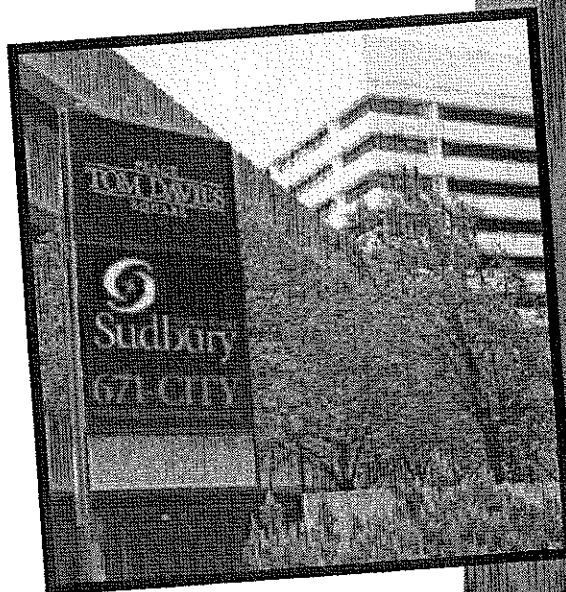


Agenda



**For the
City Council Meeting
to be held
on Tuesday, February 13, 2001
at 7:30 p.m.**

Council Chamber
Tom Davies Square

Regular Council

Agenda

For The City Council Meeting
To Be Held On
TUESDAY, 2001-02-13
Council Chamber

7:30 p.m.



Agenda

AGENDA

**FOR THE CITY COUNCIL MEETING
TO BE HELD ON TUESDAY, 2001-02-13
AT 7:30 P.M., IN THE COUNCIL CHAMBER**

1. Roll Call
2. Declarations of Pecuniary Interest

PUBLIC HEARINGS

{NONE}

DELEGATIONS

3. Letter dated 2001-02-09 from Mayor Gordon regarding Guide/Scout Week in the City of Greater Sudbury.
(FOR INFORMATION) **1**
 - Kay Dubia, Deputy Division Commissioner
 - Alan Arkilander, Chair of Public Relations in Ways and Means for Scouts Canada Sudbury District
 - Presentation to Councillor Portelance
4. Report dated 2001-02-08, with attachment, from Gary Polano, Executive Advisor to the Mayor, regarding Public Utilities Commission. **2-18**

**{COPIES OF OVERHEAD PRESENTATIONS - TO BE TABLED AT MEETING}
(RESOLUTION PREPARED)**

MATTERS ARISING FROM THE "IN CAMERA" SESSION

PART I - CONSENT AGENDA

(RESOLUTION PREPARED adopting resolutions for Items C-1 to C-3 contained in the Consent Agenda)

(For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.)

MINUTES

- | | | |
|-----|--|----------------|
| C-1 | Report No. 2, City Council Minutes of 2001-01-23.
(RESOLUTION PREPARED - MINUTES ADOPTED) | M.1-18 |
| C-2 | Report No. 1, Special Meeting of City Council Minutes of 2001-01-29.
(RESOLUTION PREPARED - MINUTES ADOPTED) | M.19-20 |
| C-3 | Report No. 2, Committee of the Whole - Planning Minutes of 2001.02.06.
(RESOLUTION PREPARED - MINUTES ADOPTED) | M.21-30 |

TENDERS

{NONE}

ROUTINE MANAGEMENT REPORTS

{NONE}

BY-LAWS

{NONE}

CORRESPONDENCE FOR INFORMATION ONLY

PART II - REGULAR AGENDA

REFERRED AND DEFERRED MATTERS

MANAGERS' REPORTS

MOTIONS

ADDENDUM

QUESTION PERIOD

NOTICES OF MOTIONS

"IN CAMERA" (Incomplete Items)

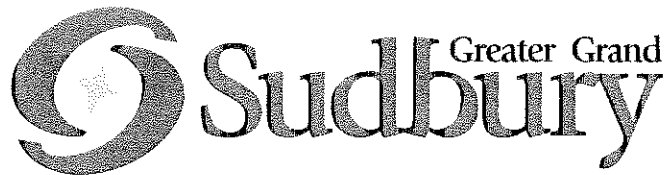
10:00 P.M. ADJOURNMENT (RESOLUTION PREPARED)

{TWO-THIRDS MAJORITY REQUIRED TO PROCEED PAST 10:00 P.M.}

2001-02-09

**THOM M. MOWRY,
CITY CLERK**

**GLORIA WARD
COUNCIL SECRETARY**



February 9, 2001

Members of Council
City of Greater Sudbury

Bag 5000, Station A
200 Brady Street
Sudbury, Ontario
P3A 5P3

705.671.2489
www.city.greatersudbury.on.ca

Sac 5000, Succursale A
200, rue Brady
Sudbury (Ontario)
P3A 5P3

705.671.2489
www.city.greatersudbury.on.ca

Dear Councillors,

At our Council Meeting of February 13th, it will be my pleasure to proclaim the week of February 18 - 25, 2001, as Guide/Scout Week in the City of Greater Sudbury.

In attendance at our meeting will be the 3rd Copper Cliff Brownie Pack and the 2nd Copper Cliff Girl Guide Company, together with their leader Kay Dubie, Deputy Division Commissioner; and Mr. Alan Arkilander, Chair of Public Relations in Ways and Means for Scouts Canada Sudbury District.

The Sudbury District has an active Guide/Scout movement with over 1,600 boys and girls participating and a remarkable 400 volunteer leaders. Guides and Scouts provide our youth with wonderful programs and opportunity for social, physical, mental and spiritual development.

A special presentation will be made to Councillor Louise Portelance as she will be named as an Honourary Guide Leader for Guide/Scout Week.

I know that you will join me in welcoming our special guests.

Yours sincerely,

A handwritten signature in black ink that reads 'Jim Gordon'.

Jim Gordon
Mayor

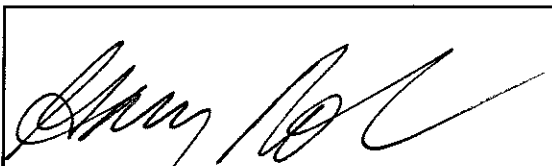
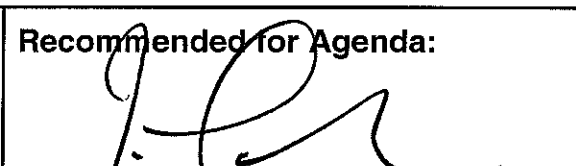
City Agenda Report Form

Report To: City Council

Report Date: February 7, 2001

Meeting Date: February 13, 2001

Subject: PUBLIC UTILITIES COMMISSION

 Gary Polano Executive Advisor to the Mayor	Recommended for Agenda:  Jim Rule, Chief Administrative Officer
Report Authored by: Brian Cottam	

Recommendation:

Recommendations as detailed within the report.



Background:

Background

The issue of creating a Public Utilities Commission for the provision of water and wastewater services was the subject of a presentation and a report at the January 9th, 2001 meeting of City Council.

The report outlined the advantages of creating one multi-utility incorporating water, wastewater, electricity, telecommunications and district energy. Initial cost savings of 2.5 million annually were identified with the integration of water and wastewater operations with electricity operations with the potential for additional savings in future years. This estimate of savings is substantiated by research undertaken in the Municipal Electrical Association in comparing the performance of multi-utility Public Utility Commissions versus stand-alone utilities.

The report further described a recommended Corporate Structure and Operating Structure for the multi-utility that would see the creation of a Public Utilities Commission for the provision of water and wastewater services integrated with the OBCA Corporations that were recently created for the electricity and telecommunications operations.

The debate by Members of Council raised certain issues with respect to the governance of the Public Utilities Commission as well as the newly created OBCA Utility Corporations and the level of control that Council could exercise over the PUC on issues relating to; priorities for capital projects, the setting of water rates, the inclusion of a full sewer rate or other such matters.

Composition of the Public Utilities Commission (PUC)

There was much discussion with respect to the appointment of the Directors of the new Utility Board to the (PUC) and the issue of public accountability.

Several Members of Council raised questions concerning the composition of the Commission and could Members of Council be appointed to the (PUC)?

There was some discussion with respect to the election versus appointment of Commissioners, and if the PUC was created today, what options would be available for election or appointment?

There was also discussion of appointing Commissioners now but reverting back to an elected Commission for the next municipal election.

Composition of the Board of Greater Sudbury Utilities Inc. (GSU)

The discussion also included a request to explore options to change the composition of the Board of (GSU) and its subsidiary corporations. Specifically, Council asked the question if Members of Council could be appointed to the Boards of the OBCA Corporations and what process could take place to change the composition of the Boards.

Capital Projects

Several Members of Council expressed an interest in having the ability to set priorities for Capital Projects or approve the PUC Capital Program for sewer and water expansion or upgrading.

Sewer Service Rate

The presentation and discussion also focussed on the issue of moving sewer costs off the tax levy and the issue of fairness in paying for sewer costs by a user charge based on consumption.

Options

Staff have been able to research much of the information requested by Council with the assistance of the law firm of Borden, Ladner, Gervais. Their response to most of the issues raised is appended to this report for the information of Council. Ms. Linda Bertoldi, a partner with the firm will be in attendance to present their response to the issues.

The issue of rate structure has also been examined by staff in conjunction with a consultant whose speciality is water and wastewater rate structure services for municipalities and Public Utilities Commissions.

There are several options available to Council with respect to the composition of the Board(s) and Commission, the issue of priority setting and financing and the matter of the setting of water and sewer service charges. The following is an outline of the options and a staff recommendations.

4

Composition of the Board of Greater Sudbury Utilities Inc. (GSU)

Presently, the Board of Directors of (GSU) is made up of eight (8) Private Directors and the Mayor. The eight (8) Private Directors were appointed based on several criteria including their business experience in the many aspects of operating a commercial business in the community and what that experience would bring to a utility corporation created under the Ontario Business Corporations Act (OBCA).

City Council is the sole shareholder of (GSU). A shareholder declaration agreement exists between the shareholder and (GSU) that sets out the manner in which appointments are made to the Board and the qualifications of the Directors of the Board.

Should Council wish to have more direct representation on the Board(s) of (GSU), the shareholder declaration could be amended to provide for the appointment of additional Members of Council.

Option A

Council could appoint two (2) additional Members of Council to the (GSU) Board leaving the Mayor and eight (8) Private Directors in place for a total of eleven (11).

For the interim, the Board would consist of:

Eight (8) Private Directors and
Three (3) Members of City Council
including the Mayor.

Three positions on the (GSU) Board are up for appointment in November of 2001. At that time, two (2) Private Directors would vacate leaving the Board with:

Six (6) Private Directors and
Three (3) Members of Council
including the Mayor

** or Council could retain Eight (8) Private Directors and maintain the total composition of eleven (11) Directors.

This composition strikes a balance between political representation and the business acumen to operate an OBCA Corporation. It would increase Council's involvement in the decision making process of the OBCA Corporations yet provide a business insight to the operating affairs of the Corporation(s).

It is possible to amend the composition of the Board to include more Members of Council, however, this is not recommended as this would upset the balance between political representation and the business acumen to operate an OBCA Corporation.

Recommendation

Option A is the recommended composition for Greater Sudbury Utilities Inc.

Composition of the Public Utilities Commission (PUC)

From the information provided by Borden, Ladner Gervais, it is clear that Council has the ultimate authority in the appointment of Commissioners to the (PUC) or to eventually return to the election of Commissioners if it wished to do so.

Ideally, the initial composition of the Utility Boards and the Public Utilities Commission should be the same or as close to the same as possible in order to ensure that the administration and operation of both organizations are overseen by the same people. The identified savings of 2.5 million annually and future projected savings are best achieved under this model.

Option A

All Directors of Greater Sudbury Utilities Inc. (GSU) as amended in Option A (previous page) appointed as Commissioners of the (PUC), ie.

Six (6) Private Directors and
Three (3) Members of Council
including the Mayor.

Option B

Under this option Council would:

- i) Appoint the Mayor and the two (2) Councillors who sit as Directors of (GSU) as Commissioners of the (PUC).
- ii) Appoint three (3) Private Directors of (GSU) as Commissioners of the (PUC).
- iii) Appoint three (3) citizens as Commissioners of the (PUC).

In November of 2003, the three (3) citizen appointment would be elected during the municipal election.

Beyond November 2003, the composition of the (PUC) would include:

Mayor and two (2) Members of Council from the (GSU) Board,
Three (3) Private Directors from the (GSU) Board and
Three (3) elected Commissioners (at large).

Option C

Under this option Council would:

- i) Appoint the Mayor and the two (2) Members of Council from (GSU) as Commissioners of the (PUC).
- ii) Appoint six (6) citizen appointments as Commissioners of the (PUC).

After November of 2003, the six (6) citizen appointments would be elected (at large or one from each ward).



Recommendation

Option A is the recommended composition for the Public Utilities Commission.

This option preserves the common direction of (GSU) and the (PUC) by retaining the same Members as Directors of (GSU) and Commissioners of the (PUC).

The composition of the Board(s) increases Council's involvement in the decision making process yet provides the business acumen to direct the affairs of an OBCA Corporation.

Should Council want additional representation on the (PUC), Option B is recommended as a second choice.

In summary, the options are outlined as follows:

GREATER SUDBURY UTILITIES INC. (GSU)	PUBLIC UTILITIES COMMISSION (PUC)
Option A	
<ul style="list-style-type: none"> ► Mayor ► 8 Private Directors ► 2 additional Members of Council 	<ul style="list-style-type: none"> ► Mayor ► 8 Directors from (GSU) ► 2 additional Members of Council
<i>After November 2001</i>	<i>After November 2001</i>
<ul style="list-style-type: none"> ► 6 Private Directors ► 3 Members of Council including the Mayor 	<ul style="list-style-type: none"> ► 6 Private Directors ► 3 Members of Council including the Mayor
Option B	
Same as Option A	<ul style="list-style-type: none"> ► 3 Private Directors from (GSU) ► 3 Members of Council including the Mayor ► 3 citizens appointed by Council
	<i>After November 2003</i>
	<ul style="list-style-type: none"> ► 3 Private Directors from (GSU) ► 3 Members of Council including the Mayor ► 3 elected Commissioners
Option C	
Same as Option A	<ul style="list-style-type: none"> ► 3 Members of Council including the Mayor ► 6 citizen appointments (1 from each ward)
	<i>After November 2003</i>
	<ul style="list-style-type: none"> ► 3 Members of Council including the Mayor ► 6 elected Commissioners (1 in each ward)

Capital Projects and Financing

The information provided by Borden, Ladner Gervais is very explicit with respect to the setting of priorities for capital projects as well as the financing of capital projects.

Ultimately, the prioritization and funding of capital projects is under the control of City Council.

There are significant limitations placed on a PUC's ability to finance capital projects or to set up reserves or incur debt.

- i) The Public Utilities Act requires that surplus revenues over expenditures are under the direct control of Council.
- ii) Council may provide for the establishment of reserve funds by the PUC but it is not obligated to do so.
- iii) Further, a PUC cannot undertake extensions, additions, enlargements, improvements or alterations to the systems without Council's consent.
- iv) Lastly, under the Public Utilities Act the PUC has no authority to issue debt without the approval of Council.

In summary, the advice from our solicitors is that the authorization of capital projects and the setting of priorities remains in the hands of City Council by virtue of its authority over surplus reserves, the creation of reserve funds and debt financing.

Recommendation

The draft By-law 2001-11 creating the (PUC) makes provision for a long term financial plan that is subject to the approval of City Council.

Further, the draft By-law authorizes the commission to set up a reserve fund of up to twenty (20) million dollars annually as part of the long term financial plan.

Should Council choose to authorize the establishment of a reserve fund and a long term financial plan, that plan could be made to reflect the priorities of City Council and would be reviewed and approved by Council on an annual basis.

This provision in the By-law would respond to the concerns expressed by some Members of Council with respect to capital project priorities and financing.

Water Rates

Water rates currently in effect include a monthly flat rate service charge depending on the size of service plus a volumetric rate of \$.770/cubic metre (\$3.47/1000 gal).

The rate for a typical residential home with a standard 5/8" water service includes a fixed charge of \$8.77/month plus consumption at an average rate of 20 cubic metres per month. This average consumption would generate a water bill of \$24.17 per month or \$290.00 per year.

Larger service connections that typically would service commercial, institutional or industrial customers generate a proportionately higher monthly fixed charge with the same volumetric rate of \$.770 per cubic metre.

Sewer Service Charge

Most if not all other municipalities in Ontario treat sewer services as a commodity like water and either have a separate sewer service charge or a sewer service charge that is billed as a percentage of the water bill. Currently the City of Greater Sudbury has a sewer service charge that is billed at 25% of the water rate.

The report presented to City Council at the January 9th Council meeting recommended that both water and wastewater services be provided by the (PUC) as commodities and that the full cost of providing sewer services be included as a percentage of the water rate. Further it was recommended that the general levy for sewer costs be reduced accordingly.

The rationale for implementing a sewer service rate is well entrenched in the Province of Ontario.

- | | |
|--------------------------|--|
| i) Fairness | A full cost recovery system is fair. Those that use the service pay for it by consumption not assessment. |
| ii) Control/Conservation | A full cost recovery system allows customers to control their sewer and water bill. Conserving consumption will reduce both sewer and water costs for the municipality in the long term. |
| iii) Municipal Practise | The majority of municipalities in Ontario have full cost recovery rates for sewer and water. |
| iv) Regulations/Grants | The Province has recently indicated that municipalities may only qualify for grant assistance if a full recovery system is in place. |

Options for a Full Cost Recovery System

The shift from an assessment based charge to a consumption based charge for sewer services will generate a shift in the manner that sewer services are charged. Clearly, Members of Council will have an interest in the impact of moving sewer costs off the levy and the options that are available to mitigate any negative impacts.

Our examination of the issue has revealed that there are several policy options available to Council. The options are aimed at the issue of fairness to customers, conservation to reduce total costs or economic development policy.

These options could include:

- i) The use of discount rating for a sewer service rate that reflects lawn watering or other non-sewer uses.
- ii) The use of block rating by volume (increasing or decreasing) to promote conservation or economic development policies.
- iii) The removal of a fire protection charge from the water rate to revert to the general levy for fire services.
- iv) The implementation of a customer appeal process where unusual or unique circumstances can be addressed and mitigated.
- v) The use of the Inco and Falconbridge contributions to mitigate impacts.

An analysis of these options has concluded that the Public Utilities Commission will have the ability to mitigate the effects of moving sewer costs from an assessment based charge to a consumption based charge.

Recommendation

In consideration of the above, it is recommended that a water and sewer service rate structure be developed through an independent rate study to be undertaken by the (PUC) during the coming weeks.

The results of the rate study would be reported to Council at a March 2001 meeting and approved as a separate water-sewer service rate by-law.

Conclusion

The options available to Council and the recommendations contained within this report will require that draft By-laws 2001-10 and 2001-11 be amended as well as the shareholders declaration.

Recommendation

It is recommended that By-laws 2001-10 and By-laws 2001-11 be amended as directed by Council and brought back for review at a subsequent meeting of Council.

MEMORANDUM

DATE: January 18, 2001



BORDEN
LADNER
GERVAIS

TO: Brian Cottam
City of Greater Sudbury
FROM: Linda L. Bertoldi
Rick Coburn
Danielle Lavallée
SUBJECT: **Creation of Public Utilities Commission**
CLIENT: 01237987

The following memorandum addresses the questions and issues raised in your January 16, 2001 facsimile. We would be happy to discuss these issues with you further via a conference call, at your convenience.

CREATION OF PUBLIC UTILITIES COMMISSION ("PUC")

ISSUE 1 CITY COUNCIL HAS EXPRESSED INTEREST IN APPOINTING SOME OR ALL OF ITS CITY COUNCILLORS AS COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION. ARE THERE ARM'S LENGTH CONSIDERATIONS TO BE AWARE OF IN THIS REGARD?

Creation of PUC - Statutory Agent for the Municipality

Subsection 38(1) of the *Public Utilities Act* ("PUA") provides a municipality the authority to pass a by-law, with the assent of the municipal electors, entrusting the construction, control and management of the works of any public utility to a Public Utility Commission ("PUC"). The requirement for the assent of the electors can be eliminated by by-law under s.67 of the PUA. Upon its creation, a PUC is a body corporate which is considered in law to be a statutory agent of the municipality. It is not a body which can be considered at arm's length from the municipality.

Division of Powers between City and PUC

Subsection 41(1) of the PUA states,

41.(1) Subject to subsection (4), where a commission has been established under this Part and the members thereof have been elected or where the control and management of any other public utility works are entrusted to a commission established under this Part, all the powers, rights, authorities and privileges that are by this Act conferred on a corporation shall, while the by-laws for establishing the commission or entrusting it with the control and management remain in force, be exercised by the commission and not by the council of the corporation.

Thus, upon its creation, a PUC assumes the powers, rights, authorities and privileges conferred on the municipality by the PUA (e.g. the right to fix water rates), and the municipality can no longer exercise those powers, rights, authorities and privileges so long as the by-law creating the PUC remains in effect. However, it should be noted that City Council could use its authority under s.210.4 of the *Municipal Act* to assume one or more of the powers and authorities of the PUC (e.g. the power to set water rates, the power to control and manage the water or sewer supply services, etc.) without having to dissolve the PUC.

It should also be noted that the PUC cannot exercise powers that are given only to the municipal council under other statutes, such as the *Municipal Act* (e.g. the power to fix sewer rates). There are also significant constraints placed on a PUC in terms of Council's control over the PUC's ability to accumulate reserves and undertake capital projects (as discussed in further detail below).

Appointing Councillors as PUC Commissioners

As described in further detail below, the PUA provides for the election of the Commissioners in accordance with the provisions of the *Municipal Elections Act*. A City Council wishing to appoint the Commissioners of the PUC may choose to exercise its authority pursuant to s.210.4(2) of the *Municipal Act* (and Regulation 214/96 thereunder) to appoint Commissioners. There are no limitations on the number of persons who may be appointed as Commissioners pursuant to s.210.4(2) of the *Municipal Act*, or upon who those persons may be.

In theory, City Council could choose to appoint some or all of its City Councillors as Commissioners of the PUC. Since the PUC is not a body which is at arm's length to the municipality, however, the appointment of the entire City Council as Commissioners of the PUC would be roughly analogous to a person appointing himself or herself to act as his or her own agent. A City Council wishing to act as the full Commission of the PUC would therefore be better advised to have the municipality simply continue to control and manage the public utility's works directly without creating a PUC.

The appointment of some members of Council as Commissioners of the PUC, as opposed to the entire Council, would obviously increase the level of Council's direct involvement with the

PUC's own decision-making processes. However, even if no Councillors are appointed as PUC Commissioners, it is important to recall that City Council retains authority over capital spending by the PUC, as well as the authority to assume powers from the PUC, or dissolve the PUC. These constraints effectively enable City Council to exercise a certain level of control over the operations of the PUC, without having recourse to the appointment of City Councillors as Commissioners of the PUC.

ISSUE 2 UNDER WHAT AUTHORITY AND HOW WOULD COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION BE APPOINTED? ELECTED?

Election in Absence of By-law to the Contrary

Upon the creation of a public utilities commission, s.42(1) of the PUA provides that,

42.(1) A commission established under this Part is a body corporate and shall consist of three or five members as may be provided by the by-law, of whom the head of the council shall be one by virtue of his or her office and the others shall be elected by general vote at elections held under the *Municipal Elections Act*.

As such, in the absence of a by-law (or legislation) providing for the appointment of the Commissioners, the PUA would provide for the election of the Commissioners as set out in s.42(1) of the PUA.

Appointment of PUC Commissioners

The authority to provide for the appointment, as opposed to the election of the Commissioners, is derived from s.210.4(2) of the *Municipal Act*, which states that,

(2) Despite any Act, if a local board is the local board of a single municipality, the council of the municipality may by by-law dissolve or make prescribed changes to the local board.

Section 5 of Regulation 214/96 made under s.210.4 of the *Municipal Act* provides that,

5.(1) A municipality may by by-law make the following changes to a local board:

1. It may assume one or more of the powers of the board except those powers of a public utility commission related to the distribution and supply of electrical power or energy.
2. It may make any changes it considers advisable related to membership on the board, including changes related to the number of members, their terms, their remuneration and the manner by which they become members.

3. It may dispense with any requirement to elect members to a board and replace those members, after their current term has expired, with members appointed to the board by the municipality.
4. It may change the name of the board.
5. It may require the board to follow any rules and procedures it may specify related to,
 - i. the provision of information, including information concerning its estimates and finances,
 - ii. requiring approval of its estimates or amendments to its estimates by the municipality, and
 - iii. the manner in which the board applies the money paid to it by the municipality. (emphasis added)

Regulation 214/96 imposes no limitation on the number of persons who may be appointed as Commissioners, or upon who those persons may be.

ISSUE 3 CAN THE DECISION OF COUNCIL TO HAVE THE PUC'S COMMISSIONERS APPOINTED BE CHANGED IN THE FUTURE? IF SO, HOW?

Reverting to Elected Commissioners

If Council wished to revert from appointing Commissioners to a system of elected Commissioners, Council could amend the by-law providing for the appointment of the Commissioners in order to achieve that purpose. Subsection 42(1) of the PUA would require that the number of Commissioners be three or five. However, this number could be varied by by-law under s.210.4 of the *Municipal Act*.

Reversion to a system of elected Commissioners between regular elections would necessitate arranging for by-elections under the *Municipal Elections Act*, unless the reversion were made to coincide with the next following regular election.

ISSUE 4 WILL COUNCIL RETAIN THE RIGHT TO APPROVE CAPITAL PROJECTS FOR SEWER AND WATER AND DIRECT THE PUC IN THIS REGARD? ARE THERE ANY LIMITATIONS ON THEIR APPROVAL?

Control over Capital Projects

There are significant limitations placed upon a PUC's ability to finance capital projects, or to accumulate reserves or incur capital debt:

- (1) Excess to Municipality: Pursuant to s.35(1) of the PUA, any excess of receipts over expenditures for maintenance and operations (after making any provision authorized by the Council for a reserve fund established under s.163 of the *Municipal Act*) shall be paid over to the treasurer of the municipality. After any debentures or capital debt against the utility have been retired, these monies form part of the municipality's general funds.
- (2) Reserve Funds: Council may provide for the establishment of reserve funds by the PUC, but it need not do so. Draft By-law 2000-11 makes specific provision for the establishment and maintenance of reserves by the PUC, and for the manner of their use. Specifically, the draft by-law would limit the amount of reserves that can be accumulated in any year, and makes the provision for reserves subject to a long-term capital plan to be approved by Council. The use of reserves is also constrained under the draft by-law in that the PUC cannot apply reserves to any project exceeding a value of \$10 million without Council's approval. These provisions could be modified if Council deems it appropriate.
- (3) Works Improvements: Pursuant to s.41(5) of the PUA, a PUC cannot undertake extensions, additions, enlargements, improvements or alterations in, of or to works without Council's consent, if any part of the cost is intended to be provided for out of excess receipts paid over to the treasurer pursuant to s.35 of the PUA.
- (4) Debentures: A PUC has no authority under the PUA to issue debentures (*Belleville v. Belleville PUC*, [1943] O.R. 87). The City now has this authority after amalgamation. In addition, the power to issue debt for the PUC's works would be subject to approval by the Ontario Municipal Board if the cost will be raised after the term for which the Council was elected, unless the obligation does not exceed the limits prescribed under s.147 of the *Municipal Act* (*Ontario Municipal Board Act*, s.65(1)). These restrictions would prevent the PUC from unilaterally arranging to finance capital improvements, and the Council would have to be directly involved in authorizing such arrangements.

Authorizing Capital Improvements

In general, the authorization of capital improvements on the part of the PUC would, in the absence of special legislation, remain in the hands of the Council, by virtue of its authority over the creation of reserve funds and its control over excess revenues and debt financing.

ISSUE 5 THE DAVID STREET PUMP STATION PROJECT WAS APPROVED BY A RESOLUTION OF COUNCIL, TO BE PARTIALLY FINANCED FROM WATER CAPITAL PROJECT RESERVES. DOES THIS COMMIT THE PUC TO PROCEED WITH THE PROJECT? IS THE PUC OBLIGATED TO ARRANGE FOR THE

BALANCE OF THE FINANCING?

Ultimately, the prioritization and funding of capital projects is under the control of Council for the reasons outlined above. If Council chooses to authorize the establishment of reserves only upon approval of a long-term financial plan (as proposed in draft By-law 2000-11), that plan could be made to reflect both priority and timing for specific projects such as the Davis Street Pumping Station. If the PUC were unable to fund the construction of the Station within the required time frame, it could seek to arrange debt financing through the City, consider increasing rates, or postpone the project until sufficient reserves had accumulated. However, it could not unilaterally issue debt for that purpose.

GREATER SUDBURY UTILITIES INC. (AND SUBSIDIARY CORPORATIONS)

ISSUES COUNCIL HAS EXPRESSED ITS INTEREST IN CHANGING THE COMPOSITION OF THE GREATER SUDBURY UTILITIES INC. AND ITS SUBSIDIARY CORPORATIONS' BOARDS OF DIRECTORS. SPECIFICALLY, COUNCIL IS CONSIDERING APPOINTING ITS MEMBERS AS DIRECTORS, OR ADDING CERTAIN COUNCILLORS TO THE BOARDS. IS THIS POSSIBLE? WHAT PROCESS IS INVOLVED? ARE THERE ARM'S LENGTH CONSIDERATIONS IN APPOINTING CITY COUNCILLORS AS DIRECTORS?

Changing the Composition of the Boards

The City, as sole shareholder of Greater Sudbury Utilities Inc., has the power pursuant to the *Business Corporations Act* (Ontario) ("OBCA") to appoint the directors of the board of Greater Sudbury Utilities Inc. Similarly, Greater Sudbury Utilities Inc. has the power, as sole shareholder of its subsidiary corporations, to appoint the directors of the boards of Greater Sudbury Hydro Inc., Greater Sudbury Hydro Plus Inc. and Greater Sudbury Telecommunications Inc.

The current boards of directors of Greater Sudbury Utilities Inc. and its subsidiaries were appointed by the Transition Board for the City of Greater Sudbury. If Council now wishes to change the composition of each of the boards, it can do so by replacing some or all of the existing directors (the boards now consisting of 8 private directors plus the Mayor) or by expanding the boards to increase the number of directors.

As sole shareholder of Greater Sudbury Utilities Inc., Council can remove some or all of the directors or request their resignation. A resolution or bylaw of Council will be necessary to authorize this step. If directors refuse to resign, Council as sole shareholder could nevertheless appoint replacement directors at a shareholder meeting (note that a shareholder meeting is not a Council meeting and would not typically be open to the public). Pursuant to the OBCA, directors must be given prior notice of the shareholder's intent to remove them and of the shareholder meeting at which the matter would be considered. Directors have a right under the OBCA to deliver a written statement to the shareholder objecting to their removal or any act proposed by the shareholder and to attend the shareholder meeting in question. Despite any

objections from the directors affected, the shareholder can remove directors after following this OBCA process.

Filing Articles of Amendment and Amending Shareholder Declaration

If Council decides to change the composition of the board of Greater Sudbury Utilities Inc. or any of its subsidiaries to include some or all City Councillors, the Shareholder Declaration approved on October 16, 2000 will have to be amended by Council to reflect the new composition of the boards. Currently, the Shareholder Declaration provides that each of the boards shall be comprised of the Mayor and 8 private directors who are not members of Council.

Alternatively, if Council prefers to leave the current board members in place and add members of Council as additional directors, articles of amendment may need to be filed in order to increase the maximum number of directors for each corporation. Currently, the articles of incorporation of each electricity corporation provide for a maximum of 9 directors.

Appointing City Councillors as Directors

There are very few statutory restrictions or requirements regarding the membership of a board of directors of an OBCA corporation. Consequently, it is within the power of the City and Greater Sudbury Hydro Inc. to appoint the members of City Council to the board of Greater Sudbury Utilities Inc. and its subsidiary corporations, respectively, provided the limited OBCA requirements regarding age, capacity, financial circumstance and residency are met by the members of Council.

We understand that the Transition Board's recruitment of the current board of directors sought to add specific perspectives, experience and expertise to the boards of the new electricity corporations in light of Ontario's electricity market restructuring and the business and regulatory issues that the new electricity corporations will face. Council should consider the specific requirements sought to be met by recruiting the current directors as well as the implications for the recruitment of future private sector board members if a significant change in the composition of the board were to be implemented so soon after its appointment.

Furthermore, for corporations the size of Greater Sudbury Hydro Inc. and its subsidiaries, operating in a new and complex regulatory environment, the commitment of time and effort required of the directors to exercise their responsibilities, at least initially, may prove to be onerous for City Councillors, given their other commitments to the affairs of the City.

One of the benefits perceived by some municipalities of appointing non-Councillors to the board of the new electricity corporations is the separate perspective that they bring to the decision-making process. Independent board members are able to focus on decisions which they consider are in the best interest of the corporation. However, it may be difficult for members of a board consisting solely of City Councillors to keep their role as directors separate from their role as Councillors.

The majority of municipalities which we have dealt with have chosen to include a majority of independent members on the board of their new electricity corporations. If the composition of the board of directors of the new Sudbury electricity corporations is identical to the composition of Council, public perception may be that Council is running these corporations. As a result, the ability to separate Council from the operation of the electricity corporations may be lost.

Unanimous Shareholder Declaration

Under the OBCA, a shareholder can remove some or all of the powers of the directors. To the extent that it does so, however, the shareholder assumes the liability of the directors for these acts. For example, directors have a statutory liability for up to six months' of unpaid wages if the corporation is unable to pay such wages and directors may be held personally liable where the corporation has declared dividends at a time where it did not meet the solvency tests under the OBCA. If Council were to replace all directors by Council members, an issue may arise as to whether the City, as shareholder, has effectively undertaken all of the duties of the directors by means of a unanimous shareholder declaration, thereby assuming all of the liabilities of the directors under the OBCA.

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18

Minutes

City Council Minutes	2001-01-23
Special City Council Minutes	2001-01-29
Committee of the Whole - Planning	2001-02-06



**THE SECOND MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF GREATER SUDBURY**

**Council Chamber
Tom Davies Square**

**Tuesday, January 23rd, 2001
Commencement: 7:30 p.m.**

HIS WORSHIP MAYOR JAMES GORDON, IN THE CHAIR

Present Councillors Bradley; Callaghan; Courtemanche; Craig; Davey; Dupuis; Gainer; Kilgour; Lalonde; McIntaggart; Petryna; Portelance

City Officials J. Rule, Chief Administrative Officer; D. Wuksinic, General Manager of Corporate Services; M. Mieto, General Manager of Health & Social Services; D. Nadorozny, General Manager of Economic Development & Planning; C. Hallsworth, General Manager of Citizen & Leisure Services; S. Jonasson, Director of Finance/City Treasurer; D. Belisle, General Manager of Public Works; A. McCauley, Chief of Police, Sudbury Police Services; B. Lautenbach, Director of Planning Services; B. Mangiardi, Director of Information Technology; R. Henderson, Director of Citizen Services; G. Clausen, Director of Engineering Services; A. Dagostino, Road and Drainage Engineer; R. Ahola, Manager of Municipal Arenas and Community Centres; J. McKechnie, Executive Assistant to the Mayor; N. Charette, Manager of Corporate Communications and French-language Services; M. Charbonneau, Executive Assistant to C.A.O.; W. Baker, Acting City Manager; J. Lahti, Legal Secretary; T. Mowry, City Clerk; G. Ward, Council Secretary

Transition Board F. Dean, Board Clerk/Solicitor

News Media MCTV; Q92; The Box; Sudbury Star; Northern Life

Declarations of Pecuniary Interest Councillor Petryna declared a conflict regarding By-law 2001-45R as this matter may be of pecuniary interest to him.

Moment of Silence Mayor Gordon requested a moment of silence be observed in honour of Raymond Proulx who offered assistance to the victims of the snowmobile accident on Whitewater Lake. Condolences to the family of the late Mr. Proulx were extended on behalf of Members of Council and the citizens of the City of Greater Sudbury.

DELEGATIONS

Item 3 Letter dated 2000-11-09 from Mary Stefura, Founder, Ukrainian Seniors' Centre regarding expansion of delivery service in response to senior client needs was received.

Centre

Ms. Stefura addressed Council with an overhead presentation requesting immediate negotiations regarding the purchase or long-term lease of 210 Lloyd Street for continuum-of-care.

Item 3
(Continued)

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with a motion, not on the agenda, at this time.

2001-28 Courtemanche/Petryna: WHEREAS the former Junior Citizen's Day Care located adjacent to the Ukrainian Seniors Centre is no longer to be used for municipal purposes and has been declared surplus;

AND WHEREAS the former Regional Municipality of Sudbury entered into a lease agreement with the Sudbury Regional Hospital Corporation for the temporary use of this property as a day care centre;

AND WHEREAS this use is expected to continue until approximately December, 2001;

AND WHEREAS the Ukrainian Seniors Centre has expressed an interest in acquiring this property in order to expand its seniors services;

AND WHEREAS the Council of the City of Greater Sudbury wishes to support this possible project;

NOW THEREFORE BE IT RESOLVED THAT staff be instructed to meet with the representatives of the Ukrainian Seniors Centre in order to explore any possible assistance for this project while ensuring that all required steps under the Municipal Act and Purchasing By-law of the City of Greater Sudbury are followed.

CARRIED

Item 4
Canadian National
Institute for the Blind
- White Cane Week

Letter dated 2000-11-13 from Marianne Mantyla, Coordinator, District Volunteer Services, Canadian National Institute for the Blind, regarding White Cane Week was received.

Ms. Monique Van Alphen, District Board Chair, addressed Council with a demonstration of the different types of white canes used by the blind and visually impaired. She requested Mayor Gordon proclaim February 4th to 10th, 2001 as White Cane Week in the City of Greater Sudbury.

Ms. Van Alphen presented Mayor Gordon with a certificate outlining the various commitments of the Canadian National Institute for the Blind.

Item 5
Transition Board
Budget Presentation

Letter dated 2001-01-17 from Councillor J. Austin Davey regarding the Transition Board Budget Presentation was received for information.

Councillor Davey addressed Council with an overhead presentation of the Greater Sudbury 2001 Budget.

PART I
CONSENT AGENDA

The following resolution was presented to adopt Items C-1 to C-5 inclusive contained in Part I, Consent Agenda:

2001-28.1 Dupuis/Gainer: That Items C-1 to C-5 inclusive contained in Part I, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1
Report No. 1
C.C.
2001-01-09

2001-29 Gainer/Dupuis: That Report No. 1, City Council Minutes of 2001-01-09 be adopted.

CARRIED

Item C-2
Report No. 1
C.O.W. - Planning
2001-01-16

2001-30 Dupuis/Gainer: That Report No. 1, Committee of the Whole - Planning Minutes of 2001-01-16 be adopted.

CARRIED

TENDERS

Item C-3
Contract R00-42
Waste Collection

Report dated 2001-01-16 from the General Manager of Public Works regarding Contract R00-42, Waste Collection Services (Part "C" - Leaf & Yard Waste & High Density Residential Container Collection) was received.

The following resolution was presented:

2001-31 Gainer/Dupuis: That the four week leaf and yard waste and high density residential container collection service be approved as per the General Manager of Public Work's report dated January 16, 2001;

And that Contract R00-42, Waste Collection Services, Part "C" to perform this work, be awarded to Canadian Waste Services in the estimated amount of \$1,068,128.31, as determined by the unit prices and qualities involved, this being the lowest tender meeting all the requirements of the specifications.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-4
Green Streets Canada
Competition
Application

Report dated 2001-01-10 from the General Manager, Economic Development and Planning Services regarding Green Streets Canada Competition Application was received.

Item C-4
(Continued)

The following resolution was presented:

2001-32 Kilgour/Portelance: Whereas the Tree Canada Foundation's Green Streets Canada Program provides financial assistance to municipalities for tree planting programs in urban areas;

And whereas Green Streets Canada requires municipal council to commit to a tree planting program that will enhance the Corporation's existing tree planting program, foster community involvement and enhance public awareness of the benefits of trees;

And whereas the "Department of Economic Development and Planning Services" has a detailed and enhanced planting program that, with funding assistance from Green Streets Canada, will see tree planting in the Sudbury Region increased by approximately 85 trees;

And whereas the application for Green Streets Canada requires written consent from the Mayor and Council endorsement;

Therefore be it resolved that Council affirms the City of Greater Sudbury's commitment to Green Streets Canada, thereby confirming that municipal funding will be available, should our application to Green Streets Canada be successful.

CARRIED

Item C-5
Scott Tournament of
Hearts - Noise
By-law Exemption

Report dated 2001-01-18, with attachment, from the General Manager of Corporate Services regarding Scott Tournament of Hearts - Noise By-law Exemption was received.

The following resolution was presented:

2001-33 Kilgour/Dupuis: This Council has no objection to the granting of an exemption to Chapter 776 of the City of Sudbury Municipal Code (Noise by-law) to the special event organizer for Scott's Tournament of Hearts, on February 16, 2001 to February 25, 2001 inclusive, from 11:00 a.m. to 1:00 a.m. each day;

And further that this Council confirms the nature of the event as a Community Festival and that it is of municipal significance to the Sudbury Community;

And further that this approval shall be subject to the following condition:

1. That when outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the crowd versus projecting straight over the crowd or adjoining properties.

CARRIED

BY-LAWS (CONSENT BY-LAWS)

Item C-6 Consent Agenda <u>By-laws</u>		Report dated 2001-01-16 from the General Manager of Corporate Services regarding Consent Agenda By-laws was received for information.
2001-31A	3	BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING OF JANUARY 23, 2001
2001-32F	3	BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO LEVY AND COLLECT OMITTED AND SUPPLEMENTARY REALTY TAXES FOR THE YEAR 2000 AND PRIOR YEARS (Report dated 2001-01-17 from General Manager of Corporate Services.)
2001-33A	3	BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE FOR PARTICIPATION IN OMERS (This By-law continues the participation in OMERS for the City of Greater Sudbury.)
2001-34A	3	BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT OFFICIALS FOR THE CITY OF GREATER SUDBURY (This By-law supplements appointments made by the Transition Board by By-law TB-44 by adding in new appointees such as the Deputy Clerk.)
2001-35L	3	BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO REGULATE USE OF THE PUBLIC TRANSIT SYSTEM IN THE CITY OF GREATER SUDBURY BY THE PUBLIC (This By-law continues the provisions of the former City of Sudbury regulating the operation of the Transit System.)
2001-36L	3	BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO REGULATE THE RIGHT OF AN OWNER OR OCCUPANT TO ENTER UPON ADJOINING LAND FOR THE PURPOSE OF MAKING REPAIRS OR IMPROVEMENTS TO A BUILDING, FENCE OR OTHER STRUCTURE (This By-law continues the provisions of the former City of Sudbury allowing owners to enter upon adjoining land to make repairs or improvements to their building or fences.)

2001-37A 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE FOR THE COMMITTEE OF THE WHOLE-PLANNING TO SIT AS THE PROPERTY STANDARDS APPEALS COMMITTEE

(By law, Council must appoint a Property Standards Appeals Committee to hear appeals from Orders issued pursuant to the Maintenance and Occupancy Standards By-law. This new By-law provides that such appeals will be heard by the Committee of the Whole-Planning. Such appeals normally come forward infrequently, one every four or five years.)

2001-38A 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE FOR THE DELEGATION OF CERTAIN ROUTINE MATTERS TO VARIOUS OFFICIALS OF THE CITY

(This By-law continues various provisions of former Regional and former City By-laws authorizing Officials of the Corporation to execute certain routine documents on behalf of the Corporation.)

2001-39A 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE GENERAL MANAGER OF HEALTH AND SOCIAL SERVICES TO EXECUTE AGREEMENTS WITH VARIOUS SOCIAL SERVICE AGENCIES TO DELIVER COMMUNITY PROGRAMS THAT QUALIFY FOR SUPPORTING COMMUNITIES PARTNERSHIP INITIATIVE (SCPI) FUNDING, DESIGNED TO REDUCE AND PREVENT HOMELESSNESS

(This By-law authorizes agreements with community partners to deliver programs to address homelessness, in accordance with the "Community Plan to End Homelessness in Sudbury" approved by the former Regional Municipality of Sudbury. Funding for these projects will be provided by the federal government Supporting Communities Partnership Initiative (SCPI).)

2001-40A 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE GENERAL MANAGER OF EMERGENCY SERVICES AND THE CLERK TO EXECUTE FIRE AID PROTECTION AGREEMENTS BETWEEN THE CITY OF GREATER SUDBURY AND ADJOINING MUNICIPALITIES, FIRE BRIGADES, FIRST NATIONS AND INDIVIDUAL PROPERTY OWNERS

(Report dated 2001-01-15 from the General Manager of Emergency Services.)

(This By-law authorizes the General Manager of Emergency Services to enter into Fire Aid Protection Agreements with adjoining individuals and public bodies. These Agreements were already in place with the former Area Municipalities and are continuing. The By-law also authorizes the General Manager to enter into future Agreements.)

2001-41A 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT GEORGE A. GRAY CUSTOMS BROKERS LIMITED AS CUSTOMS BROKER FOR THE CITY OF GREATER SUDBURY

(This By-law continues the appointment of this firm as Customs Broker for the new City and authorizes the execution of a General Agency Agreement. This is necessary for the processing of shipments from outside Canada.)

2001-42A 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A VAULT AGREEMENT WITH GREATER SUDBURY HYDRO INC. FOR THE FARMERS' MARKET

(This By-law authorizes the execution of a standard hydro agreement for an electrical distribution vault at the Farmers' Market.)

2001-43Z 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 83-304, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF NICKEL CENTRE

(This By-law does not rezone the subject property. This By-law permits the retail sale of aquarium stock and supplies as a "home occupation" on the subject property for a maximum temporary period of eighteen (18) months. (Peter Jowsey, 252 Catherine Drive, Garson)

2001-44G 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY DEALING WITH THE COLLECTION, REMOVAL, AND DISPOSAL OF WASTE WITHIN THE CITY OF GREATER SUDBURY

(Report dated 2001-01-16 from General Manager of Public Works.)

1st & 2nd Reading

2001-34 Dupuis/Kilgour: That By-laws 2001-31A to and including 2001-44G be read a first and second time.

CARRIED

Motion for Deferral

Council concurred with a recommendation by Councillor Courtemanche that 3rd Reading of By-law 2001-44G be **deferred** to the February 13th, 2001 City Council meeting.

2001-45R 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT MUNICIPAL LAW ENFORCEMENT OFFICERS FOR THE ENFORCEMENT OF THE GARBAGE BY-LAW 2001-44G

(This By-law continues the appointment of By-law Enforcement Officers supplied by the Canadian Corps of Commissionaires for the Landfill Sites.)

By-law 2001-45R
(continued)

Council approved a request by Councillor Lalonde that all relevant background material pertaining to implementation of a by-law or policy be brought to Council for adoption.

1st & 2nd Reading

2001-36 Gainer/Dupuis: That By-law 2001-45R be read first and second time.

CARRIED

Motion for Deferral

Council concurred with a recommendation By Councillor Courtemanche that 3rd Reading of By-law 2001-45R be **deferred** to the February 13th, 2001 City Council meeting.

Declaration of
Pecuniary Interest

Councillor Petryna, having declared a pecuniary interest in the foregoing matter, did not take part in the discussion, vote on any matter or try to influence the vote in respect thereof.

CORRESPONDENCE FOR INFORMATION ONLY

Item C-7
Northern Ontario
Rural Medical Schools

Report dated 2001-01-18, with attachment, from Mayor Gordon regarding Northern Ontario Rural Medical School (NORMS) was received for information.

Item C-8
Acting Deputy Mayor -
Rotation List

Report dated 2001-01-17, with attachment, from the General Manager of Corporate Services regarding Acting Deputy Mayor - Rotation List for the Year 2001 was received for information.

Item C-9
Cowan News

Report dated 2001-01-18, with attachment, from the General Manager of Corporate Services regarding Cowan News was received for information.

Item C-10
Emergency Purchase
of Ambulances

Report dated 2001-01-15 from the General Manager of Emergency Services/Fire Chief regarding Emergency Purchase of Eight (8) Ambulances was received for information.

PART II REGULAR AGENDA

MANAGERS' REPORTS

Item R-1
Scott Tournament of
Hearts - Media &
Sponsors Reception

Report dated 2001-01-18 from the General Manager, Economic Development and Planning Services regarding Scott Tournament of Hearts, Canadian Women's Curling Championship, Sudbury, February 17-25, 2001 - Media and Sponsors Reception, was received.

Item R-1
(Continued)

The following resolution was presented:

2001-37 Kilgour/Gainer: That Council approve the expenditure of \$10,000 from the Capital Financing Reserve Fund for a media reception, and participating in the sponsors reception, which includes presenting a special gift from the City to each of the curlers.

CARRIED

Item R-2
Application for
Funding - CP Heritage
Fund

Report dated 2001-01-17, with attachment, from the General Manager of Citizen & Leisure Services regarding Application for Funding from the Canadian Pacific Heritage Fund for the Development of a Clock Tower and Historical Display Space at Market Square was received.

Deferral of Motions

Councillor Davey requested a **deferral** of Items R-1 to R-3 pending a report indicating the sources for funding of the three items.

The General Manager of Citizen & Leisure Services advised the deadlines for submitting applications for Item R-2 was January 31st, 2001 and Item R-3 was February 2nd.

Councillor Davey **withdrew** his motion for deferral.

The Chief Administrative Officer advised all reports indicate all funding sources on subsequent requests for approval of capital projects.

The following resolution was presented:

2001-38 Dupuis/Kilgour: That the City of Greater Sudbury Council endorses the application made by the City of Greater Sudbury Public Library and Heritage Museum and the Sudbury Metro Centre for funding from the Canadian Pacific Heritage Fund for the development of a clock tower and historical display space at Market Square which celebrates our history and which builds for the future of our community;

And that if the application is successful, the City of Greater Sudbury agrees to fund the project in the amount of \$50,000.00 to be drawn from the Capital Financing Reserve Fund.

CARRIED

Item R-3
Proposal for Funding
"Ontario Super Build"

Report dated 2001-01-17, with attachment, from the General Manager of Citizen & Leisure Services regarding Proposal for funding under "The Ontario SuperBuild" Sports, Cultural and Tourism Partnerships (SCTP) Initiative was received.

Item R-3
(Continued)

The following resolutions were presented:

2001-39 Dupuis/Gainer: That the City of Greater Sudbury endorses the Municipal Arena Safety Project as the community's highest sport, culture and tourism infrastructure priority in addressing public health and safety projects in the municipality and that the Municipality agrees to fund up to 50% of this project to a maximum of \$675,000.00 to be drawn from the Citizen and Leisure Services Capital Envelope.

CARRIED

2001-40 Gainer/Dupuis: That the City of Greater Sudbury is in compliance or in the process of coming into compliance with the new Drinking Water Protection Regulation (DWPR).

CARRIED

Item R-4
Citizen Appointments

Report dated 2001-01-17, with attachments, from the General Manager of Corporate Services regarding Citizen Appointments was received.

The following resolution was presented:

2001-41 Callaghan/Courtemanche: That the names listed below be accepted as nominees for the citizen appointment to the **Greater Sudbury Police Services Board** for the three-year term ending November 30th, 2003:

A.I. (Bert) Brankley
Claude Berthiaume
Guy Boucher
Morry Brown
Suzanne Cameron
Eleanor Connors-Faberge
Alister L. Cruthers
Lynda Duff
R. Timothy (Tim) Fenske
Patrick J. Gladu
Wm. Henderson
Bruce Hutton
Marvin D. Julian
Collette (Fourier) Lampkie
L.B. Lemieux
Leo Lange
Karen M. Longlade
Frank H. Madigan
Val McMahon
Brian Morrison
Arlene Newman
Janet Oldfield
Réjean Parisé

Michael S. Bellmore
Margaret R. Borley
David Bronicheski
Nancy Cada
Jim Chenier
Carol Ann Coupal
Joanne Derks
David G. Farrow
Jerry Giff
Diane Hammond
Richard K. Hinton
Michael A. James
Nancy Lacasse
John G. Lawson
Maurice Lamoureux
John Lindsay
James G. Lundrigan
John Mathew
Ray Morgan
Herb Nabigon
Joe Niceforo
Tracy S. Oost
David Petryna

Item R-4
(Continued)

Rachael E. Proulx
André Richard
Alan E. Simpson
Gerry Tarnopolsky
Gilles Trotter
Floyd Vaillancourt
Ray A. Vincent
Peter Williams

Pam Radunsky
Marc D. Sabourin
Meana Singh
Marino Taus
Sheila Tyndall
Judith Van Boxel
Luc Willard
Leonard Zivny

Mayor Gordon declared nominations were closed.

Following an election process, the following resolution was presented:

2001-42 Portelance/Kilgour: That the following **citizen** be appointed to the **Greater Sudbury Police Services Board** for a three-year term ending November 30th, 2003:

David Petryna

CARRIED

2001-43 Callaghan/Courtemanche: That the names listed below be accepted as nominees for the Citizen appointments (5) to the **Committee of Adjustment** for the three-year term ending November 30th, 2003:

Michael S. Bellmore
Debby Cameletti
Jim Chenier
Joe Cimino
Allan Dempsey
Richard Doyon
R. Timothy (Tim) Fenske
Claude G. Gravelly
Monique Guenon
Ed Henderson
Ron Hurst
Marvin D. Julian
Marcel Legault
Barry MacDonald
Jack McDonald
Robert McIlvenna
Ernest A. Moro
Gary F. Quig
Ron Rinaldi
Marc D. Sabourin
David W. Szwec
Floyd Vaillancourt
Brian Young
Leonard Zivny

Claude Berthiaume
Suzanne Cameron
Chris Chouette
Frank de Burger
Patricia (Pat) A. Douglas
Roy Edey
Normand J. Gauthier
J. R. Grenier
Paul Halushenski
Wm. Henderson
James (Jim) Ilitski
Heather Kokka
Michelle McAnsh-Gervais
William McCauley
Lorna McDowell
Ray Morgan
Joe Niceforo
Hank Richer
Gerry Rouleau
Werner R. Scherzinger
Gerry Tarnopolsky
Judith Van Boxel
Adel Zaher

Mayor Gordon declared nominations closed.

Item R-4
(Continued)

Following an election process, the following resolution was presented:

2001-44 Kilgour/Portelance: That the following **citizens** be appointed to the **Committee of Adjustment** for the City of Greater Sudbury for a three-year term ending November 30th, 2003:

Claude Gravelle
Jim Initski
Normand Gauthier
Ron Rinaldi
Heather Kokka

CARRIED

2001-45 Callaghan/Courtemanche: That the names listed below be accepted as nominees for the citizen appointments (2) to the **Greater Sudbury Public Library Board** for the three-year term ending November 30th, 2003:

Kirk Dopson	Marvin D. Julian
Elizabeth Kari	John Lindsay
Denise Morin	Paul Reid
Floyd Vaillancourt	

CARRIED

Mayor Gordon declared nominations closed.

Following an election process, the following resolution was presented:

2001-46 Gainer/Dupuis: That the following **citizens** be appointed to the **Greater Sudbury Public Library Board** for a three-year term ending November 30th, 2003:

Denise Morin
Paul Reid

CARRIED

Item R-5
Appointment - Board
of Directors - Sudbury
Metro Centre

Report dated 2001-01-17, with attachments, from the General Manager of Corporate Services regarding Appointment of the Board of Directors of Sudbury Metro Centre for the term 2001-2003 was received.

The following resolutions were presented:

2001-47 Portelance/Kilgour: That this Council hereby appoints the following persons to the **Board of Management for Sudbury Metro Centre** for the three year term ending November 30th, 2003:

Item R-5
(Continued)

REPRESENTATIVE

BUSINESS

John Cimino
Ricardo de la Riva
Lucie Derro

Lorne Properties, 43 Elm Street
Lorne Properties, 70 Elm Street
Christ the King Centre
12 Elgin Street

Janice Jackson

This Ain't the Only Café,
194 Elgin Street

Gary Robicheau

Teak Furniture Centre,
144 Durham Street

John Rutherford

Black Cat One and Too!,
86 Durham Street

Tom Walton

Canada Trust, 50 Cedar Street

CARRIED

Nominations were opened to appoint two (2) Members of Council to the **Board of Management for Sudbury Metro Centre**.

Councillor Craig nominated Councillor Davey
Councillor Courtemanche nominated Councillor Petryna

Nominations were closed.

The following resolution was presented:

2001-48 Gainer/Kilgour: That the following Members of Council are hereby appointed to the **Board of Management for Sudbury Metro Centre** for the three-year term ending November 30th, 2003:

Councillor Davey
Councillor Petryna

CARRIED

Item R-6
Appointment - Board
of Directors - Flour
Mill B.I.A.

Report dated 2001-01-17, with attachment, from the General Manager of Corporate Services regarding appointment of the Board of Directors of the Flour Mill Business Improvement Area for the term 2001-2003 was received.

The following resolutions were presented:

2001-49 Portelance/Kilgour: That this Council hereby appoints the following persons to the **Board of Management for the Flour Mill Business Improvement Area** for the three-year term ending November 30th, 2003:

Item R-6
(Continued)

REPRESENTATIVE

BUSINESS

Terry McMahon	Royal Appliance Sales & Services 430 Notre Dame Avenue
Rita McMahon	Bradley Pharmacy Ltd., 525 Notre Dame Avenue
Richard de la Riva	216 King Street
Peter Kostakos	Maria's Restaurant, 499 Notre Dame Avenue
Raymond Provost	Caisse Populaire St. Jean de Brébeuf 531 Notre Dame Avenue
Lucienne Cameron	Bargain Annies 461 Notre Dame Avenue
Gilles Pelletier	405 Murray Street

CARRIED

Nominations were opened to appoint one (1) Member of Council to the **Board of Management for the Flour Mill Business Improvement Area**.

Councillor Petryna nominated Councillor Courtemanche.

Nominations were closed.

2001-50 Portelance/Kilgour: That the following Member of Council is hereby appointed to the **Board of Management for the Flour Mill Business Improvement Area** for the three-year term ending November 30th, 2003:

Councillor Courtemanche

CARRIED

MOTIONS

Item R-7
Procedure By-law
Advisory Panels

2001-51 Callaghan/Dupuis: WHEREAS Article 34 (Advisory Panels) of the Procedure By-law 2001-03 provides for the creation of Citizen Advisory Panels and their membership;

AND WHEREAS Members of Council are specifically excluded from the membership of Advisory Panels;

NOW THEREFORE BE IT RESOLVED THAT Article 34.2 (Advisory Panels - composition - reporting) of Procedure By-law 2001-03 be amended by deleting the words "members of Council".

CARRIED

Item R-7
(Continued)

Council concurred that a report be prepared on the proposed composition, structure and staffing requirements as a result of appointing Members of Council to Advisory Panels.

Proceed Past
10:00 p.m.

2001-52 Kilgour/Dupuis: That we proceed past the hour of 10:00 p.m.

CARRIED

BY-LAWS

2001-46A 3

BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-03, THE PROCEDURE BY-LAW

1st & 2nd Reading

2001-53 Portelance/Kilgour: That By-law 2001-46A be read a first and second time.

CARRIED

3rd Reading

2001-54 Portelance/Kilgour: That By-law 2001-46A be read a third time and passed.

CARRIED

Item R-8
Amendment -
Procedure By-law

2001-55 Courtemanche/Dupuis: That Article 1 of Procedure By-law 2001-03 be **deleted**;

AND FURTHER THAT the development of our vision and values be determined by this Council at the February 2001 Council Retreat.

CARRIED

BY-LAWS

2001-47A 3

BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-03, THE PROCEDURE BY-LAW

1st & 2nd Reading

2001-56 Kilgour/Gainer: That By-law 2001-47A be read a first and second time.

CARRIED

3rd Reading

2001-57 Kilgour/Gainer: That By-law 2001-47A be read a third time and passed.

CARRIED

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the notice requirements of the Rules of Procedure and deal with a Notice of Motion (to be debated at the Council meeting of February 13th, 2001) at this time.

Agenda Distribution

2001-58 Lalonde/Bradley: That we amend Article 8.3 of the Procedure By-law dealing with distribution of the agenda by deleting the last part of the sentence which reads "not later than the day previous to the day of the meeting" and amending it to read "not later than the Saturday previous to the day of the meeting".

CARRIED

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with a Motion, not on the agenda, at this time.

Date of Meetings

Craig/Petryna: That Council and Planning meetings be held on the second and fourth Tuesdays and Wednesdays of the month;

And that the Procedure By-law be amended accordingly.

Council agreed to **defer** the foregoing matter to be discussed at the Council Retreat session to be held in February, 2001.

QUESTION PERIOD

Snowmobiling

Councillor McIntaggart expressed concern regarding recent incidents where pedestrians were struck by snowmobiles in various areas of the City and questioned which by-laws addressed the matter.

Police Chief McCauley was directed to address the matter at the next meeting of City Council.

Transition Costs

Councillor Davey questioned when the Provincial Government would be forwarding transition costs to the City.

Mayor Gordon advised he had spoken with the Provincial Government and announcements would be forthcoming. He suggested a motion from this Council would be helpful at the next meeting.

Commissioners of Oaths

Councillor Dupuis indicated concern had been expressed due to a reduction in service regarding Commissioners for taking Oaths at the local offices in the outlying municipalities.

The General Manager of Citizen & Leisure Services advised short and long term solutions were being investigated. The Chief Administrative Officer indicated applications to appoint Commissioners must be made to the Province. It takes approximately six weeks to process the forms.

Snow Removal

Councillor Bradley questioned when the residents of the Donovan area could expect snow to be removed from their streets.

Transportation

Councillor Bradley questioned what was happening with bus transportation in the Onaping Falls, Dowling and Levack areas.

The General Manager of Citizen & Leisure Services advised tender documents were ready and a pre-qualification meeting had been scheduled.

Hawker/Peddlers

Councillor Bradley requested information on by-laws regarding peddlers selling produce on the highways.

The City Solicitor advised there are a number of by-laws from various municipalities that continue to apply. A report on the matter would be brought back to Council at a later date.

Long Distance Charges

Councillors Callaghan and Lalonde informed Council of a number of complaints they had received regarding long distance telephone charges from constituents in various areas. They requested a letter be sent to Bell Canada questioning how the issue could be resolved.

The Chief Administrative Officer advised a letter would be sent to Bell Canada.

The City Solicitor reviewed the legal process involved in making an application to the C.R.T.C.

Train Tracks - Maley Drive

Councillor Callaghan expressed concern regarding the train crossing at Maley Drive.

The General Manager of Public Works advised Maley Drive heaves in this location every winter. Repairs could not be done at this time of the year. The site would be addressed when Maley Drive is reconstructed.

Transportation

Councillor McIntaggart questioned what transportation could be provided to assist residents in the Naughton area who are now without service.

The General Manager of Citizen & Leisure Services advised Trans Cab options would be explored. This option is not included in the Current Budget.

Northern Health Travel Grant

Councillor McIntaggart stated that the Northern Health Travel Grant is a critical issue for cancer patients in Northeastern Ontario and requested staff provide an update on this matter at the next Council meeting. He further requested Council send a resolution to A.M.O. to be brought forward at the next Board of Directors' Meeting in February.

Welcome Signs

Councillor Lalonde requested staff provide Council with a policy that would address the issue of welcome signs on the major corridors leading into the various communities.

Congratulations

Mayor Gordon extended the best wishes of Council to Fred Dean, former City of Sudbury Solicitor, on his retirement.

Adjournment

2001-59 Gainer/Kilgour: That this meeting does now adjourn.
Time: 10:55 p.m.

CARRIED

Mayor

Clerk

**THE FIRST SPECIAL MEETING OF THE COUNCIL OF THE
CITY OF GREATER SUDBURY**

**Council Chamber
Tom Davies Square**

**Monday, January 29th, 2001
Commencement: 5:05 p.m.**

HIS WORSHIP MAYOR JAMES GORDON, IN THE CHAIR

Present Councillors Bradley (D5:32 pm); Callaghan; Craig; Dupuis; Gainer (D5:32 pm); Kilgour; Lalonde; McIntaggart; Petryna; Portelance

City Officials J. Rule, Chief Administrative Officer; D. Belisle, General Manager of Public Works; D. Nadorozny, General Manager of Economic Development & Planning; M. Mieto, General Manager of Health & Social Services; C. Hallsworth, General Manager of Citizen & Leisure Services; R. Browning, General Manager of Emergency Services; S. Jonasson, Director of Finance/City Treasurer; R. Swiddle, Director of Legal Services; P. Thomson, Director of Human Resources; J. McKechnie, Executive Assistant to the Mayor; A. Haché, Deputy Clerk; T. Mowry, City Clerk; G. Ward, Council Secretary

News Media MCTV

Declarations of
Pecuniary Interest None declared.

Purpose of Meeting The purpose of the Special Meeting of City Council was to consider By-law 2001-48A, "BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-34A, BEING A BY -LAW OF THE CITY OF GREATER SUDBURY TO APPOINT OFFICIALS FOR THE CITY OF GREATER SUDBURY" and to consider personnel matters.

BY-LAWS

2001-48A 3 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-34A, BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT OFFICIALS FOR THE CITY OF GREATER SUDBURY

1st & 2nd Reading 2001-60 Dupuis/McIntaggart: That By-law 2001-48A be read a first and second time.

CARRIED

3rd Reading 2001-61 Dupuis/McIntaggart: That By-law 2001-48A be read a third time and passed.

CARRIED

"In Camera"

2001-62 McIntaggart/Dupuis: That we move "In Camera" to deal with those matters which fall within Article 15.5 of the Procedural Rules.

CARRIED

Chair

DEPUTY MAYOR DOUG CRAIG, IN THE CHAIR

Recess

At 5:33 p.m., Council recessed.

Chair

HIS WORSHIP MAYOR JAMES GORDON, IN THE CHAIR

RISE AND REPORT

Rise and Report

Deputy Mayor Craig, as Chairman of the Committee of the Whole, reported Council met to deal with matters falling within Article 15.5 of the Procedural Rules and no resolutions emanated therefrom.

Adjournment

2001-63 Dupuis/McIntaggart: That this meeting does now adjourn.
Time: 5:35 p.m.

CARRIED

Mayor

Clerk

**THE SECOND MEETING OF THE COMMITTEE OF THE WHOLE - PLANNING
OF THE CITY OF GREATER SUDBURY**

Council Chambers
Tom Davies Square

Tuesday, February 6, 2001
Commencement: 7:03 p.m.
Adjournment: 9:37 p.m.

COUNCILLOR DAVE KILGOUR PRESIDING

PRESENT Councillors Bradley, Callaghan, Courtemanche, Craig, Davey, Dupuis, Gainer, Petryna, Portelance

STAFF J. Rule, Chief Administrative Officer; B. Lautenbach, Director of Planning Services; A. Potvin, Senior Planner, Planning Services; D. Belisle, General Manager of Public Works; G. Clausen, Director of Engineering Services; R. Swiddle, City Solicitor/Director of Legal Services; L. Moulaison, Planning Technician; J. Lahti, Legal Services; A. Haché, Deputy City Clerk; S. Hotti, Recording Secretary

MEDIA The Box, MCTV

PUBLIC HEARING

REZONING APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING METAL FABRICATING BUSINESS, 1029 ELISABELLA STREET, SUDBURY - GISELE AND GEORGES BROUILLETTE

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated February 6, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the expansion of an existing metal fabricating business, 1029 Elisabetha Street, Sudbury - Gisele and Georges Brouillette.

The Director of Planning Services outlined the application to the Committee.

Mr. Robert Brouillette, solicitor, representing the applicants and Mr. Georges Brouillette, applicant were present.

Cont'd....

PUBLIC HEARING (Cont'd)

REZONING APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING METAL FABRICATING BUSINESS, 1029 ELISABELLA STREET, SUDBURY - GISELE AND GEORGES BROUILLETTE (Cont'd)

Mr. Robert Brouillette addressed the Committee explaining that the rezoning application is an attempt to clean up the zoning aspects of the subject property. He pointed out that the usage of the property is not changing and the condition to install a sanitary sewer test manhole can be imposed at a later time when a Site Plan Agreement is required for the expansion.

The Director of Planning Services advised that there are limited opportunities to impose the installation of sanitary sewer test manholes. The condition is imposed whenever a rezoning or a redevelopment of a property occurs under Site Plan Control. He explained that the Site Plan By-law only comes into effect for properties that are along arterial roadways. The subject property is 500' from the road so they are exempt from entering into a Site Plan Agreement. He pointed out that this proposed rezoning application would be the only opportunity to request a sanitary test sewer manhole for this particular property.

The Committee also noted that five pilot test manholes have been installed on various properties. The manholes can be installed anywhere on the property, as well as the property line. The costs range from \$100 to \$3,000 depending upon location and conflicts with other existing buried utilities. A report on the pilot sanitary sewer test manholes will be brought to Council for consideration in the near future.

No objectors were present.

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

Cont'd...

PUBLIC HEARING (Cont'd)

REZONING APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING METAL FABRICATING BUSINESS, 1029 ELISABELLA STREET, SUDBURY - GISELE AND GEORGES BROUILLETTE (Cont'd)

The following resolutions were presented:

Bradley-Portelance: That the application by Georges and Gisele Brouillette to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "M2", Light Industrial to "M3", Heavy Industrial with respect to those lands described as being Part of Parcels 51586 and 46885 S.E.S. being Parts 5 to 8 inclusive of Plan 53R-15924; and Parts 3 and 4 of Plan 53R-15924 save and except Lot 21 of Plan M-439 in Lot 9, Concession 5, Township of Neelon be recommended for approval subject to the following condition:

1. Prior to the passage of an amending zoning by-law the owner shall undertake to install a sanitary test sewer manhole on the existing sanitary sewer service to the existing building to the satisfaction of the General Manager of Public Works.

The following amendment was presented:

Bradley-Callaghan: That Condition #1 be deleted and replaced with the following: "That the applicant be required to deposit \$3,500 until Council decides on the moratorium regarding sanitary sewer test manholes."

The Committee agreed to withdraw the above-noted motion.

The following amendment was presented:

2001-13 Davey-Craig: That the applicant be required to deposit \$3,500 towards the sanitary sewer test manhole and should the cost exceed the deposit the applicant be required to pay the total amount.

CONCURRING MEMBERS: Councillors Bradley, Callaghan, Courtemanche, Craig, Davey, Dupuis, Gainer, Petryna, Portelance, Kilgour

CARRIED

Cont'd...

PUBLIC HEARING (Cont'd)

REZONING APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING METAL FABRICATING BUSINESS, 1029 ELISABELLA STREET, SUDBURY - GISELE AND GEORGES BROUILLETTE (Cont'd)

The main motion as amended was presented:

2001-14 Bradley-Portelance: That the application by Georges and Gisele Brouillette to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "M2", Light Industrial to "M3", Heavy Industrial with respect to those lands described as being Part of Parcels 51586 and 46885 S.E.S. being Parts 5 to 8 inclusive of Plan 53R-15924; and Parts 3 and 4 of Plan 53R-15924 save and except Lot 21 of Plan M-439 in Lot 9, Concession 5, Township of Neelon be recommended for approval subject to the following condition:

1. Prior to the passage of an amending zoning by-law the owner shall undertake to install a sanitary test sewer manhole on the existing sanitary sewer service to the existing building to the satisfaction of the General Manager of Public Works; and

That the applicant deposit \$3,500 towards the sanitary sewer test manhole and should the cost exceed the deposit the applicant be required to pay the total amount.

CONCURRING MEMBERS: Councillors Bradley, Callaghan, Courtemanche, Craig, Davey, Dupuis, Gainer, Petryna, Portelance, Kilgour

CARRIED

REZONING APPLICATION TO PERMIT THE USE OF THE EXISTING BUILDING FOR A RETAIL STORE AND RELATED ACCESSORY USES INCLUDING ACCESSORY STORAGE AND ACCESSORY OFFICE USES, 631 AND 635 KATHLEEN STREET, SUDBURY - ROBERT AND MARGARET BEAULNE

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated January 29, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the use of the existing building for a retail store and related accessory uses including accessory storage and accessory office uses, 631 and 635 Kathleen Street, Sudbury - Robert and Margaret Beaulne.

Cont'd...

PUBLIC HEARING (Cont'd)

**REZONING APPLICATION TO PERMIT THE USE OF THE EXISTING BUILDING
FOR A RETAIL STORE AND RELATED ACCESSORY USES INCLUDING
ACCESSORY STORAGE AND ACCESSORY OFFICE USES, 631 AND 635
KATHLEEN STREET, SUDBURY - ROBERT AND MARGARET BEAULNE (Cont'd)**

Facsimile dated January 30, 2001, supporting the above-noted rezoning application was received from Mr. Richard Diotte, Property Manager, Frontier Development, owner of property at 357 - 359 Froot Road, Sudbury.

Letter of concern received February 6, 2001 from an unknown person regarding the above-noted rezoning application, was circulated to Committee Members at the meeting.

The Director of Planning Services outlined the application to the Committee.

Robert and Margaret Beaulne, applicants were present and indicated they were satisfied with the staff recommendation.

No objectors were present.

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

2001-15 Portelance-Bradley: That the application by Robert and Margaret Beaulne to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of Part of Lots 1 and 2, Plan 1-S, being P.I.N. 02135-0001 in Lot 6, Concession 4, McKim Township from "R4", Multiple Residential to "C2-Special", General Commercial Special be approved subject to the following:

1. That prior to the passing of an amending by-law the applicants enter into a Site Plan Control Agreement with the City to address such issues as parking lot layout and surfacing, entrance control, landscaping and fencing.
2. That the amending by-law exempt the subject property from landscaping requirements along the east lot line.

Cont'd...

PUBLIC HEARING (Cont'd)

**REZONING APPLICATION TO PERMIT THE USE OF THE EXISTING BUILDING
FOR A RETAIL STORE AND RELATED ACCESSORY USES INCLUDING
ACCESSORY STORAGE AND ACCESSORY OFFICE USES, 631 AND 635
KATHLEEN STREET, SUDBURY - ROBERT AND MARGARET BEAULNE (Cont'd)**

Resolution 2001-15 (Cont'd)

3. That the amending by-law incorporate a Holding designation under Section 36 of the Planning Act, whereby, until such time as the Holding is removed, the only permitted uses shall be retail stores and related accessory uses.
4. That upon removal of the Holding designation, any C2 use would be permitted.
5. That the Holding designation may only be removed by Council when the owner has provided for the installation of a sanitary sewer test manhole on the subject property to the satisfaction of the Public Works Department.

CONCURRING MEMBERS: Councillors Bradley, Callaghan,
Courtemanche, Craig, Davey, Dupuis, Gainer, Petryna, Portelance,
Kilgour

CARRIED

**REZONING APPLICATION TO PERMIT SEASONAL DWELLINGS OR CAMPING
SITES INTERCHANGEABLE UP TO A COMBINED TOTAL OF TEN (10), 1586
FAIRBANK EAST ROAD, FAIRBANK TOWNSHIP (FAIRBANK LAKE RESORT) -
TONY WOODWARD**

**The Committee of the Whole - Planning meeting was adjourned and
the Public Hearing was opened to deal with the following application.**

Report dated January 30, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit seasonal dwellings or camping sites interchangeable up to a combined total of ten (10), 1586 Fairbank East Road, Fairbank Township (Fairbank Lake Resort) - Tony Woodward.

Cont'd...

PUBLIC HEARING (Cont'd)

**REZONING APPLICATION TO PERMIT SEASONAL DWELLINGS OR CAMPING
SITES INTERCHANGEABLE UP TO A COMBINED TOTAL OF TEN (10), 1586
FAIRBANK EAST ROAD, FAIRBANK TOWNSHIP (FAIRBANK LAKE RESORT) -
TONY WOODWARD (Cont'd)**

Letter of concern dated February 4, 2001 from Derrick Brydges, 35 Foyston Park Circle, Minesing, Ontario regarding the above-noted rezoning application, was circulated to Committee Members at the meeting.

Letter of support dated January 28, 2001 from G. Trezise, 1644 Fairbank East Road, Whitefish regarding the above-noted rezoning application, was circulated to Committee Members at the meeting.

The Director of Planning Services outlined the application to the Committee.

Mr. Tony Woodward, applicant, was present and indicated he was satisfied with the staff recommendation. He explained that the property will remain unchanged and the application is more of a technical nature. Currently there are four existing seasonal dwellings on the property and he proposes to place trailers on the remaining six camping sites. He stated that in his opinion, trailers will have less of an impact on the lake than seasonal cabins.

Mr. Terry Monaghan, 99 Waldenwood Road, representing the Fairbank Lake Campers' Association, addressed the Committee giving a brief history of the subject property. He explained the property was originally a large piece of land occupied by ten housekeeping cottages and a resort. Since 1973 five cottages have been sold leaving the commercial resort and five cottages. He stated the Committee should take into consideration that the property has been downsized and only allow the resort and five cottages.

He expressed great concern with respect to the environmental impact the trailers would have on the quality of water in the lake. He stressed that restrictions should be placed on this particular application. He suggested the applicant be required to enter into a Site Plan Agreement to ensure protection of the lake water quality. This application fails to address visual and environmental concerns.

Cont'd...

PUBLIC HEARING (Cont'd)

REZONING APPLICATION TO PERMIT SEASONAL DWELLINGS OR CAMPING SITES INTERCHANGEABLE UP TO A COMBINED TOTAL OF TEN (10), 1586 FAIRBANK EAST ROAD, FAIRBANK TOWNSHIP (FAIRBANK LAKE RESORT) - TONY WOODWARD (Cont'd)

He pointed out that on Fairbank Lake there are 160 campsites available to the public with hydro available on 40 sites. These sites are available by the night, month or year. Trailers remaining in the park for the winter are moved to a different part of the site to allow the park to rejuvenate itself.

Mr. Monaghan also read Mr. Brydges' letter of concern which was circulated to Members of the Committee.

Mr. Vic Bene, 1867 Torbay Road, Sudbury, addressed the Committee stating that any decision made should reflect the objectives of the Fairbank Lake Secondary Plan. He noted that the subject property is not much larger than a standard cottage lot and would permit a commercial resort, garage and ten seasonal dwellings or camping sites. He pointed out that camping sites are not listed in the Zoning By-Law for Walden. He questioned the number of tents/trailers allowed on one site and the size of a camping site. He also expressed great concern with respect to the environmental impact the trailers, tents, etc., will have on the quality of water in the lake.

The senior planner stated that the amending by-law can specify that not more than one trailer per camping site be allowed.

The Committee noted that the applicant had not met with the Fairbank Lake Campers' Association Members prior to the meeting to explain the proposed rezoning application.

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

Cont'd...

PUBLIC HEARING (Cont'd)

REZONING APPLICATION TO PERMIT SEASONAL DWELLINGS OR CAMPING SITES INTERCHANGEABLE UP TO A COMBINED TOTAL OF TEN (10), 1586 FAIRBANK EAST ROAD, FAIRBANK TOWNSHIP (FAIRBANK LAKE RESORT) - TONY WOODWARD (Cont'd)

The following resolution was presented:

Portelance-Craig: That the application by Tony Woodward to amend By-law 83-303 being the Zoning By-law for the former Town of Walden by changing the zoning classification of Parcel 29285, being Part 1, Plan 53R-12267, in Lot 10, Concession 1, Fairbank Township from "C7-1", Resort Commercial Special to a revised "C7-Special", Resort Commercial Special to permit "ten seasonal dwellings or ten camping sites interchangeably in any combination provided that the combined total of seasonal dwellings plus camping sites does not exceed ten", be approved.

The Committee approved a motion by Councillor Davey to defer the application for two weeks. He directed staff to prepare a report on the field bed inspection process in particular the monitoring of existing field beds on a regular basis, especially commercial establishments; agencies responsible for inspections; number of inspections completed in the last twelve months; resources available; statistics on enforcement actions taken over the past twelve months; the role of City of Greater Sudbury in this process; and legislative options.

The Committee also requested the applicant and Fairbank Lake Campers' Association Members meet during this two week period to try to resolve the issues.

It was noted that the Public Hearing for this rezoning application had been held this evening and that Councillor Gainer would attend the meeting with the applicant and Fairbank Lake Campers' Association Members and report back to the Committee.

CONSENT AGENDA

The following resolution was presented to adopt Item C-1 contained in the Consent Agenda:

2001-16 Gainer-Craig: That Item C-1 contained in the Consent Agenda, be adopted.

CARRIED

Cont'd...

CONSENT AGENDA (Cont'd)

ROUTINE MANAGEMENT REPORTS

Item C-1 Report dated January 26, 2001 was received from the Director of
Extension to Planning Services and the General Manager, Economic Development
Draft Approval and Planning Services regarding an extension to draft approval -
B.P.H. Financial Blocks F and G, Plan 53M-1113 and Block K, Plan 53M-1114 in Lot 5,
Inc. (G. Hope) Concession 2, Township of Hanmer, Val Therese, City of Greater
Sudbury - B.P.H. Financial Inc. (G. Hope).

2001-17 Craig-Gainer: That upon the payment of the processing fee of \$2,016.50 prior to the March 6th, 2001 lapsing date, the conditions of draft approval of the plan of subdivision of Blocks F and G, Plan 53M-1113 and Block K, Plan 53M-1114 in Lot 5, Concession 2, Township of Hanmer, Val Therese, City of Greater Sudbury, File 780-7/90014, be amended as follows:

- a) By deleting Conditions # 10., # 11. and # 17. in their entirety;
- b) By deleting Condition # 15. and replacing it with the following:
"15. That this draft approval shall lapse on December 6th, 2003.";
- c) That, as required, the conditions of draft approval be amended to address municipal restructuring and the creation of the City of Greater Sudbury.

CARRIED

Adjournment 2001-18 Craig-Gainer: That we do now adjourn.
TIME: 9:37 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR DAVE KILGOUR