



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

Monday, November 7, 2022

4:30 pm

Council Chambers

Civic Centre

Meetings may be viewed live on the City's YouTube channel
<https://www.youtube.com/user/SaultSteMarieOntario>

Pages

1. Land Acknowledgement

I acknowledge, with respect, that we are in Robinson-Huron Treaty territory, that the land on which we are gathered is the traditional territory of the Anishinaabe and known as Bawating. Bawating is the home of Garden River First Nation, Batchewana First Nation, the Historic Sault Ste. Marie Metis Council.

2. Adoption of Minutes

4 - 27

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that the Minutes of the Regular Council Meeting of September 20, 2022 be approved.

3. Questions and Information Arising Out of the Minutes and not Otherwise on the Agenda

4. Declaration of Pecuniary Interest

5. Approve Agenda as Presented

Mover Councillor L. Vezeau-Allen

Seconder Councillor C. Gardi

Resolved that the Agenda for November 7, 2022 City Council Meeting as presented be approved.

6. **Proclamations/Delegations**
- 6.1. **Transgender Day of Awareness**
- 6.2. **Lung Cancer Awareness Month** 28 - 28
7. **Communications and Routine Reports of City Departments, Boards and Committees – Consent Agenda**

Mover Councillor L. Dufour
Seconder Councillor M. Scott
Resolved that all the items listed under date November 7, 2022 – Agenda item 7 – Consent Agenda be approved as recommended.
- 7.1. **Ontario Land Tribunal Appeal – 130 Wellington Street East (Feroze Verani 11547305 Canada Inc.)** 29 - 31

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

Mover Councillor L. Dufour
Seconder Councillor M. Scott
Resolved that the report of the Solicitor dated November 7, 2022 concerning Ontario Land Tribunal Appeal – 130 Wellington Street be received and that Council confirm that despite the appeal, Council wishes to proceed with By-law 2022-174 as passed on September 20, 2022.
- 7.2. **Ontario Land Tribunal Appeal – 204 South Market Street (ESC Land Development Corporation c/o Todd Lisso)** 32 - 33

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

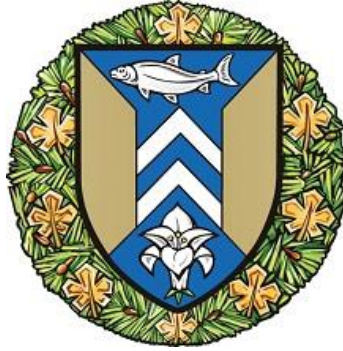
Mover Councillor L. Dufour
Seconder Councillor C. Gardi
Resolved that the report of the Solicitor dated November 7, 2022 concerning Ontario Land Tribunal Appeal – 204 South Market Street be received and that Council confirm that despite the appeal, Council wishes to proceed with Zoning By-law 2022-155 as passed on August 29, 2022.
8. **Reports of City Departments, Boards and Committees**
- 8.1. **Administration**
- 8.2. **Corporate Services**
- 8.3. **Community Development and Enterprise Services**
- 8.4. **Public Works and Engineering Services**

- 8.5. Fire Services
- 8.6. Legal
- 8.7. Planning
- 8.8. Boards and Committees
- 9. Unfinished Business, Notice of Motions and Resolutions Placed on Agenda by Members of Council
- 9.1. Comments from Members of Council
- 10. Committee of the Whole for the Purpose of Such Matters as are Referred to it by the Council by Resolution
- 11. Adoption of Report of the Committee of the Whole
- 12. Consideration and Passing of By-laws
- 12.1. By-laws before Council to be passed which do not require more than a simple majority
- 12.2. By-laws before Council for FIRST and SECOND reading which do not require more than a simple majority
- 12.3. By-laws before Council for THIRD reading which do not require more than a simple majority
- 13. Questions By, New Business From, or Addresses by Members of Council Concerning Matters Not Otherwise on the Agenda
- 14. Closed Session
- 15. Adjournment

Mover Councillor L. Dufour

Seconder Councillor C. Gardi

Resolved that this Council now adjourn.



REGULAR MEETING OF CITY COUNCIL MINUTES

Tuesday, September 20, 2022

4:30 pm

Council Chambers and Video Conference

Present: Mayor C. Provenzano, Councillor P. Christian, Councillor S. Hollingsworth, Councillor L. Dufour, Councillor L. Vezeau-Allen, Councillor D. Hilsinger, Councillor M. Shoemaker, Councillor M. Bruni, Councillor R. Niro, Councillor C. Gardi, Councillor M. Scott

Officials: M. White, R. Tyczinski, T. Vair, K. Fields, S. Schell, P. Johnson, S. Hamilton Beach, B. Lamming, F. Coccimiglio, T. Vecchio, M. Zuppa, P. Tonazzo, F. Pozzebon, J. King, E. Cormier

1. Land Acknowledgement

2. Adoption of Minutes

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Vezeau-Allen

Resolved that the Minutes of the Regular Council Meeting of August 29, 2022 and Special Council Meeting of September 15, 2022 be approved.

Carried

3. Questions and Information Arising Out of the Minutes and not Otherwise on the Agenda

4. Declaration of Pecuniary Interest

4.1 Councillor D. Hilsinger – A-11-22-Z Short Term Rental Accommodation

Employee of The Water Tower Inn.

4.2 Councillor M. Shoemaker – Ontario Heritage Act Part IV Designation of 99 Huron Street (Yard Locker)

4.3 Mayor C. Provenzano – Assignment of Lease – John Rhodes Pro Shop

Lessee is a client of law firm.

5. Approve Agenda as Presented

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that the Agenda for September 20, 2022 City Council Meeting as presented be approved.

Carried

6. Proclamations/Delegations

6.1 National Truth and Reconciliation Day

6.2 Ovarian Cancer Awareness Month

6.3 Ontario Cadets Week

6.4 Orchestra Month

6.5 World Habitat Day

6.6 Child Care Worker and Early Childhood Educator Appreciation Day

6.7 Take Back the Night

6.8 Latin/Hispanic Heritage Month

6.9 Tech/Lakeway Collegiate and Vocational School "Reunion Week"

6.10 Acquired Brain Injury Awareness

6.11 Lakeshore Group Proposed Renewable Energy Project

Tom May, President of Bioveld Energy Ventures; Jackson Salovaara, SB Energy; Paul Veldman, BMI Group; Rob Coulbeck, Bioveld; and David Ashbourne and Rick Pennycooke, Lakeshore Group were in attendance.

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

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that all the items listed under date September 20, 2022 – Agenda item 7 – Consent Agenda save and except Agenda items 7.1 and 7.8 be approved as recommended.

Carried

7.2 2022 City of Sault Ste Marie Credit Rating

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

Moved by: Councillor M. Scott

Seconded by: Councillor L. Dufour

Resolved that the report of the Chief Financial Officer/Treasurer dated September 19, 2022 concerning the 2022 City of Sault Ste. Marie Credit Rating be received as information.

Carried

7.3 Property Tax Appeals

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

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Vezeau-Allen

Resolved that the report of the Manager of Taxation dated September 20, 2022 concerning Property Tax Appeals be received and that the tax records be amended pursuant to sections 354 and 357 of the *Municipal Act*.

Carried

7.4 RFP – External Audit Services Joint Request (Sault Ste. Marie and PUC Group of Companies)

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

The relevant By-law 2022-171 is listed under item 12 of the Minutes.

7.5 RFP – Engineering Services– Reconstruction of Blake Avenue, Wemyss Street and Biggings Avenue

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

The relevant By-law 2022-156 is listed under item 12 of the Minutes.

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that the report of the Manager of Purchasing dated September 19, 2022 concerning Engineering Services –Reconstructions be received and that:

- Kresin Engineering be awarded the contract for the Blake Avenue reconstruction;
- Tulloch be awarded the contract for the Wemyss Street reconstruction; and
- Aecom Canada be awarded the contract for the Biggings Avenue reconstruction

each subject to the following conditions to be added to the respective Municipal Engineering Association Agreements for each reconstruction:

- that the resulting Municipal Engineering Association Agreements incorporate the total \$200,000 in funding approved in 2022 to be allocated between the three vendors as determined by Public Works and Engineering; and
- that the balance of the work shall commence and only be payable by the City if and at such time as funding is approved within the 2023 Capital Budget.

The relevant By-law 2022-156 to obtain Council approval to delegate authority to the CAO to execute the Municipal Engineers Association Agreements is listed under item 12 of the Agenda and will be read with all by-laws under that item.

Carried

7.6 Assignment of Lease – John Rhodes Pro Shop

Mayor C. Provenzano declared a conflict on this item. (Lessee is a client of law firm.)

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

The relevant By-law 2022-160 is listed under item 12 of the Minutes.

7.7 Ontario Heritage Act Part IV Designation – 119 Woodward Avenue

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

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that the report of the Manager of Recreation and Culture dated September 19, 2022 concerning *Ontario Heritage Act Part IV* designation of 119 Woodward Avenue be received and that the recommendation by the Sault Ste. Marie Municipal Heritage Committee to designate 119 Woodward Avenue under Part IV of the *Ontario Heritage Act* be approved.

Carried

7.9 Community Development Fund – Green Initiatives Program Application – September 2022

The report of the Sustainability Coordinator was received by Council.

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that the report of the Sustainability Coordinator dated September 19, 2022 concerning September 2022 Community Development Fund – Green Initiatives Program Application be received and that the recommendation of the Environmental Sustainability Committee to allocate \$5,792.38 to the Sault Ste. Marie Region Conservation Authority for LED lighting upgrades be approved.

Carried

7.10 2021 Building Division Annual Fee Report

The report of the Chief Building Official was received by Council.

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that the report of the Chief Building Official dated September 19, 2020 concerning 2021 Building Division Annual Fees be received as information.

Carried

7.11 Revised Traffic By-law Update 2022

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

The relevant By-law 2022-165 is listed under item 12 of the Minutes.

7.12 Pine Street Sidewalk Extension

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

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that the report of the Municipal Services and Design Engineer dated September 19, 2022 concerning Pine Street Sidewalk Extension be received and that the project be placed on the Miscellaneous Construction list to be prioritized and budgeted for future Capital Programs.

Carried

7.13 Grade Crossing Reconstruction Agreement – Black Road Crossing

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

The relevant By-law 2022-175 is listed under item 12 of the Minutes.

7.14 Winter Maintenance of Red Rock Road (Maki Road) Agreement with Brookfield Power

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

The relevant By-law 2022-164 is listed under item 12 of the Minutes.

7.15 Agreement between City and Bell Mobility Inc. – Bellevue Marina Tower

The report of the Solicitor was received by Council.

The relevant By-law 2022-172 is listed under item 12 of the Minutes.

7.16 Housekeeping – Repeal Amending By-laws to Repealed Parking By-law 81-367

The report of the Solicitor was received by Council.

The relevant By-law 2022-168 is listed under item 12 of the Minutes.

7.17 Vacant Property Resolutions

The report of the Solicitor was received by Council.

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that the report of the Solicitor dated September 19, 2022 concerning vacant property resolutions be received as information.

Carried

7.18 Sale of Part 903 Base Line to Enbridge Gas Distribution

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

The relevant By-law 2022-167 is listed under item 12 of the Minutes.

7.19 Light Pollution

The report of the Planner was received by Council.

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that the report of the Planner dated September 19, 2022 concerning light pollution be received as information.

Carried

7.1 Outstanding Council Resolutions

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Vezeau-Allen

Resolved that the report of the CAO dated September 19, 2022 concerning Outstanding Resolutions Update be received and that the following items be removed: Employee Innovation Program, Red Pine Drive and Service Delivery Review.

	For	Against	Conflict	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			
Results	10	1	0	0
				Carried

7.8 Ontario Heritage Act Part IV Designation of 99 Huron Street (Yard Locker)

Councillor M. Shoemaker declared a conflict on this item. Property owner is a client.

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

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that the report of the Manager of Recreation and Culture dated September 19, 2022 concerning *Ontario Heritage Act Part IV* designation of 99 Huron Street (Yard Locker) be received and that the recommendation by the Sault Ste. Marie Municipal Heritage Committee to designate 99 Huron Street (Yard Locker) under Part IV of the *Ontario Heritage Act* be approved.

Motion withdrawn at request of property owner.

8. Reports of City Departments, Boards and Committees

8.1 Administration

8.1.1 Corporate Strategic Plan Update

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

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that the report of the Chief Administrative Officer dated September 19, 2022 concerning Corporate Strategic Plan Update be received as information.

	For	Against	Conflict	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			
Results	11	0	0	0
				Carried

8.2 Corporate Services

8.3 Community Development and Enterprise Services

8.3.1 Request for Council Support Resolution

Whereas the Independent Electricity System Operator has launched several major acquisition programs, including the Expedited Request for Projects and the Long-Term Request for Projects; and

Whereas one or more projects may be built in the Sault Ste Marie area; and

Whereas the Independent Electricity System Operator requires that projects must receive municipal council support in a form of a resolution to be granted a contract; and

Whereas SB Energy, Bioveld Energy Ventures and The BMI Group are proposing to develop, construct, and operate a battery energy storage facility at 95 Huron Street and consists of installing grid equipment and battery components. The project is in the early stages with community consultations planned over the rest of the year. Subject to IESO approval, the project is planned to begin in the fall of 2023 with commercial operations scheduled for 2025, with planned installed capacity of 150 MWh of energy storage; and

Whereas once operational, this project will increase the supply and reliability of the grid in the Sault Ste. Marie area. The project will create both construction and operational jobs in Sault Ste Marie

Now Therefore Be It Resolved that the Council of the City of Sault Ste. Marie supports the construction and operation of the SB Energy, Bioveld Energy Ventures and The BMI Group's MILLGEN battery storage project in principle, conditional upon the developer consenting to the project being subject to site plan control with City Council in this instance having final approval. Should consent be withdrawn Council reserves its right to withdraw support.

8.4 Public Works and Engineering Services

8.5 Fire Services

8.6 Legal

8.7 Planning

8.7.1 A-9-22-Z.OP 130 Wellington Street East

Feroze Virani was in attendance on behalf of the Applicant.

Mark Brown was in attendance to speak against the reduction of affordable housing units.

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that the report of the Planner dated September 19, 2022 concerning Application A-9-22-Z.OP be received and that Council approve this application in the following manner:

1. That Council approve Official Plan Amendment 243 T-159 by re-designating the western 155 metres of 130 Wellington Street East from Institutional to Commercial with the following amendments to:

1. Notwithstanding Housing Policy HO.6, to waive the requirement that in all urban residential developments greater than 50 units, at least 30% of those units shall be affordable.
2. Notwithstanding Commercial Policy C.2, to waive the requirement that new commercial development in excess of 4,000 sq.m. conduct a market impact study to assess the impact on existing facilities.
2. That Council rezone the western 155 metres of 130 Wellington Street East from Institutional Zone (I.S 362) with a special exception to General Commercial Zone (C4.S) with an amended (repeal and replace) special exception to, in addition to the uses permitted in a General Commercial Zone (C4):
 1. Permit residential dwellings to be located on the ground floor.
 2. Reduce the required parking for residential units from 1.25 spaces/unit to 1 space/unit.
 3. Permit the following additional uses within the C4 Zone: Computer, precision and electronics manufacture and repair, Group Homes and Group Residences.
 4. Reduce the required landscaping in the required front yard (Tancred) from 50% to 5% and to reduce the required landscaping in the required Exterior Side Yard (Wellington) from 50% to 20%, inclusive of the 6m required road widening along Wellington Street East.
 5. Notwithstanding Section 6, permit the required 3 loading spaces to be located in a required front yard, occupy required parking spaces and not be visually screened from abutting and adjacent residential zones.
 6. Limit the number of residential dwelling units and square area of non-residential uses to a limit where the peak sanitary flows generated from the site do not exceed 9.34 litres per second, calculated in accordance with the the Ministry of Environment, Conservation and Parks' (MECP) design guidelines.
 7. As part of the conditions of site plan approval, the owner shall include vibration warning clauses within any agreements of purchase and sale or tenant lease agreements for the proposed residential and non-residential units to the satisfaction of the Planning Director.
 8. As part of the conditions of site plan approval, the owner shall construct noise mitigating measures to the satisfaction of the Planning Director.

By-laws 2022-173 and 2022-174 appear elsewhere on the agenda and are recommended for approval.

	For	Against	Conflict	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			
Results	11	0	0	0

Carried

8.7.2 A-11-22-Z Short Term Rental Accommodation

Councillor D. Hilsinger declared a conflict on this item. (Employee of The Water Tower Inn.)

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that the report of the Director of Planning dated September 19, 2022 concerning A-11-22-Z be received and that Council:

1. Amend Zoning By-law 2005-150 in the following manner
 1. That short term rentals (STRs) be defined as any accommodation that is available for up to 28 consecutive days.
 2. That STRs be permitted in all zones that permit a residential dwelling, more specifically:
 1. Rural Area Zone (RA)
 2. Rural Aggregate Extraction Zone (REX)
 3. Estate Residential Zone (R1)

4. Single Detached Residential Zone (R2)
 5. Low Density Residential Zone (R3)
 6. Medium Density Residential Zone (R4)
 7. High Density Residential Zone (R5)
 8. Traditional Commercial Zone (C1)
 9. Central Commercial Zone (C2)
 10. Commercial Transitional Zone (CT2)
 11. Riverfront Zone (C3)
 12. General Commercial Zone (C4)
3. That only one self-contained STR is permitted per lot except where the property is within a commercial zone that permits dwelling units, more specifically the following commercial zones:
 1. Traditional Commercial Zone (C1)
 2. Central Commercial Zone (C2)
 3. Commercial Transitional Zone (CT2)
 4. Riverfront Zone (C3)
 5. General Commercial Zone (C4).
 4. Where on the day of the passing of this By-law, more than one STR existed on one lot; such STRs may continue to lawfully exist.
 5. Where multiple units exist within a condominium, written approval from the Condominium Corporation is required.
 6. That recreational vehicles (RVs) and tents cannot be utilized as STRs.
 7. That STRs hold a valid licence from the City. Hotels and Bed and Breakfasts are excluded from this requirement.
2. Proposed Licensing By-law and Requirements
 1. Applicants will be required to fill out the application form and pay applicable fees.
 2. Licenses will be valid for up to 3 years, upon which, renewals will be required.
 3. Licenses are not transferrable.

4. The Applicant will be responsible for obtaining written approvals from the following City Departments:
 1. Building Division – will conduct a file review and if required, an on-site inspection to ensure applicable Zoning, Property Standards and Ontario Building Code compliance.
 2. Fire Services – will conduct an on-site inspection to ensure applicable *Ontario Fire Code* compliance.
 3. Finance Division – to confirm that Municipal Accommodation Tax (MAT) return form(s) have been completed.
5. The following licensing guidelines aim to provide additional resources to guests and neighbours so that potential problems can be avoided, and if problems arise, they can be addressed:
 1. Hosts should clearly post a set of 'house rules' for guests, including but not limited to:
 1. Clear communication of property boundaries and what amenities are available to guests and what amenities are not.
 2. Reference to pertinent information in local By-laws, such as the Noise By-law and Animal Care and Control By-law.
 3. General information related to being a good neighbour, as per the City's 'Be a Good Neighbour Guide'.
 4. Rules around refuse disposal.
 2. Hosts should also provide their contact information, as well as information to contact the STR platform (ie. Airbnb) to immediate neighbours, so that in the event of an issue, neighbours can contact the host and/or the STR platform.
6. Failure to adhere to the aforementioned requirements may result in the refusal or revocation of a STR license.
7. The proposed licensing fees, subject to annual updates to the User Fee By-law are as follows:
 1. \$50 – licensing fee, payable to Clerk's Department.
 2. \$75 (\$50+\$25) – late licensing fee, payable to Clerk's Department.
 3. \$60.87-\$126.27 – Building Division file review and/or on-site inspection fee, payable to the Building Division.

4. \$133.91 – Fire Services file review and on-site inspection fee.
5. Additional fees may be applicable where re-inspections are required to address deficiencies.

The relevant By-laws 2022-177 and 2022-178 are listed under Agenda item 12 and will be read with all by-laws under that item.

	For	Against	Conflict	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			
Results	10	0	1	0
				Carried

Moved by: Councillor C. Gardi

Seconded by: Councillor M. Bruni

Resolved that the By-laws be referred back to staff to include the requirement of a minimum thirteen night stay at waterfront property in the west end of the City.

	For	Against	Conflict	Absent
Mayor C. Provenzano		X		
Councillor P. Christian	X			
Councillor S. Hollingsworth		X		
Councillor L. Dufour		X		

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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		
Results	4	6	1	0
Defeated				

8.8 Boards and Committees

8.8.1 Compliance Audit Committee 2022–2026

The report of the City Clerk was received by Council.

The relevant By-law 2022-166 is listed under item 12 of the Minutes.

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

9.1 Parking on Morrison Avenue

Moved by: Councillor R. Niro

Seconded by: Councillor M. Bruni

Whereas the hill section of Morrison Avenue between North Street and Hargreaves Street permits parking on both sides of the street except from November 1 to April 30; and

Whereas the permitted parking causes a safety concern when vehicles turn onto Morrison Avenue from North Street;

Now Therefore Be It Resolved that the Manager of Traffic and Communications be requested to conduct a review of this section of Morrison Avenue as it relates to the requirement of a parking restriction on both sides of the street for the entire year, and that a report be returned to Council for consideration.

	For	Against	Conflict	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			
Results	11	0	0	0
Carried				

9.2 Federal Electoral Boundaries

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Vezeau-Allen

Whereas the Federal Electoral Boundaries Commission for Ontario is proposing a redistribution of electoral districts which would see the elimination of the Algoma-Manitoulin-Kapuskasing District and the creation of a mega-riding called Sault Ste. Marie; and

Whereas the elimination of that riding would reduce the number of Northern Ontario seats from ten to nine, weakening the North's voice in parliament; and

Whereas the Federal Boundary Commission proposal to cut representation in the north is contrary to the 2017 electoral boundary changes for Ontario that recognized the need to add two seats to ensure fair participation for northern residents; and

Whereas the new mega-riding of Sault Ste. Marie would incorporate Echo Bay, Bruce Mines, Thessalon, Wawa, most of Huron Shores, Chapleau, Dubreuilville, Hilton, Jocelyn, Johnson, Laird, Macdonald, Meredith and Aberdeen Additional, Plummer Additional, St. Joseph, Tarbutt, and White River, as well as Hilton Beach; and

Whereas the following First Nations reserves are also proposed for inclusion in Sault Ste. Marie riding: Chapleau No. 74A, Duck Lake No. 76B, Chapleau No. 75, Thessalon No. 12, and Chapleau Cree Fox Lake; and

Whereas the proposed new super-ridings will force municipalities to compete for a limited amount of riding funding which will further exacerbate inequities in the north; and

Whereas Northern Ontario's population per riding is already much higher than many other rural and isolated regions in Canada's north; and

Whereas Covid 19 has recently resulted in many Canadians moving to Sault Ste. Marie to live and work; and

Whereas the Rural and Immigration pilot has been very successful in attracting newcomers to Sault Ste. Marie and Area; and

Whereas the Federal Electoral Boundaries Commission for Ontario's proposal would fragment, diminish and reduce access to federal representation for the City and area residents; and

Whereas the Federal Electoral Boundaries Commission for Ontario is seeking public input on its proposed riding boundary changes, yet has scheduled only one in-person consultation in North East Ontario to be held in Timmins

Now Therefore Be It Resolved that the City of Sault Ste. Marie urge the Federal Electoral Boundaries Commission for Ontario to not reduce the number of MPs for Northern Ontario, respect the geographical boundaries of cities and the makeup of the current ridings, and withdraw the proposal to eliminate the federal riding of Algoma-Manitoulin-Kapuskasing District and the expansion of the existing Sault Ste. Marie riding; and

Further Be It Resolved that a copy of this resolution be forwarded to Paula Puddy, Commission Secretary, Federal Electoral Boundaries Commission for Ontario prior to the September 25th, 2022 deadline, as well as to Terry Sheehan MP and to the Federation of Northern Ontario Municipalities.

	For	Against	Conflict	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

Results	11	0	0	0
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Carried

10. Committee of the Whole for the Purpose of Such Matters as are Referred to it by the Council by Resolution

11. Adoption of Report of the Committee of the Whole

12. Consideration and Passing of By-laws

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that all By-laws under item 12 of the Agenda under date September 20, 2022 save and except By-law 2022-176 be approved.

Carried.

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

12.1.1 By-law 2022-156 (Delegation to the CAO) MEA Agreements, Blake Avenue, Wemyss Street and Biggings Avenue

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that By-law 2022-156 being a by-law to authorize the Chief Administrative Officer to execute and bind the Corporation to Agreements which will have monetary amounts that are greater than the current delegated authority of \$125,000, specifically which pertain to Municipal Engineers Association (MEA) Agreements to facilitate the \$200,000.00 Council approved for engineering work related to the 2023 Capital Roads Projects. The delegation would allow the CAO to execute and bind the Corporation to the MEA Agreements between the City and Kresin Engineering for engineering services for the Blake Avenue road reconstruction; Tulloch for engineering services for the Wemyss Street road reconstruction; and Aecom Canada for engineering services for the Biggings Avenue road reconstruction. The CAO would execute these MEA Agreements after they have been reviewed by the Legal and Finance Departments be passed in open Council this 20th day of September, 2022.

Carried.

12.1.2 By-law 2022-160 John Rhodes Pro Shop – Assignment Agreement

Mayor Provenzano declared a conflict. Lessee is a client of law firm.

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that By-law 2022-160 being a by-law to authorize the execution of the Assignment Agreement between the City and 882206 Ontario Inc. and JaytEQ Pro Shop operating as "John Rhodes Pro Shop" to assign the original Lease Agreement for the portion of the John Rhodes Centre Pro Shop from 882206 Ontario Inc. to JaytEQ Pro Shop operating as "John Rhodes Pro Shop" be passed in open Council this 20th day of September, 2022

Carried.

12.1.3 By-law 2022-161 (Street Assumptions) Various

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that By-law 2022-161 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 20th day of September, 2022.

Carried.

12.1.4 By-law 2022-164 (Agreement) Brookfield Power Wind Prince LLP

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that By-law 2022-164 being a by-law to authorize the execution of the agreement between the City and Brookfield Power Wind Prince LLP to provide winter maintenance to a portion of Maki Road north of Allard Lake be passed in open Council this 20th day of September, 2022.

Carried.

12.1.5 By-law 2022-165 (Traffic) Amend By-law 77-200

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-165 being a by-law to amend Schedules "B", "F", "H", "J", "M", and "W" and to add Schedule "BB" to Traffic By-law 77-200 be passed in open Council this 20th day of September, 2022.

Carried.

12.1.6 By-law 2022-166 (Elections) Appointment Compliance Audit Committee

Moved by: Councillor L. Dufour

Seconded by: Councillor C. Gardi

Resolved that By-law 2022-166 being a by-law to appoint members of a Compliance Audit Committee under the *Municipal Elections Act*, be passed in open Council this 20th day of September, 2022.

Carried.

12.1.7 By-law 2022-167 (Property Sale) Part 903 Base Line to Enbridge Gas Distribution

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-167 being a by-law to to authorize the sale of surplus property being a portion of civic 903 Base Line, legally described in Part PIN 31613-0365 (LT) to Enbridge Gas Distribution be passed in open Council this 20th day of September, 2022.

Carried.

12.1.8 By-law 2022-168 (Parking) Repeal Various Amending Parking By-laws for Repealed By-law 81-367

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that By-law 2022-168 being a by-law to repeal various by-laws that amend the repealed Parking By-law 81-367 of the City of Sault Ste. Marie be passed in open Council this 20th day of September, 2022.

Carried.

12.1.9 By-law 2022-169 (Zoning) 207 Dacey Road

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-169 being a by-law to to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 207 Dacey Road (Tulloch Engineering representing Daniel Fremlin Building Group Ltd.) be passed in open Council this 20th day of September, 2022.

Carried.

12.1.10 By-law 2022-170 (Zoning) 207 Dacey Road Development Control

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-170 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 207 Dacey Road (Tulloch Engineering

representing Daniel Fremlin Building Group Ltd.) be passed in open Council this 20th day of September, 2022.

Carried.

12.1.11 By-law 2022-171 (Finance) Auditor Appointment

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-171 being a by-law to appoint the firm of KPMG LLP as municipal auditor to provide External Audit Services as required by the City of Sault Ste. Marie be passed in open Council this 20th day of September, 2022.

Carried.

12.1.12 By-law 2022-172 (Agreement) Bell Mobility Inc. Tower Bellevue Marina Update

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-172 being a by-law to to authorize the execution of the Agreement between the City and Bell Mobility Inc. for use of City owned property at the Bellevue Marina for a Tower be passed in open Council this 20th day of September, 2022.

Carried.

12.1.13 By-law 2022-173 (OP) 130 Wellington Street East (Feroze Virani (11547305 Canada Inc.))

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that By-law 2022-173 being a by-law to adopt Amendment No. 243 T-159 to the Official Plan for the City of Sault Ste. Marie (Feroze Virani – 11547305 Canada Inc.) be passed in open Council this 20th day of September, 2022.

Carried.

12.1.14 By-law 2022-174 (Zoning) 130 Wellington Street East

Moved by: Councillor L. Dufour

Seconded by: Councillor C. Gardi

Resolved that By-law 2022-174 being a by-law to amend Sault Ste. Marie Zoning By-laws 2005-150 and 2005-151 concerning lands located at 130 Wellington Street East (Feroze Virani – 11547305 Canada Inc.) be passed in open Council this 20th day of September, 2022.

Carried.

12.1.15 By-law 2022-175 (Agreement) Grade Crossing Reconstruction Agreement Black Road

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-175 being a by-law to authorize the execution of the Agreement between the City and Huron Central Railway Inc. for the reconstruction of the grade crossing at Black Road, north of Trunk Road be passed in open Council this 20th day of September, 2022.

Carried.

12.1.17 By-law 2022-177 (Zoning) Short Term Rentals

Councillor D. Hilsinger declared a conflict. Employee of The Water Tower Inn.

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-177 being a by-law to amend Sault Ste. Marie Zoning By-law 2005-150 concerning Short-Term Rentals (STRs) be passed in open Council this 20th day of September, 2022.

Carried.

12.1.18 By-law 2022-178 (Licensing) Short Term Rentals STR's

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-178 being a by-law to by-law to license, regulate and govern short-term rentals be passed in open Council this 20th day of September, 2022.

Carried.

12.1.16 By-law 2022-176 (Agreement) Mill Market Relocation

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that By-law 2022-176 being a by-law to to authorize the execution of the Agreement between the City and Ruscio General Contracting Ltd. for the relocation of the Mill Market be passed in open Council this 20th day of September, 2022.

	For	Against	Conflict	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	
Results	8	3	0	0
Carried				

12.2 By-laws before Council for FIRST and SECOND reading which do not require more than a simple majority

12.3 By-laws before Council for THIRD reading which do not require more than a simple majority

12.3.1 By-law 2021-101 (Lane Closing & Conveyance) Lane Abutting 298 Fifth Avenue Harris & Buckley Subdivision

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that By-law 2021-101 being a by-law to stop up, close and authorize the conveyance of part of a lane in the Harris and Buckley Subdivision, Plan M30, PART PIN 31590-0276 (LT) PART 1 FT LANE PL M30 KORAH BEING PART 1 PLAN 1R13982 be read a THIRD time in open Council and passed this 20th day of September, 2022.

Resolved that By-law 2022-176 being a by-law to authorize the execution of the Agreement between the City and Ruscio General Contracting Ltd. for the relocation of the Mill Market be passed in open Council this 20th day of September, 2022.

Carried.

13. Questions By, New Business From, or Addresses by Members of Council Concerning Matters Not Otherwise on the Agenda

14. Closed Session

Moved by: Councillor C. Gardi

Seconded by: Councillor L. Dufour

Resolved that this Council move into closed session to consider an item concerning the proposed disposition of property and one item concerning labour relations or employee negotiations;

Further Be It Resolved that should the said closed session be adjourned, the Council may reconvene in closed session to discuss the same matters without the need for a further authorizing resolution.

(Municipal Act section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; section 239(2)(d) labour relations or employee negotiations)

Carried

15. Adjournment

Moved by: Councillor M. Scott

Seconded by: Councillor L. Vezeau-Allen

Resolved that this Council now adjourn.

Carried

Mayor

City Clerk



OFFICE OF THE MAYOR

PROCLAMATION

WHEREAS Lung cancer is the leading cause of cancer death among men and women in Canada, accounting for more deaths than colon cancer, breast cancer, and prostate cancer combined; and

WHEREAS More than 20,000 Canadians are expected to die of lung cancer in 2022, representing nearly one quarter of all cancer deaths in Canada; and

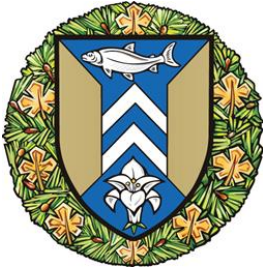
WHEREAS Screening for lung cancer for high-risk individuals using low-dose computed tomography can lead to the earlier detection of lung cancer and save lives; and

WHEREAS Organizations such as the Canadian Lung Cancer Screening Initiative are committed to educating the public about lung cancer and lung cancer screening:

NOW THEREFORE, I, Christian Provenzano, Mayor of the City of Sault Ste. Marie, do hereby proclaim **November 2022** as **Lung Cancer Awareness** Month in Sault Ste. Marie and encourage all citizens to learn about lung cancer and early detection through lung cancer screening.

Signed,

Christian Provenzano
MAYOR



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

COUNCIL REPORT

November 7, 2022

TO: Mayor Provenzano and Members of City Council
AUTHOR: Jeffrey King, Solicitor
DEPARTMENT: Legal Department
RE: OLT Appeal – 130 Wellington Street East (Feroze Verani 11547305 Canada Inc.)

PURPOSE

The purpose of this report is to advise Council of an appeal submitted in regards to By-law 2022-174 by Mark Brown on Thursday, October 13, 2022.

In accordance with the provisions of the *Planning Act*, R.S.O. 1990, the Legal Department has sent material to the Ontario Land Tribunal (OLT). A required item is confirmation of the position taken by Council in response to the appeal.

If the OLT decides that the issues raised in the appeal warrant a hearing one will be set.

BACKGROUND

On September 20, 2022, City Council passed By-laws 2022-173 which purpose is to adopt Amendment No. 243 T-159 to the Official Plan for the City of Sault Ste. Marie. City Council also passed By-law 2022-174 on September 20, 2022, which purpose is to change the zone designation of 130 Wellington Street East from I.S (Institutional) zone with a “Special Exception” to C4.S (Commercial) zone with an amended (repeal and replace) “Special Exception” to, in addition to those uses permitted in a C4 zone:

- a. Permit residential dwellings to be located on the ground floor.
- b. Reduce the required parking for residential units from 1.25 spaces/unit to 1 space/unit.
- c. Permit the following additional uses within the C4 Zone: Computer, precision and electronics manufacture and repair, Group Homes and Group Residences.
- d. Reduce the required landscaping in the required front yard (Tancred) from 50% to 5% and to reduce the required landscaping in the required Exterior Side Yard (Wellington) from 50% to 20%, inclusive of the 6m required road widening along Wellington St. E.

- e. Notwithstanding Section 6, permit the required 3 loading spaces to be located in a required front yard, occupy required parking spaces and not be visually screened from abutting and adjacent residential zones.
- f. Limit the number of residential dwelling units and square area of non-residential uses to a limit where the peak sanitary flows generated from the site do not exceed 9.34 litres per second, calculated in accordance with the the Ministry of Environment, Conservation and Parks' (MECP) design guidelines.
- g. As part of the conditions of site plan approval, the owner shall include vibration warning clauses within any agreements of purchase and sale or tenant lease agreements for the proposed residential and non-residential units to the satisfaction of the Planning Director.
- h. As part of the conditions of site plan approval, the owner shall construct noise mitigating measures to the satisfaction of the Planning Director.

The appeal filed is pursuant to Section 34(19) of the Planning Act and relates to By-law 2022-174.

ANALYSIS

A copy of the appeal may be viewed in the Legal Department.

FINANCIAL IMPLICATIONS

The appeal will be argued by in-house staff and the developer, at its own costs, may elect to retain a lawyer to represent its position on the appeal. As such, the financial impact is nominal.

STRATEGIC PLAN / POLICY IMPACT

Not applicable.

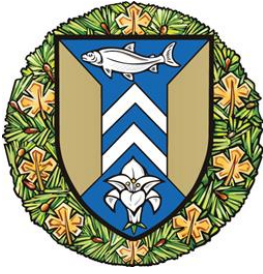
RECOMMENDATION

It is therefore recommended that Council take the following action:

Resolved that the report of the Solicitor dated November 7, 2022 concerning OLT Appeal – 130 Wellington Street be received and that Council confirm that despite the appeal, Council wishes to proceed with By-law 2022-174 as passed on September 20, 2022.

Respectfully submitted,

Jeffrey King
Solicitor
e-mail: j.king3@cityssm.on.ca
705.759.2662
JK/da



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

C O U N C I L R E P O R T

November 7, 2022

TO: Mayor Provenzano and Members of City Council
AUTHOR: Jeffrey King, Solicitor
DEPARTMENT: Legal Department
RE: OLT Appeal – 204 South Market (ESC Land Development Corporation c/o Todd Lisso)

PURPOSE

The purpose of this report is to advise Council of an appeal submitted in regards to Zoning By-law 2022-155 by Mark Brown on Thursday September 22, 2022.

In accordance with the provisions of the *Planning Act*, R.S.O. 1990, the Legal Department has sent material to the Ontario Land Tribunal (OLT). A required item is confirmation of the position taken by Council in response to the appeal.

If the OLT decides that the issues raised in the appeal warrant a hearing one will be set.

BACKGROUND

On August 29th, 2022, City Council passed By-laws 2022-154 which purpose is to adopt Amendment No. 241 to the Official Plan for the City of Sault Ste. Marie. City Council also passed By-law 2022-155 on August 29, 2022, which purpose is to change the zone designation of 204 South Market from R3 (Low Density Residential) zone and R4 (Medium Density Residential) zone to R4.S (Medium Density Residential) zone subject to the following special exception:

1. That a personal storage (self-storage) facility be permitted, in addition to the uses currently permitted in the R4 Zone.
2. That a 1.8m fence, in association with the proposed daycare facility be permitted to locate in a front yard.
3. That the total number of dwelling units be limited to 376 units or equivalent flow.

The appeal filed is pursuant to Section 34(19) of the Planning Act and relates to Zoning By-law 2022-155.

ANALYSIS

A copy of the appeals may be viewed in the Legal Department.

OLT Appeal – 204 South Market (ESC Land Development Corporation c/o Todd Lisso)
November 7, 2022
Page 2.

FINANCIAL IMPLICATIONS

The appeal will be argued by in-house staff and the developer, at its own costs, may elect to retain a lawyer to represent its position on the appeal. As such, the financial impact is nominal.

STRATEGIC PLAN / POLICY IMPACT

Not applicable.

RECOMMENDATION

It is therefore recommended that Council take the following action:

Resolved that the report of the Solicitor dated November 7, 2022 concerning OLT Appeal – 204 South Market be received and that Council confirm that despite the appeal, Council wishes to proceed with Zoning By-law 2022-155 as passed on August 29, 2022.

Respectfully submitted,

Jeffrey King
Solicitor

JK/lv

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