

Request for Decision City Council



Type of Decision

Meeting Date	March 10, 2004				Report Date	March 1, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title

**NOISE BY-LAW EXEMPTION
CANADIAN CANCER SOCIETY RELAY FOR LIFE**

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Budget Implications:

None

Policy Implications:

None

Background Attached

Recommendation

THAT this Council has no objection to the granting of an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to Ms. Vanessa Perri of the Canadian Cancer Society Relay for Life fund raiser to be held on June 4th and 5th, 2004 at Laurentian University, 41 Ramsey Lake Road in the City of Greater Sudbury between the hours of 4:30 p.m. on June 4th to 7:00 a.m. on June 5th, 2004 with an anticipated attendance of 2,000 people during the course of the event; and

FURTHER THAT there will be live music or entertainment throughout the evening; and

Recommendation Continued

Recommended by the General Manager


Doug Wuksinic
General Manager of Corporate Services

Recommended by the C.A.O.


Mark Mieto,
Chief Administrative Officer

Date: March 1, 2004

Report Prepared By

Corrie-Jo Caporale
Council Secretary

Division Review

FURTHER THAT this approval be subject to the following conditions:

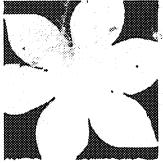
1. That the special event organizer shall ensure the provision of adequate clean-up of the site and those properties adjacent to the event area;
2. That all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicated a Fire Safety Plan is required for this event;
3. That a fire extinguisher be provided for outdoor cooking or barbecues;
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 tent be erected in accordance with the provisions of the Ontario Building Code;
7. That the event representative ensure emergency vehicles have access to the event area.

Background:

Attached is a letter submitted by Ms. Vanessa Perri on behalf of the Canadian Cancer Society Relay for Life fund raiser requesting Council's approval for an exemption from Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to be held on June 4th and 5th, 2004 at Laurentian University, 41 Ramsey Lake Road, Sudbury with an anticipated attendance of 2,000 people. The hours of operation will be from 4:30 p.m. (June 4th) to 7:00 a.m. (June 5th). There will be live entertainment for the participants and spectators during the course of the event.

In accordance with Council's policy, this letter was circulated to the Fire Chief, Police Chief, Director of Leisure, Community & Volunteer Services, the City Solicitor, the Acting General Manager of Emergency Services, the Manager of Transit Services and the Co-ordinator of Traffic and Parking. Their concerns have been added to the conditions for approval.

The foregoing resolution has therefore been placed on the Agenda for your consideration.



Canadian Cancer Society
Soci t  canadienne
du cancer

Sudbury & District Unit
1780 Regent Street South
Sudbury, Ontario
P3E 3Z8
Telephone: 705-670-1234
Facsimile: 705-670-1200

Relay For Life

There is no finish line until we find a cure.

February 24, 2004

Tom Maury
Greater City of Sudbury
City Bylaw Department

Dear Mr. Maury,

On June 4th and 5th the Canadian Cancer Society will be holding its fifth annual *Relay For Life*. This event will be held at Laurentian University Track. The event will begin at 4:30 p.m. on the Friday and end at 7 a.m. on the Saturday.

During the event we will be hosting a variety of entertainers. There will be approximately 7 bands playing and during our opening ceremony we will also have the Sudbury Police pipe band participate. If you need any more information please feel free to contact me at my office. Thank you for your time, I look forward to hearing from you.

Thank you,

Vanessa Perri
Fundraising Coordinator
Canadian Cancer Society
670-1234 extension 230

Request for Decision City Council





Type of Decision									
Meeting Date	March 11, 2004				Report Date	March 3, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
2003 Reuse Rebate

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
The funding has been set up as a liability for 2003 and will be expensed against that budget.	
<input checked="" type="checkbox"/>	Background Attached

Recommendation
That the 2003 Reuse Rebate for non-profit reuse organizations be approved, as detailed in the report dated March 3, 2004 from the General Manager of Public Works.
Recommendation Continued

Recommended by the General Manager
 D. Bélisle, General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto, Chief Administrative Officer

Date: March 3, 2004

Report Prepared By



C. Mathieu,
Manager of Waste Management

Division Review

C. Mathieu,
Manager of Waste Management

As part of the 2002 Budget process, Council approved an option to reimburse a portion of tipping fees for non-profit organizations that regularly accept reusable items from residents. The rebate is provided in an effort to recognize the role that these organizations play in the City's overall waste reduction and re-use efforts.

In November 2002, the Society of St. Vincent de Paul presented and requested additional support at a Priorities Committee meeting. The matter was referred to the 2003 Budget process. Staff prepared a budget option to increase the annual rebate from \$5,000 to \$20,000. The option was not approved.

The Jarrett Centre requested additional support for waste management expenditures at a January 2004 public input session. The matter has been referred to the Technical Steering Committee.

2003 Reuse Rebate Applicants -

Three organizations applied for the rebate and staff has reviewed their applications in accordance with Schedule "N" of the Waste Management By-law 2002-331G. The calculation is based on the lesser of either its equal share of the budgeted amount or the amount incurred by the organization.

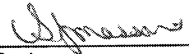
It is recommended that the 2003 tipping fee rebate budget of \$5,000 be disbursed equally to the Society of St. Vincent de Paul, the Jarrett Value Centre and the Salvation Army.

Request for Decision City Council




Type of Decision									
Meeting Date	March 11, 2004				Report Date	March 2, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Vendor of Record for Computer Equipment

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<p>This will be funded through current budget allocations in Information Technology and Police Services, over three years.</p> <p>This certifies that this future commitment is within the Annual Repayment Limit for the City of Greater Sudbury as re-calculated and in accordance with the Lease Financing Policy.</p> <p> S. Jonasson</p>	
<input checked="" type="checkbox"/>	Background Attached

Recommendation
<p>THAT Dell Canada be selected as the vendor of record to supply computer equipment for the next three years with an option for years 4 and 5;</p> <p>THAT the Director of Information Technology be authorized to enter into this contract and related lease agreements with Dell Canada, all in accordance with the Lease Financing Policy approved by Council; and,</p> <p>THAT the necessary by-law be passed.</p>
Recommendation Continued

Recommended by the General Manager
<p> D. Wuksinic General Manager of Corporate Services</p>

Recommended by the C.A.O.
<p> M. Mieto Chief Administrative Officer</p>

Date: February 20, 2004

Report Prepared By

B. Mangiardi
 C. Mahaffy, Manager of Financial Planning & Policy
 B. Mangiardi, Director of Information Technology

Division Review

B. Mangiardi
 S. Jonasson, Director of Financial Services/City Treasurer
 B. Mangiardi, Director of Information Technology

BACKGROUND

In 1998, both City and Regional Councils approved a new "evergreen" policy for the replacement of computer equipment. This policy allows for the replacement of our computers on a three year cycle. In 1999, Dell Canada was chosen as our vendor of record for computer equipment. That contract expired on December 31 2003.

Dell allowed an extension of the contract on a month by month basis until the completion of the selection of a new vendor of record.

The City went through an extensive process from October to December 2003 to select pre-qualified vendors. A committee was established to review all proposals. The committee consisted of:

- Darryl Mathe - Manager of Supplies and Services
- Brett Lavigne - Manager of Information Systems, Police
- Jim Dolson - Manager of Network Support
- Bruno Mangiardi - Director of Information Technology

Six vendors attended the pre-qualification meeting of which three submitted proposals. The committee reviewed these and all three pre-qualified. These vendors were IBM Canada, Aurora Microsystems and Dell Canada. A Request for Proposal was issued on January 15, 2004 for a vendor of record for various computer equipment to these three vendors.

Proposals were received from all three vendors. All vendors were asked to provide purchase prices for various equipment as well as lease rates. The following shows the estimated total value of the contract based on a three year lease program.

	Estimated Cost over 3 years
Dell	1,648,746
Aurora	1,774,594
IBM	1,840,197

Dell Canada has the lowest total cost for all equipment.

The leases will be funded through the current budget allocations in Information Technology and Police Services, over three years.

Date: February 20, 2004

Capital Lease

In accordance with the Capital Lease Policy approved by Council in September of 2003 through By-law 2003-213, the Treasurer shall prepare a report for Council if the lease being recommended is a material capital lease. As the total annual lease repayments resulting from this award will collectively exceed \$500,000 the lease is classified as a material capital lease. This is the first such lease since the policy was approved.

Information that is to be provided to Council is as follows:

1. The fixed and estimated costs of the lease and the risks associated with the proposed lease and those associated with other methods of financing,
2. A statement summarizing the effective rate of financing for the lease, the ability for the lease payment amounts to vary, and the methods or calculations including possible financing rate changes that may be used to establish that variance under the lease,
3. A statement summarizing any contingent payment obligations under the lease that in the opinion of the Treasurer would result in a material impact for the City, including lease termination provisions, equipment loss, equipment replacement options and guarantees and indemnities,
4. A summary of the assumptions applicable to any possible variations in the lease payment and contingent payment obligations,
5. A schedule of all fixed amounts of payment required under the lease including amounts required under any possible extension or renewal of the lease, and
6. Any other matters the Treasurer or Council considers advisable including whether the scope of the financing lease warrants obtaining independent financial advice.

The required information is provided below:

1. There are no fixed costs associated with the agreement being authorized. The agreement being recommended through this report is an all encompassing agreement to lease computer equipment during 2004, for the next three years. In total, approximately 1,310 desktop computers, 54 workstations, and 56 notebook computers will be required over the next three years. Lease costs will be calculated as the equipment is received and the individual leases are signed. The agreement ensures that the lease costs will be calculated at \$30.25 per month per \$1,000 of equipment, to be paid over a three year period. The estimated costs of the lease repayments, when all of the equipment is received is about \$550,000 annually, plus applicable taxes. There is a sufficient current budget allocation in Information Technology and Police Services to make these lease payments.

Experience with Dell, over the past five years has been excellent, and no problems with the leases are anticipated.

2. The rate of interest stated by Dell is 5.95%, and calculations by Finance staff have verified that the rate applied is indeed 5.9516% in order to arrive at the \$30.25 monthly repayments per \$1,000 of equipment leased. As the payments are monthly, in advance, this equates to an effective annual financing rate of 6.11%. There are no provisions for the payment amounts to vary, and no provisions for the financing rate to change during the term of the lease agreements. In addition, staff has estimated that the bank rate for a similar lease arrangement would be prime plus 2% or 6.25%.

Date: February 20, 2004

The \$30.25 per \$1,000 or the 5.95% is for 2004 leases only. Any future lease agreements after 2004 will be subject to negotiations with Dell, and will be reported to Council.

3. There are no contingent payment obligations under the lease that would result in a material impact for the City. The City is obligated to make the lease payments, and historically, at the end of the three year period, the equipment can be purchased for \$1. Any guarantees and warranties are through the manufacturer/supplier (also Dell) but are not part of the lease agreement. As is normal when leasing equipment and having it on premises, the City indemnifies Dell leasing and holds it harmless. The City is responsible for the safekeeping and maintenance of the equipment. The City's insurance policy covers the loss of any computer equipment, subject to the normal deductible.
4. There are no known variations in the lease payment and contingent payment obligations related to this lease, beyond the \$1 buyout at the end of the three years.
5. There are no fixed amounts of payment required under the lease agreement, and no provision has been made for extension or renewals. However, a repayment schedule is included on the following page, assuming that all of the equipment was leased on the same day.
6. This financing lease is straightforward, and it is not recommended that independent financial advice be sought.

As Council is aware, the City's annual repayment limit for 2003 was calculated by the Province, with room for \$40 million in additional repayments. There is ample room in this repayment limit for the \$550,000 in annual charges represented by this lease agreement.

The 2004 Annual Repayment Limit calculation will be sent by the Province in early spring, and will be forwarded to Council at that time.

Date: February 20, 2004

Repayment Schedule assuming all equipment leased on the same day

Total Lease Amount - \$1,514,000

Interest Rate - 5.9516%

Monthly Payment Amount - \$45,798.50

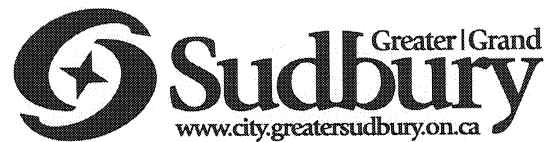
Month	Payment Amount \$	Interest \$	Principal \$	Balance \$
1	45,798.50	0	45,798.50	1,468,201.50
2	45,798.50	7,281.80	38,516.70	1,429,684.80
3	45,798.50	7,090.80	38,707.70	1,390,977.10
4	45,798.50	6,898.80	38,899.70	1,352,077.40
5	45,798.50	6,705.90	39,092.60	1,312,984.60
6	45,798.50	6,512.00	39,286.50	1,273,698.10
7	45,798.50	6,317.20	39,481.30	1,234,216.80
8	45,798.50	6,121.30	39,677.20	1,194,539.60
9	45,798.50	5,924.60	39,873.90	1,154,665.70
10	45,798.50	5,726.80	40,071.70	1,114,594.00
11	45,798.50	5,528.10	40,270.40	1,074,323.60
12	45,798.50	5,328.30	40,470.20	1,033,853.40
13	45,798.50	5,127.60	40,670.90	993,182.50
14	45,798.50	4,925.90	40,872.60	952,309.90
15	45,798.50	4,723.20	41,075.30	911,234.60
16	45,798.50	4,519.50	41,279.00	869,955.60
17	45,798.50	4,314.90	41,483.60	828,472.00
18	45,798.50	4,109.00	41,689.50	786,782.50
19	45,798.50	3,902.20	41,896.30	744,886.20
20	45,798.50	3,694.40	42,104.10	702,782.10
21	45,798.50	3,485.60	42,312.90	660,469.20
22	45,798.50	3,275.70	42,522.80	617,946.40
23	45,798.50	3,064.80	42,733.70	575,212.70
24	45,798.50	2,852.90	42,945.60	532,267.10
25	45,798.50	2,639.90	43,158.60	489,108.50
26	45,798.50	2,425.80	43,372.70	445,735.80
27	45,798.50	2,210.70	43,587.80	402,148.00
28	45,798.50	1,994.60	43,803.90	358,344.10
29	45,798.50	1,777.30	44,021.20	314,322.90
30	45,798.50	1,558.90	44,239.60	270,083.30
31	45,798.50	1,339.50	44,459.00	225,624.30
32	45,798.50	1,119.10	44,679.40	180,944.90
33	45,798.50	897.50	44,901.00	136,043.90
34	45,798.50	674.70	45,123.80	90,920.10
35	45,798.50	452.90	45,347.60	45,572.50
36	45,798.50	226.00	45,572.50	Paid in Full

Total Payments \$1,648,746.00

Total Principal \$1,514,000.00

Total Interest \$ 134,746.00

Request for Decision City Council




Type of Decision										
Meeting Date	March 11, 2004				Report Date	March 3, 2004				
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low	
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed	

Report Title
Canadian National Railway Crossing Review - Maley Drive Mile 263.18 - Bala Subdivision

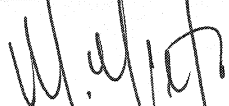
Policy Implication + Budget Impact	
n/a	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation
<p>-THAT Council authorize the General Manager of Public Works to sign the proposed Agreement with Canadian National Railway for signal improvements of the Maley Drive crossing at an estimated amount of \$ 36,237.50, and</p> <p>-THAT Council delegate authority to the General Manager of Public Works to enter into similar road crossing agreements on behalf of the municipality and that a necessary By-Law be passed.</p>
Recommendation Continued

Recommended by the General Manager


 Don Bélisle
 General Manager of Public Works

Recommended by the C.A.O.


 Mark Mieto
 Chief Administrative Officer

Date: March 3, 2004

Report Prepared By



R. G. (Greg) Clausen, P. Eng.
Director of Engineering Services

Division Review

On August 12, 2003, the City of Greater Sudbury passed the following resolution 2003-425 attached as Exhibit "A".

On August 21, 2003, a site meeting was held with then Councillors Callaghan and Portelance, representatives from Transport Canada, Canadian National Railway (C.N.) and City staff. Mrs. Maureen Duhaime whose son was tragically killed at this crossing also attended the site meeting.

Subsequent to this meeting, Transport Canada confirmed that the gates were warranted and C.N. has prepared a cost estimate of \$ 289,900 to upgrade the crossing.

The proposed cost sharing percentages and cost sharing estimates for the improvements are as follows:

Transport Canada	80 percent	\$ 231,920.00
Canadian National Railway	7.5 percent	\$ 21,742.50
City of Greater Sudbury	12.5 percent	\$ 36,237.50

Ongoing maintenance will be shared 50 / 50 between the City and C.N.

C.N. have sent an agreement to the City for execution. Once the agreement has been executed, Transport Canada will request funding. C.N. and the City have agreed to carry out the works as soon as Federal funding is confirmed.

Staff is requesting Council's authorization to sign the agreement with C.N. Further, staff is requesting that Council delegate authorization to the General Manager of Public Works to tender into future similar road crossing agreements.

A copy of the letter from C.N. dated February 9, 2004 and proposed agreement is attached for Council's information attached as Exhibit "B".

RECEIVED
AUG 28 2003

CITY OF GREATER SUDBURY ENGINEERING

Interoffice Correspondence

August 26, 2003

TO: D. Belisle, General Manager of Public Works
N. Mihelchic, Co-ordinator of Traffic & Transportation
Councillor L. Portelance, Ward 3

FROM: Corrie-Jo Caporale, Council Secretary

RE: **Request for Support for the Installation of Signalized Railway Crossings ("Wig-Wags") at Mile 263.18 of CN Rail's Bala Subdivision at Maley Drive**

On 2003-08-12, the Council of the City of Greater Sudbury passed the following resolution:

2003-425: WHEREAS many serious accidents and fatalities have occurred over the years at the Canadian National Railway Company's Mile 263.18 Bala Subdivision crossing on Maley Drive, Sudbury;

AND WHEREAS correspondence has been received regarding concerns about the safety of pedestrians and motorists using this crossing and the need for gates to be installed to prevent such accidents and fatalities;

AND WHEREAS freight trains are apparently allowed to travel at 55 miles per hour, and passenger trains are allowed to travel at 65 miles per hour at this intersection, which speeds are well in excess of allowed travel speeds at other intersection within the boundaries of the City of Greater Sudbury;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury petition the Canadian National Railway Company to install signalized railway crossings ("Wig-Wags") and reduce the speed of its trains at this crossing;

AND FURTHER THAT copies of this resolution be forwarded to Mr. E. Hunter Harrison, President of the Canadian National Railway Company, the Honourable David Collenette, Minister of Transport, Mr. Camille Thériault, Chairman, Transportation Safety Board of Canada, and to all local Members of Parliament.

For your information.

Item R-11
CNR - Maley Drive,
Sudbury - Signalized
Railway Crossings

2003-425 Portelance-McIntaggart: WHEREAS many serious accidents and fatalities have occurred over the years at the Canadian National Railway Company's Mile 263.18 Bala Subdivision crossing on Maley Drive, Sudbury;

AND WHEREAS correspondence has been received regarding concerns about the safety of pedestrians and motorists using this crossing and the need for gates to be installed to prevent such accidents and fatalities;

Item R-11
CNR - Maley Drive,
Sudbury - Signalized
Railway Crossings
(Continued)

AND WHEREAS freight trains are apparently allowed to travel at 55 miles per hour, and passenger trains are allowed to travel at 65 miles per hour at this intersection, which speeds are well in excess of allowed travel speeds at other intersection within the boundaries of the City of Greater Sudbury;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury petition the Canadian National Railway Company to install signalized railway crossings ("Wig-Wags") and reduce the speed of its trains at this crossing;

AND FURTHER THAT copies of this resolution be forwarded to Mr. E. Hunter Harrison, President of the Canadian National Railway Company, the Honorable David Collenette, Minister of Transport, Mr. Camille Thériault, Chairman, Transportation Safety Board of Canada, and to all local Members of Parliament.

RECORDED VOTE:

YEAS

NAYS

Bradley
Callaghan
Courtemanche
Craig
Davey
Dupuis
Gainer
Kilgour
Lalonde
McIntaggart
Petryna
Portelance
Gordon

CARRIED

APPROVED			
Committee	<u>City</u>	Date	<u>Aug 12/03</u> Res. # <u>2003-425</u>
Approved	<u>City</u>	Date	<u>Sept 11/03</u> Res. # <u>2003-437</u>
Except Res. #	<u>2003-438</u>		



Division Engineering
1 Administration Road
Concord, Ontario
L4K 1B9

Mr. Greg Clausen, P. Eng
City of Greater Sudbury
Public Works Department
200 Brady Street
P.O. Box 5000
Sudbury, Ontario
P3A 5P3

RECEIVED
FEB 17 2004

Date: 09 February 2004
Our File: 4710-BAL-263.18

CITY OF GREATER SUDBURY ENGINEERING

Subject: Crossing Review Maley Drive, City of Sudbury, Mile 263.18 Bala Subdivision.

Dear Sir,

Reference our correspondence dated 2 February 2004 regarding signal estimates and related agreement associated with the proposed modifications to the railway warning system at Maley Drive mile 263.18 Bala Subdivision. As a result, of changes taking effect in 2004 to applicable overhead rates, established by the Canadian Transportation Agency, the estimate and corresponding standard crossing warning system agreement dated 4 January and 2 February 2004 respectively are incorrect.

Attached please find estimate numbered 26318 dated 4 February 2004 revised to reflect CTA applicable rates. Because of the revised estimate, we are submitting for review and authorization by the City of Greater Sudbury, four copies of the standard funded crossing warning system modification agreement. The agreement is modified to reflect the changes in estimate numbered 26318 dated 4 Feb. 2004.

Conditions relating Section 8 (1) of the Railway Safety Act and Notice of Works regulation per our letter of 2 February 2004 remains.

A copy of preliminary signal design sketch BA-263.18-SK1 dated 13 January 2004 was previously provided. Attached and forming part of the agreement dated 9 February 2004, requiring authorization and initials by the City of Greater Sudbury, is estimate 16318, dated 4 February 2004 in the amount of \$289,900.

We apologize for any inconvenience the revision in the estimate may have caused. Should you require any clarification or have any concerns please contact the undersigned at 905-669-3242.

Yours truly,

Peter Gorski
Public Works Officer

Cc:

Mr. Scott Lee Transport Canada Toronto
Copy of revised estimate 26318, dated 4 February 2004, is attached.

STANDARD FUNDED CROSSING WARNING SYSTEM MODIFICATION AGREEMENT
MALEY DRIVE, CITY OF GREATER SUDBURY, MILE 263.18 BALA SUBDIVISION

THIS AGREEMENT effective as of the 2nd day of February, TWO THOUSAND AND FOUR.

BETWEEN:

CANADIAN NATIONAL RAILWAY COMPANY
(hereinafter called the "Railway")

- and -

CITY OF GREATER SUDBURY
and Province of Ontario

(hereinafter called the "Road Authority")

WHEREAS Order No. R-10002 of the Canadian Transport Commission, dated 27 October 1970, authorized the Canadian National Railways, to install a grade crossing warning system consisting of flashing light signals and a bell, at the grade crossing of Maley Drive, a boundary line between the City of Sudbury and the Municipal Corporation of the United Township of Neelon and Garson (now the City of Greater Sudbury), at mileage 263.18, on the Bala Subdivision, in the Province of Ontario.

AND WHEREAS the parties have agreed on the requirement for a modification to the existing crossing warning system, that modification consisting of automatic gates and grade crossing predictors (hereinafter the "crossing warning system"), at the grade crossing of Maley Drive, at mileage 263.18, on the Bala Subdivision, in the City of Greater Sudbury, in the Province of Ontario.

NOW THEREFORE THIS AGREEMENT WITNESSES THAT, in consideration of the mutual covenants and agreements herein and subject to the terms and conditions set out in this agreement, the parties agree as follows:

1. The Railway, as party proposing to undertake the work, will file an application pursuant to section 12(1)(a) of the *Railway Safety Act, R.S.C. 1985, c.32, 4th supplement* ("the Act"), for a grant for 80% in respect of the cost of this proposed railway work as defined in the Act.
2. Upon confirmation from the Minister that funding has been authorized, the Railway will carry out the proposed railway work.
3. 12 ½% of the actual cost of the crossing warning system modification, based on detailed estimate no. 26318, dated 4 February 2004, and attached hereto, shall be paid by the Road Authority.
4. 7 ½% of the actual cost of the crossing warning system modification, based on detailed estimate no. 26318, dated 4 February 2004, and attached hereto, shall be paid by the Railway.
5. The cost of maintaining the crossing warning system shall be paid 50% by the Road Authority and 50% by the Railway.

Initials: CN _____
RA _____

Page 1

STANDARD FUNDED CROSSING WARNING SYSTEM MODIFICATION AGREEMENT
MALEY DRIVE, CITY OF GREATER SUDBURY, MILE 263.18 BALA SUBDIVISION

6. The Railway shall prepare all accounts on a monthly basis for work performed by the Railway using rates as stipulated in the latest "Schedule A" Directives as issued by the Canadian Transportation Agency. In the event that the Canadian Transportation Agency should discontinue publishing same, the accounts shall be prepared in accordance with standard rates adopted by the railway industry in Canada, or in their absence, in accordance with standard rates adopted by the Railway. If there should be no standard rates in effect for work done by the Railway, the accounts shall be based on actual costs plus allowances for the Railway's overhead.
7. If at any time during the continuance of this agreement the parties agree on the requirement for modification to the crossing warning system, the terms associated with the modifications will be agreed to by the parties by means of a written agreement between them.
8. This agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and all applicable federal laws and regulations.
9. This agreement is not assignable without the prior written consent of both parties which consent will not be unreasonably withheld. Notwithstanding the above, in the event of the transfer of its line for continued operations, the Railway will have the right to assign this agreement to any subsequent owner.
10. This agreement shall become effective on the date appearing on page 1 of this agreement and shall continue until either the Railway discontinues its operations at this location, or the Road Authority closes the Highway at this location, or the Minister notifies the parties that funding in the full amount specified in clause 1 will not be provided, or upon the written consent of both parties.
11. Upon termination of the agreement, the Railway shall be responsible for dismantling the crossing warning system at the Railway's cost.
12. Any dispute relating to the wording and interpretation of the clauses in this agreement will be resolved in accordance with the arbitration act of the province in which the crossing warning system is located.
13. Upon execution, the Railway may file this agreement with the Canadian Transportation Agency.
14. Subject to clause 13, this Agreement is confidential and the Agreement or any of its terms and conditions shall not be disclosed to any third party, person or association except and to the extent as may be required by law or upon the prior written consent of all parties hereto.
15. The preamble to this agreement forms an integral part of the agreement.

Initials: CN _____
RA _____

STANDARD FUNDED CROSSING WARNING SYSTEM MODIFICATION AGREEMENT
MALEY DRIVE, CITY OF GREATER SUDBURY, MILE 263.18 BALA SUBDIVISION

IN WITNESS WHEREOF, the parties have caused the agreement to be executed by their respective representatives hereunto duly authorized, as of the date first above written.

CANADIAN NATIONAL RAILWAY COMPANY

General Manager Great Lakes Division

(Witness)

(Date)

CITY OF GREATER SUDBURY

(Title)

(Witness)

(Date)

Initials: CN _____
RA _____



DETAILED COST ESTIMATE

ESTIMATE No: 26318
 MILE: 263.18
 LOCATION: Maley drive

DATED: 4-Feb-06
 SUBDIVISION: Bala
 PROVINCE: Ontario

PROJECT DESCRIPTION:

Convert existing DC crossing to Constant warning complete with flashing lights, gates and bell with standby.

MATERIAL

SAFETRAN CROSSING PACKAGE		\$104,000
CONDUIT AND GRAVEL		\$5,000
RELAY FOR CHANGE AT MILE 262.94		\$1,600
X		\$0
Miscellaneous signals materials		\$1,500
MATERIAL		\$112,100
PST	8%	\$8,968
TOTAL MATERIAL COST		\$121,068
MATERIAL OVERHEADS	58%	\$70,219

LABOUR & EQUIPMENT

LABOUR, S & C FIELD		\$16,000
LABOUR S&C SHOP OR FIELD WIRING		\$4,500
LABOUR S&C DESIGN		\$0
LABOUR TRACK		\$0
Vacation Allowance 20.0% on	\$20,500	\$4,100
Supervision and Overheads 83% on	\$24,600	\$20,418
Living Allowance		\$9,840
Transportation - CN		\$2,800
Equipment Rental and Outside Contractor, Freight		\$11,600
Est. Cost of Power Service		\$3,000
Contingencies 10% on	\$263,545	\$26,355

TOTAL ESTIMATED COST \$289,900

ANNUAL COST OF MAINTENANCE AND OPERATION WILL BE IN ACCORDANCE WITH C.T.A. SCHEDULE "A" DIRECTIVES.
 PARTIES SUBJECT TO G.S.T. WILL HAVE 7% G.S.T. APPLIED TO THEIR COSTS.
 ESTIMATE IS BASED ON WORK DURING FROST-FREE GROUND CONDITIONS.
 ESTIMATE IS SUBJECT TO REVISION AFTER DECEMBER 31, 2004.
 ESTIMATE COVERS INSTALLATION OF WARNING DEVICES ONLY.
 CROSSING PLANKS, MUD RAILS, ETC ARE NOT INCLUDED.

GORD STRILCHUK 905-669-3342

NOTES

Request for Decision City Council




Type of Decision									
Meeting Date	March 11, 2004				Report Date	March 3, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
Bancroft Drive Speed Reduction From 50 km/hr to 40 km/hr (from Kingsway to Waterview Apts.)

Policy Implication + Budget Impact	
n/a	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation
<p>-THAT the speed limit on Bancroft Drive be reduced from 50 km/hr to 40 km/hr from the Kingsway to Waterview Apartments, and</p> <p>-THAT a By-Law be passed to amend By-Law 2001-01 Traffic and Parking to implement the recommended change.</p>
Recommendation Continued

Recommended by the General Manager


 Don Bélisle
 General Manager of Public Works

Recommended by the C.A.O.


 Mark Mieto
 Chief Administrative Officer

Date: March 3, 2004

Report Prepared By



Nathalie Mihelchic, P. Eng.
Co-ordinator of Traffic and Transportation

Division Review



R.G. (Greg) Clausen, P. Eng.
Director of Engineering Services

Over the last four years, Bancroft Drive between the Kingsway and Waterview Apartments has been fully reconstructed. As part of the reconstruction, the road alignment near the new Minnow Lake Place was significantly improved. To improve the road realignment, it was necessary to purchase pieces of numerous properties including four full properties. Four houses were removed prior to extensive rock removal being carried out.

Our standard procedure would be to design a roadway for a design speed of 10 kilometres per hour (km/hr) greater than the posted safe speed. The design speed is defined as the maximum safe speed that can be maintained over a specified section of roadway when conditions are favourable such that design features of the roadway govern. Posted speed limits are traditionally 10 km/hr below the design speed for safety reasons.

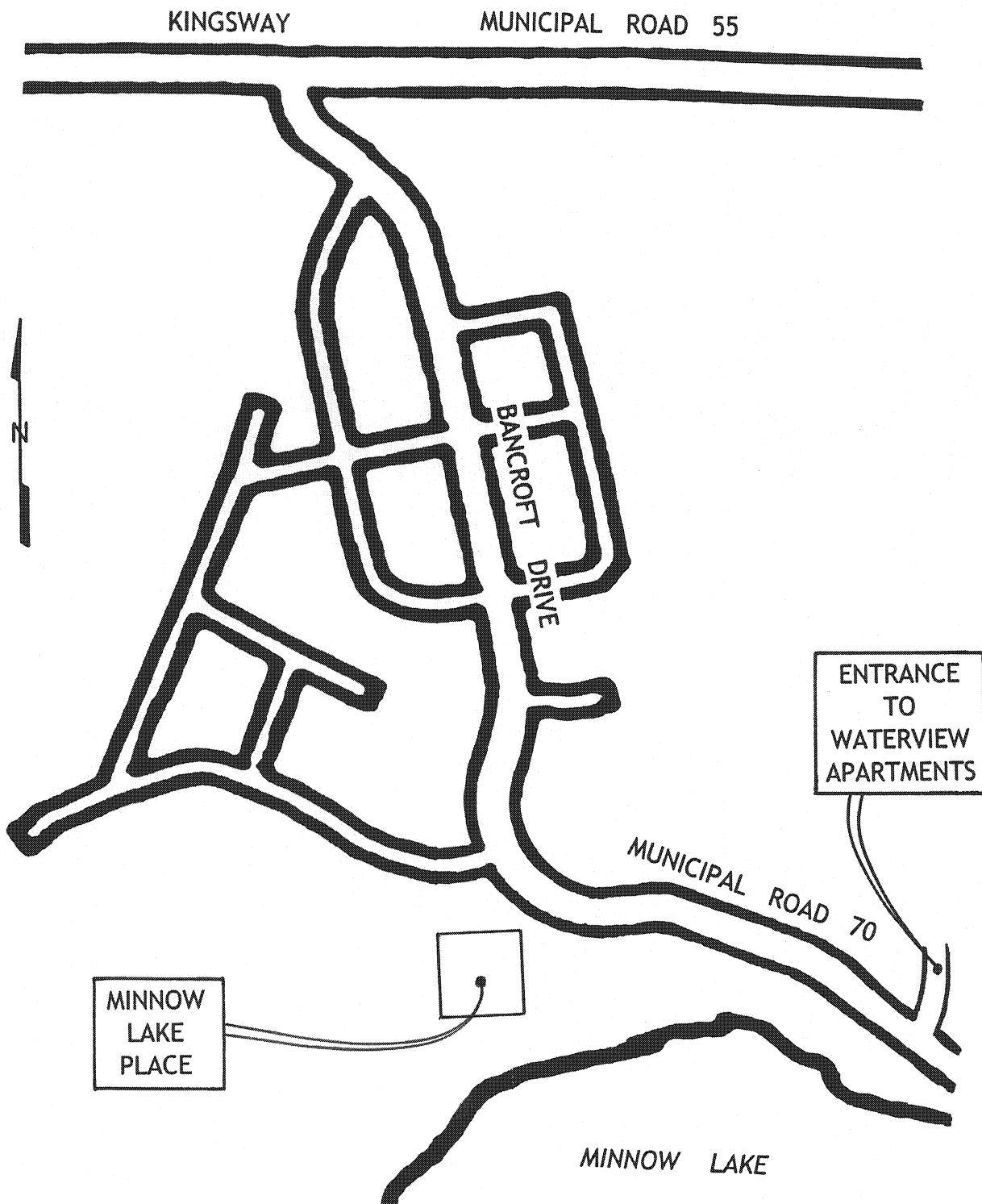
However along this section of Bancroft Drive (see Exhibit "A") there are six curves where a design speed of 50 km/hr could only be achieved.

Our normal practice would have been to post this section of roadway at 40 km/hr, or 10 km/hr less than the design speed. However, because of the significant improvements in the road alignment, it was decided to post the roadway at the design speed of 50 km/hr and to monitor the roadway to confirm that the motoring public could / would safely drive the roadway at the posted / design speed.

Over this winter, staff have received numerous complaints from both the residents along this section of Bancroft Drive, from motorists and from the Greater Sudbury Police Services indicating that motorists could not safely negotiate this section of roadway particularly the last curve nearest the new Minnow Lake Place at the posted design speed of 50 km/hr during poor road conditions.

Therefore, it is staff's recommendation that the posted speed on this section of Bancroft Drive be reduced from 50 to 40 km/hr and that the roadway be signed accordingly. Staff is confident that motorists will be able to safely negotiate this section of roadway at the reduced posted speed. Staff will continue to monitor the roadway and will carry out routine traffic speed checks. The assistance of the Greater Sudbury Police Services will be requested as needed.

EXHIBIT: A



BANCROFT DRIVE

KINGSWAY TO WATERVIEW APTS.

2004/03/01

N.T.S.

Request for Decision City Council




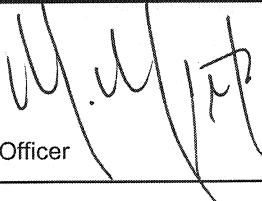
Type of Decision										
Meeting Date	March 11, 2004				Report Date	February 20, 2004				
Decision Requested		Yes	<input checked="" type="checkbox"/>	No	Priority		High	<input checked="" type="checkbox"/>	Low	
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed	

Report Title
2004 Association of Municipal Emergency Medical Services of Ontario Annual Conference

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
NO BUDGET IMPACT	
Background Attached	

Recommendation
FOR INFORMATION PURPOSES
Recommendation Continued

Recommended by the General Manager
 Tim P. Beadman General Manager Emergency Services

Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer

Date: February 20, 2004

Report Prepared By



Joe Nicholls
Director EMS and Emergency Planning

Division Review

EXECUTIVE SUMMARY

The Emergency Services Department is pleased to announce that Greater Sudbury will be host community for the 2004 annual Association of Municipal Emergency Medical Services of Ontario (AMEMSO) Conference. This year's conference will be held at the Howard Johnson Hotel from September 29 - October 1, 2004.

The Annual AMEMSO Conference has become a premier EMS Event in Ontario and is heavily attended by member UTM/DDA's from across the Province. The conference is an opportunity for the leaders in Ontario EMS to network on issues of mutual importance, hear presentations and interact with guest speakers who will present on topics of interest affecting the EMS Industry. Emergency Medical Service vendors from across Canada will also be in attendance to showcase their products and services.

The high-lite of the annual conference is always the awards ceremony. A formal dinner is followed by the presentation of the Governor General's Exemplary Service Awards as well as the McNally Award for Bravery by EMS Professionals. This years awards ceremony will involve approximately 350 guests, representing EMS Directors and Managers, dignitaries, award recipients and their family members.

This year Greater Sudbury EMS has nominated fourteen paramedics for **the Exemplary Service Medal** and one paramedic for a McNally Award.

BACKGROUND

The Association of Municipal Emergency Medical Services of Ontario (AMEMSO) was formalized as a non-profit corporation in 2002. Previously known as the Ontario EMS Directors and Managers group, the association began in 1998 when municipal representatives recognized the need to meet as a group and develop common strategies for optimizing the transition to municipal control of ambulance service.

AMEMSO is dedicated to the promotion and advancement of EMS in Ontario, committed to working together as members to ensure that all municipalities are treated equitably and fairly by the Province.

Today, 46 member municipalities and designated delivery agents, as well as 9 contract ambulance providers, are represented through AMEMSO. AMEMSO is the primary link providing municipal EMS provider advice and recommendations to the Ministry of Health and Long Term Care, and the Association of Municipalities of Ontario (AMO).

Membership communities are committed to:

- Improved patient care and Emergency Medical Services to the public
- Promote improved standards and best practices on the delivery of EMS in Ontario

Date: February 20, 2004

- Review and analyze outstanding issues related to the provision of land ambulance services and delivery options
- Pursue an improved Provincial funding partnership that supports land ambulance services and recognizes the growing demand for ambulance services.
- Participate in CAO's bench marking project
- Provide expert advice on paramedic training and standards as they relate to vehicles and equipment.

The Emergency Medical Services Exemplary Service Medal (EMSESM)

As part of the Canadian Honours Programme, the Governor General makes available Exemplary Service Medals for EMS professionals. The Award was created in 1994 and is available to eligible members of the pre-hospital emergency medical service who have served for at least twenty years in a meritorious manner. It recognizes those professionals who have performed their duties in an exemplary manner, characterized by the highest standards of good conduct, industry and efficiency. To qualify, at least ten of these years of service must have been street level duty involving potential risk to the individual.

The N.H. McNally Award of Bravery

The N.H. McNally Award recognizes acts of conspicuous bravery by pre-hospital professionals in the performance of their duties. The Award was established in 1976 to honour Dr. Norman McNally, the father of Ontario's ambulance system. The award in his name has a rich history of acknowledging individuals who risked their lives to rescue or protect others from harm. It is not an annual award, and only presented when deserved.

The conference's estimated budget is \$35,000 which is funded by AMEMSO through vendor booths and sponsorship. The AMEMSO conference is anticipated to bring an estimated \$100,000 into the local economy.

As host community the EMS Division are responsible for the overall planning and execution of the conference. The EMS Division will create both a revenue and expense account to track conference costs. The Director EMS will be responsible to ensure all funds being expensed have been authorized by AMEMSO, those funds received from AMEMSO are placed in the revenue account. Following the conference the final costs will be reconciled to ensure the expense and revenue accounts balance.

The 2004 conference committee has been in the planning stages since the fall of 2003. With assistance from AMEMSO Executive members, Greater Sudbury Economic Development and Leisure Services members of our EMS Division are committed to an exciting conference. This is a great opportunity to showcase Greater Sudbury and it's many attractions.

Request for Decision City Council



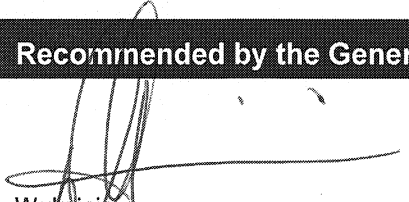
Type of Decision									
Meeting Date	March 11, 2004				Report Date	March 5, 2004			
Decision Requested		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
2003 Donations in Excess of \$25,000

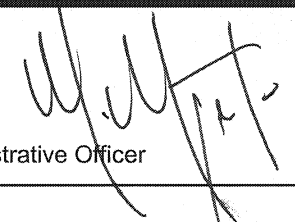
Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
N/A	
<input checked="" type="checkbox"/>	Background Attached

Recommendation	
FOR INFORMATION ONLY	
<input type="checkbox"/>	Recommendation Continued

Recommended by the General Manager


 D. Wuksinic
 General Manager of Corporate Services

Recommended by the C.A.O.


 M. Mieto
 Chief Administrative Officer

Date: March 5, 2004

Report Prepared By



M. L. Gauvreau
Manager of Current Accounting Operations

Division Review



S. Jonasson
Director of Finance / City Treasurer

BACKGROUND

The City of Greater Sudbury By-Law 2001-2 states:

“Council shall be informed of all cash, property or materials donated to the Corporation with a value in excess of \$25,000. This report may be through the minutes of the Police Board for police items.”

This report sets out donations in excess of \$25,000 received by the City of Greater Sudbury in 2003.

This report highlights the cash donations and the in-kind donations received throughout the year. Police donations are not included in this report and are reported as received through the Minutes of the Police Board.

Public Works – Water/Wastewater

Cash -	INCO Ltd.	\$250,000
	Falconbridge Limited	\$100,000

Economic Development and Planning – Land Reclamation

Cash -	INCO Ltd.	\$25,000
In-kind -	INCO (seedlings)	\$11,424

Request for Decision City Council



Type of Decision

Meeting Date	March 11, 2004				Report Date	March 3, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title

Updating the Flat rate Tipping Fees (March 2004)

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Budget impact is negligible and has been incorporated in the 2004 tipping fee revenue account.

Background Attached

Recommendation

That the report titled, Updating the Flat Rate Tipping Fees (March 2004) dated March 3, 2004 from the General Manager of Public Works be approved.

Recommendation Continued

Recommended by the General Manager

D. Bélisle,
General Manager of Public Works

Recommended by the C.A.O.

M. Miato,
Chief Administrative Officer

Date: March 3, 2004

Report Prepared By



B. Tario
Co-ordinator of Waste Disposal

Division Review



C. Mathieu,
Manager of Waste Management

The report dated November 5th (refer to Appendix A) was deferred by the former Council. The two items that require approval are detailed below:

- 1) A flat rate for weighing waste 100 kg or less. This will not impact the existing weekly residential exemption or the proposed amendments to the weekly residential exemption (identified as a budget enhancement option in the 2004 binder).

Measurement Canada has indicated that a flat rate should be established to avoid inaccurately weighing small amounts of waste. Establishing a flat rate of \$3 to non-exempt loads when delivering waste weighing 100 kg or less is similar to the City's tire tipping fee system. A flat rate per tire is accessed when 5 tires or less are delivered to the landfill site and a per tonne rate of \$190 is accessed when delivering more than 5 tires.

- 2) Additional flat rates for various vehicle types when the scales are not operational.

The current by-law has provisions for one flat rate of \$65 for vehicles with a 1 ton capacity or less. Five additional categories have been added and they range from a passenger vehicle at a flat rate of \$5 to a 3/4 ton truck or trailer at a flat rate of \$35.

This flat rate system would only be used when the scales are not operational. Scales will occasionally be non-operational during maintenance and testing requirements.

Both these items were reviewed and accepted at a public input meeting and staff is highly recommending that both items be approved. The budget impact is negligible and has been incorporated in the 2004 tipping fee revenue projection.

Request for Decision City Council



Type of Decision									
Meeting Date	November 13, 2003			Report Date	November 5, 2003				
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only			Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed	

Report Title

Updating the Flat Rate Tipping Fees

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.


Background Attached

Recommendation


That the By-law to amend the Waste Management By-law 2002-331G be approved.

Recommendation Continued

Recommended by the General Manager


 D. Bélisle,
 General Manager of Public Works

Recommended by the C.A.O.


 M. Mieto,
 Chief Administrative Officer

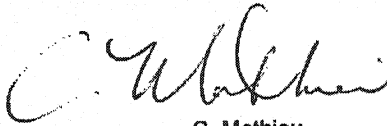
5

Title: Updating the Flat Rate Tipping Fees

Page: 1

Date: August 6, 2003

Report Prepared By


C. Mathieu,
Manager of Waste Management

Division Review

Staff requested and received approval to proceed with reviewing and updating the flat rate tipping fee system at the August 12th, 2003 Council meeting:

2003-419 Bradley-Portelance: THAT the General Manager of Public Works be authorized to proceed with the necessary requirements to update the flat rate tipping fee system.

Staff followed the requirements of making such amendments in accordance with Regulation 244/02 under the Municipal Act, 2001. Request for information was received by approximately 12 residents, no individuals attended the public meeting held on Tuesday, October 7th, 2003 and no written comments were received.

The amendments include:

- 1) A flat rate for weighing waste 100 kg or less.

Measurement Canada has indicated that a flat rate should be established to avoid inaccurately weighing small amounts of waste. The current by-law charges \$72 per tonne for all non-exempt loads. The amended by-law would charge a flat rate of \$3 to non-exempt loads (i.e. from a commercial source) when delivering waste weighing 100 kg or less.

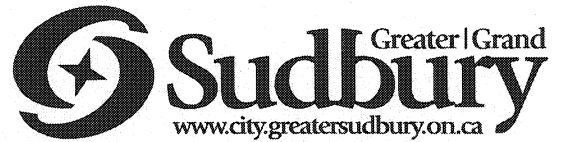
- 2) Additional flat rates for various vehicle types when the scales are not operational.

The previous by-law had one flat rate of \$65 for vehicles with a 1 ton capacity or less. Five additional categories have been added and they range from a passenger vehicle at a flat rate of \$5 to a 3/4 ton truck or trailer at a flat rate of \$35.

Staff is recommending that this by-law be approved.

It is expected that additional changes to tipping fees will be presented to Council as part of a series of recommendations from the Technical Steering Committee (Waste Optimization Study) and as part of the 2004 Budget Process.

Request for Decision City Council



Type of Decision										
Meeting Date	2004-03-11				Report Date	2004-03-05				
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low	
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed	

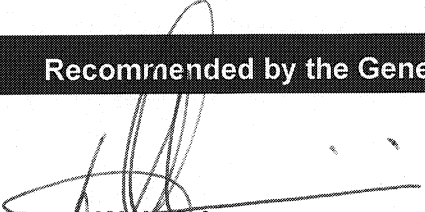
Report Title

Planning Committee - Change of dates for regularly scheduled meetings

Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
Policy Implications:	
<p>An amendment to Council's Procedure By-law 2002-202 is required to change the dates for regularly scheduled meetings of the Planning Committee. Notice By-law 2003-2 requires that the Clerk publish one (1) Notice of Intention to amend the Procedure By-law in a daily newspaper and on the City's web page, a minimum of 7 days prior to the Council meeting.</p>	
Budget Impact:	
<p>The cost of publishing the Notice of Intent is provided for in the current advertising budget (City Clerk's Office).</p>	
<input checked="" type="checkbox"/>	Background Attached

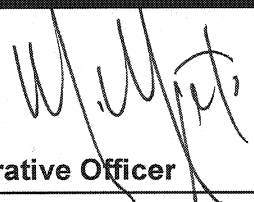
Recommendation	
<p>BE IT RESOLVED THAT Council amend Article 33.8 (Planning Committee Meetings - by-monthly - Tuesday) of Procedure By-law 2002-202 to provide that all regularly scheduled meetings of the Planning Committee of Council be held on the first and third Tuesday of each month, save and except in the months of July, August and December of each year;</p> <p>AND FURTHER THAT Notice of the proposed by-law to amend Procedure By-law 2002-202, Meeting Dates - Planning Committee, be given in accordance with Notice By-law 2003-2.</p>	
<input checked="" type="checkbox"/>	Recommendation Continued

Recommended by the General Manager



Doug Wukshinic,
General Manager, Corporate Services

Recommended by the C.A.O.

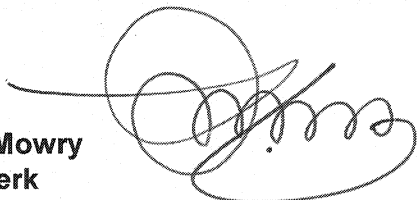


Mark Mieto,
Chief Administrative Officer

Date: 2004-03-05

Report Prepared By

Thom Mowry
City Clerk



Division Review

Ron Swiddle,
Director of Legal/Clerk's Services & City

RECOMMENDATIONS continued:

If Council chooses to change the meeting dates for the regularly scheduled meetings of the Planning Committee, then it is recommended that Council consider a further amendment to Procedure By-law to provide for a 3 Person Hearing Committee of Council to deal with statutory hearings in respect of such matters as the revocation, suspension or refusal of a business licence, taxi driver licence, etc., for the reasons set out in this report.

BE IT RESOLVED THAT Council amend Procedure By-law 2002-202 to provide for the establishment of a three (3) Member Hearing Committee of Council, who shall be determined in accordance with a rotation schedule, for the purpose of affording affected persons an opportunity to be heard on any matter which Council is required to hold a hearing;

AND FURTHER THAT Notice of the proposed by-law to amend Procedure By-law 2002-202, to provide for a Hearing Committee of Council, be given in accordance with Notice By-law 2003-2.

BACKGROUND:

Council at its 2004-02-12 meeting passed the following resolution:

2004-77 Whereas the Planning Committee at their meeting of January 13, 2004 discussed and agreed that Planning Committee meeting dates should be changed to the week prior to the Priorities and Council meetings;

THEREFORE BE IT RESOLVED THAT staff prepare a report outlining the positive and negative aspects of changing the meeting date to the alternate week and that input be sought from the Development Liaison Committee.

The Development Liaison Committee at its meeting of February 12, 2004 discussed the above proposal and indicated that "they had no concerns regarding the proposed change in the Planning meeting dates."

Date: 2004-03-05

A photocopy of the Minutes of the Development Liaison Committee is attached for the convenience of Members of Council.

As well, the meeting dates for various outside boards on which Members of Council sit as members were reviewed to determine if any conflict would result from the proposed change of meeting dates. There were no conflicts.

DISCUSSION:

The Planning Committee has undergone several metamorphoses since the inception of the new City of Greater Sudbury in 2001.

The current governance model, dubbed "the 3-in-1 model" (that is, all three Meetings - Planning, Priorities and Council - are held on the same week) was instituted at the request of Council to allow Councillors an "off" week in which they could devote to constituency work and other board commitments, such as the Health Unit, Greater Sudbury Utilities and volunteer boards of which they were members. In the approximate 18 months this model has been in place it has served the interests of the Community well by stream lining the approval process and "red tape" often associated with Planning matters.

The minutes from the Planning Committee have been tabled at the Council meeting and have usually been adopted without debate.

Council also broadened the mandate of the Planning Committee to include such things as:

- disposition of surplus municipal lands
- street name approvals
- street name changes
- building renumbering
- road and land closures
- disposition or opening of footpaths
- matters involving heritage designations
- land acquisitions and expropriations
- all hearings which are subject to or governed by the provisions of the *Statutory Powers Procedure Act*, including business and taxis licensing matters.

The current process has allowed Council to deal quickly and efficiently with planning, licencing and land use issues without having Council meetings unduly tied up with Planning matters. Where non-Committee Councillors have an "issue" with a particular item dealt with at the Planning Committee, the current process has not prevented Council from addressing it.

Date: 2004-03-05

From the perspective of the City Clerk's Office the existing schedule does not impose any additional work or effort on our part. The Planning Agenda has always been the first Agenda translated and printed, often one or two days before the Friday deadline and posted to the City's web site usually by 2:00 p.m. on Friday. The resulting minutes are completed and available for the Thursday Council meeting without the necessity of overtime.

Changing dates will not impose any particular hardship on Clerk's staff.

From the perspective of Members of the Planning Committee, changing the meeting dates will provide both the Committee Members and all of Council two weekends to review the Planning Agenda rather than the current one weekend for all three Agendas.

PROPOSED HEARING COMMITTEE OF COUNCIL

However, should Council choose to change the meeting dates for the Planning Committee, then it is recommended that the mandate of the Planning Committee be reviewed and that further that such matters as statutory hearings be held by a Hearing Committee of Council and that property matters, such as the sale or acquisition of land, be dealt with directly by Council.

The reason for recommending the establishment of a Hearing Committee is simply to provide a quick resolution of any appeal involving the denial, suspension or revocation of, for example, a business or taxi drivers' licence. These individuals should not have to wait a further week for their appeal to be finally disposed of by Council by the adoption of the Planning Minutes.

Where property matters need to be dealt with on an urgent basis then it might be appropriate that Council deal with the matter rather than Planning.

The benefit of this proposed change is that property matters would not be waiting for final Council approval for the week between the Planning and Council meetings.

It is recommended that the proposed Hearing Committee of Council be composed of three (3) Members of Council who would sit in accordance with a rotation schedule with one Councillor designated a Chair. A photocopy of Chapter 16 (Procedure - Hearing Committee) of the former City of Sudbury Municipal Code is attached for the information of Members Council. If adopted by Council then the proposed Hearing Committee would be similarly constituted. Typically, such meetings were scheduled the same week as Council or immediately before the *in camera* session of Council.

All of which is respectfully submitted for Council's consideration.

Attachments

**FORTY-SIXTH MEETING OF THE
DEVELOPMENT LIAISON ADVISORY COMMITTEE**

Thursday, February 12, 2004
12:00 - 2:00 p.m.
Committee Room C-13A & B, Tom Davies Square

Present: Bill Lautenbach, Chair
Doug Nadorozny
Guido Mazza
Rhéal Pitre
Gisele Martin
Art Potvin
Ron Norton
Leo Paul Trottier
Greg Clausen
Valerie Klotz, Recording Secretary
J. P. Max, Sudbury & District Home Builders Association
Denise Lafond, Sudbury & District Home Builders Association
Karen Trudel, Union Gas Limited
Celia Teale, Sudbury & District Home Builders Association & Dalron
Al Harrigan, Sudbury & District Home Builders Assoc. & Harrigan Builders
Terry del Bosco, Del Bosco Surveying
Ron Martin, Sudbury Construction Association
Alex Sorensen, Dennis Consultants
Dario Zulich, Tesc Contracting
Michael Luciw, Castellan Luciw James Architects Inc.
Ken Kaltainen, Sudbury & District Home Builders Assoc. & Taylor Homes
Steve Wicklander, Wicklander Associates Inc.

1. REVIEW OF MINUTES OF MEETING - November 27, 2003

The minutes of November 27, 2003 were accepted as presented.

Business Arising From the Minutes

Subdivision & Development Design Standards

Celia Teale was unable to attend the November 27th meeting. Greg Clausen was to meet with her to discuss any concerns she still had regarding the standard. Greg met with Celia and dealt with her concerns in a positive manner.

4. COUNCILLOR BRADLEY NOTICE OF MOTION FOR REVIEW

Bill advised that Councillor Bradley had put forth a Notice of Motion to City Council to have the Planning Committee meeting dates changed to the week prior to Priorities and Council meetings and also requested that DLAC's input be sought regarding this change.

The Committee agreed by consensus that they have no concerns regarding the proposed change in Planning Committee meeting dates.

5. OTHER BUSINESS

Construction Season

Ron Martin advised that the Sudbury Construction Association is anticipating a good building season this year.

Next Meeting

The focus of this meeting will be to receive the lot grading report and to receive a presentation from our Planning Consultant on the Official Plan.

DATE OF NEXT MEETING

The next meeting will be held on Thursday, April 1, 2004, at noon in Committee Room C-11, Tom Davies Square.

ADJOURNMENT

The meeting adjourned at 2:00 p.m..

COUNCIL

Chapter 16 PROCEDURE - HEARING COMMITTEE

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Article 1
APPOINTMENT

16.1.1 Established - purpose

A Hearing Committee is hereby established for the purpose of hearing any interested parties or affording them an opportunity to be heard on any matter which Council is required to hold a hearing.

16.1.2 Application - Chapter 14

Except as otherwise herein provided, Chapter 14 [City of Sudbury Municipal Code], "Being a by-law of The Corporation of the City of Sudbury to regulate the proceedings of the Council of The Corporation of the City of Sudbury" applies *mutatis mutandis* to the Hearing Committee.

16.1.3 Composition - 3 members - rotation - Schedule 'A'

The Hearing Committee shall be comprised of three members of Council who shall be determined in accordance with the rotation schedule marked as Schedule 'A' to this Chapter.

16.1.4 Mayor - ex-officio member

The Mayor shall be an *ex-officio* member of the Hearing Committee.

Article 2
AUTHORITY

16.2.1 Limited - Statutory Powers Procedure Act

The Hearing Committee shall be bound by sections 5 to 15 inclusive and sections 21 and 24 of the *Statutory Powers Procedure Act*, R.S.O. 1980, c. 484, as amended.

16.2.2 Report - to Council - at conclusion of hearing

Upon the conclusion of a hearing conducted by the Hearing Committee, the Hearing Committee shall, as soon as practicable, make a written report to Council summarizing the evidence and arguments presented by the parties, the findings of fact made by the Hearing Committee and the recommendations, if any, of the Hearing Committee with reasons therefore on the merits of the application in respect of which the hearing has been conducted.

16.2.3 PROCEDURE - HEARING COMMITTEE 16.3.1

16.2.3 Report - consideration - action - by Council

After considering the report of the Hearing Committee, Council may thereupon in respect of such application, do any act, pass any by-law or make any decision that it might have done, passed or made, had it conducted the hearing itself.

16.2.4 Grievances - hearing - exception

Except as herein provided, the Hearing Committee shall hear all grievances in accordance with the various Collective Agreements.

16.2.5 Grievances - discharge - termination - by Council

All discharge or termination grievances shall be heard by Council.

**Article 3
ENACTMENT**

16.3.1 Effective date

This Chapter comes into force and takes effect immediately upon the final passing of the enabling by-law. By-law 80-74, 13 May, 1980.

PROCEDURE - HEARING COMMITTEE

SCHEDULE

Schedule 'A' - Rotation

TERM	WARD COUNCILLOR
December 1 - February 28 (90 days)	2 1(C)* 4
March 1- April 30 (61 days)	3 2(C) 8
May 1 -July 31 (92 days)	4 3(C) 1
August 1- September 30 (61 days)	5 4(C) 7
October 1 - December 31 (92 days)	6 5(C) 3
January 1 - March 31 (90 days)	7 6(C) 9
April 1 - June 30 (91 days)	8 7(C) 5
July 1 - September 30 (92 days)	9 8(C) 2
October 1 - November 30 (61 days)	1 9(C) 6
*Chairman	
Councillor Ward 1 serves (243 days)	December 1 - February 28 (Chairman) May 1 - July 31 October 1 - November 30
Councillor Ward 2 serves (243 days)	December 1 - February 28 March 1 - April 30 (Chairman) July 1 - September 30
Councillor Ward 3 serves (245 days)	March 1 - April 30 May 1 - July 31 (Chairman) October 1 - December 31
Councillor Ward 4 serves (243 days)	December 1 - February 28 May 1 - July 31 August 1 - September 30 (Chairman)
Councillor Ward 5 serves (244 days)	August 1 - September 30 October 1 - December 31 (Chairman) April 1 - June 30
Councillor Ward 6 serves (243 days)	October 1 - December 31 January 1 - March 31 (Chairman) October 1 - November 30

PROCEDURE - HEARING COMMITTEE

Councillor Ward 7 serves (242 days)	August 1 - September 30 January 1 - March 31 April 1 - June 30 (Chairman)
Councillor Ward 8 serves (244 days)	March 1 - April 30 April 1 - June 30 July 1 - September 30 (Chairman)
Councillor Ward 9 serves (243 days)	January 1 - March 31 July 1 - September 30 October 1 - November 30 (Chairman)

By-law 80-74, 13 May, 1980; Schedule 'A'; By-law 91-227, 10 December, 1991.