

**THE SIXTEENTH MEETING OF THE COUNCIL  
OF THE CITY OF GREATER SUDBURY**

**C-11  
Tom Davies Square**

**Thursday, August 12, 2004  
Commencement: 5:30 p.m.**

**DEPUTY MAYOR DUPUIS, IN THE CHAIR**

Present Councillors Berthiaume; Bradley; Caldarelli; Callaghan; Craig; Gainer; Gasparini; Kett; Reynolds; Rivest; Thompson; Mayor Courtemanche

City Officials M. Mieto, Chief Administrative Officer; C. Hallsworth, General Manager of Citizen & Leisure Services; D. Nadorozny, General Manager of Economic Development & Planning Services; A. Stephen, General Manager of Emergency Services; D. Wuksinic, General Manager of Corporate Services; S. Jonasson, Director of Finance/City Treasurer; R. Swiddle, City Solicitor/Director of Legal Services; D. Canniff, Risk Management/Insurance Officer; D. Braney, Property Negotiator/Appraiser; T. Mowry, City Clerk; CJ Caporale, Council Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" 2004-418 Berthiaume-Bradley: That we move "In Camera" to deal with Litigation and Personnel Matters in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

**CARRIED**

Recess At 7:00 p.m., Council recessed.

Reconvene At 7:10 p.m., Council moved to the Council Chamber to continue the regular meeting.

Chair **HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR**

Present Councillors Berthiaume; Bradley; Caldarelli; Callaghan; Craig; Dupuis; Gainer; Gasparini; Kett; Reynolds (A 7:15 p.m.); Rivest; Thompson

City Officials M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; D. Desmeules, Acting General Manager of Health & Social Services; D. Nadorozny, General Manager of Economic Development & Planning Services; A. Stephen, General Manager of Emergency Services; R. Swiddle, Director of Legal Services/City

**C.C. 2004-08-12 (16<sup>th</sup>) (1)**

City Officials  
(continued)

Solicitor; D. Wuksinic, General Manager of Corporate Services; J. Cunningham, Deputy Police Chief, Greater Sudbury Police Service; S. Jonasson, Director of Finance/City Treasurer; B. Lautenbach, Director of Planning Services; P. Demers, Community Relations and Policy Advisor; C. Riutta, Administrative Assistant to the Mayor; P. McCauley, Communications Officer; T. Mowry, City Clerk; M. Burtch, Licensing and Assessment Clerk; CJ Caporale, Council Secretary

News Media

Sudbury Star; MCTV; CIGM; Channel 10 News; Le Voyageur, Northern Life; CBC Radio-Canada

Declarations of Pecuniary Interest

None declared.

**PRESENTATIONS/DELEGATIONS**

Item 4  
NEMHC - Fundraiser

Letter dated 2004-06-03 from the Northeast Mental Health Centre (NEMHC) regarding a presentation to promote their fundraiser / car rally entitled "The Great Eggscapade Scramble" on 2004-09-18 at Delhi Dozzi Community Centre was received.

Ms. Laura Higgs, Director of Fundraising & Community Relations, NEMHC, distributed flyers, brochures, and presented a commercial, promoting the car rally.

Item 5  
NDCA - Provincial Re-investment

Letter dated 2004-07-16 from the Nickel District Conservation Authority (NDCA) regarding a presentation to inform City Council of the submission made to the Minister of Natural Resources asking for a Provincial re-investment in Ontario's Conservation Authorities was received.

Councillor Bradley, Chair, NDCA introduced Mr. Paul Sajatovic, Planner, NDCA, to Members of Council. Mr. Sajatovic gave an electronic presentation entitled "*A Provincial Re-Investment in Ontario's Conservation Authorities - Now and In the Future*". The presentation outlined the following:

- ▶ provincially delegated responsibilities for flood and erosion control
- ▶ 2002 Conservation Authority sources of revenue
- ▶ Provincial re-investment
- ▶ funding for basic operational activities
- ▶ 2002 cost sharing for operational activities eligible for 50% funding
- ▶ costs - funded as a 50/50 partnership
- ▶ municipal plan review
- ▶ shoreline management

Item 5  
NDCA - Provincial  
Re-investment  
(continued)

- ▶ floodplain & hazard land regulation
- ▶ re-investment in excluded items
- ▶ annual Consumer Price Index adjustments
- ▶ re-investment required for 2005 & overall shortfall
- ▶ Provincial-Municipal partnership renewed
- ▶ commitment to Watershed management

The following resolution was presented:

2004-419 Bradley-Berthiaume: WHEREAS the City of Greater Sudbury is a member of the Nickel District Conservation Authority;

AND WHEREAS the Conservation Authority works in partnership with its watershed municipality to implement community-based, practical solutions to a range of natural resource issues including provincially delegated responsibilities for the implementation of flood and erosion control programs for the protection of life and property;

AND WHEREAS the Province has previously committed to paying 50% of flood and erosion control programs and other related eligible costs as defined in the 1997 Policy and Procedures Manual, but has not met that funding commitments;

AND WHEREAS the Province of Ontario, when establishing new policies and procedures in 1997 to define the level of funding to support its partnership with Conservation Authorities, omitted: (1) Municipal Plan Review, (2) the implementation of the Conservation Authority Act Section 28 Regulation, and (3) Shoreline Management as eligible activities for funding assistance by the Province;

AND WHEREAS predictable, stable funding (adjusted for inflation) is critical to successful program delivery;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury hereby endorses the report entitled "Submission to the Minister of Natural Resources: Re-Investment in Ontario's Conservation Authorities - Now and in the Future" which requests: (1) a reinvestment in Conservation Authorities by the Province based on definitions within the 1997 Policy and Procedures Manual; (2) a re-establishment of funding for items deemed of provincial interest currently excluded from transfer payment funding; and (3) implementation of annual Consumer Price Index adjustments retroactive to 2002;

AND THAT this resolution be forwarded to The Honourable Dave Ramsay, Minister of Natural Resources, our local MPPs and Conservation Ontario.

Item 5  
NDCA - Provincial  
Re-investment  
(continued)

**RECORDED VOTE:**

**YEAS**

**NAYS**

Berthiaume  
Bradley  
Caldarelli  
Callaghan  
Craig  
Dupuis  
Gainer  
Gasparini  
Kett  
Reynolds  
Rivest  
Thompson  
Mayor Courtemanche

**CARRIED**

Item 6  
Phase Two - Dynamic  
Earth Expansion

Report dated 2004-08-05, with attachments, from the General Manager of Economic Development & Planning Services regarding Phase Two (2) of Dynamic Earth was received.

Mr. Doug Craig, Chair, Dynamic Earth Steering Committee, addressed Council about the history of Science North and how Dynamic Earth was established.

Mr. Jim Marchbank, CEO, Science North, introduced Mr. Guy Labine, Director, Business Development, Science North and Ms. Nicole Chasson, Director, Dynamic Earth, to Council. He gave an electronic presentation entitled "*Dynamic Earth*" which outlined the following:

- ▶ City-Science North and GSDC-Science North partnership
- ▶ building Sudbury's tourism industry
- ▶ Dynamic Earth's challenges
- ▶ Phase 2 planning stages
- ▶ Dynamic Earth Year 1 - Successes, Sales, Impact, Comments
- ▶ Phase 2 challenges, planning stages, attractions, investments
- ▶ economic impact
- ▶ pursuing City goals

Dynamic Earth -  
Fact Sheet

With the concurrence of Council, Councillor Callaghan requested that the General Manager of Economic Development & Planning Services provide Council with a fact sheet regarding Dynamic Earth.

**C.C. 2004-08-12 (16<sup>th</sup>)**

**(4)**

Item 6  
Phase Two - Dynamic  
Earth Expansion  
(continued)

The following resolution was presented:

2004-420 Craig-Bradley: BE IT RESOLVED THAT on the recommendation of the Greater Sudbury Development Corporation, the City of Greater Sudbury supports the request from Science North to become a financial partner in Phase Two of Dynamic Earth by agreeing to contribute 14% of the finalized cost of the project, to a maximum of one million dollars, conditional on the project achieving 80% of the proposed funding, and subject to the identification of a municipal funding source;

AND FURTHER THAT upon receiving Stage One approval from NOHFC, advances of up to \$350,000 may be made to Science North for design work provided they are matched by other senior government financing;

AND FURTHER THAT this recommendation be referred to the 2005 Budget Process in order to identify the source of funding.

**CARRIED**

**MATTERS ARISING FROM THE "IN CAMERA" SESSION**

Rise and Report

Deputy Mayor Dupuis, as Chair of the Committee of the Whole, reported Council met to deal with Litigation and Personnel matters falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f) and one resolution emanated therefrom.

Procedure By-law  
Amendment - Offer to  
Purchase

2004-421 Bradley-Berthiaume: THAT the Procedure By-law 2002-202 for the City of Greater Sudbury be amended to provide as follows following the required notice to the Public:

"When Council or the Planning Committee is considering an Offer to Purchase or Sell being presented by the Property Negotiator/Appraiser, following a public offering, and Council or the Planning Committee wishes to consider the possibility of other offers, Council or the Planning Committee should reject the offer before it, and provide direction for a further public offering."

**CARRIED**

**MATTERS ARISING FROM THE PLANNING COMMITTEE**

Rise and Report

Councillor Thompson, Chair of the Planning Committee, reported that the Planning Committee met on 2004-08-10 and there were no items requiring Council approval.

**PART I**  
**CONSENT AGENDA**

Consent Agenda

The following resolution was presented to adopt the items contained in Part I, Consent Agenda:

2004-422 Berthiaume-Bradley: THAT Items C-1 to C-18 inclusive, contained in Part I, Consent Agenda, be adopted.

**CARRIED**

**MINUTES**

Item C-1  
Report No. 15  
City Council  
2004-07-13

2004-423 Bradley-Berthiaume: THAT Report No. 15, City Council Minutes of 2004-07-13 be adopted.

**CARRIED**

Item C-2  
Report No. 13  
Planning Committee  
2004-07-13

2004-424 Bradley-Berthiaume: THAT Report No. 13, Planning Committee Minutes of 2004-07-13 be adopted.

**CARRIED**

Item C-3  
Report No. 14  
Finance Committee  
2004-07-13

2004-425 Bradley-Berthiaume: THAT Report No. 14, Finance Committee Minutes of 2004-07-13 be adopted.

**CARRIED**

Item C-4  
Ad-Hoc Committee  
Council Auditor  
2004-07-14

2004-426 Bradley-Berthiaume: THAT the Report of the Ad-Hoc Committee - Council Auditor Minutes of 2004-07-14 be adopted.

**CARRIED**

Item C-5  
Ad-Hoc Committee  
Council Auditor  
2004-08-04

2004-427 Berthiaume-Bradley: THAT the Report of the Ad-Hoc Committee - Council Auditor Minutes of 2004-08-04 be adopted.

**CARRIED**

Item C-6  
Licensing Committee  
2004-07-14

2004-428 Bradley-Berthiaume: THAT the Report of the Licensing Committee Minutes of 2004-07-14 be adopted.

**CARRIED**

Item C-7  
Report No. 14  
Planning Committee  
2004-08-10

An error was noted in the Planning Committee minutes on Page 2, Recommendation 2004-179, and the City Clerk made the necessary correction.

2004-429 Bradley-Berthiaume: THAT Report No. 14, Planning Committee Minutes of 2004-08-10 be adopted.

**CARRIED**

<p>Item C-8 T.O.C. <u>2004-07-13</u></p>	<p>2004-430 Bradley-Berthiaume: THAT the Report of the Tender Opening Committee Minutes of 2004-07-13 be received.</p> <p style="text-align: right;"><b>CARRIED</b></p>
<p>Item C-9 T.O.C. <u>2004-07-20</u></p>	<p>2004-431 Bradley-Berthiaume: THAT the Report of the Tender Opening Committee Minutes of 2004-07-20 be received.</p> <p style="text-align: right;"><b>CARRIED</b></p>
<p>Item C-10 T.O.C. <u>2004-07-27</u></p>	<p>2004-432 Bradley-Berthiaume: THAT the Report of the Tender Opening Committee Minutes of 2004-07-27 be received.</p> <p style="text-align: right;"><b>CARRIED</b></p>
<p>Item C-11 Report No. 5 Board of Directors Sudbury Metro Centre <u>2004-06-03</u></p>	<p>2004-433 Bradley-Berthiaume: THAT Report No. 5, Board of Directors of Sudbury Metro Centre Minutes of 2004-06-03 be received.</p> <p style="text-align: right;"><b>CARRIED</b></p>

**ROUTINE MANAGEMENT REPORTS**

<p>Item C-12 Special Occasion Permit &amp; Noise By-law Exemption - Valley <u>East Lions Club Inc.</u></p>	<p>Report dated 2004-08-09, with attachments, from the General Manager of Corporate Services regarding Special Occasion Permit and Noise By-law Exemption, Valley East 100<sup>th</sup> Birthday Bash - Valley East Lions Club Inc. was received.</p>
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The following resolution was presented:

2004-434 Bradley-Berthiaume: THAT this Council has no objection to the issuance of a Special Occasion Permit and the granting of a noise exemption to Noise By-law 85-33 of the former City of Valley East to the Valley East Lions Club Inc. for the Valley East 100<sup>th</sup> Birthday Bash, to be held on September 10-12, 2004. The event will be held at the Centennial Arena in Hanmer with an outdoor concert to be held on the evening of September 10, 2004 at the Knights of Columbus fairgrounds at 688 Emily Street, Hanmer, Ontario. The hours of operation are between the hours of 11:00 a.m. to 12:00 midnight with an anticipated attendance of 1500-3000 people;

AND FURTHER THAT this approval be subject to the conditions as attached in Schedule 'A'.

**CARRIED**

Item C-13  
Liquor License  
Extension & Noise  
By-law Exemption -  
Royal Canadian  
Legion, Copper Cliff

Report dated 2004-08-06, with attachments, from the General Manager of Corporate Services regarding Liquor License Extension and Noise By-law Exemption, Royal Canadian Legion, Branch #224, Copper Cliff was received.

The following resolution was presented:

2004-435 Bradley-Berthiaume: THAT this Council has no objection to the issuance of a liquor licence extension and no objection to the granting of an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to The Royal Canadian Legion Branch 224, to include a secured hospitality area in the front parking lot at 41 Veterans Road, Copper Cliff. The request is made to facilitate a birthday party for four (4) individuals which will be held on Saturday, September 18, 2004. The hours of operation will be between the hours of 5:00 p.m. to 2:00 a.m. with an anticipated attendance of approximately 100-200 people.

AND FURTHER THAT this approval be subject to the conditions as attached in Schedule 'A'.

**CARRIED**

Item C-14  
Agreement:  
Falconbridge Hauled  
Sewage Site

Report dated 2004-07-30 from the General Manager of Public Works regarding Agreement: Falconbridge Hauled Sewage Site was received.

The following resolution was presented:

2004-436 Bradley-Berthiaume: THAT the City of Greater Sudbury enter into an Agreement with Falconbridge Limited in accordance with the General Manager of Public Works report dated July 30, 2004, to allow for the use of the hauled sewage site located on the Falconbridge tailings area for a period of ten years.

**CARRIED**

### **TELEPHONE POLLS**

Item C-15  
RFP - Furniture &  
Furnishings - Pioneer  
Manor

Report dated 2004-08-03 from the General Manager of Health and Social Services regarding award of Request for Proposal, Furniture and Furnishings, Pioneer Manor was received.

The following resolution was presented:

2004-437 Bradley-Berthiaume: THAT the Request for Proposal for Furniture and Furnishings for the new wings at Pioneer Manor be awarded to Keaney Interiors in the amount of \$274,234.48.

**CARRIED**



Item C-16  
Liquor License  
Extension -  
Tradewinds Motor  
Hotel

Report dated 2004-07-28, with attachments, from the General Manager of Corporate Services regarding Temporary Extension to Liquor License, Tradewinds Motor Hotel was received.

The following resolution was presented:

2004-438 Bradley-Berthiaume: THAT this Council has no objection to the issuance of a Temporary Extension to the Liquor License for the Tradewinds Motor Hotel, 450 Regional Road 55, Lively, Ontario, for the Grand Opening Celebration of their renovated bar and newly built outdoor patio. The event will be held on August 6 and 7<sup>th</sup>, 2004 and on August 13 and 14<sup>th</sup>, 2004. The hours of operation are between the hours of 12:00 noon to 2:00 a.m.;

AND FURTHER THAT this approval be subject to the following conditions:

1. That the special event organizer shall ensure the provision of adequate clean-up of the site and those properties adjacent to the patio area;
2. That all Ontario Fire Code regulations must be adhered to;
3. That no bonfires of any kind, barbeques or similar types of cooking devices shall be operated on the site without the consent of the Fire Chief, and that an approved fire extinguisher be provided for each of the foregoing;
4. 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;
5. That the special event organizer, or his designate, must be present on the site during the entire duration of the event.
6. That the event representative ensure emergency vehicles have access to the event area.

**CARRIED**

Item C-17  
Noise By-law  
Exemption - Trinity  
Development Site

Report dated 2004-07-23, with attachments, from the General Manager of Corporate Services regarding Noise By-law Exemption, Trinity Development Site was received.

Councillor Gasparini stated that she received numerous complaints regarding the blasting occurring in the middle of the night. She asked the General Manager of Public Works when the blasting was scheduled for completion. Mr. Belisle advised that the blasting should be completed by the end of next week.

Item C-17  
Noise By-law  
Exemption - Trinity  
Development Site  
(continued)

The following resolution was presented:

2004-439 Bradley-Berthiaume: THAT Interpaving Limited be permitted to load and haul excavated rock on the Trinity Development Site between 6:00 p.m. and 7:00 a.m., Monday to Sunday inclusive, commencing August 1, 2004 for a period of 10 weeks;

AND THAT blasting operations be restricted to normal working hours specified within the City of Sudbury Municipal Code;

AND THAT staff be authorized to monitor noise levels and/or public complaints and adjust the schedule of operation accordingly.

**CARRIED**

Item C-18  
Noise By-law  
Exemption - Sudbury  
Downs

Report dated 2004-08-06, with attachments, from the General Manager of Corporate Services regarding Noise By-law Exemption - Sudbury Downs was received.

The following resolution was presented:

2004-440 Berthiaume-Bradley: THAT this Council has no objection to the granting of an exemption to By-law 82-14 (former Town of Rayside/Balfour Noise By-law) to the Slots at Sudbury Downs in order to facilitate their outdoor summer concert series. The event will be held on August 5<sup>th</sup> and 12<sup>th</sup>, 2004 and on August 19<sup>th</sup> and 26<sup>th</sup>, 2004. The hours of operation are between the hours of 7:00 p.m. and 11:00 p.m.;

AND FURTHER THAT this approval be subject to the conditions as attached in Schedule 'A'.

**CARRIED**

Rules of Procedure

Council, by a two-thirds majority, agreed to waive the notice requirement under Section 21 of the Procedural By-law in order to permit Councillor Kett to introduce a motion of reconsideration with respect to Resolution 2004-415, City Council (2004-07-13).

Motion of  
Reconsideration

2004-441 Kett-Thompson: THAT Council Resolution 2004-415 be reconsidered.

**CARRIED BY TWO-THIRDS MAJORITY**

Resolution 2004-415  
(2004-07-13)

2004-415: THAT the 2004 Fire Capital Program initially approved by Finance Committee Resolution 2004-45 be replaced with the following capital program:

Four Hundred (400) sets of Bunker Gear . . .	\$ 650,000
Three (3) 75-foot Aerial/Squirt Vehicles . . . .	2,100,000
Three (3) Bush/Off Road Fire Fighting Vehicles .	330,000
Two (2) Water Rescue Boats with Trailers . . . . .	80,000
One (1) High Capacity Water Tanker . . . . .	65,000
Miscellaneous equipment . . . . .	126,820
AlerTech funding commitment . . . . .	<u>53,000</u>
 TOTAL CAPITAL PROGRAM . . . . .	 <u>\$ 3,404,820</u>

with up-front funding provided as follows:

Reallocation of 2002 Unexpended Capital . . .	\$ 138,067
Reallocation of 2003 Unexpended Capital . . . . .	723,167
Fire Capital Financing Reserve Fund (at the end of 2003) . . . . .	113,300
Equipment Replacement Reserve Fund (at the end of 2003) . . . . .	520,760
2004 Capital Envelope . . . . .	<u>179,820</u>
 Total Up-Front Funding . . . . .	 <u>\$ 1,675,114</u>

THAT the balance of the program, \$1,729,706, be financed through an advance from the Capital Fund, amortized over a five-year period at a rate of 5%, all of which is in compliance with the City's Investment Policy;

AND THAT a portion of future contributions to the equipment replacement reserve fund be committed towards lease repayments, which includes interest of \$ 267,890, as follows:

2004 Equipment Replacement Reserve Fund contribution . . . . .	\$199,760
2005 Equipment Replacement Reserve Fund contribution . . . . .	399,519
2006 Equipment Replacement Reserve Fund contribution . . . . .	399,519
2007 Equipment Replacement Reserve Fund contribution . . . . .	399,519
2008 Equipment Replacement Reserve Fund contribution . . . . .	399,519
2009 Equipment Replacement Reserve Fund contribution . . . . .	<u>199,760</u>
 Total Reserve Fund Contributions . . . . .	 <u>\$ 1,997,596</u>
 TOTAL FUNDING . . . . .	 <u>\$ 3,672,710</u>

Motion for Referral

Councillor Kett moved that the foregoing resolution be referred to a Special Meeting of Council, prior to the next meeting of Council, to be called by the Mayor.

**CARRIED**

**BY-LAWS**

Delegation of Tax Relief Hearings

The following resolution was presented:

2004-442 Berthiaume-Bradley: THAT Council delegate the hearing of applications under Sections 357 and 358 of the Municipal Act to the Hearing Committee as established under Article 33A of the Procedure By-law;

THAT the Hearing Committee be authorized to make decisions on the applications;

AND THAT any taxpayer, upon written notice to the Treasurer, may make a presentation to the Hearing Committee, on or before September 30<sup>th</sup> of any year, with regard to the cancellation, reduction, refund of taxes or the overcharge of taxes.

**CARRIED**

**THE FOLLOWING BY-LAWS APPEAR FOR A THIRD AND FINAL READING:**

2004-194 3<sup>RD</sup> A BY-LAW OF THE CITY OF GREATER SUDBURY TO CLOSE THE NICKEL LAKE SHORE ALLOWANCE

Planning Committee Recommendation 2004-147

Report dated 2004-08-04, with attachments, from the General Manager of Corporate Services regarding Information - Closure of Nickel Lake Shore Allowance.

(This by-law was deferred at the 2004-07-13 Council meeting for further information. At Council's request additional information will be provided regarding the sale of the shore allowance to INCO.)

**THE FOLLOWING BY-LAWS APPEAR FOR THREE READINGS:**

2004-230A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING OF AUGUST 12, 2004

2004-231A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT BY-LAW ENFORCEMENT OFFICERS FOR THE SUDBURY AIRPORT

(This By-law updates the list of By-law Enforcement Officers at the Sudbury Airport.)

**BY-LAWS (continued)**

- 2004-232 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2002-300, A BY-LAW TO REGULATE SMOKING IN PUBLIC PLACES AND WORKPLACES

(This amendment corrects a typographical error in the text of the original By-law. Section 19, dealing with employers, wrongly refers to "Section 7" instead of "Section 8". Section 7 deals with smokers. This amendment corrects this number reference.)

- 2004-233 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND THE PROCEDURE BY-LAW 2002-202

Report dated 2004-08-03 from the General Manager of Corporate Services regarding Amendment to Procedure By-law 2002-202 - Change of Meeting Time - Planning Committee.

(This By-law changes the start-time of Planning meetings from 7:00 p.m. to 5:30 p.m. beginning in September. Notice of this By-law has been given and no comments were received.)

Report dated 2004-08-06, with attachments, from the General Manager of Corporate Services regarding Delegation of Tax Relief Hearings.

(This By-law also provides that applicants who wish to make representation to Council requesting tax relief shall be heard by the Hearing Committee instead of the whole Council.)

- 2003-234A 3 BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2002-165A TO APPOINT OFFICIALS FOR THE CITY OF GREATER SUDBURY

(This By-law updates the list of Clerks at Citizen Service Centres and By-law Enforcement Officers.)

- 2004-235A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN AGREEMENT WITH THE MINISTRY OF PUBLIC INFRASTRUCTURE RENEWAL FOR COST SHARING ARRANGEMENTS ON THE ROCK TUNNEL SERVICING PROJECT

(This By-law is necessary to authorize the agreement with the Ministry for the Ministry's contribution of one-third (\$8.4 million) of the total cost of the project.)

**BY-LAWS (continued)**

- 2004-236P 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT AMENDMENT NUMBER 239 OF THE OFFICIAL PLAN FOR THE SUDBURY PLANNING AREA

Planning Committee Recommendation 2004-163

(This amendment is a site specific Official Plan amendment to permit the creation of three single residential estate lots, approximately 0.9 ha in size, on the subject property which is designated "Greenbelt" by the Secondary Plan for the Settlements of Nickel Centre wherein such development would not be permitted. To do so, this amendment changes the Secondary Plan's land use designation pertaining to the subject lands from "Greenbelt" to "Rural Estate Development", and further, exempts the subject property from the requirements of Section 4.3 of this Secondary Plan, and subsequent reference to Section 3.15 e. xii) of the Official Plan. - Cedar Green Enterprises Ltd., Part of Parcel 39056 S.E.S. in Lot 9, Concession 1, Township of Garson, O'Neil Drive West, Garson.)

- 2004-237Z 3 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

Planning Committee Recommendation 2004-164

(This By-law rezones the subject property "R1.0.9 -17", Special Single Residential to permit the creation of three lots where single detached dwellings are to be constructed. The "special" provisions of the By-law establish that the minimum lot frontage shall be 90 metres. - Cedar Green Enterprises Ltd., O'Neil Drive West, Garson.)

- 2004-238A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE A LEASE AGREEMENT WITH THE WONDERLAND OF LEARNING INC. FOR SPACE IN THE LOWER LEVEL OF THE SOUTH BRANCH LIBRARY

Planning Committee meeting of August 10, 2004

- 2004-239 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PARCELS 29319 AND 31079 SUDBURY WEST SECTION IN THE WALDEN INDUSTRIAL PARK TO F. MENS INVESTMENT LTD.

Planning Committee meeting of August 10, 2004

- 2004-240 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PARCEL 9953 SUDBURY EAST SECTION IN THE VALLEY EAST INDUSTRIAL PARK TO VAL CARON HOME CENTRE

Planning Committee meeting of August 10, 2004

**BY-LAWS (continued)**

2004-241 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PARCEL 29334 SUDBURY WEST SECTION IN THE WALDEN INDUSTRIAL PARK TO 13573750 ONTARIO LTD., O/A TECHNICA GROUP INC.

Planning Committee meeting of August 10, 2004

2004-242 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PARCELS 31043, 31162 AND 31094 SUDBURY WEST SECTION IN THE WALDEN INDUSTRIAL PARK TO MANITOULIN TRANSPORT INC.

Planning Committee meeting of August 10, 2004

2004-243 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 95-500Z, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER CITY OF SUDBURY

Planning Committee Resolution 2004-158

(This By-law rezones the subject property to "Single Residential" to permit the creation of 84 lots for single residential use. - Wesmak Lumber Co., Second Avenue, Sudbury.)

**THE FOLLOWING BY-LAW APPEARS FOR FIRST AND SECOND READING:**

2004-244 2 A BY-LAW OF THE CITY OF GREATER SUDBURY TO CLOSE PART OF MAGILL STREET ABUTTING THE REMAINDER OF PARCEL 31084 S.W.S. AND PART OF PARCEL 27434 S.W.S. IN THE WALDEN INDUSTRIAL PARK AND TO AUTHORIZE THE SALE OF THIS LAND AND THE REMAINDER OF PARCEL 31084 S.W.S. TO L.S. KOSOWAN LIMITED

Planning Committee meeting of August 10, 2004

1<sup>ST</sup> & 2<sup>ND</sup> Reading

2004-443 Berthiaume-Bradley: THAT By-law 2004-230A to and including By-law 2004-244 be read a first and second time.

**CARRIED**

3<sup>RD</sup> Reading

2004-444 Berthiaume-Bradley: THAT By-law 2004-194, By-law 2004-230A to and including By-law 2004-243 be read a third time and passed.

**CARRIED**

## **CORRESPONDENCE FOR INFORMATION ONLY**

Item C-19 <u>Public Sale under the Municipal Act</u>	Report dated 2004-08-06 from the General Manager of Corporate Services regarding Public Sale under the Municipal Act was received for information only.
Item C-20 <u>Update - Lorne Street Bridge</u>	Report dated 2004-08-04 from the General Manager of Public Works regarding update on Bridge Rehabilitation Project, Lorne Street at Big Nickel Road was received for information only.
Proceed Past 10:00 p.m.	2004-445 Berthiaume-Bradley: THAT we proceed past the hour of 10:00 p.m.

**CARRIED**

## **PART II REGULAR AGENDA**

### **MANAGERS' REPORTS**

Item R-1 <u>On-Street Bicycle Lanes - Howey, Bellevue &amp; Bancroft Drive Corridor</u>	<p>Report dated 2004-08-04 from the General Manager of Public Works regarding On-Street Bicycle Lanes - Howey Drive/Bellevue Avenue/Bancroft Drive Corridor was received.</p> <p>A discussion of Council ensued regarding the litigation and safety issues of having the centre lane removed in order to implement bicycle lanes.</p>
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The following resolution was then presented:

2004-446 Reynolds-Gasparini: BE IT RESOLVED THAT the Council of the City of Greater Sudbury commits, as part of its 2005 Capital Roads Budget, the sum of \$45,000 for the purpose of funding the cost to:

- ▶ remove the existing centre two way left turn lanes on each of Howey Drive, Bellevue Avenue and Bancroft Drive (from Bellevue Avenue to Leveque Street); and
- ▶ delineate a 1.5 metre wide bicycle lane on each side of Howey Drive, Bellevue Avenue and that part of Bancroft Drive between Bellevue Avenue and Leveque Street, as well as, Bancroft Drive from the Kingsway to Bellevue Avenue, including the stenciling of appropriate markings on the roadway and the posting of appropriate signage;



Item R-1  
On-Street Bicycle  
Lanes - Howey,  
Bellevue & Bancroft  
Drive Corridor  
(continued)

AND THAT work described be completed by June 30<sup>th</sup>, 2005;

AND THAT the City's Traffic and Parking By-law, 2001-1 be amended appropriately to reflect such changes;

AND THAT such other by-laws be passed as may be necessary to effect such changes.

**RECORDED VOTE:**

<u>YEAS</u>	<u>NAYS</u>
Berthiaume	Bradley
Caldarelli	Callaghan
Gainer	Craig
Gasparini	Dupuis
Kett	Rivest
Reynolds	
Thompson	
Mayor Courtemanche	

**CARRIED**

Item R-2  
Paint Access Covers  
(Manhole Covers)  
Myths & Mirrors  
Community Arts

Report dated 2004-08-05, with attachments, from the General Manager of Public Works regarding Request to Paint Access Covers (Manhole Covers), Myths and Mirrors Community Arts was received.

The following resolution was presented:

2004-447 Berthiaume-Bradley: THAT Myths and Mirrors Community Arts be allowed to paint decorative designs on access covers (manhole covers) on the Durham Street sidewalk, provided there are no commercial messages of any sort.

**CARRIED**

Item R-3  
Appointment of Board  
Member - Sudbury &  
District Health Unit

Report dated 2004-07-02, with attachments, from the General Manager of Corporate Services regarding Appointment of Board Member, Sudbury & District Health Unit was received.

The following resolution was presented:

2004-448 Berthiaume-Bradley: THAT Council accepts the resignation of Councillor Gainer as a Member of the Board of Directors of the Sudbury and District Health Unit effective June 24, 2004;

AND THAT Councillor Bradley be appointed to the Board of Directors of the Sudbury and District Health Unit for the term ending November 30, 2006, or until such time as his successor is appointed.

**CARRIED**

Change of Chair

At 10:16 p.m., His Worship Mayor David Courtemanche vacated the chair.

**DEPUTY MAYOR DUPUIS, IN THE CHAIR**

Item R-4  
No Whistle Rail  
Locations

Report dated 2004-08-05, with attachments, from the General Manager of Corporate Services regarding No Whistle Rail Locations was received.

The following resolution was presented:

Berthiaume-Bradley: BE IT RESOLVED THAT an Engineering firm be retained to carry out detailed safety assessments for the seventeen rail locations of the Canadian Pacific Railway (CPR), as set out in this report;

AND FURTHER THAT a deposit of \$5,000 be paid to the Canadian National Railway (CNR), for the preparation of detailed safety assessments for three rail locations of the CNR as set out in this report;

AND FURTHER THAT funding for the above in the approximate amount of \$90,000 be provided from the Capital Financing Reserve Fund - General.

Amendment to  
Resolution

Councillor Kett requested the following amendment to the foregoing motion:

That the motion be amended by deleting the word “seventeen” and adding “with lights and gates” after the word “locations”.

Motion to Withdraw

With the consensus of Council, Councillor Kett withdrew the amendment.

Main Motion

The following resolution was presented:

2004-449 Berthiaume-Bradley: BE IT RESOLVED THAT an Engineering firm be retained to carry out detailed safety assessments for the seventeen rail locations of the Canadian Pacific Railway (CPR), as set out in this report;

AND FURTHER THAT a deposit of \$5,000 be paid to the Canadian National Railway (CNR), for the preparation of detailed safety assessments for three rail locations of the CNR as set out in this report;

AND FURTHER THAT funding for the above in the approximate amount of \$90,000 be provided from the Capital Financing Reserve Fund - General.

**DEFEATED**

Change of Chair

At 10:31 p.m., Deputy Mayor Dupuis vacated the Chair.

**HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR**

Item R-5  
Snowboard Terrain  
Park Proposal

Report dated 2004-07-22 from the General Manager of Citizen & Leisure Services regarding Snowboard Terrain Park Proposal was received.

The following resolution was presented:

2004-450 Bradley-Berthiaume: WHEREAS a terrain park will enhance the winter experience at the Adanac Park and;

WHEREAS a terrain park does not require use of a lift or of any other permanent installation;

BE IT RESOLVED that staff be directed to issue a Request for Proposal seeking a private sector partner who might be interested in operating a terrain park at Adanac Park at no cost to the City during the 2004-2005 winter season.

**CARRIED**

Item R-6  
Adanac Ski Chalet

Report dated 2004-07-22 from the General Manager of Citizen & Leisure Services regarding Adanac Ski Chalet was received.

The following resolution was presented:

2004-451 Bradley-Berthiaume: WHEREAS the Adanac Ski Chalet was badly damaged by fire;

AND WHEREAS long term plans for the Adanac Park area include re-location of the Chalet building;

BE IT RESOLVED THAT staff be directed to arrange to have the damaged chalet demolished;

AND THAT Council approves the creation of an Adanac Ski Chalet Reserve Fund;

AND FURTHER THAT the net proceeds from the insurance settlement for the Adanac Ski Chalet, plus a contribution from the Insurance Reserve Fund in the amount of \$50,000, being the deductible portion of the loss, be credited to the Adanac Ski Chalet Reserve Fund.

**CARRIED**

Item R-7  
Renovations - EMS at  
ES Stations

Report dated 2004-07-27 from the General Manager of Emergency Services regarding renovations to accommodate EMS at existing ES Stations (Fire Halls) was received.

The following resolution was presented:

2004-452 Berthiaume-Bradley: WHEREAS the City of Greater Sudbury ES Department has identified the requirement to complete renovations at existing City ES Stations;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the ES Department to carry out the renovations;

AND THAT the order be authorized, and that funding in the approximate amount of \$230,000 plus applicable taxes costs be approved from the Reserve Fund for Emergency Services - Land Ambulance;

AND FURTHER THAT the GM Emergency Services be authorized to tender out this work and enter into any agreements required for the completion of this project.

**CARRIED**

**MOTIONS**

Item R-8  
Group Homes

The following resolution was presented:

Kett-Bradley: WHEREAS the placement of Group Homes within a neighbourhood can cause concerns amongst neighbours, especially if they feel left out of decision making process, and are not informed early in the application process;

AND WHEREAS City Councillors are not told of the application process either by the Province or the Applicant;

AND WHEREAS getting technical approval for a building permit for a property that is already properly zoned should not constitute "municipal consultation" by the Province or the Applicant;

BE IT RESOLVED THAT the City of Greater Sudbury requests of the Ministry of Community and Social Services and Children and Youth Services that it amend its Group Home Application Policy such that:

1. Public consultation is step #1 in the Approval Process for a group home.

Item R-8  
Group Homes  
(continued)

2. Under the Municipal Consultation part of the application process, the Ministry communicates directly with the local councillor(s) when an application is being made in order to allow the councillor(s) to co-ordinate the public consultation process with the applicant.

Motion for Deferral

Councillor Callaghan moved that the foregoing recommendation be deferred until an information report identifying the implications is received from the General Manager of Health & Social Services

**CARRIED**

Item R-9  
Four Way Stop Sign  
Rideau/Lavoie Streets

The following resolution was presented:

2004-453 Dupuis-Berthiaume: WHEREAS area residents and members of Club Amical have expressed safety concerns regarding the Rideau Street and Lavoie Street intersection;

WHEREAS an Engineering Study for a four-way stop sign was undertaken and concluded there was not a need for a four-way stop sign;

AND WHEREAS many seniors who use this area still feel the intersection is dangerous because of visibility problems (i.e. hill and trees in sight triangle);

THEREFORE BE IT RESOLVED THAT a four-way stop sign be installed at the intersection of Rideau and Lavoie Streets.

**CARRIED**

Proceed Past  
11:00 p.m.

2004-454 Berthiaume-Bradley: THAT we proceed past the hour of 11:00 p.m.

**DEFEATED**

Adjournment

In accordance with the Procedural By-law, the meeting automatically adjourned at 11:00 p.m. as unanimous consent of all members present was not received.

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Mayor

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City Clerk