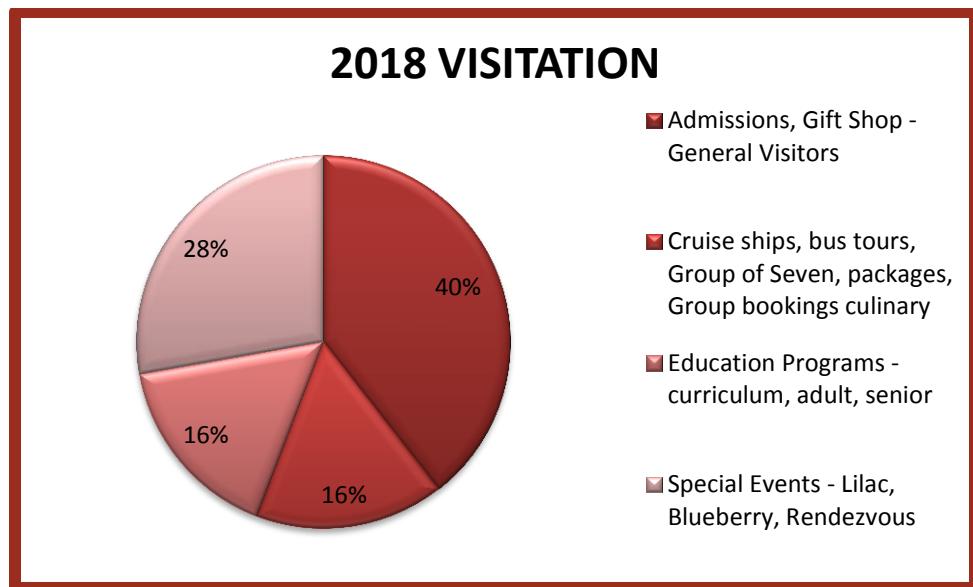
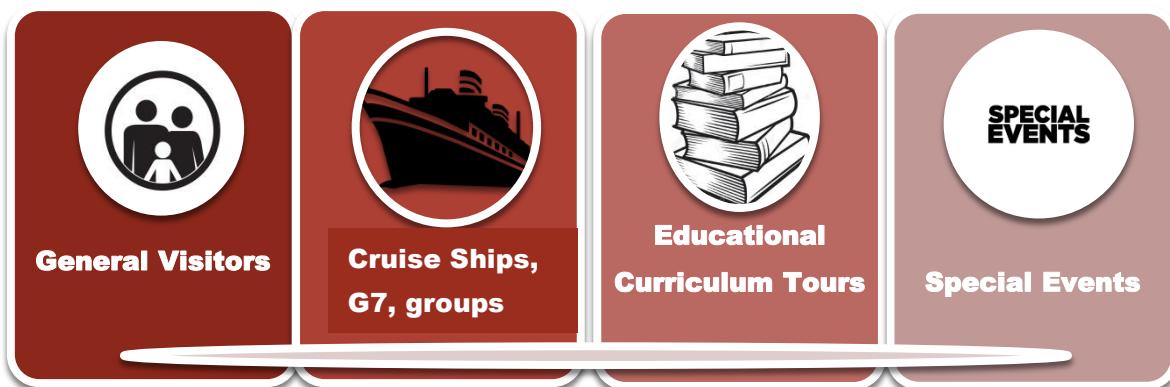
The By-law states the requirements of the Historic Sites Board to oversee the operations of the Ermatinger•Clergue National Historic Site.

In 2018 the Historic Sites Board reviewed and revised their strategic plan and governance policy to reflect the direction of the Ontario Museum Association, Ontario Cultural Plan, City of Sault Ste. Marie’s corporate strategic plan along with FutureSSM direction, and the Downtown Association plan.

The Historic Sites Board along with the Curator ensure that the Ontario standards for museums are met and are submitted to the Ministry of Culture, Province of Ontario.

## VISITATION

|  |                    |                    |
|--|--------------------|--------------------|
| General Visitors   |                    | <b>Total:</b> 4146 |
| - General Site Visitors  |                    | <b>Total:</b> 1870 |
| - Cruise Ships   |                    | <b>Total:</b> 625  |
| - Group of Seven Program – Road Scholar & Gt. Can. Tour                        |                    |                    |
| Packages sold by Tourism Sault Ste. Marie                                      |                    | <b>Total:</b> 558  |
| - Train Tours Packages & On line tickets / Passes                              |                    |                    |
| Educational Programs – Curriculum  |                    | <b>Total:</b> 2764 |
| Adult Programming – Fridays by the Fire & Workshops                            |                    | <b>Total:</b> 969  |
| Private Bookings for Heritage Culinary Experiences                             |                    | <b>Total:</b> 680  |
| Special Events (Rendezvous, Lilac & Lavender) &<br>ECNHS hosted Themed Dinners |                    | <b>Total:</b> 6338 |
| Non-paying visitors to <b>Gift Shop</b> / 4Culture Pass / Memberships          |                    |                    |
| <b>Venue Rentals</b>   |                    | <b>Total:</b> 4849 |
|  | <b>GRAND TOTAL</b> | <b>22799</b>       |



Visitation does not include "outreach" / booths - see statistics for this on page 5.

## **EDUCATIONAL PROGRAMMING – CURRICULUM BASED ON SITE AT ECNHS**

| <b>Program Name</b>          | <b>Number of Programs</b> | <b>Number of Participants</b> |
|------------------------------|---------------------------|-------------------------------|
| Pioneer Living (Grade 3 & 4) | 6                         | 159                           |
| Long Ago (Grades 1 to 4)     | 3                         | 111                           |
| Native Life (Grade 5 & 6)    | 4                         | 134                           |
| Fur Trade (Grade 7) **       | 26                        | 668                           |
| Yuletide (Grade 1 to 4)      | 10                        | 222                           |
| Child's Summer               | 5                         | 127                           |
| Brownies / Girl Guides       | 2                         | 45                            |
| <b>Customized Programs</b>   | <b>10</b>                 | <b>202</b>                    |
| <b>Total:</b>                | <b>66</b>                 | <b>1668</b>                   |

\*\* Fur Trade Program is included in Fall Rendezvous

## **EDUCATIONAL PROGRAMMING – Youth, Adult & 55+ On site & Offsite**

|   |           |             |
|---|-----------|-------------|
| Algoma University Archives Course   | 1         | 18          |
| Senior Services 55+   | 53        | 264         |
| Anarchist Tag Programming   | 1         | 24          |
| Sault College Event Mngt.   | 2         | 38          |
| Curriculum at Schools   | 7         | 151         |
| Herbal First Aid  | 1         | 17          |
| Culture Days – Medicine Walk  | 2         | 27          |
| Fall Rendezvous 1812 Fly fish   | 1         | 34          |
| Fall Rendezvous Culture Days  | 24        | 419         |
| Brownies / Girl Guides – Emergency Preparedness & Heritage Badges - SLEEPOVER | 1         | 62          |
| Junior Gardener (full season)   | 1         | 10          |
| NSCANetwork workshops   | 2         | 32          |
| <b>TOTAL</b>  | <b>96</b> | <b>1096</b> |

**1668 + 1096 = 2764 EDUCATIONAL PROGRAMS**

## CUSTOMIZED PROGRAMMING

War of 1812 – Public schools

Curatorial & Collections Programming – White Pines Arts & Culture SHSM

Responsible Citizens Programming – White Pines & Korah - Civics & Careers Class

Museum Workers Programming – St. Mary's College Hospitality and Tourism

Public Relations & Event Management – Sault College

Anarchist Tag Programming – Algoma University Public History Class

Archival techniques & cataloguing – Algoma University Archives Class



## OUTREACH OFF SITE – Exposure

In 2018 we went out to many events / partnership opportunities:

Outreach for the Ermatinger•Clergue National Historic Site included the following:

- Tourism Week – Ontario Tourist Information Centre
- Festival of Trees – Sault Ste. Marie Public Library
- Hello Spring – New North Greenhouses
- Seedy Saturday – Horticultural Society / Sault College
- Algoma University Archives Course
- Volunteer Bureau – Volunteer Fair
- Canada Day festivities at Roberta Bondar Park
- Local Immigration Partnership Forum
- Culture Days at Library and Art Gallery
- 3 Senior Services talks / demonstrations

**Outreach off site Total: 6842**

# MOMENTS *of* ALGOMA

GROUP OF SEVEN



The Ermatinger•Clergue National Historic Site has partnered with Theatre in Motion to present a series of Group of Seven themed programming to the site. The Group of Seven program involves a performance within the Heritage Discovery Centre Theatre which features a one man theatrical production of Lawren Harris, followed by a Heritage Culinary Dinner themed on the foods the men ate while in Algoma. Historic interpretation and promotion for travelling in Algoma reflects on the Group of Seven and their experiences while painting our great landscapes. This iconic Canadian Program is offered to bus / tour groups as well as to those individuals doing drive tours, or fly and drive tours, for their "Moments in Algoma". The package is sold through Tourism Sault Ste. Marie for group bus tour companies. The individual tickets are promoted by Algoma Country and our ECNHS websites.

## PARTNERSHIPS 2018

4Culture  
 Parks Canada Sault Canal  
 North Shore Cultural Attractions Network  
 Sault Ste. Marie Conservation Authority  
 March of Dimes – ongoing work skills placements  
 Community Living Algoma – volunteer placements  
 Indian Friendship Centre – Fall Rendezvous & Fridays by the Fire  
 Downtown Association – Events  
 Sault Ste. Marie Public Library – Fridays by the Fire, Festival of Trees, Culture Days  
 Living History Algoma – SSM Oral Histories, Sault Stories, and Theatre in Motion  
 Fringe Festival 2018 – host location  
 Local Immigration Partnership – National Film Day, LIP Forum, & Culture Days  
 Ontario Museum Association – Diversity & Inclusion Symposium & Toolkit

## EVENTS: Planned and Implemented on Site

1. Fridays by the Fire
  - Every Friday during January through March, a lunch & learn program, 12:00 to 1:00
2. March Break for children & youth. Half day workshops Tuesday, Wednesday & Thursday.
3. April - Easter Egg Hunt & Sensitive Egg Hunt – 197 participants
  - The Site offered an egg hunt day, where children 1 to 5 years were to arrive with their baskets and hunt for coloured eggs, while children 6 to 12 years were to go on an eggscavenger hunt. Treats, cookies and juice followed.
4. June - Lilac and Lavender Victorian High Tea with Lavender Tea & guest speakers
5. July - Parade of Paddles – Canoe/kayak from Canal to Ermatinger Site – then lunch on lawn.
6. July - Strawberry Social - Event planned in conjunction with Downtown Street Party
7. August - Blueberry Festival - Blueberry Pancake breakfast
8. August - Blueberry Festival - Dine with the “spirits” a rum tasting dinner with the RNR from Signal Hill N. H. S. followed by the Ghost Walk at Fort St. Joseph
9. September - FALL RENDEZVOUS
  - Annual Fall Rendezvous hosted by “Friends of” was combined with Culture Days. A four day event at the site. In partnership with the Ontario Culture Days, SSM Public Library, Art Gallery of Algoma, and the Indian Friendship Centre.
10. November - Evening in the Summer Kitchen – themed on the “Call of the Wild” and a Christmas themed Heritage Culinary Experience with produce from the Heritage Gardens on site. These are four course meals with historical interpretation and entertainment.
11. November - Moonlight Magic - The downtown core was open late for an evening of Christmas shopping and festivities. Our gift shop, The Post, featured sales and refreshments and freshly baked gingerbread men served by the hearth.
12. Christmas Tea – Victorian Fancy tea with all our homemade holiday baking. Christmas Carolers lead the visitors in song.



## VENUE RENTALS

The Heritage Discovery Centre provides the Ermatinger•Clergue National Historic Site with a unique opportunity to rent out the theatre and/or foyer. We are able to book in receptions, small conferences, weddings, showers, and annual meetings, all of which have been very well received.

The summer kitchen in the Ermatinger Old Stone House still is a popular venue for any occasion.

Venue rentals for 2018 included:

- Weddings, Wedding Photo's, & Private Parties
- Tourism Northern Ontario
- Ontario Culinary Alliance
- Ontario Trillium Foundation information session
- Breast Cancer Awareness celebration
- North Star Travel destination presentation
- Ministry of Northern Development & Mines



## GIFT SHOP – “The Post”

In 2018, the Gift Shop within the Heritage Discovery Centre operated for the second year completely by Site staff & volunteers. Purchased merchandise for resale, and local artist's consignment items in combination comprised the inventory.

|  |              |
|--|--------------|
| Revenue received from resale & consignment = | \$ 26,651.44 |
|--|--------------|

|  |                     |
|--|---------------------|
| Expenses for merchandise, supplies, & credit card fees = | <u>\$ 16,622.49</u> |
|--|---------------------|

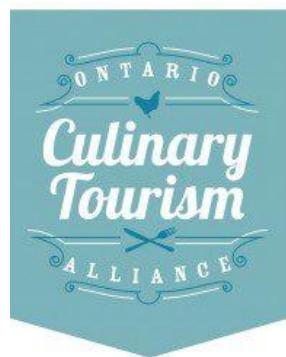
|                          |                     |
|--------------------------|---------------------|
| <b>Net Revenue 2018:</b> | <b>\$ 10,028.95</b> |
|--------------------------|---------------------|

|                   |             |
|-------------------|-------------|
| Net revenue 2017: | \$ 9,860.00 |
|-------------------|-------------|



## PARTNERSHIP STRATEGIES:

2108 offered opportunities to develop some new strategies for Sault Ste. Marie and Algoma. Staff participated in the development of the first Food Tourism / Culinary Strategy for Algoma. This partnership was led by Algoma Country (Algoma Kinniwabi Travel Association), who contracted the services of Ontario Culinary Tourism Alliance. The Strategy developed a full report with directions for implementing the strategy.



The second partnership co-relates to the Culinary Strategy and became a parallel project. This was to develop the Group of Seven experiences in order to promote new packages for Algoma, thus drawing new Tourism visitors.

When reviewing our mandate and purpose, heritage culinary opportunities as well as our historic educational purpose were the only direct links to this new partnership. Discussions amongst the partners ended with multi packages that could be brought forward to the 2019 Website on Moments of Algoma for package purchases.

A screenshot of the Moments of Algoma website. The top navigation bar includes links for "Order Brochure", "En Français", "Contact Us", a search bar, and a "MY TRIP" button. Below the navigation is a main banner image of a lake and mountains. Underneath are several thumbnail images representing different tour packages. Two specific packages are circled with red circles: "SIN ALGOMA: a Group of Seven Dinner Theatre" and "Group of Seven Picnic Lunches". Both of these circled packages have a red circle drawn around them.

**ECNHS packages on “Moments of Algoma” website.**

## EXHIBITS

### Period

#### Rooms

- Artifact changes within the period rooms
- Furniture re-arranged to change the weight baring load on the floors

### Heritage

#### Gardens

- Signage Created by staff for Herb & Dye gardens, Native species & Heritage plants.
- Historic relevance, usage, details of plants, and photos are all included on each.

### JESSIE'S EXHIBITS

Children's hands on exhibits.

- With furniture & supplies from Jessie Irving Daycare we were able to create some hands on spaces within all our buildings & exhibits that encourage children to play.

- Travelling Exhibit in Front Period Room of OSH called: "NIP & TUCK RAILWAY"
- Survivors of the Shingwauk Residential School – banner up exhibit with 2 display cases.
- Medical History Display featuring medical tools used by company soldiers War of 1812 era.
- Pioneer Yuletide and Victorian Christmas displays in the Period Rooms showcasing decorations and hands on activities.
- Victorian Easter display and Egg hunt.

- Harvesting, preserving and food preparation with food items grown in our Heritage Gardens

- Re-creation of a child's dollhouse from the Daycare – into a miniature Old Stone House – with furniture
- Dress up stations in HDC 1812 exhibit and also in the children's room – 2<sup>nd</sup> floor of OSH
- 4 stations for Hands on activities within the Period room exhibitions.

## VOLUNTEERS

Volunteers who assist in activities, events, and programming, are a mix of individuals from the following areas:

- Members of the Friends of Ermatinger•Clergue National Historic Site
- Members of the Historic Sites Board
- Adult and Youth Re-Enactors
- High school Students
- Adults & Seniors (55+) who individually want to assist in many capacities

The site is managed by a volunteer Board which is comprised of **7 members** contributing a total of approximately **375 hours** including the formal board meetings once a month. Members for the Sault Ste. Marie Historic Sites Board are appointed by City Council every 2 years. The Ermatinger•Clergue National Historic Site has **32 volunteers** contributing **1785 hours** of volunteer work – not including the Board members. Many of the volunteers began to help in the planning years of 2010 & 2011, and then during the 200<sup>th</sup> Commemoration of the War of 1812. We are graced with some volunteers that have achieved over 30 years of service, and bringing **"History to Life"**.

**Grand total - 39 volunteers donated 2160 hours of work.**

## STAFFING in 2018

The Ermatinger•Clergue National Historic Site consists of 3 buildings and heritage gardens, operated year-round, since the 2014 opening of the Heritage Discovery Centre.

2018 Staffing at the Ermatinger•Clergue National Historic Site breaks down as follows:

Regular year-round staff:

- 1 Full Time Permanent Curator
- 1 Full Time Permanent (Heritage) Programmer Assistant
- 1 Part Time Garden / Grounds / House Keeper (28 hrs / wk – Spring to Fall - seasonal)
- 1 Part Time Historic Interpreter (28 hrs / wk)
- 1 Part Time Cook (25 hrs / wk)
- 1 Part Time Administrative Assistant/Receptionist (25 hrs./wk)
- 1 Career training programs – funding from March of Dimes for wage subsidy

Students:

- 1 Young Canada Works Summer Student (Federally Funded) & City of SSM
- 1 Provincial SEP Summer Student (Provincially Funded) & City of SSM
- 2 Municipal Summer Students (Funded through the City of Sault Ste Marie)

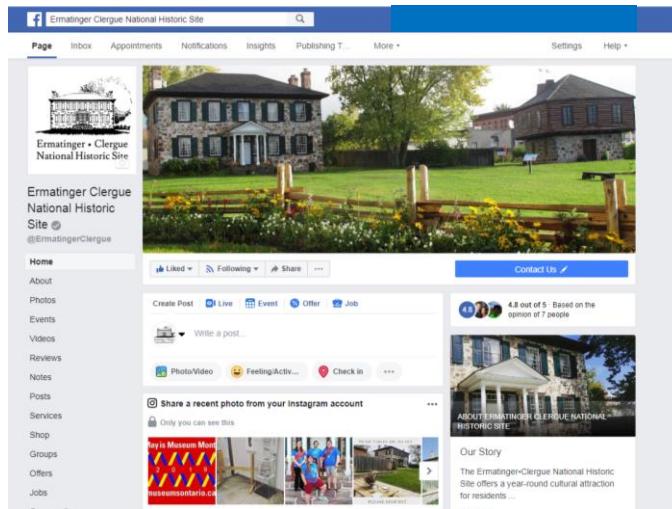
## SOCIAL MEDIA

With the Museum Standards for CMOG (Community Museums Operating Grant) and the Ministry of Culture – “Social Media” became a project in the forefront in 2016. The Ermatinger•Clergue National Historic Site operates a Facebook Page in order to engage and interact with the community. Along with starting this social media page, a written policy was also required for the Standards. The Site took on operating the Facebook Page in May of 2016 and it has proven to assist in both promotion, education, and engagement.

The total page likes on our Facebook as of December 31, 2018 = 595. This is an increase of 203 from 2017.

The total followers on our Facebook as of December 31, 2018 = 599

Through incorporating more photo and video posts the site aims to reach more of the targeted age group and generate further engagement and interaction with the page. This same goal has been set for our Website content and Instagram account.



## NEW ONLINE PRESENCE

**INSTAGRAM:** Started in August 24, 2017 ending with 256 followers. 2018 ended with 428 followers.

**TRIP ADVISOR:** #7 things to do in Sault Ste. Marie with a 4.8 star rating and 98% positive reviews

**GOOGLE BUSINESS:** Total searches 1.84 k hits, with 4.2 stars on Google Business

**MUSEIST:** [www.museist.com](http://www.museist.com) – 69 visits, 5 stars

## COLLECTIONS MANAGEMENT

In 2017 the Friends of ECNHS received a private financial donation. With this funding, they purchased "Past Perfect" software for the Site to use as the new collections management data basing system. Therefore, in 2018, installation and familiarization with the software began. Inventories of artifacts and archives also was required - in conjunction with cleaning, and storage preparing. A focus on the Attic storage areas was the beginning with 2 weeks of concentrated effort to inventory and ensure proper storage techniques were completed for each item.

A project with the Algoma University Archives and the Archival Course at Algoma University enabled the sorting, documenting, and ensuring proper storage techniques (acid free envelopes and boxes) were completed on some of the archival collection.

## POLICIES

In accordance with the Ministry of Culture standards for Museums in Ontario, we completed and met with success the following policies and submission requirements:

- 1) Governance Policy & Strategic Planning
- 2) Collections Policy
- 3) Collections Management procedures

## MAINTENANCE REVIEW & Asset Management

City of Sault Ste. Marie Asset Management – Facility Condition Assessments identified the following critical items and are still outstanding issues:

- 4 chimney's on the Ermatinger Old Stone House: repointing & mortar fixes.
- Correct basement leakage: the exposed walls in the basement of the EOSH show, parging at grade level & efflorescence on walls from grade level to floor, – excavation, waterproofing, and drainage required.
- Repaint & putty windows and other wood trim elements (mutton bars & re-putty) on both the Ermatinger Old Stone House and the Clergue Blockhouse. Many windows seem to look as if the putty and mutton bars are not supporting the glass. Wood framing is rotting and showing signs of punkie wood.
- Repair log cladding at summer kitchen - Summer Kitchen log walls – localized deterioration in some logs. Last repair completed in 2005. Localized repairs should be completed to decrease future costs to repair. Issue is that this is a laborious job and takes a specialized skill for mixing the log filler.
- Repoint summer kitchen fireplace / hearth and chimney – cracks have occurred

An annual review of the Site is conducted by one board member and staff. The checklist guides all on what to look for in maintenance or restoration requirements. This checklist is also compared to the full 'asset management assessment' provided to the City in 2013.

- 1) Roof(s): Cedar shakes on Blockhouse and Ermatinger house are showing signs of curving and drying. Will require an inspection to further determine when maintenance or replacement is required.
- 2) Summer Kitchen log walls – localized deterioration in some logs. Last repair completed in 2005. Localized repairs should be completed to decrease future costs to repair. Issue is that this is a laborious job and takes a specialized skill for also mixing the log filler.
- 3) Shed at Auxiliary Kitchen door – softwood shed requires replacing. Wood siding needs replacing, roof needs repair, and building has shifted. Inside floor needs replacing.
- 4) Front door of EOSH – threshold has dried out and is cracking. Wood needs to be restored or replaced, and painted.
- 5) Front steps & porch of the EOSH are solid stone. Minor repointing is usually required approximately every 2 to 3 years. Railing for climbing assistance should be evaluated or considered. Porch pillars at base have been repaired and bottom base made of cement in order to avoid rotting. Continuous monitoring on this required.
- 6) Exterior boardwalks: Continuous maintenance required annually, to repair or replace. Boardwalks pose a Health & Safety risk, for people walking off edges, and the main issue is that people find boards very slippery when they are not totally dry. They must be treated with a sand or grit in a clear coat on each. Exterior period pieces: wood benches and barrels. These items are showing their wear from weathering and sun exposure. Barrels require replacement, and benches refurbished.
- 7) Queen Street white picket fence. Annual spring inspection will be required to determine which boards require replacing and what requires painting. Gate and latch will also need maintenance work.
- 8) Split rail fence around the south and east perimeter requires some posts to be re-wired, and split rails to be fixed and or replaced. Some areas of the fence require building up with more rails.

## SUMMARY

As per the Historic Sites Board by-law this report shall be submitted annually to City Council as well as with the application to Community Museums Operating Grant – Grants Ontario.

THE END



CELEBRATE

REMEMBER

FIGHT BACK

CÉLÉBRER

RENDRE HOMMAGE

LUTTER

May 10, 2019

Dear Mr. Christian:

On behalf of our Korah Relay for Life team we would like to request that City Council would give us permission to host an all-night "Relay for Life" fundraiser at Korah Collegiate and Vocational School on the night of June 13<sup>th</sup> 2019 from 7 pm until 7 am the morning of June 14<sup>th</sup> 2019. We will be handing out notification flyers to the nearby residents around the school property, notifying them about this event and warning them of the noise level for the evening. The money from the event will be donated to the Canadian Cancer Society which will help them find a cure to this terrible problem.

Thank you for taking the time to read this letter. Your permission will be greatly appreciated on behalf of Korah Collegiate Relay for Life Committee.

Sincerely,

Cosimo Martella  
Korah Collegiate Relay For Life Committee



CELEBRATE

REMEMBER

FIGHT BACK

CÉLÉBRER

RENDRE HOMMAGE

LUTTER

June 1, 2018



## Korah Collegiate's 8th Annual Relay for Life



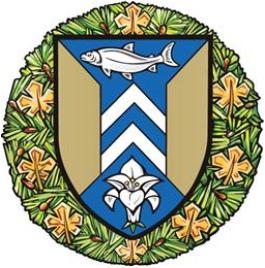
On Thursday, June 13th, 2019, Korah Collegiate will host its 8<sup>th</sup> Canadian Cancer Society Relay for Life event. It will be a wonderful celebration of survival, a tribute to the lives of loved ones lost and those still fighting the disease, as well as a night of fun, friendship, and fundraising to beat cancer. Last year marked a significant milestone for Korah as we eclipsed raising \$30 000 for the year and surpassed \$100 000 mark in donations since our initial involvement. The event will be held on the school track from 7 pm to 7 am, starting with Opening Ceremonies and a Survivors' Victory Lap. An inspiring Luminary Ceremony occurred shortly after dusk and will honour loved ones who have survived cancer, are currently battling cancer or who have succumbed to the disease. Fun events during the twelve hour relay included an open air concert, 4 corner volleyball games, basketball games, and contests and games between teams.

This year we hope to have over 200 participants and 50 student and teacher volunteers are involved in this overnight non-competitive relay. Teams consisted of Korah students, teachers and staff, as well as cancer survivors. This event was supported by many donations from local businesses, who made donations of equipment, money and prizes. Our sincere thanks go out to those sponsors who helped make this event happen and the City of Sault Ste Marie for their support.

This year Korah has set a goal of \$30,000 to be raised for the Canadian Cancer Society. Final numbers will include donation collected by participant and school fundraisers held during the year for Relay for Life, such as Great Lakes Honda Bake Sale and Carwash, Bake Sale, and a Paint Day sponsored by Mayor Youth Council Grant. To date Korah students have raised over \$100,000 towards the Relay for Life Campaign since it's first Relay in 2011. Our heartfelt thanks to everyone involved in our event who helped raise funds enabling the Canadian Cancer Society to help find a cure for cancer!

HOPE TO SEE YOU THERE ON JUNE 13, 2019.  
KORAH'S RELAY FOR LIFE 7:00 PM – 7:00 AM.  
KORAH COLLEGIATE TRACK AND FIELD

Sincerely,  
Cosimo Martella  
Korah CVS Relay for Life Committee Chair



## The Corporation of the City of Sault Ste. Marie

### C O U N C I L   R E P O R T

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Kathy Fisher, Curator  
**DEPARTMENT:** Community Development and Enterprise Services  
**RE:** Community Museum Operating Grant ECNHS

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#### **PURPOSE**

This is a request for Council's approval to apply for the annual Community Museums Operating Grant (CMOG), Ministry of Culture, through Grants Ontario.

#### **BACKGROUND**

A community museum is required to meet the Provincial Standards for museums before funding through the CMOG program can be considered. The standards consist of ten areas: governance, community, finance, collections, conservation, education, exhibition, research, human resources, and physical plant.

The Historic Sites Board and staff of the Ermatinger•Clergue National Historic Site have diligently worked towards meeting the standards with excellence, and continue to strive for this level of standard.

The Historic Sites Board passed a resolution at the May meeting to support the annual application to the Province and to enter into agreement for annual operating grant funding.

#### **ANALYSIS**

Each year Grants Ontario requires an Annual Report, which includes statistical information regarding visitation, volunteers, programs, and collections. Audited financial statements and details of financial accounts regarding the operations of the museum accompany the annual application. The Provincial grant application process assists the City in securing financial operating funding, as well as ensures that the staff and volunteers are meeting Provincial community museum standards of operation. These standards ensure that we operate as stewards of conservancy and education.

#### **FINANCIAL IMPLICATIONS**

The Historic Sites Board has successfully received an annual amount of \$18,780 from this program to assist in the operational expenses in running the community museum.

**STRATEGIC PLAN / POLICY IMPACT**

As part of the governance standard, it is mandatory that the Historic Sites Board continue to update the strategic plan for the Site, and to have it relate to the Municipal Plan.

**RECOMMENDATION**

It is therefore recommended that Council take the following action:

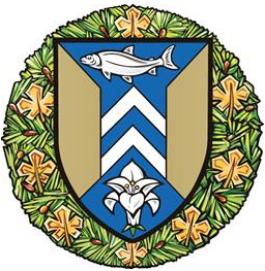
“That the report of the Curator of the Ermatinger•Clergue National Historic Site dated 2019 06 03 concerning the Community Museums Operating Grant be received and that the request of the Historic Sites Board to submit an application to the Community Museums Operating Grant program be approved.”

“The relevant By-law 2019-113 is listed elsewhere on the agenda and is recommended for approval.”

Respectfully submitted,



Kathy Fisher, Curator  
Ermatinger•Clergue National Historic Site  
705.759.5443  
[k.fisher@cityssm.on.ca](mailto:k.fisher@cityssm.on.ca)



## The Corporation of the City of Sault Ste. Marie

### C O U N C I L   R E P O R T

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Kathy Fisher, Curator ECNHS  
**DEPARTMENT:** Community Development and Enterprise Services  
**RE:** Firearms By-law Exemptions Ermatinger•Clergue National Historic Site

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#### **PURPOSE**

This is a request for Council's approval to allow exemptions to the current firearms regulation. These exemptions would permit the staff and volunteers of the Ermatinger•Clergue National Historic Site (ECNHS) to carry out period re-enactments (black powder musters and cannon firing), during operations and special events on the ECNHS grounds.

#### **BACKGROUND**

This season June to mid-December, the staff and volunteers of the ECNHS will be hosting a number of special events at the site, including the Poutine Feast, 200<sup>th</sup> Anniversary of the Powder Magazine, Fall Rendezvous and Culture Days. At these events re-enactors from the Royal Newfoundland Regiment and the Coureur Du Bois II demonstrate the loading and firing of militia muskets and cannon (black powder shooting).

A temporary exemption of firearms regulation 2008-168, regulation R.1.2.6 is requested from June 3, 2019 to December 20, 2019.

The Historic Sites Board is supportive of this application to City Council for the annual exemption for the purposes of the discharge of historic firearms within the City limits at the Ermatinger•Clergue National Historic Site.

Due to the nature of our National Historic Site, the re-enactors are contacted to be part of our interpretation on a regular basis – sometimes with little-to-no lead time, and they are most willing to join our re-enactments and programs.

#### **ANALYSIS**

Bringing history to life through re-enactments and period dressed interpreters includes black powder muskets and cannons. These live demonstrations provide an

“experiential” tour and educational opportunities for all visitors to the Ermatinger Site. Educating people on our rich history is a goal / mission of the Historic Sites Board.

**FINANCIAL IMPLICATIONS**

There is no financial impact to the City with regards to this matter.

**STRATEGIC PLAN / POLICY IMPACT**

This matter is not specifically identified, however, is linked to the plan through aiding the City in developing a rich Cultural and Heritage Site with living history interpretation.

**RECOMMENDATION**

It is therefore recommended that Council take the following action:

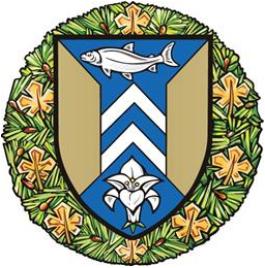
“That the report of the Curator of the Ermatinger•Clergue National Historic Site dated 2019 06 03 concerning the request of the Historic Sites Board for a temporary exemption of firearms regulation 2008-168, regulation R.1.2.6 from June 3, 2019 to December 20, 2019 be approved.”

“The relevant By-law 2019-114 is listed elsewhere on the agenda and is recommended for approval.”

Respectfully submitted,



Kathy Fisher, Curator  
Ermatinger•Clergue National Historic Site  
705.759.5443  
[k.fisher@cityssm.on.ca](mailto:k.fisher@cityssm.on.ca)



## The Corporation of the City of Sault Ste. Marie

### COUNCIL REPORT

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Nicole Maione, Manager of Transit & Parking  
**DEPARTMENT:** Community Development and Enterprise Services  
**RE:** Municipal By-Law Enforcement Officers

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#### **PURPOSE**

The purpose of this report is to update By-law 93-165, which appoints municipal by-law enforcement officers.

#### **BACKGROUND**

By-Law 93-165 is a By-law appointing municipal by-law enforcement officers and is amended from time to time.

#### **ANALYSIS**

Not applicable.

#### **FINANCIAL IMPLICATIONS**

There is no budgetary impact.

#### **STRATEGIC PLAN / POLICY IMPACT**

This is an operational activity not articulated in the strategic plan.

#### **RECOMMENDATION**

It is therefore recommended that Council take the following action:

By-law 2019-124 appears elsewhere on the Agenda and is recommended for approval.

Respectfully submitted,

Nicole Maione  
Manager of Transit and Parking  
705.759.5848  
[n.maione@cityssm.on.ca](mailto:n.maione@cityssm.on.ca)

The Corporation of the  
City of Sault Ste. Marie



Community Development and  
Enterprise Services  
Nicole Maione  
Manager of  
Transit & Parking

2019 05 17

Karen Fields, City Solicitor  
Legal Department  
Civic Centre

**RE: MUNICIPAL BY-LAW ENFORCEMENT OFFICERS**

Please amend Schedule "A" to by-law 93-165, being a by-law to appoint Municipal By-Law Enforcement officers to enforce the by-laws of The Corporation of the City of Sault Ste. Marie.

Schedule "A" of this by-law lists all officers that are eligible to issue tickets. The following individuals have applied to be Municipal By-Law Enforcement Officers in regards to parking and have been approved by the Police Services and the Parking Section for this position.

We request that Schedule "A" be amended to include:

| <u>NO.</u> | <u>NAME</u>      | <u>EMPLOYER</u>              | <u>PROP. LOCATION</u> |
|------------|------------------|------------------------------|-----------------------|
| 108        | Timothy Moreland | Corps. Of<br>Commissionaires | Downtown Parking      |

And that the following be deleted:

| <u>NO.</u> | <u>NAME</u>      | <u>EMPLOYER</u>                                | <u>PROP. LOCATION</u> |
|------------|------------------|--|-----------------------|
| 102        | Sylvia Hendriks  | Corporation of the City of<br>Sault Ste. Marie | Downtown Parking      |
| 103        | Timothy Lanthier | Corporation of the City of<br>Sault Ste. Marie | Downtown Parking      |

Would you please amend By-law 93-165 with the new attached Schedule "A."

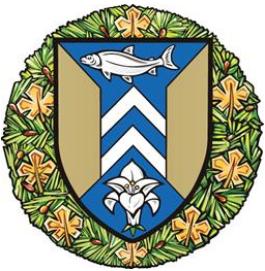
Thank you.

Yours truly,

Nicole Maione  
Manager of Transit and Parking

## **SCHEDULE "A"**

|                          |            |
|--------------------------|------------|
| <b>David Etchells</b>    | <b>51</b>  |
| <b>Alan Smith</b>        | <b>81</b>  |
| <b>Dave Devoe</b>        | <b>84</b>  |
| <b>Edward Pigeau</b>     | <b>89</b>  |
| <b>George Robinson</b>   | <b>94</b>  |
| <b>Bill Long</b>         | <b>96</b>  |
| <b>Edmund Badu</b>       | <b>100</b> |
| <b>Jason Levesque</b>    | <b>101</b> |
| <b>Brian Ford</b>        | <b>104</b> |
| <b>David Hopkinson</b>   | <b>105</b> |
| <b>Nathaniel Louttit</b> | <b>106</b> |
| <b>Sean Miller</b>       | <b>107</b> |
| <b>Timothy Moreland</b>  | <b>108</b> |



## The Corporation of the City of Sault Ste. Marie

### COUNCIL REPORT

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Don Elliott, Director of Engineering  
**DEPARTMENT:** Public Works and Engineering Services  
**RE:** Asset Management Policy

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#### PURPOSE

The purpose of this report is to obtain Council approval of the Strategic Asset Management Policy.

#### BACKGROUND

The City provides a range of services to the public; and the provision of these services requires responsible management of physical assets. Ontario Regulation 588/17 requires that the City adopt a formal asset management policy by July 1<sup>st</sup>, 2019. To that end, The City retained Watson & Associates to assist in the preparation of the policy.

#### ANALYSIS

Watson & Associates met with senior staff in early April and conducted an asset management workshop. A draft policy was prepared and reviewed by staff in May. The final recommended policy and slide presentation are attached. Peter Simcisko of Watson & Associates is in attendance this evening to present the policy. Staff recommends approval of the policy.

#### FINANCIAL IMPLICATIONS

Adoption of the asset management policy has no direct impact on the 2019 budget. Implementation of the policy may impact future budgets in order to meet service levels.

#### STRATEGIC PLAN / POLICY IMPACT

The Strategic Asset Management Policy is linked to the asset management and infrastructure components of the strategic plan.

#### RECOMMENDATION

It is therefore recommended that Council take the following action:

Resolved that the report of the Director of Engineering dated 2019 06 03 concerning the Strategic Asset Management policy be received, and the recommendation to approve the policy, be approved.

Asset Management Policy

2019 06 03

Page 2

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Don Elliott".

Don Elliott, P. Eng.  
Director of Engineering  
705.759.5329  
[d.elliott@cityssm.on.ca](mailto:d.elliott@cityssm.on.ca)



**Subject:** Strategic Asset Management Policy

**Service Area:** Engineering and Planning

**Source:** Ontario Regulation 588/17, filed under the *Infrastructure for Jobs and Prosperity Act, 2015*

**Date:** 2019 06 03

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## **1. Background**

The City of Sault Ste. Marie (City) provides a range of services to the public. The provision of these services requires the ownership and responsible management of physical assets. It is imperative that the City has a plan to manage these assets in order to meet desired service levels, manage risks, and to provide long-term financial sustainability.

To support its commitment to asset management planning, the City has prepared this Strategic Asset Management Policy which details the policies and principles that together form a framework for the City's asset management process. This framework is intended to enable the City to make consistent and sound decisions, plan for future needs, and build public confidence in municipal infrastructure.

This Strategic Asset Management Policy complies with Ontario Regulation 588/17 filed under the *Infrastructure for Jobs and Prosperity Act, 2015*.

## **2. Terms and Definitions**

For the purpose of this document, the following definitions apply and reflect industry accepted practices, including ISO 55000 – International Standard for Asset Management.

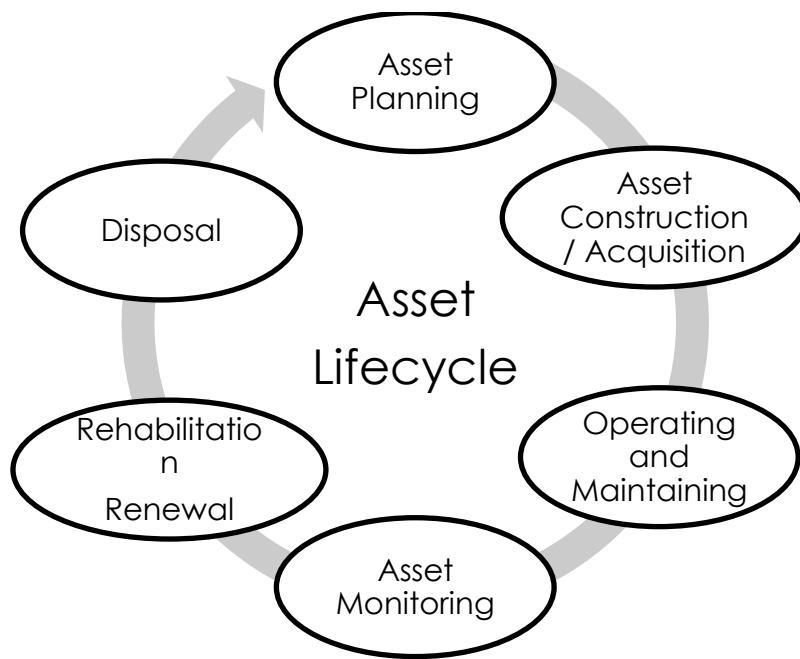
**Asset:** An item, thing or entity that has potential or actual value to an organization.

**Asset Management:** coordinated activity of an organization to realize value from assets.

**Asset Management Plan:** documented information that specifies how the City will achieve the goals articulated in this Strategic Asset Management Policy. At a minimum, the Asset Management Plan needs to comply with the requirements of O. Reg. 588/17.

**Lifecycle:** Stages involved in the management of an asset.

**Level of Service:** Parameters or a combination of parameters, which reflect social, political, environmental and economic outcomes that the organization delivers.



### **3. Scope**

The Strategic Asset Management Policy applies to all physical assets that enable the City to provide services and require management and long-term planning by the City. These may include natural assets such as drainage channels and aquifers. Generally, the City's asset management planning will include any asset under the City's ownership, regardless of the operating entity. The City will coordinate asset management planning with other organizations and levels of government when their assets connect or are interrelated with the City's assets (e.g., provincial highways crossing municipal roads).

Drinking water infrastructure in the City of Sault Ste. Marie is administered by the Public Utilities Commission of the City of Sault Ste. Marie. Decisions relating to Drinking Water asset operations, renewal, management, financing etc., are governed by the Commission Board.

The determination of scope of costs to be included as 'assets' within the City's asset management process will be consistent with the City's Tangible Capital Assets Policy. The service focus of the City's asset management planning may from time to time require consideration of items that don't meet the minimum capitalization thresholds set out in the Tangible Capital Assets Policy, if these are deemed to be material to the asset management strategy.



## 4. Asset Management Goals and Objectives

The City's asset management goals and objectives are primarily defined in terms of levels of service provided to City constituents and stakeholders. The City will establish and document realistic, financially viable level of service targets that align with stakeholder expectations and regulatory requirements, and will ensure that these targets are kept up-to-date. The City will ensure that the level of service targets are consistently achieved through development of effective asset management practices.

In addition to the primary goal of meeting service level objectives, the City will develop asset management plans that meet the following goals:

- To provide a planning and management tool that allows for better decision-making regarding resource allocation.
- To provide an asset management process that is effective, achievable and efficient.
- Achieve cost savings by identifying efficiencies and deficiencies early on and then take appropriate action to rehabilitate or renew the assets.
- To plan for and provide stable long-term funding to replace and/or renew and/or decommission assets.
- Provide guidance for infrastructure investment decisions.
- To consider and incorporate asset management in the City's other corporate plans including the Official Plan and the Strategic Plan.
- To consider environmental and social impacts.
- To demonstrate that a full range of available financing and revenue generation tools have been explored as a condition of future provincial funding for infrastructure projects.
- Demonstrate that projects seeking provincial infrastructure funding were reviewed and included in the asset management plan.

The City's asset management plan and its implementation will be evaluated based on the City's ability to meet these goals and objectives.

## 5. Principles

The City commits to following the principles set out in this section when making asset management decisions.

These principles are designed to encompass those contained in section 3 of the *Infrastructure for Jobs and Prosperity Act, 2015*.

**Service delivery** – service levels and performance targets will be established and form the basis for strategic asset management decision making. The City will manage risks associated with the defined service levels and performance targets by prioritizing asset management activities in an equitable manner based on risk assessments and cost/benefit analysis. The City will ensure that infrastructure planning and investment is focused on promoting community benefits by ensuring alignment with the City's Corporate Strategic Plan and other strategic documents, as identified in section 6 of this policy. Furthermore, the City will ensure that infrastructure planning and investment reflects the community's unique needs and circumstances, and promotes accessibility for persons with disabilities.

**Long-term sustainability** – As part of its commitment to long-term sustainability, the City will consider potential vulnerabilities that may be caused by climate change. These vulnerabilities will be considered in



developing asset management strategies that outline the actions and associated costs that may be required to manage potential risks. The City will review asset design standards, asset lifecycles, asset maintenance requirements, and level of service targets to determine if changes are needed in response to climate change. The City will consider mitigation strategies, disaster planning, and contingency funding as part of its asset management planning. The City will seek to minimize the environmental impacts of infrastructure and will endeavour to make use of acceptable recycled aggregates where appropriate.

**Holistic approach** – The City will take a holistic approach to asset management that takes into consideration all aspects and stages of the asset lifecycle and the inter-relationships between them. Within this approach, the City will consider not only capital costs, but also significant capital planning costs, operating and maintenance costs, and service performance impacts. The City will approach asset management from a multi-disciplinary perspective, recognizing that there needs to be deliberate collaboration between various areas of the organization, as opposed to optimizing individual assets in isolation.

**Fiscal responsibility** – The City will use an evidence-based, data driven approach to decision making that balances service levels, risks, and costs, in order to maximize value from assets and services. To improve affordability, the City will strive to reduce the lifecycle cost of asset ownership while satisfying the specified level of service targets. The City will ensure that the asset management financing strategy is based on long-term asset lifecycle needs to help mitigate unexpected tax or user fee fluctuations. The City will consider affordability, indebtedness, and availability of external funding when determining an appropriate level of funding for asset management. Asset management planning will include consideration of capital funding as well as operation and maintenance funding to enable assets to operate optimally.

**Innovation and continual improvement** – The City views continuous improvement as an essential element of successful asset management. As required by the *Infrastructure for Jobs and Prosperity Act, 2015*, the City will review its asset management progress annually, and will present the findings of these reviews to Council on or before July 1 in each year. The annual review will address the City's progress in implementing its asset management plan, factors impeding the City's ability to implement its asset management plan, and strategies to address these impeding factors. The annual review will be coordinated by the CAO in consultation with the Asset Management Working Group, as identified in section 7 of this policy. The City will continue to monitor industry best practices and innovation opportunities, and periodically update its asset management process. As part of this commitment to continual improvement, the City will support staff professional development initiatives in this area.

**Public engagement** – the City will provide opportunities for residents and other interested parties to provide input to asset management planning. The City will ensure that any principles, standards, and guidelines that inform asset management planning and decision making are well-documented and effectively communicated through public engagement.

## **6. Strategic Alignment & Integration**

The City's asset management plan will be aligned with the Corporate Strategic Plan, the City's Official Plan, relevant master plans, and all other strategy and policy documents that have asset management implications.

Following updates or material changes to any of the City's strategic documents, the City will consider potential impacts on the Strategic Asset Management Policy and the Asset Management Plan to ensure continued alignment.



In addition to ensuring alignment between the City's general asset management practices and the City's various strategic documents, the City will ensure that its asset management plans are considered when developing annual budgets and long-term financial plans. The asset management plans, and progress made with respect to their implementation, will be reviewed annually during the budget process. When preparing budget submissions, service area personal will refer to the Asset Management Plan to help them:

1. Identify all potential revenues and expenses (including operating, maintaining, replacing and decommissioning) associated with forthcoming infrastructure decisions;
2. Evaluate the validity and need of each significant new capital asset, including considering the impact on future operating costs; and
3. Incorporate new revenue tools.

The department level submissions prepared by each service area will be evaluated by the Senior Management Team in accordance with the capital budget prioritization process.

The financial services personnel will be involved in asset management planning to facilitate the bridge between:

- The financial strategy developed in the asset management plan;
- The budget submissions from each service area; and
- The overall budget process they ultimately oversee.

In accordance with past practice, and consistent with both Ontario Regulation 588/17 as well as the best interest of ratepayers and constituents, the City and the Public Utilities Commission will, to the extent that is practical, have mutual consideration for the coordination of projects and programs within each other's respective asset management plans. To achieve this alignment, the Public Utilities Commission should have ongoing representation in the City's Asset Management Working Group.

## 7. Roles & Responsibilities

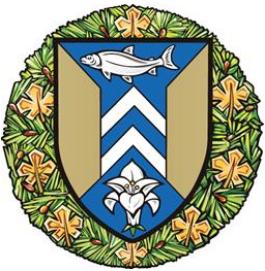
| Stakeholder Group | Responsibilities   |
|-------------------|--|
| Council           | <ul style="list-style-type: none"><li>• Approve the Strategic Asset Management Policy and Asset Management Plan (as updated at least every 5 years)</li><li>• Receive annual reporting on the status and performance of the City's Asset Management Plan</li><li>• Review and approve funding associated with Asset Management through the annual budget process</li><li>• Provide opportunities for the public to provide input into asset management planning – as identified in the Public Engagement principle under section 5 of this policy</li><li>• Provide resources for implementation of the Strategic Asset Management Policy and Asset Management Plan.</li></ul> |



| Stakeholder Group   | Responsibilities   |
|---|--|
| CAO   | <ul style="list-style-type: none"><li>Maintain compliance with the asset management policy and provincial asset management regulations</li><li>Coordinate annual asset management review and reporting in consultation with the Asset Management Working Group to include:</li><li>Progress in implementing the asset management plan;</li><li>Factors affecting the ability of the City to implement its asset management plan;</li><li>Consultation with department leads; and</li><li>Strategies to address these factors, including the adoption of appropriate practices.</li><li>Periodic review of the Strategic Asset Management Policy and Asset Management Plan at least every 5 years</li></ul> |
| Asset Management Working Group (comprising representatives from all City departments) | <ul style="list-style-type: none"><li>Define levels of service measures and metrics</li><li>Suggest levels of service targets</li><li>Incorporate lifecycle costing and levels of service considerations when evaluating competing asset investment needs and developing asset management strategies</li><li>Review the Strategic Asset Management Policy and update the Asset Management Plan, at least every 5 years</li></ul>   |
| Residents, Constituents and Stakeholders  | <ul style="list-style-type: none"><li>Provide input to the City through participation in City public engagement initiatives and the annual budget process</li></ul>  |
| Public Utilities Commission of the City of Sault Ste. Marie                           | <ul style="list-style-type: none"><li>In respect of Drinking Water assets, prepare a Strategic Asset Management Policy and an Asset Management Plan in accordance with the Ontario Regulation 588/17</li><li>Maintain ongoing representation and actively participate in the City's Asset Management Working Group to ensure that the Commission's Asset Management Plan aligns with the City's plans</li></ul>  |
| PUC Distribution Inc. (Electricity distribution) and PUC Services Inc. (Streetlights) | <ul style="list-style-type: none"><li>Provide input into the City's asset management planning</li></ul>  |

## 8. Review Period

This policy will be reviewed by the CAO, in consultation with the City's Asset Management Working Group, at least every five years (as required by Ontario Regulation 588/17), and following any changes in regulatory requirements.



## The Corporation of the City of Sault Ste. Marie

### C O U N C I L   R E P O R T

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council

**AUTHOR:** Catherine Taddo, P. Eng., Land Development and Environmental Engineer

**DEPARTMENT:** Public Works and Engineering Services

**RE:** Landfill Operations and Monitoring 2018 – Environmental Monitoring Committee

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#### **PURPOSE**

The purpose of this report is to fulfill Condition 6(b) of By-law 2014-215 related to the Landfill Environmental Monitoring Committee (EMC), which requires an annual Council report following the submission of the Landfill Operations and Monitoring reports to the Ministry of the Environment, Conservation and Parks (MECP).

#### **BACKGROUND**

The EMC is the formal point of contact with the public for the landfill operations, as mandated under the Certificate of Approval. The Committee consists of five members of the public, one Councillor, the MECP, and staff. The Committee was originally established under By-law 89-174, which was repealed and replaced through By-law 2004-215.

The report will summarize the conclusions and recommendations of the annual 2018 operations and monitoring reports. The reports include but are not limited to, waste quantities and site capacity, leachate collection system information, and monitoring details related to ground water quality, surface water quality, and methane gas. Copies are available in the Engineering Department if any Councillor wishes to review them.

#### **ANALYSIS**

##### **Site Development and Operations Report 2018 Municipal Landfill Waste Quantities and Site Capacity**

Approximately 66,544 tonnes of waste was received at the landfill in 2018. Of this value 57% was landfilled, and 40% was used as cover or stockpiled for

future use, and 3% was diverted. Based on the 5-year average disposal rate, there is capacity for approximately 7.3 years.

### **Leachate Collection System**

A leachate collection system has been operating at the landfill since 1992. It consists of a gravity collection system along the south boundary and a purge well system on the western boundary. As part of the 2016 Canon Creek relocation project, the gravity leachate collector system was expanded along the old creek alignment in the southeast corner. The system is designed to intercept leachate before it leaves the site and divert it for treatment.

A western contaminant plume was detected several years back, which prompted increased emphasis on purge well maintenance to ensure continuous operation of the wells. Presently, there are nine purge wells in operation. The system continues to be maintained, operated, and monitored with vigilance, and remains effective, however, it has limitations.

In 2008 a contaminant attenuation zone (CAZ) was approved through the MECP. While the CAZ doesn't expand the landfill footprint, it moved the compliance boundary westerly.

### **Odour Control**

Council approved the construction of 24 passive landfill gas vent flares in 2004 with an additional six passive flares in 2007. Due to a landfill gas regulation that was implemented in 2008, an active landfill gas system was constructed to meet the new requirements. The system was operational in 2010.

Thirteen (13) odour complaints were received in 2018. It is believed that the landfill gas system has been effective in mitigating off-site odours, however, as disposal quantities decline, sludge disposal becomes more challenging. The proposed biosolids management facility is suspected to have a positive impact on odours.

### **Municipal Landfill Site Monitoring Report 2018**

The monitoring report provides the results of the groundwater, surface water and landfill gas monitoring program, with the purpose of:

- Monitoring the quality of groundwater and surface water;
- Assessing the ability of the engineered controls and natural environment to attenuate contamination from the landfill site;
- Establishing whether concentrations of targeted chemical parameters in the groundwater and surface water exceed MECP criteria;
- Predicting future movement of contaminants and compliance; and
- Ensuring safety within the buildings at the site as it relates to landfill gas.

## **Conclusions and Recommendations of Monitoring Report**

### **Ground Water Quality**

A system of monitoring wells is sampled regularly to determine the quality of groundwater on and off the site in the vicinity of the landfill. The program for 2018 consisted of 40 wells, and one maintenance hole.

Engineered controls and natural attenuation processes including dilution are either reducing or keeping the leachate plume stationary along the eastern and southern property boundaries of the landfill. In 2018 the water quality in most of the western wells generally improved or had leveled off. The overall effectiveness of the purge well system has isolated off-site impacts to a relatively narrow band around 58-I, 62-I, 63-I, and 65-I. Water quality at 53-I and 56-I appear to have levelled off, reflecting the purge well effectiveness in the area. Well 65-I had some elevated chloride concentrations, which may be related to interruptions in performance of purge wells. There was a decrease in chloride and several other landfill indicator parameters at 58-I(new), 62-I, and 63-I which may indicate that chloride has levelled off due to purge well performance in 2018. Leachate indicator parameters at 57-I had previously appeared stable, but in 2018 had a slight increase. Monitoring in future will assist in determining if this is a trend or an anomaly.

### **Surface Water Quality**

The relocation of Canon Creek away from the landfill in the fall of 2006 appears to have reduced leachate impacts on Canon Creek and the Root River. Generally consistent results have been shown at S-1B and S-2. Water quality has generally improved at S-4. Several parameters were higher in 2018 which may be in part due to low water levels and stagnant water. Results at S-3 and S-5 have been variable. Since 2007 more stable results have been shown, likely attributable to the relocation of Canon Creek. TDS showed a spike at all five locations in 2012 but was considered anomalous due to results since that time.

### **Methane Gas**

Since 2008, methane gas concentrations have been in the flammable range at one of our methane gas monitors. The monitor is located east of the Maintenance Building. A methane mitigation project was completed in 2010. The system was installed in order to monitor indoor air quality, control ventilation and provide warning if there is a problem. Signage is in place as an additional mitigative measure. Manual readings are also taken.

M6 and M7 methane gas wells were removed due to construction near the household hazardous waste depot. Replacement wells were installed at an alternate location in 2018.

### **FINANCIAL IMPLICATIONS**

There is no financial impact.

### **STRATEGIC PLAN / POLICY IMPACT**

This report is linked to the maintaining existing infrastructure component of the Strategic Plan.

### **RECOMMENDATION**

It is therefore recommended that Council take the following action:

Resolved that the report of the Land Development and Environmental Engineer dated 2019 06 03 concerning the annual operations and monitoring reports for the municipal landfill be received as information.

Respectfully submitted,

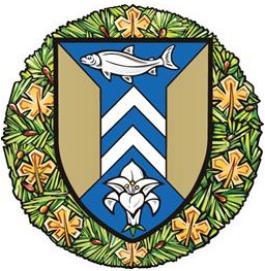
*C. Taddo*

Catherine Taddo, P. Eng.

Land Development and Environmental Engineer

705.759-5380

[c.taddo@cityssm.on.ca](mailto:c.taddo@cityssm.on.ca)



## The Corporation of the City of Sault Ste. Marie

### C O U N C I L   R E P O R T

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Susan Hamilton Beach, P. Eng., Director  
**DEPARTMENT:** Public Works and Engineering Services  
**RE:** Ditching Program – 2019

---

#### **PURPOSE**

The purpose of this report is to inform Council of the proposed 2019 ditching program.

#### **BACKGROUND**

Each year the ditching program is reported to Council for their information. This year it is proposed that the program include the re-ditching of approximately 11,326 metres of ditches to improve drainage along municipal roadways. Attached is the listing of the 2019 locations. The program represents approximately 2.21% of the total 512,000 meters of ditches maintained by the City. The budget for this program is \$204,101.

#### **ANALYSIS**

Each year the program is compiled from requests from Councillors, residents and staff. Budgetary constraints allow for a limited amount of work to be undertaken annually. It is necessary to prioritize the requests and typically, not all requests can be accommodated. Prioritization of the list considers flooding issues as a much higher priority than cosmetic concerns. Also, some of the ditching requests may not be included on the list due to physical constraints (lack of grade) in an area. The solution may require that a storm sewer be installed to address those drainage issues.

It is anticipated that the ditching program will continue into October, 2019.

#### **FINANCIAL IMPLICATIONS**

The proposed program maximizes the assigned operational budget for ditching.

#### **STRATEGIC PLAN / POLICY IMPACT**

The ditching program is linked to the Asset Management, Maintaining Existing Infrastructure component of the Corporate Strategic Plan.

#### **RECOMMENDATION**

It is therefore recommended that Council take the following action:

Ditching Program – 2019

2019 06 03

Page 2

Resolved that the report of the Director of Public Works dated 2019 06 03 concerning Public Works 2019 Ditching Program, be received as information.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Susan Beach".

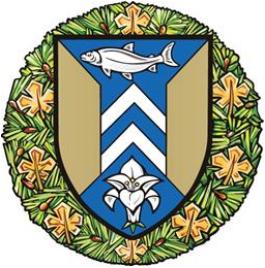
Susan Hamilton Beach, P. Eng.  
Director, Public Works  
705.759-5207  
[s.hamiltonbeach@cityssm.on.ca](mailto:s.hamiltonbeach@cityssm.on.ca)

## 2019 Ditching Program

| <b>Street</b>       | <b>From</b>       | <b>To</b>                         | <b>Metres</b> | <b>Complete</b> | <b>Description</b> |
|---------------------|-------------------|-----------------------------------|---------------|-----------------|--------------------|
| SHATRUCK DR.        | POLE # 17099      | POLE # 17097                      | 440           |                 | BOTH SIDES         |
| 78 PARKEWOOD DR.    | CIVIC #78         | CIVIC #74                         | 55            |                 | EAST               |
| 755 AIRPORT RD.     | CIVIC # 761       | CIVIC # 719                       | 210           |                 | WEST               |
| 1241 AIRPORT RD.    | BASE LINE SOUTH   | 20 METRES SOUTH OF CIVIC #1241    | 115           |                 | WEST               |
| 891 AIRPORT RD.     | CIVIC # 901       | 5 METRES SOUTH OF POLE # 17181    | 198           |                 | WEST               |
| 802 TOWN LINE RD.   | SOUTH CIVIC # 902 | CROSS CULVERT AT CIVIC # 793      | 264           |                 | EAST               |
| 76 COTTAGE LANE     | FROM LAKE         | CIVIC # 66                        | 56            |                 | SOUTH              |
| 1368 SECOND LINE W. | CIVIC #1356       | CIVIC # 1380                      | 163           |                 | NORTH              |
| 1486 THIRD LINE W   | LEIGH'S BAY RD    | 75 METRES WEST OF CIVIC # 1523    | 275           |                 | NORTH              |
| 1676 THIRD LINE W.  | EAST P/L #1660    | CROSS CULVERT AT CIVIC # 1676     | 194           |                 | NORTH              |
| 1695 THIRD LINE W.  | FROM HOUSE        | BACK PROPERTY LINE                | 220           |                 | EAST               |
| 15 SUNSET CRT.      | OFFTAKE NORTH     | CIVIC #15                         | 20            |                 | SOUTH              |
| 104 PINTO DR.       | DITCH FROM ROAD   | BACK OF PROPERTY ON OFFTAKE       | 80            |                 | NORTH              |
| 112 PALAMINO DR.    | CIVIC # 48        | CROSS CULVERT AT CIVIC # 112      | 126           |                 | SOUTH              |
| 63 PALAMINO DR.     | CIVIC # 45        | CIVIC # 75 TO DITCH INLET         | 265           |                 | SOUTH              |
| 104 PALAMINO DR.    | CIVIC # 98        | OFFTAKE AT 29 APPALOSA            | 309           |                 | SOUTH              |
| 356 NIXON RD.       | CIVIC # 362       | CROSS CULVERT                     | 21            |                 | EAST               |
| 537 ALLENS SIDE RD. | CIVIC # 537       | CIVIC # 535                       | 234           |                 | WEST               |
| 130 CHIPPEWA ST.    | CIVIC # 130       | CIVIC # 170                       | 202           |                 | NORTH              |
| 170 CHIPPEWA ST.    | CIVIC #170        | DEAD END                          | 105           |                 | NORTH              |
| 428 BORDEN AVE.     | CIVIC #428        | TO CREEK JUST SOUTH OF CIVIC #414 | 125           |                 | EAST               |
| 79 HARE AVE.        | CIVIC # 79        | FOR A 180 METRES BEHIND HOUSE     | 180           |                 | SOUTH              |
| 514 COOPER ST.      | CIVIC #514        | CROSS CULVERT AT CIVIC #524       | 67            |                 | EAST               |
| 299 SELBY RD.       | CIVIC # 299       | TO INLET AT KORAH RD.             | 60            |                 | SOUTH              |
| 235 MOSS RD.        | CIVIC # 211       | WEST OF DRIVEWAY AT CIVIC # 235   | 135           |                 | SOUTH              |
| 318 BRULE RD.       | CIVIC # 318       | NORTH OF CIVIC 284                | 93            |                 | EAST               |
| 250 BRULE RD.       | CIVIC # 250       | 11 METRES SOUTH OF CULVERT        | 11            |                 | SOUTH              |
| 423 BRULE RD.       | CIVIC # 423       | POLE # 14889                      | 105           |                 | WEST               |
| 18 EDISON AVE.      | DITCH INLET       | CULVERT AT CIVIC # 18             | 52            |                 | EAST               |

|                           |                     |                                   |     |  |                   |
|---------------------------|---------------------|-----------------------------------|-----|--|-------------------|
| 75 ELLIS RD.              | CIVIC # 87          | CROSS CULVERT AT REX AVE.         | 192 |  | SOUTH & WEST      |
| 302 HAMPTON RD.           | CIVIC # 302         | TO GRATE AT KORAH                 | 75  |  | NORTH             |
| 76 HILLSIDE DR.           | CIVIC # 68          | CIVIC # 84                        | 65  |  | SOUTH             |
| 28 LLOYD ST.              | DITCH FROM INLET    | CIVIC # 48                        | 171 |  | EAST              |
| 1377 PEOPLES RD.          | CIVIC # 1377        | CIVIC # 1345                      | 130 |  | WEST              |
| 1320 PEOPLES RD.          | THIRD LINE          | CIVIC # 1320                      | 512 |  | WEST              |
| 167 FORT CREEK DR.        | CIVIC # 167         | CROSS CULVERT TO CIVIC # 117      | 158 |  | WEST              |
| 9 SACKVILLE RD.           | SACKVILLE RD.       | NORTH ST.                         | 475 |  | NORTH             |
| 254 STRAND AVE.           | CIVIC # 254         | CROSS CULVERT AT CIVIC # 234      | 40  |  | NORTH             |
| 15 KENT AVE.              | CIVIC # 15          | CIVIC # 13                        | 24  |  | WEST              |
| 65 INDUSTRIAL CRT B.      | GRATE DEADEND       | INDUSTRIAL CRT                    | 190 |  | SOUTH             |
| 1587 GREAT NORTHERN RD.   | CIVIC # 1446        | UP AND IN THE ROOT RIVER          | 345 |  | EAST              |
| 32 POWLEY RD.             | FIFTH LINE          | CIVIC # 32                        | 42  |  | WEST              |
| SIXTH LINE EAST           | ROOT RIVER          | TO EXISTING DITCH                 | 430 |  | SOUTH             |
| LANDSLIDE RD.             | POLE # 14404        | POLE # 14489                      | 210 |  | BOTH SIDES OF RD. |
| LANDSLIDE Rd.             | POLE # 14500        | POLE # 14502                      | 200 |  | BOTH SIDES OF RD. |
| LANDSLIDE RD.             | POLE # 14509        | CONNER RD.                        | 275 |  | BOTH SIDES OF RD. |
| 85 BIRKSHIRE PLACE        | CIVIC # 85          | CIVIC # 89                        | 5   |  | NORTH             |
| 60 DABLON ST.             | GRATE AT CIVIC 60   | TO SCHOOL PROPERTY                | 40  |  | EAST              |
| 964 OLD GARDEN RIVER RD.  | CIVIC # 964         | TO CROSS CULVERT AT THIRD LINE    | 220 |  | WEST              |
| 1060 OLD GARDEN RIVER RD. | CIVIC # 1060        | TO CROSS CULVERT AT CIVIC #1026   | 167 |  | WEST              |
| 119 PANORAMIC DR.         | CIVIC # 117         | CIVIC # 135                       | 68  |  | NORTH             |
| 80 NORTHWOOD ST.          | CIVIC # 86          | CIVIC # 64                        | 93  |  | NORTH             |
| 130 PRIMROSE DR.          | CIVIC # 104         | TO CIVIC # 38 ON PANORAMIC        | 160 |  | NORTH             |
| 419 BUSH ST.              | CIVIC # 419         | TO CIVIC # 420 JOHN ST.           | 72  |  | SOUTH             |
| 110 MARWAYNE AVE.         | CIVIC # 110 OFFTAKE | TO OFFTAKE DITCH AT LESLIE ST.    | 158 |  | SOUTH             |
| 49 CREEY AVE.             | CIVIC # 49          | TO FIRST CULVERT AT 487           | 135 |  | NORTH             |
| 55 MANITOU DR.            | CIVIC # 55          | TO BACK OF PROPERTY OF CIVIC # 55 | 50  |  | SOUTH             |
| 136 MANITOU Dr.           | CIVIC # 136         | TO CROSS CULVERT AT MANITOU       | 48  |  | SOUTH             |
| 219 EASTERN AVE.          | CIVIC # 228         | TO CIVIC # 219 ON GIBB ST.        | 60  |  | EAST              |
| 121 EASTERN AVE.          | CIVIC # 121         | TO CIVIC # 67                     | 200 |  | SOUTH             |
| 185 LOUISE AVE.           | CIVIC # 181         | TO GRATE AT SIMON ST.             | 265 |  | SOUTH             |
| 171 CARBERT ST.           | CIVIC # 171         | TO CIVIC # 167                    | 32  |  | WEST              |
| 6 KERR DR.                | CIVIC # 6           | TO CROSS CULVERT EASTERLY         | 65  |  | NORTH             |

|                |             |                                   |       |  |       |
|----------------|-------------|-----------------------------------|-------|--|-------|
| 21 ELAINE CRT. | CIVIC # 78  | TO CIVIC # 114 CHAMBERS           | 700   |  | BOTH  |
| 50 RIVER RD.   | CIVIC # 4   | TO CIVIC # 62                     | 113   |  | NORTH |
| 306 RIVER RD.  | CIVIC # 310 | TO CIVIC # 293                    | 80    |  | NORTH |
| 483 BLACK RD.  | CIVIC # 483 | TO BACK OF PROPERTY OF CIVIC # 55 | 680   |  | SOUTH |
|                |             |                                   |       |  |       |
|                |             |                                   | 11325 |  |       |



## The Corporation of the City of Sault Ste. Marie

### C O U N C I L   R E P O R T

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Melanie Borowicz-Sibenik, Assistant City Solicitor/Senior Litigation Counsel  
**DEPARTMENT:** Legal Department  
**RE:** Fox Run Subdivision (Part Lot Control) (Amend By-law 2013-95)

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#### **PURPOSE**

The purpose of this report is to recommend to Council that By-law 2013-95, which has the effect of lifting part lot control on Lots 1 to 24 inclusive, Plan 1M589 in the Fox Run Subdivision, Phase 1, be amended to extend the expiration date of the aforesaid By-law for a further period of five (5) years, thereby expiring on June 21, 2024.

#### **ATTACHMENT**

Attached is Plan 1M589, registered on April 17, 2013 regarding Fox Run Subdivision, Phase 1. The Plan shows the lots affected by By-law 2013-95.

#### **BACKGROUND**

On May 27, 2013, City Council passed By-law 2013-95 following a request from Peter Bortolussi, Solicitor for Fox Run Development (Sault) Inc. to exempt the above-noted lots from the part lot control provisions of the *Planning Act*. Pursuant to Section 4 of By-law 2013-95, the By-law is to expire six (6) years from the date that this by-law became effective, or June 21, 2019.

On April 25, 2019, Mr. Bortolussi, Solicitor for Fox Run Development (Sault) Inc. wrote to the Legal Department to request an extension of By-law 2013-95 as transactions are pending that require an effective by-law to be in place.

#### **ANALYSIS**

Part lot control is set out in Section 50(5) of the *Planning Act*. Essentially, a property owner cannot sell part of a lot or block on a plan of subdivision if the property owner retains ownership in the balance of the lot or block, without first receiving the consent (severance) from the City's Committee of Adjustment. Section 50(7) of the *Planning Act* allows the City to pass a by-law exempting lands in a plan of subdivision from Part Lot

Fox Run Subdivision (Part Lot Control)

2019 06 03

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Control so as to permit the property owner to sell off part of a lot or block without having to go to the Committee of Adjustment.

Exemptions from part lot control are often used to facilitate semi-detached and townhome developments. Fox Run Subdivision, Phase 1 consists of townhouses. Council has previously passed such by-laws to address matters of a similar nature and did so in relation to above-noted lots in 2013. The developer has requested an extension of this By-law so as to facilitate the transactions that continue to proceed in this Subdivision.

The Legal Department circulated the request to relevant City Departments. There are no objections to extending the effective date of By-law 2013-95. The Committee of Adjustment commented that the process was put in place to ensure that the intent of this by-law is met, has worked well and has gone a long way towards enabling the development to proceed in a timely manner.

**FINANCIAL IMPLICATIONS**

There is no financial impact.

**STRATEGIC PLAN / POLICY IMPACT**

Not Applicable.

**RECOMMENDATION**

It is therefore recommended that Council take the following action:

By-law 2019-126, being a by-law to amend By-law 2013-95 so as to extend the expiration date of By-law 2013-95 for a further period of five (5) years, specifically to now expire on June 21, 2024, is hereby recommended for Council's approval.

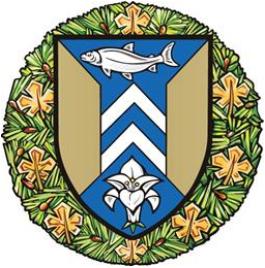
Respectfully Submitted,



Melanie Borowicz-Sibenik

MBS/da





## The Corporation of the City of Sault Ste. Marie

### C O U N C I L   R E P O R T

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council

**AUTHOR:** Melanie Borowicz-Sibenik, Assistant City Solicitor/Senior Litigation Counsel

**DEPARTMENT:** Legal Department

**RE:** Amending Licence to Occupy City Property Agreement  
Outspoken Brewing Inc.

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#### PURPOSE

The purpose of this report is to seek Council's approval of an Amending Licence to Occupy City Property Agreement ("Amending Agreement") between the City of Sault Ste. Marie (the "City"), OutSpoken Brewing Inc. ("OutSpoken") and Vera Pizza to:

- (a) add Vera Pizza as a party to the Amending Agreement, so as to permit Vera Pizza to place a pizza oven and accompanying structures on the OutSpoken patio located on City Property, specifically a laneway adjacent to OutSpoken's property located at 350 Queen Street East (the "City Property") and thereafter prepare and serve pizza on same; and
- (b) delegate to the Legal Department authority to further amend the Amending Agreement on a go forward basis as it relates to the OutSpoken Patio on City Property for future endeavours of a similar nature.

#### BACKGROUND

On May 8, 2017, the City entered into a Licence to Occupy City Property Agreement with OutSpoken to permit OutSpoken to temporarily erect a raised patio deck on the City Property. The temporary Licence Agreement expired on October 2, 2017. On September 25, 2017, City Council passed By-law 2017-190 which authorized the execution of a Licence to Occupy City Property Agreement between the City and OutSpoken to permit the patio to remain erected on the City Property on a permanent basis.

In May 2019, OutSpoken approached the City Legal Department advising of its desire to have Vera Pizza prepare and serve food from the OutSpoken Patio. OutSpoken provided a design layout which set out the location of a proposed pizza oven and accompanying structures to facilitate this new endeavor.

Relevant to the Delegating By-law sought herein, in or about 2017, the City developed a new process for temporary Sidewalk Patios on City Property in the City's Downtown area. This process is applicable for patios that are temporary in nature (ie. from May to October of each year). As part of this process, a business completes an Application which in turn is circulated for comment. If comments are favourable, a Sidewalk Patio Agreement is prepared and executed. On March 20, 2017, City Council passed By-law 2017-51 which delegated to the Director of Planning and Enterprise Services or his/her designate the authority to enter into the temporary Sidewalk Patio Agreements. This provides a more efficient process and facilitates a more streamlined process when adjustments to patios are required.

Being a permanent structure, the OutSpoken Patio does not benefit from this process. Any additions or alterations to the original Licence Agreement require a formal amendment.

## **ANALYSIS**

The proposal and designs were circulated for comment to relevant City Departments. There were no objections and only favourable comments were received in response to the proposal to add Vera Pizza as a party to the Amending Agreement and the proposed designs. The Amending Agreement will formally add Vera Pizza as a party to the licence on City Property. Furthermore, the Amending Agreement will require Vera Pizza to maintain insurance while also naming the City as an "Additional Insured".

Given the temporary patio process now available, Legal also recommends that a similar process be made available to OutSpoken in the event that it desires to add other components or features to the OutSpoken Patio on a go forward basis. Rather than requiring a formal amendment to the Amending Agreement at each instance, Legal has added language to the Amending Agreement to permit OutSpoken to submit any such feature/design changes to the Legal Department, who will in turn circulate for comments.

If favourable, the Legal Department would be authorized pursuant to its delegated authority under By-law 2019-127, if passed by Council, to sign a further Amending Agreement between OutSpoken, the City and another third party (if applicable). Appropriate insurance would always remain a requirement of any such future Amending Agreements. This would certainly make the process more streamlined and efficient as it relates to OutSpoken.

## **FINANCIAL IMPLICATIONS**

There is no significant financial impact associated with this matter.

## **STRATEGIC PLAN / POLICY IMPACT**

There is no impact on the strategic plan.

**RECOMMENDATION**

It is therefore recommended that Council take the following action:

Resolved that the report of the Assistant City Solicitor/Senior Litigation Counsel be received and that:

- (a) By-law 2019-128 authorizing the execution of an Amending Licence to Occupy City Property Agreement between the City, OutSpoken Brewing Inc. and Vera Pizza be approved; and
- (b) By-law 2019-127 delegating authority to the Assistant City Solicitor/Senior Litigation Counsel or his/her designate to enter into Amending Agreements if so requested, between the City, OutSpoken Brewing Inc. and a Third Party (as applicable) for the OutSpoken Patio located on the laneway adjacent to OutSpoken's property located at 350 Queen Street East be approved.

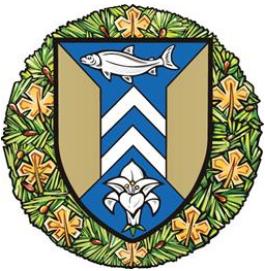
Respectfully submitted,



Melanie Borowicz-Sibenik  
Assistant City Solicitor/Senior Litigation  
Counsel

MBS/lv

\\citydata\\LegalDept\\Legal\\Staff\\COUNCIL\\REPORTS\\2019\\Amend Licence To Occupy City Property-Outspoken Brewery Inc..docx



## The Corporation of the City of Sault Ste. Marie

### COUNCIL REPORT

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Jeffrey King, Solicitor/Prosecutor  
**DEPARTMENT:** Legal Department  
**RE:** Deeming By-law – Des Chene Park Subdivision “A” (221 Sunnyside Beach Road) (McKinnon, John, James & Margaret)

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#### PURPOSE

The purpose of this report is to bring to Council a request from the owners of LT 1 PL M172 PARKE; SAULT STE. MARIE (PIN 31617-0087 LT) and PT PUBLIC ROAD PL M172 PARKE KNOWN AS SUNNYSIDE BEACH ROAD AS CLOSED BY AL196087 BEING PT 1 PLAN 1R13516; SAULT STE. MARIE (PIN 31617-0230 LT) to deem these properties as not part of a plan of subdivision.

#### ATTACHMENT

Attached as Schedule “A” is a map of the subject property.

#### BACKGROUND

The owners of 221 Sunnyside Beach Road (LT 1 PL M172 PARKE; SAULT STE. MARIE) acquired PT PUBLIC ROAD PL M172 PARKE KNOWN AS SUNNYSIDE BEACH ROAD BEING PT 1 PLAN 1R13516 from the City in April 2019. As a condition of the sale of this property the City required that a Deeming By-law be requested for these properties once the transfer was completed. The effect of the Deeming By-law, once it is registered on title, would result in this property being treated as one block of land and it could no longer be sold separately without the by-law being repealed or by a Committee of Adjustment severance approval.

#### ANALYSIS

The property described as PT PUBLIC ROAD PL M172 PARKE KNOWN AS SUNNYSIDE BEACH ROAD AS CLOSED BY AL196087 BEING PT 1 PLAN 1R13516; SAULT STE. MARIE (PIN 31617-0230 LT) was circulated to the Municipal Services Engineer, Director of Planning & Enterprise Services, Chief Building Official, Director of Public Works & Transportation and the Sault Ste. Marie Region Conservation Authority prior to the sale. Comments included the request that a Deeming By-law be requested once the transfer was completed.

#### FINANCIAL IMPLICATIONS

Approval of this report will not impact municipal finances.

Deeming By-law – Des Chene Park Subdivision “A”

2019 06 03

Page 2.

**STRATEGIC PLAN / POLICY IMPACT**

Not applicable

**RECOMMENDATION**

It is therefore recommended that Council take the following action:

Resolved that By-law 2019-121 which has the effects of deeming, LT 1 PL M172 PARKE; SAULT STE. MARIE (PIN 31617-0087 LT) and PT PUBLIC ROAD PLAN M172 PARKE KNOWN AS SUNNYSIDE BEACH ROAD AS CLOSED BY AL196087 BEING PT 1 PLAN 1R13516; (PIN 31617-0230 LT) SAULT STE. MARIE, Des Chene Park Subdivision “A”, as no longer being part of a plan of subdivision, be recommended for approval. By-law 2019-121 appears elsewhere on the Agenda.

Respectfully submitted,



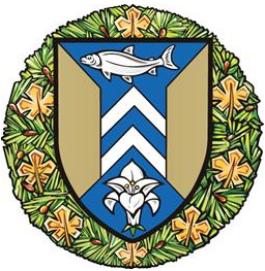
Jeffrey King  
Solicitor/Prosecutor

JK/da  
Attachment

LEGAL\STAFF\COUNCIL\REPORTS\2019\DEEMING BY-LAW - DES CHENE PARK SUBDIVISION A 221 SUNNYSIDE BEACH ROAD (PR6).DOCX

Schedule "A"





## The Corporation of the City of Sault Ste. Marie

### C O U N C I L   R E P O R T

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Jeffrey King, Solicitor/Prosecutor  
**DEPARTMENT:** Legal Department  
**RE:** Deeming By-law – Des Chene Park Subdivision (209 Sunnyside Beach Road) (Gray, Patricia)

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#### PURPOSE

The purpose of this report is to bring to Council a request from the owner of LT 1 PL H429 PARKE; SAULT STE. MARIE (PIN 31617-0137) and PT 66 FT PUBLIC ROAD PL H429 PARKE BEING PT 2 PLAN 1R13516; SAULT STE. MARIE (PIN 31617-0228 LT) to deem these properties as not part of a plan of subdivision.

#### ATTACHMENT

Attached as Schedule "A" is a map of the subject property.

#### BACKGROUND

The owners of 209 Sunnyside Beach Road (LT 1 PL H429 PARKE; SAULT STE. MARIE) acquired PT 66 FT PUBLIC ROAD PL H429 PARKE BEING PT 2 PLAN 1R13516 from the City in April 2019. As a condition of the sale of this property the City required that a Deeming By-law be requested for these properties once the transfer was completed. The effect of the Deeming By-law, once it is registered on title, would result in this property being treated as one block of land and it could no longer be sold separately without the by-law being repealed or by a Committee of Adjustment severance approval.

#### ANALYSIS

The property described as PT 66 FT PUBLIC ROAD PL H429 PARKE BEING PT 2 PLAN 1R13516 SAULT STE. MARIE (PIN 31617-0228 LT) was circulated to the Municipal Services Engineer, Director of Planning & Enterprise Services, Chief Building Official, Director of Public Works & Transportation and the Sault Ste. Marie Region Conservation Authority prior to the sale. Comments included the request that a Deeming By-law be requested once the transfer was completed.

#### FINANCIAL IMPLICATIONS

Approval of this report will not impact municipal finances.

Deeming By-law – Des Chene Park Subdivision

2019 06 03

Page 2.

**STRATEGIC PLAN / POLICY IMPACT**

Not applicable

**RECOMMENDATION**

It is therefore recommended that Council take the following action:

Resolved that By-law 2019-120 which has the effects of deeming, LT 1 PL H429 PARKE; SAULT STE. MARIE (PIN 31617-0137 LT) and PT 66 FT PUBLIC ROAD PLAN H429 PARKE BEING PT 2 PLAN 1R13516; (PIN 31617-0228 LT) SAULT STE. MARIE, Des Chene Park Subdivision, as no longer being part of a plan of subdivision, be recommended for approval. By-law 2019-120 appears elsewhere on the Agenda.

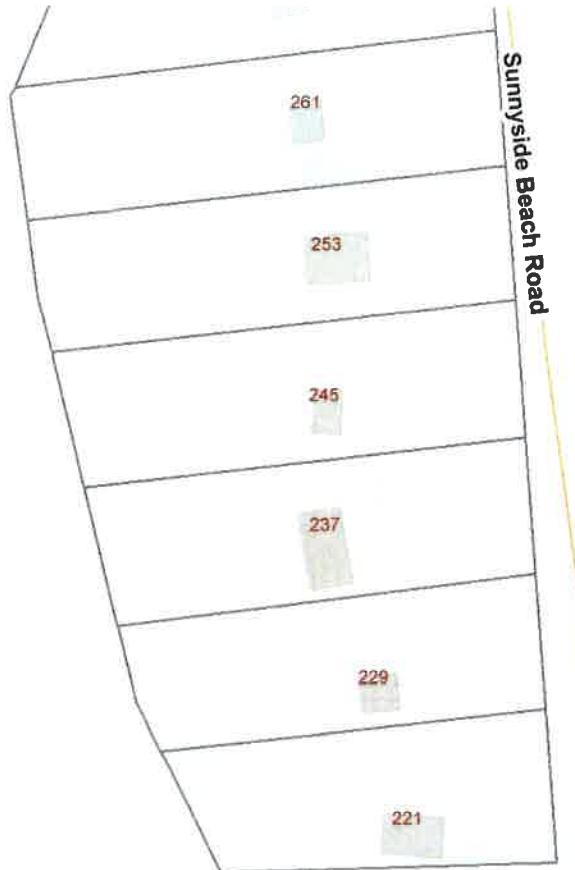
Respectfully submitted,



Jeffrey King  
Solicitor/Prosecutor

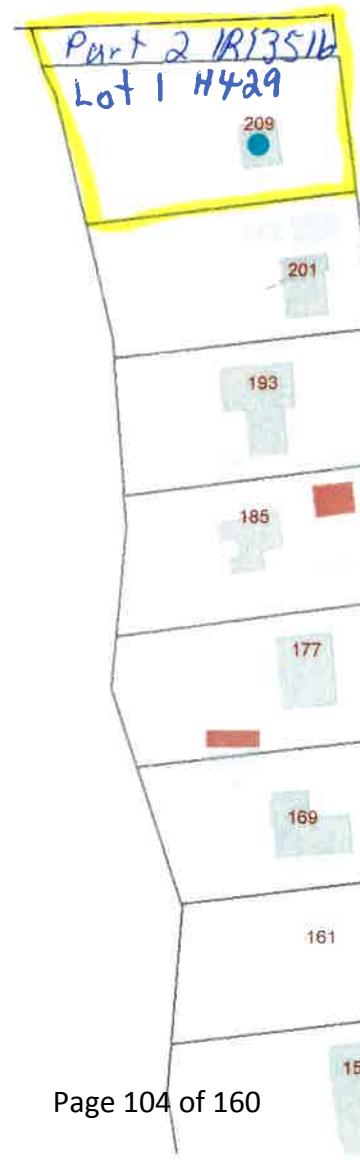
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Attachment

LEGAL\STAFF\COUNCIL\REPORTS\2019\DEEMING BY-LAW - DES CHENE PARK SUBDIVISION A 221 SUNNYSIDE BEACH ROAD (PR6).DOCX



Schedule "A"

Part 2 IR13516  
Lot 1 H429



Ministre des Services publics  
et de l'Approvisionnement  
et de l'Accessibilité  
Receveur général du Canada



Minister of Public Services  
and Procurement  
and Accessibility  
Receiver General for Canada

Ottawa, Canada K1A 0S5

MAY 24 2019

His Worship Christian C. Provenzano  
City of Sault Ste. Marie  
PO Box 580, 99 Foster Drive  
Sault Ste. Marie ON P6A 5N1

RECEIVED  
MAY 31 2019  
MAYOR'S OFFICE

Dear Mr. Provenzano:

Thank you for your letter on behalf of the City Council of Sault Ste. Marie sharing your resolution and your concern regarding Canada Post's role in helping law enforcement fight the national opioid crisis. Your letter is testament to the concerns we share over the growing opioid crisis in Canada, as its impact is truly staggering, touching the lives and hearts of so many. Thank you for taking the time to share your Council's perspective.

The disheartening reality that opioids are shipping through Canada Post is of great concern to the Corporation. With nearly 300 million parcels moving through Canada Post's network in a year, it is a painful truth that some criminals use the postal service to ship these illicit drugs. The Corporation cares about the risks to the health and well-being of its employees and of all Canadians. Please be assured that Canada Post is eager to help fight the spread of opioids however it can.

Alongside law enforcement, the Corporation is committed to working with all stakeholders to make lasting improvements. I have entrusted your letter to Susan Margles, Senior Vice-President of Corporate Affairs at Canada Post, so that she may elaborate on some of the ways in which Canada Post is working with law enforcement to stop the spread of opioids by mail. Ms. Margles will be replying to you directly on this matter.

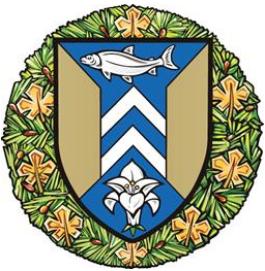
As you have witnessed in Sault Ste. Marie, the heartbreakin impact of the current opioid crisis ripples through the lives of loved ones and their communities. The Government is working across its departments to keep illegal opioids out of Canadian communities. Among our joint efforts is Canada Post's full collaboration with law enforcement toward this end.

Again, thank you for sharing your concerns.

Sincerely,

The Honourable Carla Qualtrough, P.C., M.P.

c.c. Canada Post Corporation



## The Corporation of the City of Sault Ste. Marie

### C O U N C I L   R E P O R T

June 3, 2019

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Carl Rumiel, Manager of Design and Transportation Engineering  
**DEPARTMENT:** Public Works and Engineering Services  
**RE:** Bay Street Improvements

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#### PURPOSE

The purpose of this report is to obtain approval to award Contract 2019-6E. The project includes the partial reconstruction and resurfacing of Bay Street from Andrew Street to Pim Street including reducing the number of lanes on Bay Street from four lanes to two lanes as well as provide significant streetscape improvements through the entire length of the project.

#### BACKGROUND

Tenders received for Contract 2019-6E were opened at a public meeting Wednesday, May 22, 2019 in the Steelton Room of the Civic Centre. Present at the opening were Mayor Christian Provenzano, Deputy CAO/City Clerk Malcolm White as well as City staff and contractor representatives.

#### ANALYSIS

This project began as a partial reconstruction and conversion to two lanes with a multi-use trail after the Downtown Traffic Environmental Assessment (EA) was complete. Subsequent to the original budget estimate of \$4.94M staff acted on Council's wishes that it be a signature project which meant a re-scoping to include enhanced landscaping and active transportation amenities such as street furnishings, pedestrian lighting, bus shelters, bicycle racks, waste receptacles and drinking fountains.

The pre-tender estimate (post design), which was not received until after the tender was issued, estimated the work to be at \$7.4M. Unfortunately, there was no opportunity to share the pre-tender estimate without compromising the competitive bid process.

Only one (1) tender was received. It was from Pioneer Construction Inc., which was found to be complete and is summarized on the attached report from Kresin Engineering. The tender value is \$8,571,376 (excluding HST).

In an attempt to bring this project closer in line with available funds, the Engineering Division and Kresin Engineering entered into a negotiation with Pioneer Construction to reduce the scope of work.

The resulting reduced scope of work for this project will include all the tendered works with the exception of the following, which are recommended to be deleted from the project:

- Removal of proposed gathering locations
- Removal of unit pavers in the boulevard (replace with concrete)
- Removal of concrete curb around planters
- Reduce the depth of planting bed soil

This reduced scope of work will result in a total tender value of \$6,799,476.50.

In order to make up the difference in scope, staff recommends that a portion of the 2019 Gas Tax Top Up set aside for the Downtown Initiative Project and resurfacing of roads, be allocated to Bay Street. The Downtown Initiative Project, which is not shovel ready, will be brought to Council at a future meeting.

Due to the increased scope, the engineering fee limit approved by Council on March 18, 2019 will be insufficient to complete this project. As a result of these changes in scope, engineering fees are expected to exceed the existing fee limit by \$102,000. For a project of this size, the new total fee limit of \$580,000 representing 8% of the project costs is very reasonable.

The relocation of electrical utilities and upgrading sections of the street lighting system are an integral part of this project. The PUC has provided an estimate of \$183,200 to perform this work. As the PUC is the owner of the electrical system and operator of the street lighting and in accordance with the Procurement Policies and Procedures By-law, section 22(3), it is recommended that the work be sole-sourced to PUC Services Inc.

### **FINANCIAL IMPLICATIONS**

When recoverable PUC watermain costs are removed and allowances for engineering, utility relocations, traffic equipment and non-recoverable HST are added, the cost to complete this project is projected to be \$7,477,672.

On the three project accounts, Bay Street is over budget by \$2,375,423 on the Overall Capital, over budget by \$110,069 on the Urban Only, and over budget by \$48,181 on the Sanitary Sewer Surcharge at this time.

Staff is recommending that the projects approved by Council at the 2019 05 06 meeting for the Special 2019 Gas Tax funds be adjusted to accommodate the approximate \$2.5 million overage for the Bay Street project. It has been identified that a portion of these projects are scheduled or can be completed in 2020. Staff are therefore recommending that a portion of the projects be deferred and the 2020 Federal Gas Tax be utilized to fund in that year. The 2020 Capital Road Works budget plan as forecasted and presented during the 2019 budget deliberations will be re-prioritized to accommodate the recommended change.

Bay Street Improvements

2019 06 03

Page 3

When the miscellaneous paving contract is brought to Council to be awarded, staff will recommend which roads will be completed in 2019 and which will be deferred.

The recommended adjustments are to divert the following to the Bay Street project:

- |  |             |
|--|-------------|
| • Downtown Initiative: expansion of 2019 request | \$1,900,000 |
| • Additional resurfacing                         | \$600,000   |

**STRATEGIC PLAN / POLICY IMPACT**

This report is linked to the new infrastructure and quality of life focus areas of the strategic plan.

**RECOMMENDATION**

It is therefore recommended that Council take the following action:

Resolved that the report of the Manager of Design and Transportation Engineering dated 2019 06 03 concerning Bay Street Improvements, be received and that Contract 2019-6E be awarded to Pioneer Construction Inc.; further that the reduced scope of work described in this report be removed from the contract in order to reduce cost; further that the engineering fee limit for Kresin Engineering previously approved be increased from \$477,650 to \$580,000; further that the PUC be sole-sourced for the associated electrical relocations and street lighting upgrades; and that \$1,900,000 of the Special 2019 Gas Tax funds originally allocated to the Downtown Initiative and \$600,000 allocated to resurfacing projects be redirected to the Bay Street project.

By-law 2019-132 authorizing execution of Contract 2019-6E and By-law 2019-133 authorizing the intermittent partial road closure of Bay Street between Andrew Street and Pim Street from June 4, 2019 to October 31, 2019 appear elsewhere on the Agenda and are recommended for approval.

Respectfully submitted,



Carl Rumiel, P. Eng.  
Manager, Design & Transportation  
Engineering  
705.759.5379  
[c.rumiel@cityssm.on.ca](mailto:c.rumiel@cityssm.on.ca)

Attach.

May 28, 2019

Ref. No. 1869.05

**Mr. Carl Rumiel, Manager**  
Design and Transportation Engineering  
City of Sault Ste. Marie  
Civic Centre  
99 Foster Drive  
Sault Ste. Marie, ON P6A 5N1

**Re: Tender Review; City Contract No. 2019-6E: Bay Street Reconstruction**

Dear Mr. Rumiel:

We have reviewed the tender received at the Sault Ste. Marie Clerk's Office on May 22, 2019 for the above-noted Contract and present herein our Tender Report and Recommendations.

**Introduction**

The tendered work generally consists of supplying all materials, labour and equipment necessary for the reconstruction of Bay Street between Andrew Street and Pim Street, a total length of approximately 1800 metres, including new asphalt road, concrete curb and gutter, sidewalk, multi-use trail, traffic controls and landscape improvements.

The contract was publicly advertised in The Sault Star on Saturday, April 27, 2019. Tender documents were made available to contractors who provided the required refundable deposit of \$100.00 commencing Tuesday, April 30, 2019. There were a total of six (6) registered plan takers. Documents were also provided to the Sault Ste. Marie Construction Association.

During the tender period, various inquiries from plan takers were received regarding the technical specifications and drawings. Five (5) Addenda were issued to provide clarification on issues during the tender period.

**Summary of Tenders**

One (1) bid was received at the City Clerk's Office prior to the tender closing deadline of 3:00 p.m. on Wednesday, May 22, 2019. The tender was publicly opened at 3:15 p.m. on the same day in the Civic Centre's Steelton Room. At the time of the opening, the tender price was read publicly and the bid was reviewed to ensure the submission was in general compliance with the tender documents including the required tender deposit (ie. certified cheque, money order, bid bond or bank draft in the amount of 10% of the Tender Price). The tender deposit was retained by the City for return to the bidder at a later date.

The following are the results, excluding HST, as read at the public opening:

| Contractor                   | Total Tender Price |
|------------------------------|--------------------|
| 1. Pioneer Construction Inc. | \$8,571,376.00     |

Following the tender opening, the submission was brought to KEC's office for a detailed review including checking for any mathematical errors that would result in a change to the tender price. The original copy of the Tender Submission is enclosed with this Tender Report.

### **Tender Review**

The tender was reviewed in detail with respect to requirements set out in the Instructions to Tenderers and the requirements identified in the Form of Tender. The following specific comments were noted from the review of the tender:

1. The tender submitted was properly executed with the bidder's signature, witnessed and sealed.
2. The submission was checked for mathematical errors. No errors were found.
3. The tender documents called for submission of Statements 'A' to 'D' which outline the tenderers' work experience, staff, available construction equipment and proposed sub-contractors. The bidder complied.
4. The tenderer was required to acknowledge receipt of Addenda. The bidder acknowledged receipt of the five (5) addenda issued.
5. The tenderer included the required bid deposit in the amount of 10% of the Tender Price.

### **Pre-Tender Estimate**

The Engineer's pre-tender estimate for this contract was \$ 7,399,104 excluding HST; approximately 16% below the tendered price. The tendered price as well as the Engineer's estimate both include \$250,000 contingency allowance and other provisional items.

### **Discussion**

From our review of the bid received for this contract, we note that the submission was in compliance with the requirements outlined in the tender documents.

Based on the information provided and on KEC's experience working with Pioneer Construction Inc., we are satisfied that the bidder has the necessary experience and background with similar projects to complete the proposed work. Pioneer Construction Inc. has successfully completed many similar contracts in the past within the City of Sault Ste. Marie.

Following the tender closing, City staff, KEC and Pioneer initiated negotiations to adjust the project scope of work and develop a revision meeting the budget and expectation of the City. Some changes to the Schedule of Items and Prices agreed upon include the following

1. A reduction in the provisional items for sanitary and storm sewer work, equipment rental and similar items.
2. Elimination of optional upgrades to pedestrian trail lighting systems.
3. Elimination of landscaped parkettes at Russ Ramsay Way and at East Street.
4. Revisions to the price and quantity of planting bed soil.
5. Substitution using concrete in lieu of unit paver treatment in boulevards.
6. Revisions to unit pricing on various items.

Implementation of the agreed changes results in a price reduction of \$1,771,899.50; thus the revised Total Tender Price is \$6,799,476.50, excluding HST.

Although only one tender was received for this contract, the unit prices for major items such as asphalt paving, storm water collection and concrete flatwork appear to be very competitive when compared to similar City contracts. Following our review and negotiations, it is our opinion that the revised pricing provided is acceptable for the contemplated scope of work.

### **Recommendations**

Based on our review of the tender submitted and the subsequent negotiations, we believe the revised price and scope of work are reasonable for the works contemplated under Contract 2019-6E.

Furthermore, based on our knowledge of their related experience, it is our opinion that Pioneer Construction Inc. is capable of carrying out and completing the work under this contract.

We recommend that the tender submitted by Pioneer Construction Inc. in the revised amount of \$6,799,476.50 (excluding HST) be accepted for award.

Attached please find a Draft Form of Agreement for your review.

We confirm that the tender deposit of Pioneer Construction Inc. shall be held until such time as the project is deemed complete to the satisfaction of the City.

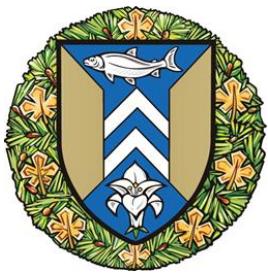
Please call should you have any questions or require further elaboration / clarification regarding this Tender Report.

Thank you.

Yours very truly,  
Kresin Engineering Corporation



Michael Kresin, P. Eng.  
Consulting Engineer  
Encls.  
MK/eg  
1869 mk tender report.docx



## The Corporation of the City of Sault Ste. Marie

### C O U N C I L   R E P O R T

May 28, 2018

**TO:** Mayor Christian Provenzano and Members of City Council

**AUTHOR:** Tom Vair, Deputy CAO Community Development & Enterprise Services

**DEPARTMENT:** Community Development and Enterprise Services

**RE:** Review of Municipal Staff Parking Fees

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#### **PURPOSE**

The purpose of this report is to respond to the following Council resolution from the June 12, 2017 meeting:

“Whereas the Parking Review Committee has studied downtown parking and recommended changes to modernize our downtown parking system; and

Whereas during the community input portion of their investigations, the Parking Review Committee received significant feedback from residents; and

Whereas many residents noted that Algoma University, Sault College, the Sault Area Hospital, Ontario Lottery and Gaming, Group Health Centre and many other entities within the City charge employees for parking; and

Whereas the City must collect revenue wherever possible to offset tax increases;

Now Therefore Be It Resolved that staff bring forward to City Council a report on charging municipal employees for parking at all City-owned buildings including the Civic Centre.

#### **BACKGROUND**

Historically, City employees have never been charged for parking at the Civic Centre or any off-site municipal office or building. Similarly, visitors have never had to pay for parking at any municipal office or building. The only municipally-operated

## Review of Municipal Staff Parking Fees

2018 05 28

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paid parking is the on-street parking downtown and the ten parking lots in the downtown core.

As of April 18, 2018, the Corporation had the following employee complement:

| Category            | Total       |
|---------------------|-------------|
| Full Time Non-Union | 129         |
| Full Time Union     | 454         |
| PT Non-Union        | 351         |
| PT Union            | 38          |
| Students            | 140         |
| <b>Total</b>        | <b>1112</b> |

These statistics are for direct City employees and does not include external groups such as Sault Ste. Marie Police Service or Sault Ste. Marie Public Library.

There are enough parking spaces at all municipal locations to accommodate staff, students and visitors. However at times there may be a shortfall depending on events occurring at specific sites.

## **ANALYSIS**

There are a number of considerations when examining the option to charge municipal employees for parking at all City-owned facilities. The Analysis section is organized to address some of the major considerations which include:

- Current Practices – parking procedures with other organizations
- Enforcement – options for enforcing parking permits
- Application - who should be charged for parking and any related impact
- Pricing – what are the considerations to determine pricing
- Financial Benefit - what would be the net financial benefit to the City

## **Current Practices**

Each external organization referenced in the resolution was contacted regarding the details of their employee parking. Items reviewed were types of passes offered (e.g. yearly, monthly), various pricing and payment options, as well as any staff exceptions. It should be reinforced that both employees and the general public pay to park at these institutions. For comparison purposes the details have been summarized in a chart below.

The municipalities of North Bay, Timmins, Thunder Bay and Sudbury were contacted. Each of these municipalities have several factors in common with the City of Sault Ste. Marie, however none of them have on-site parking at their respective City Halls. Of the cities that charge, the location of their city hall is on a block within their downtown core.

## Review of Municipal Staff Parking Fees

2018 05 28

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The City of North Bay has a Council approved resolution in which parking for employees is paid for within the annual budget for disclosure purposes and there is no charge to employees.

Depending on the lot, City of Sudbury employees pay the highest parking fees. For the lot closest to Tom Davies Square (Sudbury City Hall), City of Sudbury employees pay a monthly fee of \$82/month, totalling \$984 a year. Another lot is also used by employees, however it is further away. This lot costs \$51/month, totalling \$612/year. All employees are required to pay, regardless of title or seniority.

City of Thunder Bay employees pay the lowest parking fees, typically choosing between a lot and a parkade (parking garage). Those opting for the lot pay \$528/year, and those opting for the parkade pay \$583/year (plus an additional \$10 deposit on the parkade key tag). All employees are required to pay; however, some departments choose to pay for their senior staff.

All of the lots used by employees are competitive and open to the public, meaning that anyone can purchase a pass, and passes are sold on a first come first serve basis. Permit pricing is the same for employees and the general public. City employees at off-site municipal buildings and locations are not required to pay for parking, with the exception of the City of Timmins.

| Municipality/<br>Organization | Charge Full Time<br>Staff                                    | Charge Part Time<br>Staff/Student         | Charge Public   |
|-------------------------------|--|---|---|
| <b>City of Sudbury</b>        | Yes<br>Monthly \$82.00 (premium)<br>Monthly \$51.00 (other)  | Yes                                       | Yes<br>Hourly Avg. \$1.30<br>Monthly Avg. \$74.00                 |
| <b>City of Thunder Bay</b>    | Yes<br>Annual \$528.00 (Lot)<br>Annual \$583.00<br>(parkade) | Yes                                       | Yes   |
| <b>City of North Bay</b>      | No<br>Council approved<br>resolution                         | No  | Yes<br>Hourly Avg. \$1.25<br>Monthly: Rental<br>Program Available |
| <b>City of Timmins</b>        | Yes<br>Monthly \$50.85<br>Annual \$559.35                    | Yes<br>Monthly \$50.85<br>Annual \$559.35 | Yes   |
| <b>Algoma Steel</b>           | No   | No  | No  |
| <b>Algoma University</b>      | Yes<br>Monthly \$25.00                                       | Yes<br>Monthly \$25.00                    | Yes<br>Hourly \$2.00  |
| <b>Aurauco</b>                | No   | No  | No  |
| <b>Brookfield</b>             | No   | No  | No  |
| <b>Renewable Energy</b>       |  |   |   |
| <b>Group Health Centre</b>    | Yes<br>\$15.00/pay cheque<br>Annual \$390                    | Yes<br>\$15.00/pay cheque                 | Yes<br>Metered \$2.00/half hr<br>Gated: \$5.00                    |
| <b>OLG</b>                    | Yes  |   | No (Limited Spaces)   |

## Review of Municipal Staff Parking Fees

2018 05 28

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|                            |  |  |  |
|----------------------------|--|--|--|
|                            |  | Monthly \$45.00 lot<br>Monthly \$50.00 covered<br>Private: \$40.00 lot |  |
| <b>PUC</b>                 | No   | No   | No   |
| <b>Sault College</b>       | Yes<br>Annual \$299.00 premium<br>lot<br>Annual \$243.00 other lot | Yes<br>Annual \$243.00   | Yes<br>\$3.00/hour<br>\$5.00/day             |
| <b>Sault Area Hospital</b> | Yes<br>Monthly \$66.67<br>Annual \$800                             | Yes<br>Monthly \$43.33<br>Annual \$520                                 | Yes<br>Daily \$6.00/visit<br>Monthly \$66.67 |
| <b>SSM Courthouse</b>      | Yes<br>Monthly \$45.00   |  | Yes<br>Daily \$2.00/visit                    |
| <b>Tenaris Tubes</b>       | Algoma<br>No   | No   | No   |

### **Monitoring**

There are three different ways the City could enforce parking in municipal lots:

1. Special Constables - The use of special constables could be established in each area to enforce parking in their areas. In other organizations this is typically a contracted service company or designated staff person with permission to write tickets only on that designated lot. If an existing security company was utilized there may be no added cost to the City and the Parking Section would receive all the revenues from fines that are issued.
2. Contract By-Law enforcement officers - The City would provide vehicles for the enforcement officers. The difference with this option is that a by-law officer could write tickets throughout the City. The City's current agreement pays the Commissionaires \$18.46 per hour of enforcement. Based on 2080 hours per By-Law officer, the City would require \$40,000 for each By-Law enforcement officer and capital costs for a vehicle (vehicle, insurance, maintenance and fuel).
3. Contract Services – The City can also contract out services and pay per ticket issued for enforcement. The City would need to issue an RFP for the cost of enforcement, which would be added to each fine. (Example: each ticket would be \$20.00 and the contractor would receive \$5 per ticket issued).

The City issues permits to staff currently to park in the North and South Lots at the Civic Centre, Essar Centre, Transit Building and Dennis St. Terminal (315 permits in total). If the City were to issue parking permits to all staff the City would need to issue 1,112 in total. The projected cost to implement should the existing permits be utilized would be \$1,000 for incremental permits.

Staff did investigate other potential options for enforcement including:

### **Gates**

If the City were to purchase and install a set of gates the cost is estimated to be \$26,500 per gate. Each gate requires an entry and exit point, a payment acceptor, access control software and labour installation. Given the City has approximately 20 lots with Civic

## Review of Municipal Staff Parking Fees

2018 05 28

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Buildings and estimated gate requirements are 41 in total. Costs to implement are estimated to be approximately \$1.08 Million excluding annual maintenance and monitoring. Annual maintenance is estimated at \$2,000 and costs to issue proximity cards are estimated at \$5 per card.

### **Pay and Display**

If Pay and Display Units were to be purchased and installed at all 20 lots with Civic buildings, it is estimated costs would be \$302,557 to implement when using two pay and displays per lot. In addition estimated annual maintenance would be \$2,000 annually. With the Pay and Display option enforcement may still be required and any cost associated with Special Constables would also need to be considered.

### **Application**

The resolution from Council asked that staff report on parking fees at all City owned buildings including the Civic Centre. The list of buildings includes:

- Bellevue Marina & Park
- Bellevue Park
- Cemeteries
- Civic Centre (North and South Lot)
- Ermatinger Clergue National Historic Site
- Fire Station #1- Tancred
- Fire Station #2- Second Line
- Fire Station #3- 100 Bennett Blvd
- Fire Station #4- 65 Old Garden River Rd (EMS)
- John Rhodes Community Centre
- Landfill
- Northern Community Centre
- Public Works
- Essar Centre
- Transit Centre
- Transit Terminal
- Wastewater Treatment Facilities
- W. J. McMeeken Centre

There are other City owned buildings including the Library, Museum, Police Station and Ontario Works but staff has not included them in this analysis.

From a facility standpoint, there is some question to the practicality of charging municipal employees located at remote facilities a parking fee. Locations such as the cemetery and landfill which are remote or locations such as the Northern Community Centre, Essar Centre and John Rhodes which have large lots largely dedicated to visitors and utilize significant part-time or youth employees may need further consideration should parking fees be implemented.

## Review of Municipal Staff Parking Fees

2018 05 28

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Further, from an equity and application standpoint, there is a question as to which employees would be charged parking. The City has a number of part-time employees (Non-Union 351; PT Union 38 and Students 140). Some of these staff work at concessions or are undertaking roles such as lifeguards with limited hours.

It should also be noted that there may be a prosecutorial impact. A city staff prosecutor cannot prosecute a city staff person as it would be considered a conflict. If vehicles are ticketed and the ticket is challenged the City could incur legal costs retaining outside counsel.

Other considerations that would have to be finalized should parking fees be implemented include:

- How will contracted parking spots be monitored? (A number of spaces in both the North and South Civic Centre lots are permanently assigned to the former Algo Club property owner (HD Sports Grill/L.A. Nightclub). There are 15 spots in the South lot adjacent to HD Sports Grill/L.A. Nightclub and 30 spots allocated in the North lot).
- How will tenants be handled? Tenants include the EDC, SSMIC, Algoma Ports, Soo Greyhounds, Sault Gymnastic Club, Superior Sports Training, etc.
- Will there be any exceptions, e.g. councillors, senior staff, visitors, contractors, etc.?
- Would City fleet vehicles be exempt from paying fees? (Public Works staff is often ‘visitors’ at other sites providing a service (e.g. carpentry) or attending meetings
- Can the pass be used at all municipal locations?
- Would payment at one lot be valid for all?
- Will passes for the Civic Centre and other facilities such as Essar Centre be sold to the general public as well? For a facility such as the Essar Centre, will City employees who have a parking permit for all City buildings be allocated spots during events and Greyhound games?
- What kind of additional work will this create for current parking staff? E.g. management, administrative and enforcement?

### **Pricing**

A determination will also have to be made on the amount employees would be charged for parking and if there are any pricing tiers (e.g., part-time versus full-time) should fees be implemented. Two options include:

Cost recovery - The annual cost to service the North and South parking lots at the Civic Centre is \$32,676. Using this lot as a proxy, cost recovery for the percentage of spaces utilized by staff is estimated at \$8.56 per month, per employee based on 136 existing permits issued to staff in North and South Lots (136 staff permits on 318 available spaces or 42.77%). Note this would cover maintenance only – if

## Review of Municipal Staff Parking Fees

2018 05 28

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capital costs were also included for major resurfacing or pole replacement this fee would need to be increased.

| Parking Space Breakdown North-South Lot Civic Centre  |            | %              |
|---|------------|----------------|
| <b>City Staff with Parking Permits</b>  | <b>136</b> | <b>42.77%</b>  |
| Other Permits: 15 Engineering Vehicles, 12 EDC, 2 Algoma Port, SSMIC 42 in use but 48 total, Council 12+1 | 84         | 26.42%         |
| <b>Total Permits for both lots (Includes SSMIC &amp; Port of Algoma etc. excluding HD Sportsbar)</b>      | <b>220</b> | <b>69.18%</b>  |
| Available <b>public spots</b> in the south lot – 45 standard + 8 accessible                               | 53         | 16.67%         |
| <b>Subtotal</b>   | <b>273</b> | <b>85.85%</b>  |
| HD Sports Grill/L.A Nightclub (Former Algo Club) - 15 spots adjacent in South Lot and 30 in North Lot     | 45         | 14.15%         |
| <b>Total Parking Spaces</b>   | <b>318</b> | <b>100.00%</b> |

Comparators – Comparators either from other municipalities that do charge staff for parking or from other organizations in the community could be utilized to determine a rate should parking fees be implemented.

It should also be noted that not everyone requires a permit for the full year and staff may choose not to park in lots with Civic owned buildings moving forward. The Human Resources department has advised that consultation with the local unions would have to take place to get an understanding on the effect to their membership of a paid parking system. This is a significant item as some lots are used by far more union employees than non-union.

Some of the smaller, detailed items to be organized should parking fees be implemented would include:

- How can employees pay? Daily, monthly, annually?
- Can a payment plan through payroll deductions be established?
- Will the system be set up on a first come first serve basis or spots made available based on seniority, etc.?
- Will parking spaces be designated?
- Will visitors be required to pay as well? If so, what about those with Accessibility permits?
- Should the current physical pass be reviewed/replaced?

### Summary

Albeit straightforward on the surface, there are a number of considerations and details that would need to be finalized should Council wish to proceed with charging staff for parking. As mentioned above, there is a question of practicality to charge staff for parking at remote locations such as the cemetery, Northern Community Centre, landfill, John Rhodes, etc. At the same time, the issue of

## Review of Municipal Staff Parking Fees

2018 05 28

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fairness and equity needs to be balanced if some employees are charged and others are not. There is also a question of fairness to consider if staff is paying the entire costs for lots that are being utilized and maintained for the public to use as well.

If visitors to City facilities are not required to pay for parking it makes enforcement somewhat more difficult depending on the size of the lot and the proportion of spaces that are set aside for visitors versus staff. Certainly, if it was decided to charge the public it would have a negative impact on participation rates across all programs and events. Many of the public visitors to City Hall are already attending the site to pay a fee i.e. tickets, building permits, licenses etc. This parking fee would be in addition which would further discourage compliance in many cases.

There is a potential for the net benefit to be reduced should a parking fee be challenged by union members and it proceeded to arbitration. Similarly, if fees are imposed they may be brought up as an item in the next contract for collective bargaining with each local union. A resultant increase in wages would negate some of the cost savings of implementing parking fees.

Further, if part-time employees are charged there could be potential attrition given the cost of parking versus total income received from their employment.

Before proceeding into any further detailed analysis, staff felt it prudent to bring this information to Council for any further direction.

## FINANCIAL IMPLICATIONS

The full financial implications will depend on approach taken by Council as there are many options for implementation. Two scenarios for consideration are contained in the table below:

|  | <b>Cost Recovery</b><br>(this includes annual costs such as sweeping, plowing and sanding, line painting) | <b>Increased Cost Recovery</b><br>(this includes an amortized cost for tarring and stripping not done annually) |
|--|---|---|
| Employees - 1112 staff @ est. 80% purchase = 889.6 | 890   | 890   |
| Rate   | \$8.56  | \$13.80   |
| Potential Monthly Revenue                          | \$7,618.40  | \$12,282  |

Review of Municipal Staff Parking Fees

2018 05 28

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|  |               |              |
|--|---------------|--------------|
| Months   | 12            | 12           |
| Potential Annual Revenue   | \$91,420.80   | \$147,384    |
| Contracted By-Law Enforcement Officers (3 required)  | \$125,990.40  | \$125,990.40 |
| Net Loss/Benefit   | (\$34,569.60) | \$21,393.60  |
| <b>*Net Benefit could also be affected by any additional administrative costs and any potential wage adjustments</b> |               |              |

Additional revenue generation is possible through charging parking for part time employees and students however it is difficult to project this potential revenue given the variations in hours of work and seasonal employment. Furthermore, a price-point for part-time employees would have to be established, whether it is the same as full time staff or discounted.

Similar projection difficulties apply to students; many may not require parking, only work for short periods of time, and a student price would have to be established.

**STRATEGIC PLAN / POLICY IMPACT**

This is an operational matter not articulated in the corporate strategic plan.

**RECOMMENDATION**

It is therefore recommended that Council take the following action:

“Resolved that the report of the Deputy CAO Community Development & Enterprise Services dated 2018 05 28 be received as information.”

Respectfully submitted,



Tom Vair  
Deputy CAO  
705.759.5264  
[t.vair@cityssm.on.ca](mailto:t.vair@cityssm.on.ca)

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2019-113**

**AGREEMENT:** (C3.51) A by-law to authorize the approval for the annual Community Museums Operating Grant (CMOG), Ministry of Culture, through Grants Ontario.

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

**1. COMMUNITY MUSEUMS OPERATING GRANT**

The Council hereby authorizes the approval for the annual Community Museums Operating Grant (CMOG), Ministry of Culture, through Grants Ontario.

**2. EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 3<sup>rd</sup> day of June, 2019.

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**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – MALCOLM WHITE**

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2019-114**

**REGULATIONS:** (R1.41) A by-law to exempt the Ermatinger•Clergue National Historic Site, from By-law 2008-168 being a firearms by-law to prohibit the discharge of firearms in the municipality and from By-law 80-200 being a by-law respecting noises in the City of Sault Ste. Marie.

**THE COUNCIL** of the Corporation of the City of Sault Ste. Marie, pursuant to the *Municipal Act, 2001*, S.O. 2001, **ENACTS** as follows:

**1. BY-LAW 2008-168 AMENDED**

Despite the provisions of By-law 2008-168, the Ermatinger•Clergue National Historic Site may be allowed to discharge a firearm from June 3, 2019 to December 20, 2019.

**2. BY-LAW 80-200 AMENDED**

Despite the provisions of By-law 80-200 the noise associated with the Ermatinger•Clergue National Historic Site from June 3, 2019 to December 20, 2019 is deemed not to be in violation of By-law 80-200.

**3. EFFECTIVE DATE**

This by-law is effective on the date of its passing.

**PASSED** in Open Council this 3<sup>rd</sup> day of June, 2019.

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**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – MALCOLM WHITE**

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2019-120**

**SUBDIVISION CONTROL:** (PR6) A by-law to deem not registered for purposes of subdivision control certain lots in the **Des Chene Park Subdivision**, pursuant to section 50(4) of the *Planning Act*.

WHEREAS section 50(4) of the *Planning Act* authorizes the Council of a municipality to designate by a by-law any plan of subdivision or part thereof that has been registered for 8 years or more as not being a plan of subdivision for subdivision control purposes; and

WHEREAS a plan of the **Des Chene Park Subdivision** was registered in the Land Titles Division on December 10, 1954; and

WHEREAS it is deemed expedient that a by-law be enacted pursuant to the said section 50(4) to designate part of the **Des Chene Park Subdivision** as being not a registered plan of subdivision;

NOW THEREFORE THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 50(4) of the *Planning Act*, R.S.O. 1990, Chapter P.13 and amendments thereto, **ENACTS** as follows:

**1. PART OF DES CHENE PARK SUBDIVISION DEEMED NOT REGISTERED**

**LT 1 PL H429; Sault Ste. Marie AND Pt 66 Ft Public Road PL H429 Parke being PT 2 PL 1R13516 s/t an easement in gross as in AL197695; Sault Ste. Marie, Des Chene Park Subdivision,** registered in the Land Titles Division for the District of Algoma are hereby designated to be part of a plan of subdivision which shall be deemed not to be a registered plan of subdivision pursuant to section 50(4) of the *Planning Act*. The said lots together are hereby designated an area of subdivision control.

**2. EXECUTION OF DOCUMENTS**

The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and to affix the seal of the Corporation to all documents required to give effect to this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day that this by-law is registered in the Land Titles system pursuant to section 50(28) of the *Planning Act*.

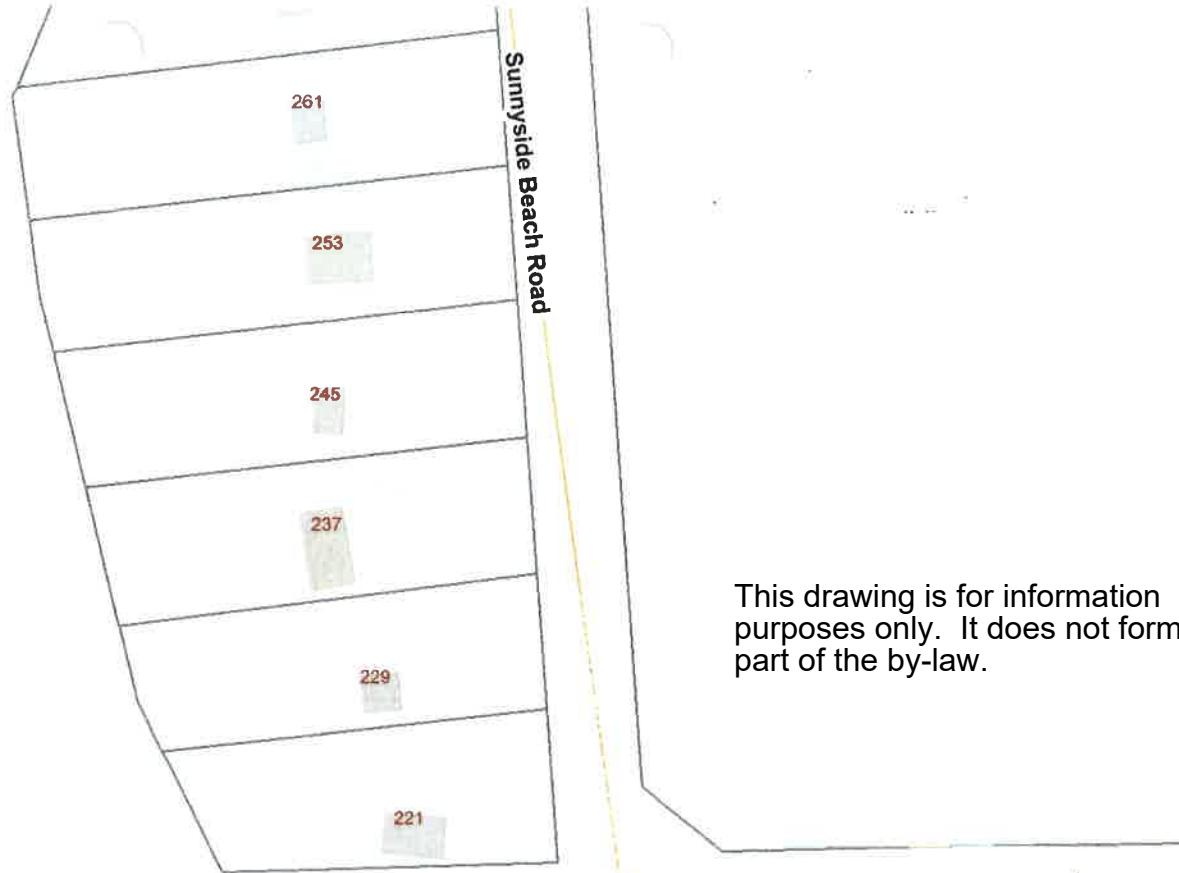
**PASSED** in open Council this 3rd day of June, 2019.

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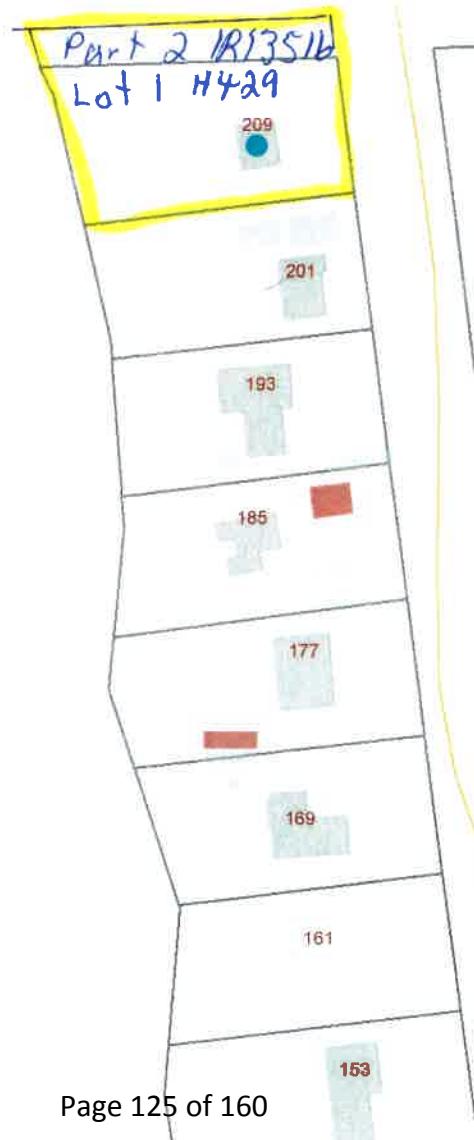
**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – MALCOLM WHITE**



This drawing is for information purposes only. It does not form part of the by-law.



**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2019-121**

**SUBDIVISION CONTROL:** (PR6) A by-law to deem not registered for purposes of subdivision control certain lots in the **Des Chene Park “A” Subdivision**, pursuant to section 50(4) of the *Planning Act*.

WHEREAS section 50(4) of the *Planning Act* authorizes the Council of a municipality to designate by a by-law any plan of subdivision or part thereof that has been registered for 8 years or more as not being a plan of subdivision for subdivision control purposes; and

WHEREAS a plan of the **Des Chene Park “A” Subdivision** was registered in the Land Titles Division on April 30, 1958; and

WHEREAS it is deemed expedient that a by-law be enacted pursuant to the said section 50(4) to designate part of the **Des Chene Park Subdivision “A”** as being not a registered plan of subdivision;

NOW THEREFORE THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to section 50(4) of the *Planning Act*, R.S.O. 1990, Chapter P.13 and amendments thereto, **ENACTS** as follows:

**1. PART OF DES CHENE PARK SUBDIVISION “A” DEEMED NOT REGISTERED**

**Pcl 4423 Sec AWS; Lt 1 PL M172 Parke; Sault Ste. Marie AND Pt Public Road PL M172 Parke Known as Sunnyside Beach Rd as closed by AL196087 being Pt 1 PL 1R13516; Sault Ste. Marie, Des Chene Park Subdivision “A”,** registered in the Land Titles Division for the District of Algoma are hereby designated to be part of a plan of subdivision which shall be deemed not to be a registered plan of subdivision pursuant to section 50(4) of the *Planning Act*. The said lots together are hereby designated an area of subdivision control.

**2. EXECUTION OF DOCUMENTS**

The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and to affix the seal of the Corporation to all documents required to give effect to this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day that this by-law is registered in the Land Titles system pursuant to section 50(28) of the *Planning Act*.

**PASSED** in open Council this 3rd day of June, 2019.

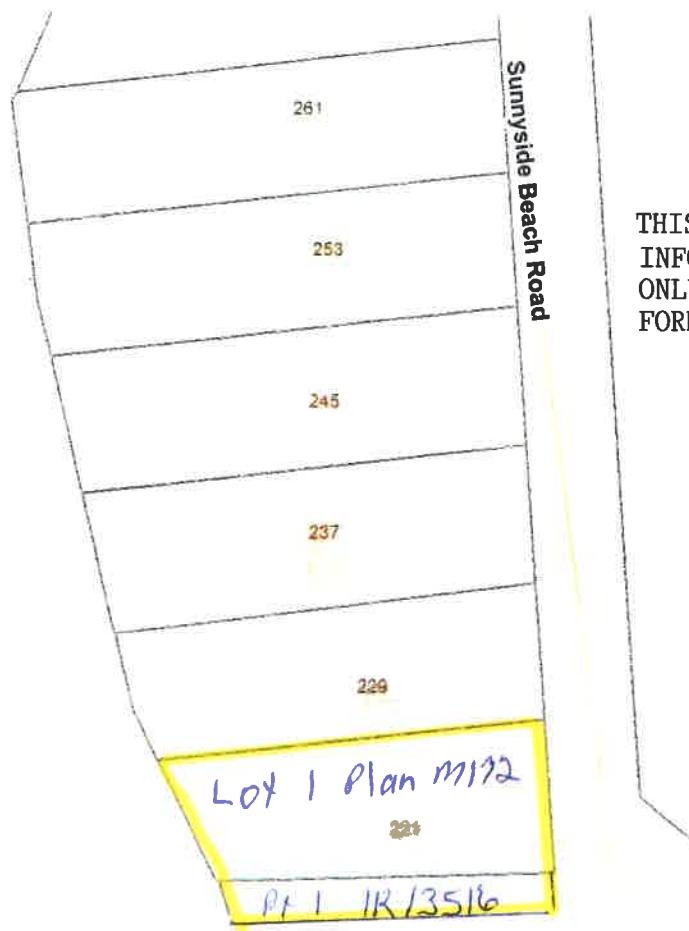
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**MAYOR – CHRISTIAN PROVENZANO**

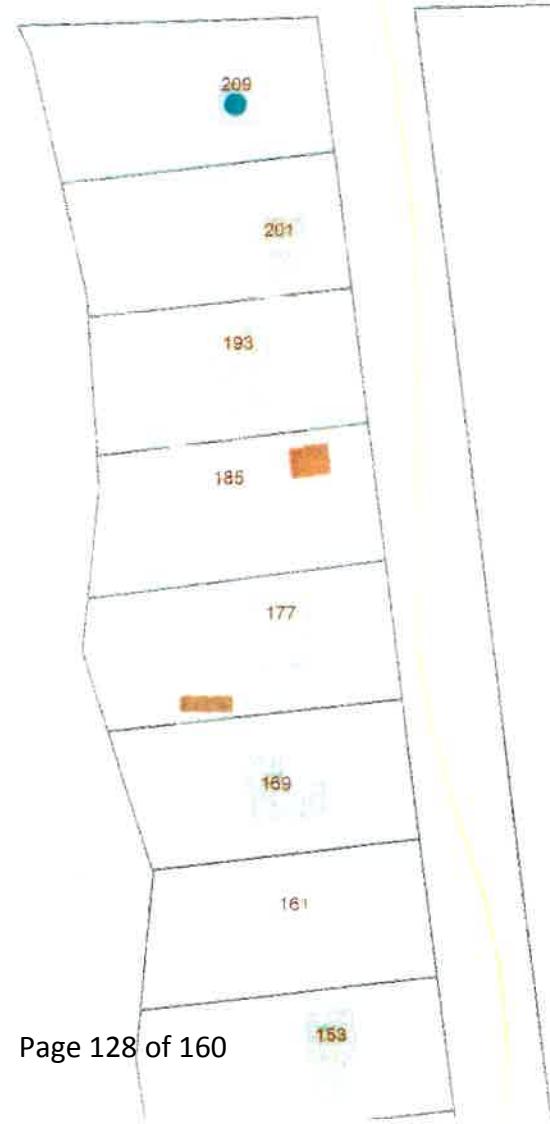
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**CITY CLERK – MALCOLM WHITE**

da LEGAL\STAFF\COUNCIL\BY-LAWS\2019\2019-121 DEEMING PT DES CHENE PARK SUBDIVISION A.DOCX



THIS DRAWING IS FOR  
INFORMATION PURPOSES  
ONLY. IT DOES NOT  
FORM PART OF THIS BY-LAW.



**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW NO. 2019-124**

**PARKING:** (P7.4) A by-law to appoint by-law enforcement officers to enforce the by-laws of The Corporation of the City of Sault Ste. Marie.

**WHEREAS** from time to time persons have been appointed by-law enforcement officers;

**THEREFORE THE COUNCIL** of the Corporation of the City of Sault Ste. Marie pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, chapter p. 15 and amendments thereto, **ENACTS** as follows:

**1. SCHEDULE "A" TO BY-LAW 93-165 REPEALED**

Schedule "A" to By-law 93-165 is hereby repealed and replaced with Schedule "A" attached to this by-law.

**2. EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 3<sup>rd</sup> day of June, 2019.

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**MAYOR - CHRISTIAN PROVENZANO**

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**CITY CLERK - MALCOLM WHITE**

## **SCHEDULE "A"**

|                          |            |
|--------------------------|------------|
| <b>David Etchells</b>    | <b>51</b>  |
| <b>Alan Smith</b>        | <b>81</b>  |
| <b>Dave Devoe</b>        | <b>84</b>  |
| <b>Edward Pigeau</b>     | <b>89</b>  |
| <b>George Robinson</b>   | <b>94</b>  |
| <b>Bill Long</b>         | <b>96</b>  |
| <b>Edmund Badu</b>       | <b>100</b> |
| <b>Jason Levesque</b>    | <b>101</b> |
| <b>Brian Ford</b>        | <b>104</b> |
| <b>David Hopkinson</b>   | <b>105</b> |
| <b>Nathaniel Louttit</b> | <b>106</b> |
| <b>Sean Miller</b>       | <b>107</b> |
| <b>Timothy Moreland</b>  | <b>108</b> |

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW NO. 2019-126**

**PART LOT CONTROL:** (PR7.1) A by-law to amend By-law 2013-95 to extend the time period specified for the expiration of the by-law as provided in Section 4 of By-law 2013-95 so as to continue to designate Lots 1 to 24 inclusive, Plan 1M589 in the Fox Run Subdivision, Phase I, Sault Ste. Marie as an area not subject to part lot control.

**WHEREAS** section 50(5) of the *Planning Act*, R.S.O. 1990, c.P.13 and amendments thereto imposes part lot control on land in the municipality within any plan of subdivision registered before or after the coming into force of section 50;

**AND WHEREAS** section 50(7) of the said *Planning Act* allows the municipality in question to pass a by-law providing that section 50(5) does not apply to land that is within such registered plan of subdivision or part or parts thereof as is or are designated in such by-law;

**AND WHEREAS** on or about May 27, 2013, City Council passed By-law 2013-95 which exempted the lands described on Schedule "A" to this by-law from the provisions of section 50(5) of the *Planning Act*;

**AND WHEREAS** pursuant to section 4 of By-law 2013-95, By-law 2013-95 shall expire at the expiration of six (6) years from the date that the aforesaid By-law became effective, specifically expiring June 21, 2019;

**AND WHEREAS**, pursuant to Section 50(7.4) of the *Planning Act*, City Council may at any time before the expiration of a by-law under Section 50(7) of the *Planning Act*, amend the by-law to extend the time period specified for the expiration of the by-law;

**NOW THEREFORE THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

**1. SECTION 4 OF BY-LAW 2013-95 AMENDED**

Pursuant to Section 50(7.4) of the *Planning Act*, Section 4 of By-law 2013-95 is hereby amended to extend the time period specified for the expiration of By-law 2013-95 from six (6) years from the date By-law 2013-95 becomes effective, being June 21, 2019, to now expiring on June 21, 2024.

2. **SCHEDULE "A"**

Schedule "A" attached hereto forms part of this by-law. Pursuant to Section 1 of By-law 2013-95, as amended by Section 1 of the within By-law, the lands hereinafter described on Schedule "A" to this by-law remain designated as not being subject to the provisions of Section 50(5) of the *Planning Act* until such time as the within By-law expires on June 21, 2024.

3. **EFFECTIVE DATE**

This by-law shall not become effective until a certified copy of this by-law is registered in the Land Registry Office pursuant to section 50(28) of the *Planning Act*.

**PASSED** in open Council this 3<sup>rd</sup> day of June, 2019.

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**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – MALCOLM WHITE**

SCHEDULE "A" TO BY-LAW 2019-126

|            |                    |
|------------|--------------------|
| 31511-0283 | LOT 1, PLAN 1M589  |
| 31511-0284 | LOT 2, PLAN 1M589  |
| 31511-0285 | LOT 3, PLAN 1M589  |
| 31511-0286 | LOT 4, PLAN 1M589  |
| 31511-0287 | LOT 5, PLAN 1M589  |
| 31511-0288 | LOT 6, PLAN 1M589  |
| 31511-0289 | LOT 7, PLAN 1M589  |
| 31511-0290 | LOT 8, PLAN 1M589  |
| 31511-0291 | LOT 9, PLAN 1M589  |
| 31511-0292 | LOT 10, PLAN 1M589 |
| 31511-0293 | LOT 11, PLAN 1M589 |
| 31511-0294 | LOT 12, PLAN 1M589 |
| 31511-0295 | LOT 13, PLAN 1M589 |
| 31511-0296 | LOT 14, PLAN 1M589 |
| 31511-0297 | LOT 15, PLAN 1M589 |
| 31511-0298 | LOT 16, PLAN 1M589 |
| 31511-0299 | LOT 17, PLAN 1M589 |
| 31511-0300 | LOT 18, PLAN 1M589 |
| 31511-0301 | LOT 19, PLAN 1M589 |
| 31511-0302 | LOT 20, PLAN 1M589 |
| 31511-0303 | LOT 21, PLAN 1M589 |
| 31511-0304 | LOT 22, PLAN 1M589 |
| 31511-0305 | LOT 23, PLAN 1M589 |
| 31511-0306 | LOT 24, PLAN 1M589 |

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**  
**BY-LAW 2019-127**

**DELEGATION:** (AG164) A by-law to delegate to Assistant City Solicitor/Senior Litigation Counsel, or his/her designate to enter into Amending Agreements if so requested, between the City, OutSpoken Brewing Inc. and a Third Party (as applicable) for the OutSpoken Patio located on the laneway adjacent to OutSpoken's property located at 360 Queen Street East.

**THE COUNCIL** of the Corporation of the City of Sault Ste. Marie, pursuant to section 23.1 of the *Municipal Act 2001*, S.O. 2001, c.25, **ENACTS** as follows:

**1. AUTHORITY DELEGATED**

City Council hereby delegates to the Assistant City Solicitor/Senior Litigation Counsel, or his/her designate to enter into Amending Agreements if so requested, between the City, OutSpoken Brewing Inc. and a Third Party (as applicable) for the OutSpoken Patio located on the laneway adjacent to OutSpoken's property located at 360 Queen Street East.

**2. EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 3<sup>rd</sup> day of June, 2019.

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**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – MALCOLM WHITE**

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2019-128**

**AGREEMENT:** (AG164) A by-law to authorize the execution of the Agreement between the City, Vera Pizza and OutSpoken Brewing Inc. to permit a pizza oven and accompanying structures on the OutSpoken patio located on City property, specifically a laneway adjacent to OutSpoken's property located at 350 Queen Street East and thereafter prepare and serve pizza on same.

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

**1. EXECUTION OF DOCUMENT**

The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to the Agreement dated June 3, 2019 between the City, Vera Pizza and OutSpoken Brewing Inc., a copy of which is attached as Schedule "A" hereto. This Agreement is to permit a pizza oven and accompanying structures on the OutSpoken patio located on City property, specifically a laneway adjacent to OutSpoken's property located at 350 Queen Street East and thereafter prepare and serve pizza on same.

**2. SCHEDULE "A"**

Schedule "A" forms part of this by-law.

**3. EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 3<sup>rd</sup> day June, 2019.

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**MAYOR - CHRISTIAN PROVENZANO**

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**CITY CLERK - MALCOLM WHITE**

Schedule "A"

AG164

**AMENDING LICENCE TO OCCUPY CITY PROPERTY**

**THIS LICENCE** made in triplicate 3<sup>rd</sup> day of June, 2019.

**B E T W E E N:**

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

(herein referred to as the "City")

- and -

**OUTSPOKEN BREWING INC.**

(herein referred to as "Outspoken")

- and -

**VERA PIZZA**

(herein referred to as "Vera")

**WHEREAS** on or about the 25<sup>th</sup> day of September 2017, City Council passed By-law 2017-190 which authorized the execution of a Licence to Occupy City Property Agreement between the City and Outspoken (the "Licence Agreement");

**AND WHEREAS** pursuant to the Licence Agreement, the City has and continues to grant Outspoken a licence to occupy the property of the City (the "City Property") identified as a Laneway adjacent to Civic Address 350 Queen Street East, Sault Ste. Marie, ON, specifically as shown and identified on Schedule "A" attached to the Licence Agreement, a copy of which is appended as Appendix "A" to this Agreement for the purpose of the Outspoken Patio;

**AND WHEREAS** in May 2019, Outspoken and Vera approached the City to request that Vera be added as a party to the Licence Agreement to permit the preparation and sale of pizza at the Outspoken Patio licensed pursuant to the Licence Agreement;

**AND WHEREAS** the City is prepared to enter into this Amended Licence to Occupy City Property Agreement (the "Amending Agreement") subject to the terms and conditions set out herein:

**NOW THEREFORE** in consideration of the promises, covenants and agreements herein contained and hereby assumed, the parties for themselves and their respective successors and assigs do hereby covenant and agree with one another as follows:

**1. SECTION 1 – OUTSPOKEN LICENCE**

1.1 The terms and conditions of the City's licence as it relates to Outspoken shall remain as set

out in the original Licence Agreement, a copy of which is appended as Appendix "A" to this Amending Agreement.

## **2. SECTION 2 – VERA LICENCE**

- 2.1 Outspoken represents and warrants that it permits Vera to prepare and sell pizza at the Outspoken Patio licensed pursuant to the Licence Agreement. Outspoken further represents and warrants that it permits Vera to occupy those portions of the Outspoken Patio so licensed in the manner as set out in the diagram attached as Appendix "B" to this Agreement.
- 2.2 Subject to Section 2.3 herein, the City hereby consents to this Amending Agreement so as to:
  - (a) formally add Vera as a party to the Amending Agreement; and
  - (b) permit Vera to occupy the City Property, specifically the Outspoken Patio, as so permitted and requested by Outspoken, the particulars regarding the location are set out in Appendix "B" to this Amending Agreement.

- 2.3 The parties hereto acknowledge and agree that the City's licence to Vera is subject to the terms and conditions set out in Appendix "C" to this Amending Agreement.

## **3. SECTION 3 – FUTURE AMENDMENTS**

- 3.1 In the event that Outspoken desires to:

- (a) have another legal entity ("New Entity") occupy a portion of the City Property, specifically the Outspoken Patio, for the purpose of operating a portion of the New Entity's business from the Outspoken Patio; and/or
  - (b) amend the terms/location of the within licence with Vera, with Vera's consent, or another existing future New Entity with that entity's consent,

going forward, Outspoken shall proceed as follows:

- (i) Outspoken shall forward correspondence to the City's Legal Department, Attention: Assistant City Solicitor/Senior Litigation Counsel, requesting permission to amend the Amending Agreement pursuant to Section 3.1(a) and/or (b) above, along with full particulars of the amendment sought;
  - (ii) The correspondence referenced in Section 3.1(i) above shall provide full particulars of the New Entity's or an existing entity's proposed use/operation to be conducted on the Outspoken Patio on City Property and a drawing depicting the location of any structures, materials, possessions and items to be placed on the City Property;
  - (iii) The correspondence referenced in Schedule 3.1(i) shall contain Outspoken's confirmation that:
    - a. in the case of Section 3.1(a), that Outspoken consents to the New Entity occupying the Outspoken Patio on City Property as requested, and further that the request does not cause any issue or conflict with any other existing permitted legal entity occupying a portion of the Outspoken Patio on City Property; or

- b. in the case of Section 3.1(b), that Outspoken consents to the amendment of the terms/location of an existing entity (Vera or a future New Entity), and that the request does not cause any issue or conflict with any other existing permitted legal entity occupying a portion of the Outspoken Patio on City Property;
      - (iv) The Legal Department shall in turn circulate Outspoken's proposal to relevant City Departments and agencies for comment; and
      - (v) If the comments are favourable, the City Legal Department shall prepare (a) further Amending Agreement(s), as the case may be, setting out the terms and conditions of the proposed new Amending Agreement(s) for execution by the City, Outspoken and the proposed New Entity or existing entity (Vera or future New Entity as the case may be).
  - 3.2 Outspoken further acknowledges and agrees that the City may approve, deny, require amendments to Outspoken's requests or require further information prior to circulation and/or approval (if so approved).
  - 3.3 Outspoken shall not permit another entity to occupy the Outspoken Patio on City Property so licensed unless this process is followed, approval is granted and a further Amending Agreement(s) as the case may be is formally executed.
- #### 4. GENERAL
- 4.1 The parties hereto acknowledge and agree that this Amending Agreement and any future Amending Agreements made pursuant to Section 3 herein, are subject to a Term of one (1) year, commencing June 3, 2019 and thereafter from year to year, unless:
    - (a) the original Licence to Outspoken is terminated in accordance with the original Licence Agreement at which time this Amending Agreement is also terminated; or
    - (b) Outspoken provides ten (10) days' written notice to Vera Pizza and/or any other New Entity occupying the Outspoken Patio pursuant to Section 3 herein, that Outspoken terminates its consent to having that entity occupy a portion of the Outspoken Patio on City Property. In such a case, the parties hereto acknowledge and agree that this Amending Agreement and/or any future Amending Agreements made pursuant to Section 3 herein (as applicable to the notice so given by Outspoken) shall terminate after the aforesaid ten (10) days has passed. To that end, Outspoken shall forward a copy of the notice so given to the City, to the Attention of the City's Legal Department, Attention: Assistant City Solicitor/Senior Litigation Counsel at the same time that Outspoken provides the notice as set out herein.
  - 4.2 In this Licence, "the City" means the "Council" of the City of Sault Ste. Marie and any person authorized to act on its behalf.
  - 4.3 This Amending Agreement and Appendices A, B and C hereto constitutes the entire agreement between the parties, and there are no representations, warranties, collateral agreements or conditions affecting this Amending Agreement or the relationship of the parties or supported hereby other than as expressed herein in writing.

- 4.4 The parties hereby acknowledge and agree that any future amendments to this Amending Agreement must be made in writing, duly executed by the parties.
- 4.5 This Amending Agreement shall enure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.
- 4.6 No party shall assign, transfer or make any other disposition of this Amending Agreement or of the rights conferred thereby, without the prior written consent of all other parties to the Amending Agreement.

**IN WITNESS WHEREOF** the part of the first part has hereto affixed its corporate seal attested by the hands of its duly authorized officers and the parties of the Second part have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED

) OUTSPOKEN BREWING INC.

) GRAHAM ATKINSON – DIRECTOR/CEO

) *I have authority to bind the Outspoken Brewing Inc.*

) VERA PIZZA

) BRENT ANDREW SEATON

) KRAMER GERRARD ROUSSEAU

) *We have authority to bind Vera Pizza*

) THE CORPORATION OF THE CITY  
OF SAULT STE. MARIE

) MAYOR – CHRISTIAN PROVENZANO

) CITY CLERK – MALCOLM WHITE

) *We have the authority to bind the Corporation*

# APPENDIX "A" TO THIS AMENDING LICENCE TO OCCUPY CITY PROPERTY

AG164

## LICENCE TO OCCUPY CITY PROPERTY

THIS LICENCE made in triplicate this 25th day of September, 2017.

**B E T W E E N:**                   **THE CORPORATION OF THE CITY OF SAULT STE. MARIE**  
(herein referred to as the "City")

- and -                           **OUTSPOKEN BREWING INC.**  
(herein referred to as the "Licencee")

The City grants to the Licencee the right to occupy the property of the City ("the City Property") identified as the Laneway adjacent to Civic Address 350 Queen Street East, Sault Ste. Marie, ON, specifically as shown and identified on Schedule "A" attached to this Licence to Occupy City Property (the "Licence").

This Licence is subject to the conditions set out in Schedule "B" attached, which to the extent each condition is or becomes applicable, the Licencee covenants to observe for the period of one (1) year commencing on October 2, 2017 and thereafter from year to year until the Licence is terminated in accordance with Schedule "B".

In this Licence, "the City" means the "Council" of the City of Sault Ste. Marie and any person authorized to act on its behalf.

This Licence shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

In witness thereof the parties hereto have affixed their hands and seals on the date written above.

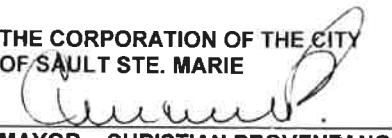
**SIGNED, SEALED AND DELIVERED**

**OUTSPOKEN BREWING INC.**

  
**GRAHAM ATKINSON – DIRECTOR/CEO**

*I have authority to bind the Licencee*

**APPROVED BY**  
CITY OF SAULT STE. MARIE  
BY-LAW # 2017-190

  
**THE CORPORATION OF THE CITY  
OF SAULT STE. MARIE**

  
**MAYOR – CHRISTIAN PROVENZANO**

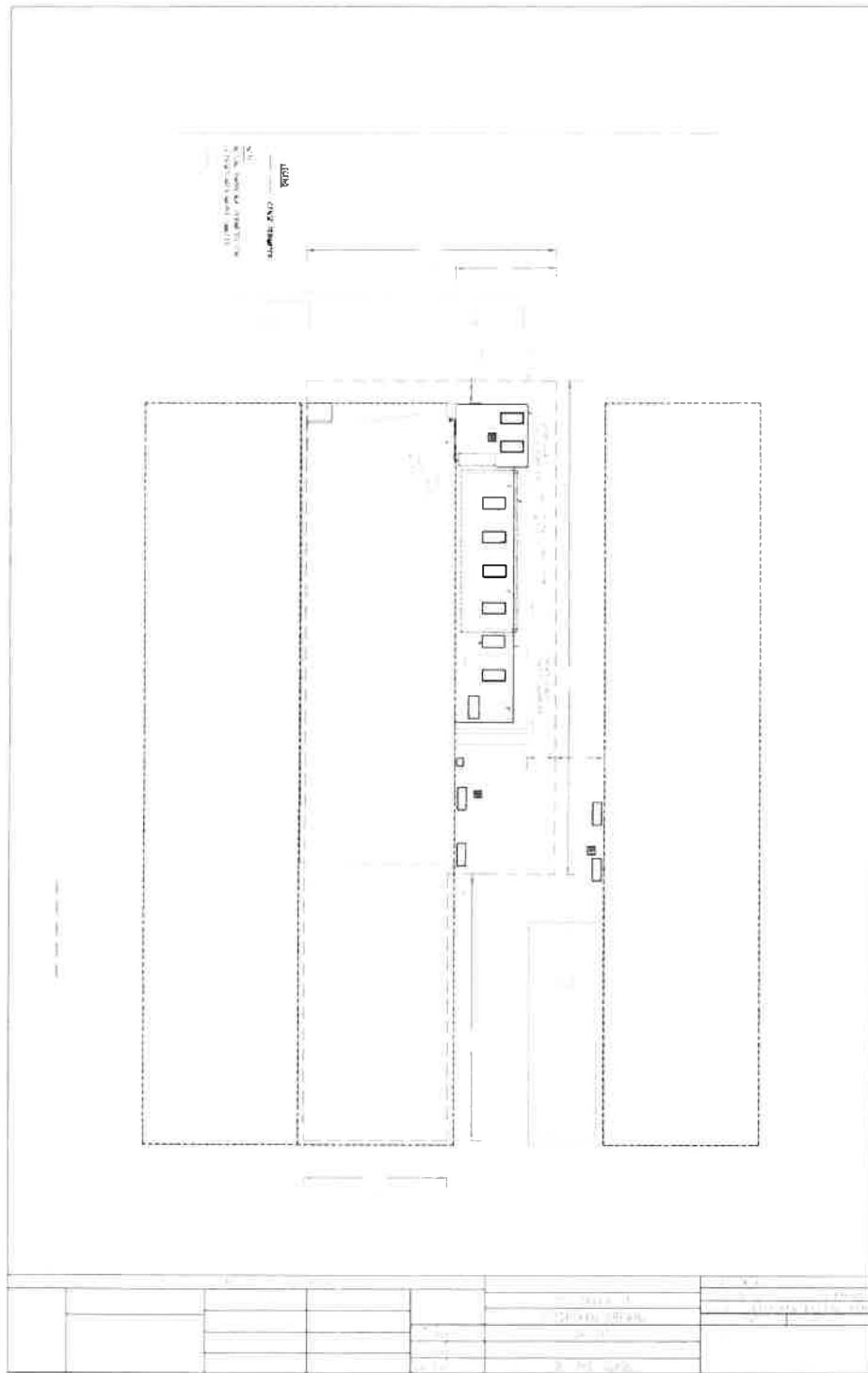
  
**CITY CLERK – MALCOLM WHITE**

*We have the authority to bind the Corporation*

**SCHEDULE "A" TO  
LICENCE TO OCCUPY CITY PROPERTY**

**City Property**

The City grants the Licencee the right to occupy that portion of the Laneway adjacent to 350 Queen Street East in the location as indicated on the map below, and subject to the conditions outlined in Schedule "B".



**SCHEDULE "B"  
LICENCE TO OCCUPY CITY PROPERTY**

This Licence is subject to the following conditions:

**Use of City Property**

1. The City hereby grants the Licencee permission to have a raised outdoor patio deck of the dimension 88 feet by 18 feet (the "Outdoor Patio") at the location identified in Schedule "A" to this Licence Agreement ("City Property") for a period of one (1) year commencing on October 2, 2017 and thereafter from year to year until terminated (the "Term").
2. The Licencee shall not use or permit the use of the City Property for any purpose other than the purpose herein set out, namely the Outdoor Patio. The Licencee shall not erect any buildings or other structures on the City Property.

**Design and Operation**

3. The Licencee shall ensure the following design conditions are being complied with regarding the Outdoor Patio, specifically:
  - a. The Outdoor Patio, fencing, barrier or other accessories thereto shall not impede egress or access from or to a structure;
  - b. Furniture and accessories on the Outdoor Patio shall not protrude into the pedestrian pathway at any time or obstruct pedestrian or vehicular sightlines;
  - c. Partitions, including fencing or railing systems, shall be decorative and free from jagged or sharp edges or other features that could cause injury in the Outdoor Patio's regular use;
  - d. All Outdoor heating devices used by the Licencee shall be approved by the Canadian Standards Association (CSA);
  - e. The Outdoor Patio shall be designed such that it shall remain accessible at all times;
  - f. The Outdoor Patio shall not restrict access to a fire hydrant; and
  - g. The Licencee shall erect a removable partition that is at least one metre tall but not taller than 1.2 metres separating the Outdoor Patio from the sidewalk or other pedestrian walkway.
4. The Licencee shall ensure the following operational conditions are being complied with regarding the Outdoor Patio, specifically:
  - a. The Outdoor Patio and accessories thereof shall not encroach upon the frontage of any neighbouring establishment(s) without written authorization from the property owner of the neighbouring establishment(s) so affected;
  - b. The Outdoor Patio area and accessories thereof shall be kept orderly and in good condition and any required maintenance shall be completed in a timely manner;
  - c. Furniture and accessories on the Outdoor Patio shall be secured when not in use and outside the hours of operation of the Licencee;
  - d. Smoking on the Outdoor Patio shall not be permitted or allowed to be permitted; and
  - e. The Outdoor Patio shall not exceed overall occupant numbers as listed on the Licencee's liquor licence.
5. If the City, in its sole discretion, determines that the Design and Operation conditions contained in Sections 3 and 4 above are not being complied with, it may provide the Licencee with reasonable opportunity to remedy or, where the City deems it appropriate, terminate this Agreement by providing the Licencee with written notice of termination and order the immediate removal of the Outdoor Patio to the satisfaction of the City.
6. If, in the sole discretion of the City and/or emergency personnel, the City and/or emergency personnel requires access to any portion of the City Property, such that removal of any portion or the entirety of the Outdoor Patio is required, the Licencee shall in no way restrict such access and the City and/or emergency personnel shall in no way be responsible for restoring the Outdoor Patio to its condition prior to such access by the City and/or emergency personnel.

7. If, in the sole discretion of the City, the City requires access to any portion of the existing storm system located below the Laneway adjacent to Civic Address 350 Queen Street East, such that removal of any portion or the entirety of the Outdoor Patio is required, the Licencee shall in no way restrict such access. The City may proceed with all access necessary and remove any part or the entirety of the Outdoor Patio as the City determines is necessary at its sole discretion. The City shall in no way be responsible for restoring the Outdoor Patio to its condition prior to such access by the City.
8. If food is to be prepared, served or consumed on the Outdoor Patio at any time, the Licencee represents and warrants that it has obtained all necessary approvals from Algoma Public Health for same. At no time shall the City be responsible for any matters related to the preparation of food on the Outdoor Patio. The Licencee shall fully indemnify and save harmless the City from and against all losses, costs, damages and expenses of every kind of nature which the City may suffer, be at or be put to by reason of or in consequence of noncompliance by the Licencee.

#### **Liability and Insurance**

9. At no time shall the City be responsible for setting up, maintaining, removing or otherwise dealing with the Outdoor Patio. The Licencee shall be responsible for all costs, expenses and liabilities relating to the setup, presence, use and removal of the Outdoor Patio located on City Property. The Licencee shall indemnify and save harmless the City from any costs and expenses incurred by the City that may result from the Outdoor Patio.
10. All matters related to the Outdoor Patio are the responsibility of the Licencee. At no time shall the City be responsible for any matters related to the Outdoor Patio, and the Licencee shall indemnify and save harmless the City from any costs, expenses and liabilities incurred and suffered by the City that may result from same.
11. The Licencee shall indemnify and save harmless the City from all costs and expenses caused to or incurred by the City and from all claims and demands, awards, losses, costs, damages, actions, suits or other proceedings, by whomsoever made, brought or prosecuted, in any manner based upon, arising out of or connected with, the Outdoor Patio, the intent being that the City shall be at no risk or expense to which it would not have been put had the Outdoor Patio and the use the City Property by the Licencee not occurred.
12. The Licencee shall keep in force during the Term, property damage insurance and personal injury insurance against claims for bodily injury, death or property damage occurring on the City Property in an amount not less than Five Million (\$5,000,00.00) Dollars and name the City as "Additional Insured" to same. Proof of said insurance shall be filed with the Legal Department of the City of Sault Ste. Marie. Should the Licencee cancel the said insurance policy for any reason, the Licencee must give the City thirty (30) days' written notice prior to cancellation.

#### **Compliance with Laws**

13. The Licencee shall comply with all Laws, By-Laws, Rules and Regulations of any governing body respecting the use of the City Property during the Term, and shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses, of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencee with such Laws, By-Laws, Rules and Regulations.

#### **Taxes**

14. The Licencee shall be liable for all taxes, permits, licences or assessments of every nature and kind whatsoever, in any way arising from the use of the City Property during the Term.

#### **No Assignment**

15. The Licencee shall not assign, transfer or make any other disposition of the Licence, or of the rights conferred thereby, without the prior written consent of the City.

**Liquor Regulation**

16. The Licencee represents and warrants that it is the holder of a valid catering endorsement attached to its sales licence. The Licencee further represents and warrants that it has submitted a written form of notification of the Outdoor Patio to the Alcohol and Gaming Commission of Ontario ("AGCO"), Algoma Public Health, the City Fire Department, the City Police Department and the City Building Department as required under Ontario Regulation 719, made under the *Liquor Licence Act*. The Licencee represents and warrants that it has obtained the AGCO's approval for the Outdoor Patio.
17. The Licencee shall have full responsibility to ensure that it has satisfied all liquor licence requirements for the Outdoor Patio. At no time shall the City be responsible for any matters related to liquor licence requirements or approvals for the Outdoor Patio. The Licencee shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by the Licencee of such liquor licence requirements and/or approvals.
18. The Licencee represents and warrants that it has secured all necessary liquor license approvals for utilizing the Outdoor Patio during the Term.

**Termination**

19. The City or the Licencee may cancel this agreement on giving six (6) months' written notice to the other party of their intention to do so. In the event that the City receives complaints with regards to noise being generated from the Outdoor Patio, the City reserves the right to cancel this agreement on giving ten (10) days' written notice to the Licencee. Notices shall be deemed given if deposited in the mail with postage charges prepaid and addressed to the party for whom intended at such party's address herein specified:

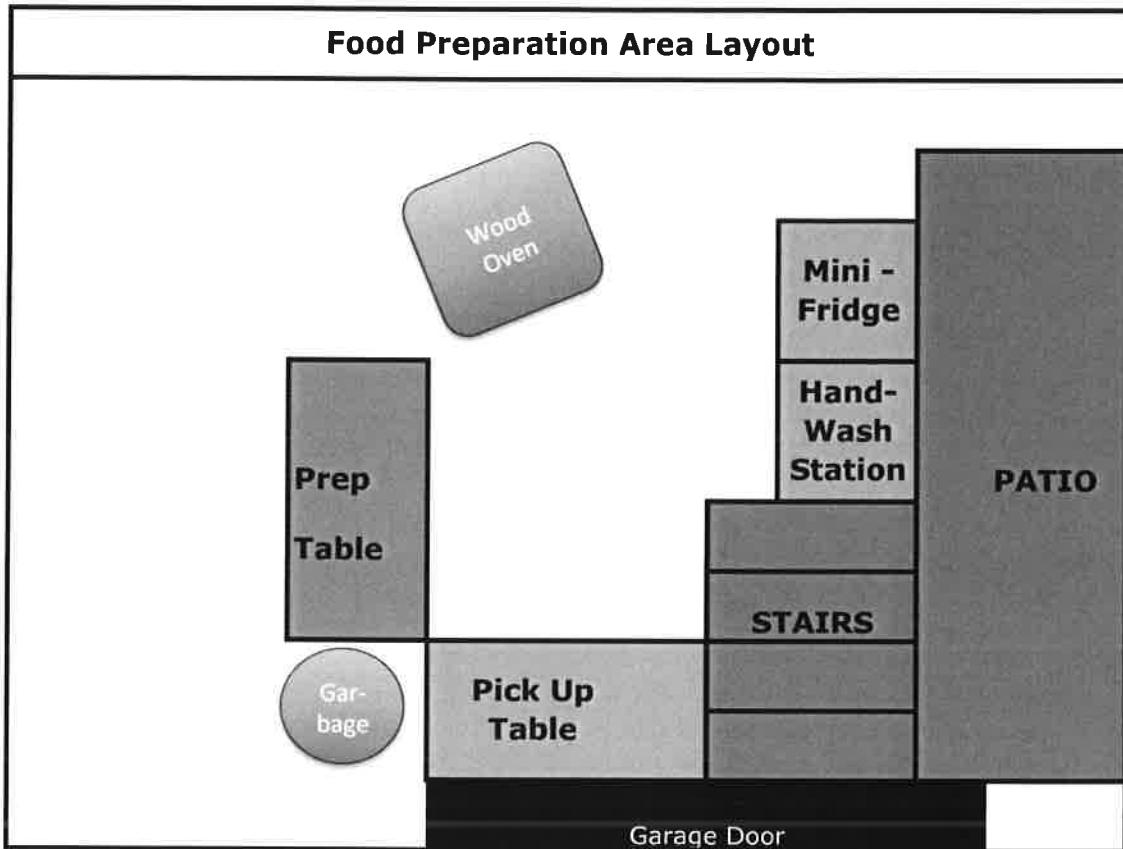
|             |  |
|-------------|--|
| <b>CITY</b> | City Solicitor<br>The Corporation of the City of Sault Ste. Marie<br>P.O. Box 580<br>Sault Ste Marie, Ontario<br>P6A 5N1 |
|-------------|--|

|                 |   |
|-----------------|---|
| <b>LICENCEE</b> | OutSpoken Brewing Inc.<br>55 St. Georges Avenue West<br>Sault Ste Marie, Ontario<br>P6C 1B3 |
|-----------------|---|

20. In the event the Licencee fails to observe or uphold, or violates any of the terms of this Agreement, the determination of which shall be made by the City at its sole discretion, the City reserves the right to terminate this Agreement effective immediately on giving the Licencee written notice of termination. The Licencee shall immediately remove all structures on the City Property upon receipt of such notice.
21. In the event that this Licence is terminated in accordance with paragraphs 19 or 20, the provisions of paragraphs 6-18 inclusive of this Licence shall survive the termination of this Licence. All structures on the City Property shall be removed upon such termination.



### **Food Preparation Area Layout**



**APPENDIX "C"**  
**AMENDING LICENCE TO OCCUPY CITY PROPERTY**

The parties hereto acknowledge and agree that the Licence to Vera is subject to the following conditions:

**Use of City Property**

1. At the request of Outspoken, the City hereby grants Vera permission to occupy the Outspoken Patio on City Property, hereby licensed to Outspoken pursuant to the Licence Agreement located at Appendix "A" hereto, at the location identified at Appendix "B" to this Amending Agreement, for the express purpose of preparing and selling pizzas.
2. Vera shall not use or permit the use of the Oustspoken Patio on City Property for any purpose other than the purpose set out herein, namely to prepare and sell pizzas. Vera shall not erect any buildings or other structures on the Outspoken Patio on City Property other than as set out in Appendix "B" to this Amending Agreement.
3. Vera's use and occupation of the Outspoken Patio is subject to the hours of business of Outspoken and any relevant by-laws and legislation.

**Design and Operation**

4. Vera shall ensure the following design conditions are being complied with regarding its use and occupation of the Outspoken Patio on City Property; specifically that any of Vera's structures, tables, preparation areas, pizza oven, materials and possessions:
  - a. shall not impede egress or access from or to a structure;
  - b. shall not protrude into the pedestrian pathway at any time or obstruct pedestrian or vehicular sightlines;
  - c. shall be decorative and free from jagged or sharp edges or other features that could cause injury in the Outspoken Patio's regular use;
  - d. all Outdoor heating devices, including but not limited to the pizza oven used by Vera shall be approved by the Canadian Standards Association (CSA) and be located and utilized according to manufacturer's instructions;
  - e. shall be designed and placed such that it shall remain accessible at all times;
  - f. shall be placed such that clear passage to an accessible table is maintained;
  - g. shall be placed so as to ensure that the ramp will remain in place and free of obstruction to allow for access of persons using mobility devices; and
  - h. shall not restrict access to a fire hydrant.
5. Vera shall ensure the following operational conditions are being complied with regarding its use and occupation of the Outspoken Patio on City Property; specifically that any of Vera's structures, tables, preparation areas, pizza oven, materials and possessions:
  - a. shall be kept orderly and in good condition and any required maintenance shall be completed in a timely manner; and
  - b. shall be secured when not in use and outside the hours of operation of Outspoken.

Further, Vera acknowledges and agrees that smoking on the City Property shall not be permitted or allowed to be permitted and that the Outspoken Patio on the City Property shall not exceed overall occupant numbers as listed on Outspoken's liquor licence.

6. If the City, in its sole discretion, determines that the Design and Operation conditions contained in Sections 3 and 4 above are not being complied with, it may provide Vera with reasonable opportunity to remedy or, where the City deems it appropriate, terminate this Agreement by providing both Vera and Outspoken with written notice of termination and order the immediate removal of Vera and/or the actual Outspoken Patio as the City determines, to the satisfaction of the City.
7. If, in the sole discretion of the City and/or emergency personnel, the City and/or emergency personnel requires access to any portion of the City Property and/or the Outspoken Property, including but not limited to any of Vera's structures, tables, preparation areas, pizza oven, materials and possessions, such that removal of any portion or the entirety of the Outspoken Patio is required, Vera shall in no way restrict such access and the City and/or emergency personnel shall in no way be responsible for restoring the Outspoken Patio and/or Vera's structures, tables, preparation areas, pizza oven, materials and possessions to its condition prior to such access by the City and/or emergency personnel.
8. If, in the sole discretion of the City, the City requires access to any portion of the existing storm system located below the Laneway adjacent to Civic Address 350 Queen Street East, such that removal of any portion or the entirety of the Outspoken Patio is required, Vera shall in no way restrict such access. The City may proceed with all access necessary and remove any part or the entirety of the Outspoken Patio as the City determines is necessary at its sole discretion. The City shall in no way be responsible for restoring the Outspoken Patio and/or Vera's structures, tables, preparation areas, pizza oven, materials and possessions to its condition prior to such access by the City.
9. Vera represents and warrants that it has obtained all necessary approvals from Algoma Public Health to prepare and serve/sell pizza on the Outspoken Patio. At no time shall the City be responsible for any matters related to the preparation of food on the Outspoken Patio. Vera shall fully indemnify and save harmless the City from and against all losses, costs, damages and expenses of every kind of nature which the City may suffer, be at or be put to by reason or in consequence of noncompliance by Vera.

#### **Liability and Insurance**

10. At no time shall the City be responsible for setting up, maintaining, removing or otherwise dealing with the Outspoken Patio and/or any of Vera's structures, tables, preparation areas, pizza oven, materials and possessions. Vera shall be responsible for all costs, expenses and liabilities relating to the setup, presence, use and removal of any and all of Vera's structures, tables, preparation areas, pizza oven, materials and possessions located on the Outspoken Patio on City Property. Vera shall fully indemnify and save harmless the City from

any costs and expenses incurred by the City that may result from Vera's use and occupation of the Outspoken Patio on City Property.

11. All matters related to Vera's use and occupation of the Outspoken Patio on City Property are the responsibility of Vera. At no time shall the City be responsible for any matters related to Vera's use and occupation of the Outspoken Patio on City Property, and Vera shall indemnify and save harmless the City from any costs, expenses and liabilities incurred and suffered by the City that may result from same.
12. Vera shall indemnify and save harmless the City from all costs and expenses caused to or incurred by the City and from all claims and demands, awards, losses, costs, damages, actions, suits or other proceedings, by whomsoever made, brought or prosecuted, in any manner based upon, arising out of or connected with Vera's use and occupation of the City Property, the intent being that the City shall be at no risk or expense to which it would not have been put had the use and occupation of the Outspoken Patio on City Property by Vera not occurred.
13. Vera shall keep in force during the Term, property damage insurance and personal injury insurance against claims for bodily injury, death or property damage occurring on the Outspoken Patio on City Property in an amount not less than Five Million (\$5,000,00.00) Dollars and name the City as "Additional Insured" to same. Proof of said insurance shall be filed with the Legal Department of the City of Sault Ste. Marie. Should Vera cancel the said insurance policy for any reason, Vera must give the City thirty (30) days' written notice prior to cancellation.

#### **Compliance with Laws**

14. Vera shall comply with all Laws, By-Laws, Rules and Regulations of any governing body respecting the use and occupation of the Outspoken Patio on the City Property during the Term, and shall save harmless and fully indemnify the City from and against all losses, costs, damages and expenses, of every kind or nature which the City may suffer, be at or be put to by reason of or in consequence of the noncompliance by Vera with such Laws, By-Laws, Rules and Regulations.

## **Taxes**

15. Vera shall be liable for all taxes, permits, licences or assessments of every nature and kind whatsoever, in any way arising from its use and occupation of the Outspoken Patio on City Property during the Term.

## **No Assignment**

16. Vera shall not assign, transfer or make any other disposition of the Licence, or of the rights conferred thereby, without the prior written consent of the City.

## **Liquor Regulation**

17. Vera shall not serve any alcohol on the Outspoken Patio.

## **Termination**

18. The City may cancel this agreement on giving six (6) months' written notice to Vera and Outspoken of their intention to do so. In the event that the City receives complaints with regards to noise being generated from the Outspoken Patio, the City reserves the right to cancel this agreement on giving ten (10) days' written notice to Vera and Outspoken. Notices shall be deemed given if deposited in the mail with postage charges prepaid and addressed to the party for whom intended at such party's address herein specified:

|                  |   |
|------------------|---|
| <b>CITY</b>      | City Solicitor<br>The Corporation of the City of Sault Ste. Marie<br>P.O. Box 580<br>Sault Ste. Marie, Ontario<br>P6A 5N1 |
| <b>OUTSPOKEN</b> | OutSpoken Brewing Inc.<br>55 St. Georges Avenue West<br>Sault Ste. Marie, Ontario<br>P6C 1B3                              |
| <b>VERA</b>      | Vera Pizza  |

19. In the event that Vera fails to observe or uphold, or violates any of the terms of this Amending Agreement, the determination of which shall be made by the City at its sole discretion, the City reserves the right to terminate this Amending Agreement effective immediately on giving Vera and Outspoken written notice of termination. Vera and/or Outspoken, as directed by the City, shall immediately remove all structures on the City Property upon receipt of such notice.
20. In the event that this Licence is terminated in accordance with paragraphs 19 or 20, the provisions of paragraphs 6-18 inclusive of this Licence shall survive the termination of this Licence. All structures on the City Property shall be removed upon such termination.

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW NO. 2019-129**

**ZONING:** A by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 726 Wellington Street West (BDI Holdings Inc. c/o Brandon Stubbs).

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c. P.13 and amendments thereto, **ENACTS** as follows:

**1. 726 WELLINGTON STREET WEST; LOCATED ON THE SOUTH EAST CORNER OF WELLINGTON STREET WEST AND BAINBRIDGE STREET; CHANGE FROM R2 TO R3.S WITH A "SPECIAL EXCEPTION"**

The zone designation on the lands described in section 2 of this by-law, which lands are shown on Map 68 of Schedule "A" to By-law 2005-150, is changed from R2 (Single Detached Residential) zone to R3.S (Low Density Residential) zone with a "Special Exception".

**2. BY-LAW 2005-151 AMENDED**

Section 2 of By-law 2005-151 is amended by adding the following subsection 2(384) and heading as follows:

**"2(384) 726 WELLINGTON STREET WEST**

Despite the provisions of By-law 2005-150, the zone designation on the lands located on the south east corner of Wellington Street West and Bainbridge Street and having civic no. 726 Wellington Street West and outlined and marked "Subject Property" on the map attached as Schedule 384 hereto is changed from R2 (Single Detached Residential) zone to R3.S (Low Density Residential) zone with a "Special Exception" to:

1. Reduce the south interior side yard from 3m to 1.2m.
2. Reduce the north exterior side yard from 4.5m to 4m.
3. Permit three parking spaces in a required exterior side yard.
4. Increase the maximum fence height in a required front yard from 0.9m to 1.8m.
5. Permit a 3.05m deck projection into the required front yard.
6. Require the construction of a 100% visually solid fence between the parking area and the abutting parcel to the east, in accordance with the fencing provisions of Zoning By-law 2005-150.
7. Require an eavestrough be installed on the semi-detached structure."

3. **SCHEDULE "A"**

Schedule "A" hereto forms a part of this by-law.

4. **CERTIFICATE OF CONFORMITY**

It is hereby certified that this by-law is in conformity with the Official Plan for the City of Sault Ste. Marie authorized and in force on the day of the passing of this by-law.

PASSED in Open Council this 3<sup>rd</sup> day of June, 2019.

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**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – MALCOLM WHITE**

tj\\citydata\\LegalDept\\Legal\\Staff\\LEGAL\\ZONING\\2019\\2019-129 (Z) 726 Wellington Street W\\2019-129 - 726 Wellington Street West.docx

SCHEDULE "A" TO BY-LAW 2019-129 AND  
SCHEDULE 384 TO BY-LAW 2005-151



**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**  
**BY-LAW 2019-130**

**DELEGATION:** (C2.7) A by-law to delegate to the Director of Public Works, or his/her designate to be identified as a Director of the Corporation on the application for the Electrical Safety Authority ("ESA") Contractor License Application and to thereafter have signing authority on behalf of the City of Sault Ste. Marie with regards to the ESA Contractor License agreement and renewals.

**THE COUNCIL** of the Corporation of the City of Sault Ste. Marie, pursuant to section 23.1 of the *Municipal Act 2001*, S.O. 2001, c.25, **ENACTS** as follows:

**1. AUTHORITY DELEGATED**

City Council hereby delegates to the Director of Public Works, or his/her designate to be identified as a Director of the Corporation on the application for the Electrical Safety Authority ("ESA") Contractor License Application and to thereafter have signing authority on behalf of the City of Sault Ste. Marie with regards to the ESA Contractor License agreement and renewals.

**2. EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 3<sup>rd</sup> day of June, 2019.

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**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – MALCOLM WHITE**

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**  
**BY-LAW 2019-132**

**AGREEMENT:** (E2.2) A by-law to authorize the execution of the Contract between the City and Pioneer Construction Inc. for the reconstruction of Bay Street from Andrew Street to Pim Street (Contract 2019-6E).

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

**1. EXECUTION OF DOCUMENT**

The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to the Contract dated June 3, 2019 between the City and Pioneer Construction Inc., a copy of which is attached as Schedule "A" hereto. This Contract is for the reconstruction of Bay Street from Andrew Street top Pim Street (Contract 2019-6E).

**2. SCHEDULE "A"**

Schedule "A" forms part of this by-law.

**3. EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 3rd day of June, 2019.

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**MAYOR - CHRISTIAN PROVENZANO**

---

**CITY CLERK - MALCOLM WHITE**

SCHEDULE "A"

**CORPORATION OF THE CITY OF SAULT STE. MARIE**  
**CONTRACT NO. 2019-6E**  
**FORM OF AGREEMENT**

This Agreement made (in triplicate) this **3<sup>rd</sup>** day of **June** in the year **2019** by and between

**Pioneer Construction Inc.** hereinafter called the "Contractor"

AND

**Corporation of the City of Sault Ste. Marie, Ontario** hereinafter called the "Corporation".

WITNESSETH: That the Contractor and the Corporation undertake and agree as follows:

1. The Contractor will provide all the materials and all the works shown and described in the Contract Documents entitled:

**Bay Street Reconstruction  
Andrew Street to Pim Street  
CONTRACT NO. 2019-6E**

which have been signed by both parties and which were assembled by Kresin Engineering Corporation under the supervision of Don Elliott, P. Eng., Director of Engineering acting as and herein entitled, the Owner.

2. The Contractor will do and fulfil everything indicated by the Contract Documents.
3. The Contractor will complete all the work to the entire satisfaction of the Owner within the times specified.
4. The Corporation shall pay to the Contractor monies as set forth in the Schedule of Items and Prices in accordance with the Contract Documents. The quantities contained in the Form of Tender are approximate only and the final payment shall be made for the actual quantities that are incorporated in or made necessary by the work covered by the contract.

SCHEDULE "A"

5. The Corporation shall pay the Contractor for work that is ordered in writing by the Engineer and that cannot be classified as coming under any of the contract items and for which no unit price, lump sum, or other basis can be agreed upon, on a time and material basis as set out in the General Conditions.
6. The Contractor shall indemnify and save harmless the Corporation, its officers, employees and agents, from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which may be made or brought against the Corporation, its officers, employees and agents, by reason or in consequence of the execution and performance or maintenance of the work by the Contractor, its employees, agents or officers.
7. All communications in writing between the Corporation, the Contractor and the Engineer shall be deemed to have been received by the addressee if delivered to the individual, a member of the firm or an officer of the Corporation for whom they are intended or if sent by post addressed as follows:

The Corporation:                   The Corporation of the City of Sault Ste. Marie  
   P.O. Box 580  
   Civic Centre, 99 Foster Drive  
   Sault Ste. Marie, ON P6A 5N1  
   Email: c.rumiel@cityssm.on.ca

The Contractor:                   Pioneer Construction Inc.  
   845 Old Goulais Bay Road  
   Sault Ste. Marie, ON P6A 0B5  
   Email: kwilliamson@pioneerconstruction.ca

The Engineer:                     Kresin Engineering Corporation  
   536 Fourth Line East  
   Sault Ste. Marie, ON P6A 6J8  
   Email: mike@kresinengineering.ca

SCHEDULE "A"

IN WITNESS WHEREOF the parties hereto have executed this Agreement by the day and year first above written.

Signed, Sealed and Delivered

in the presence of

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

---

*Mayor – Christian Provenzano*

(seal)

---

*City Clerk – Malcolm White*

**PIONEER CONSTRUCTION INC.**

(seal)

---

*Signature of Sign Officer*

---

*Name of Person Signing*

---

*Signature of Witness*

---

*Name of Person Signing*

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2019-133**

**TEMPORARY STREET CLOSING:** (S4.1) A by-law to permit the intermittent partial road closure of Bay Street between Andrew Street and Pim Street from June 4, 2019 to October 31, 2019 to facilitate the partial reconstruction and resurfacing of Bay Street between Andrew Street and Pim Street.

**THE COUNCIL** of the Corporation of the City of Sault Ste. Marie pursuant to section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25 and amendments thereto **ENACTS** as follows:

**1. TEMPORARY STREET CLOSING OF BAY STREET**

The Council of the Corporation of the City of Sault Ste. Marie hereby authorizes the intermittent partial closing to vehicular traffic of Bay Street between Andrew Street and Pim Street from June 4, 2019 to October 31, 2019 to facilitate the partial reconstruction and resurfacing of Bay Street between Andrew Street and Pim Street.

**2. EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 3<sup>rd</sup> day of June, 2019.

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**MAYOR - CHRISTIAN PROVENZANO**

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**CITY CLERK - MALCOLM WHITE**

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2019-134**

**REGULATIONS:** (R1.1) 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 13, 2019 to 7:00 a.m. on June 14, 2019.

**THE COUNCIL** of the Corporation of the City of Sault Ste. Marie, pursuant to Section 129 of the *Municipal Act, 2001* S.O. 2001 c. 25 **ENACTS** as follows:

**1. EXEMPTION FROM NOISE CONTROL BY-LAW**

Despite the provisions of By-law 80-200 the noise associated with the Korah Relay for Life fundraiser at Korah Collegiate and Vocational School from 7:00 p.m. on June 13, 2019 to 7:00 a.m. on June 14, 2019 is deemed not to be in violation of By-law 80-200.

**2. EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 3<sup>rd</sup> day of June, 2019.

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**MAYOR - CHRISTIAN PROVENZANO**

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**CITY CLERK - MALCOLM WHITE**