

Minutes

City Council	2004-07-13
Planning Committee	2004-07-13
Finance Committee	2004-07-13
Ad-Hoc Committee - Council Auditor	2004-07-14
Ad-Hoc Committee - Council Auditor	2004-08-04
Licensing Committee	2004-07-14
Planning Committee {TO BE TABLED}	2004-08-10
Tender Opening Committee	2004-07-13
Tender Opening Committee	2004-07-20
Tender Opening Committee	2004-07-27
Board of Directors of Sudbury Metro Centre	2004-06-03

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

C-11
Tom Davies Square

Tuesday, July 13, 2004
Commencement: 5:30 p.m.

DEPUTY MAYOR CRAIG, IN THE CHAIR

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

City Officials M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Matheson, General Manager of Health & Social Services; B. Lautenbach, Acting General Manager of Economic Development & Planning Services; A. Stephen, General Manager of Emergency Services; D. Wuksinic, General Manager of Corporate Services; C. Mahaffy, Manager of Financial Planning & Policy; P. Thomson, Director of Human Resources; CJ Caporale, Council Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" 2004-348 Bradley-Caldarelli: THAT we move "In Camera" to deal with a Personnel Matter 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 5:50 p.m., Council recessed.

Reconvene At 6:05 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; Rivest; Thompson

City Officials M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; R. Henderson, Acting General Manager of Citizen & Leisure Services; C. Matheson, General Manager of Health & Social Services; B. Lautenbach, Acting General Manager of Economic Development & Planning Services; A. Stephen, General Manager of Emergency Services; D. Wuksinic, General Manager of Corporate Services; R. Swiddle, Director of Legal Services/City Solicitor; C. Mahaffy, Manager of Financial Planning & Policy;

C.C. 2004-07-13 (15TH) (1)

City Officials
(continued)

I. Davidson, Chief of Police, Greater Sudbury Police Service; P. McCauley, Communications Officer; P. Demers, Community Relations and Policy Advisor; T. Durbacz, Manager of Events, Aquatics and Ski Hills; P. Graham, Manager Environmental Innovation & Energy Initiatives; J. McKechnie, Executive Assistant to the Mayor; B. Battison, Deputy Fire Chief; A. Haché, Deputy Clerk; K. Bowschar-Lische, Planning Committee Secretary; CJ Caporale, Council Secretary

C.U.P.E. Local 4705

W. MacKinnon, President; G. Prieur, Vice-President; F. Posadowski, Recording Secretary; S. Speck, Chair, Bargaining Unit

News Media

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

Declarations of Pecuniary Interest

None declared.

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report

Deputy Mayor Craig, as Chair of the Committee of the Whole, reported Council met to deal with a Personnel Matter 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 no resolutions emanated therefrom.

MATTERS ARISING FROM THE PLANNING COMMITTEE

Approval of Planning Committee Recommendations

2004-349 Caldarelli-Bradley: THAT Planning Recommendation 2004-151 to and including Planning Recommendation 2004-175 inclusive, approved at the Planning Committee Meeting of 2004-07-13 be adopted.

CARRIED

996465 Ontario Limited O/A Dominion Parc Developments

2004-350 Dupuis-Thompson: THAT the City of Greater Sudbury sell to 996465 Ontario Limited O/A Dominion Parc Developments, part of Part 4, Plan 53R-14476, being part of Parcel 6592 for the sum of \$90,000.

CARRIED

37 Walford Rd. - Catherine McBride

2004-351 Bradley-Dupuis: THAT the City of Greater Sudbury purchase from Catherine McBride the property located at 37 Walford Road under the terms and conditions outlined in the report dated July 7, 2004;

AND THAT the Clerk and the Property Negotiator/Appraiser be authorized to execute all documents required to complete the transaction.

CARRIED

C.C. 2004-07-13 (15TH)

(2)

Jesuites Lane
1311928 Ontario Inc.

2004-352 Dupuis-Bradley: THAT part of Jesuites Lane closed by By-Law 89-68, being Parts 1 and 2, Plan 53R-13877, be sold to the abutting land owner, 1311928 Ontario Inc., for the price of \$7,200.00 pursuant to the procedures governing the disposal of limited marketability property set out in the City's Property By-Law;

THAT the transfer of the said lands be conditional upon:

- a) the City reserving or granting any necessary easements for public utilities or for municipal purposes;
- b) the lands being consolidated with any abutting lands owned by the Transferee and the Transferee delivering on closing, a Lot Consolidation agreement in the City's standard form, if appropriate, and bearing the cost of registration of same on title to the lands, in priority to any mortgage or other similar encumbrance;
- c) the Transferee paying on closing, the transfer price for the land;
- d) the Transferee paying any applicable Goods and Services Tax, or, if a GST registrant, delivering appropriate evidence of registration and an undertaking to indemnify the City;

THAT the Property Negotiator/Appraiser and Clerk be authorized to execute the required documents to complete the transaction.

THAT a By-Law be passed to authorize the Property Negotiator/Appraiser and Clerk to sign the required documents to complete the transaction.

CARRIED

61 First Avenue,
Coniston
Dr. Ardyth Ann Wells
Dentistry Professional
Corporation

2004-353 Bradley-Dupuis: THAT the property known as 61 First Avenue, Coniston (Coniston Medical Centre) legally described as Part of Parcel 40319 S.E.S., Part 2, Plan 53R-8591, Lot 3, Conc. 3, Township of Neelon be sold to Dr. Ardyth Ann Wells Dentistry Professional Corporation subject to the terms and conditions outlined in the report dated July 7th, 2004;

AND THAT Council dispense from Section 13 of By-law 2003-294 governing procedures for the acquisition and sale of land, which requires that fully marketable land be marketed to the general public;

AND THAT the Clerk and Property Negotiator/Appraiser be authorized to execute all documents necessary to complete the real estate transaction.

CARRIED

Northland Engineering
(1987) Limited

2004-354 Dupuis-Bradley: THAT the City of Greater Sudbury purchase from Northland Engineering (1987) Limited Lot 3, Plan M-956, Part of Block B on Plan M-956 designated as Part 1 on Plan 53R-10627 and Part of Lot 11, Concession 3, designated as Part 2 on Plan 53R-10627 all in the Township of Rayside under the terms and conditions outlined in the report dated July 6th, 2004;

THAT the acquisition be funded from the Transition Board Budget;

AND THAT the Property Negotiator/Appraiser and the Clerk be authorized to execute the required documents.

CARRIED

823616 Ontario
Limited -
Merrygale Drive,
Sudbury

2004-355 Bradley-Dupuis: A. THAT the Application for Draft Plan of Subdivision Approval by 823616 Ontario Limited to permit the creation of 26 lots for single residential use with respect to those lands described as P.I.N. 73592-0137 and Part of P.I.N. 73592-0165, being formerly Part of Parcel 378 S.E.S. in Lot 2, Concession 2, Township of McKim be denied; however, in the alternative,

B. Council does recommend that the Application for Draft Plan of Subdivision Approval by 823616 Ontario Limited with respect to those lands described as P.I.N. 73592-0137 and Part of P.I.N. 73592-0165, being formerly Part of Parcel 378 S.E.S. in Lot 2, Concession 2, Township of McKim be revised such that proposed residential lots and municipal infrastructure are removed from the "Area of Weak Compressible Soft Clay" as illustrated by the Geotechnical Evaluation Proposed Glenby Manor Subdivision - Trow Consulting Engineers Ltd., January 31, 1995, and that such a revised draft plan of subdivision may be submitted for further consideration; and that the applicant upon doing so shall be exempt from further subdivision and/or rezoning application fees save and except any fee which may be required to provide public notice(s).

CARRIED

2004 Development
Charges By-law

2004-356 Bradley-Dupuis: WHEREAS the City of Greater Sudbury will continue to experience growth through development and redevelopment;

AND WHEREAS development and redevelopment requires the provision of physical services by the City of Greater Sudbury;

AND WHEREAS Council desires to ensure that the capital costs of the growth-related demands for, or the burden on municipal services does not place an unfair financial burden on the City or its existing taxpayers while, at the same time, ensuring new taxpayers contribute no more than the net capital costs attributable to providing the current level of municipal services;

2004 Development
Charges By-law
(continued)

AND WHEREAS the City of Greater Sudbury has undertaken a Study of, among other matters, services, expected growth, growth related facilities and the costs thereof;

AND WHEREAS the Study was disseminated to the public and a public meeting was held and Council heard comments and representations from the public;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury hereby determines that no further Public Hearing is required on this matter and that the proposed By-law 2004-200F as circulated be passed to come into effect on July 14, 2004.

CARRIED

Second Avenue South
and Greenwood Drive
Wesmak Lumber Co.
Inc.

2004-357 Caldarelli-Bradley: a) THAT the application to amend By-law 95-500Z by changing the zoning classification of Parcel 6013 S.E.S., Lots 11 & 12, Concession 3, Township of Neelon, from "R1", Single Residential Zone and "FD", Future Development Zone to "R1", Single Residential Zone be approved subject to the following condition:

1. THAT prior to the passing of an amending by-law, the applicant shall provide the Planning Services Division with a plan of survey, describing the property to be rezoned, with the exception of Blocks 'A' & 'B' which shall remain zoned "FD".

CARRIED

2004-358 Reynolds-Caldarelli: b) THAT the City of Greater Sudbury's delegated official be directed to issue draft approval for the subject subdivision not sooner than 14 days following the date of the public hearing in accordance with Section 51(20) of The Planning Act and subject to the following conditions:

1. THAT this approval applies to the draft plan of subdivision of Part of Parcel 6013 S.E.S., in Lots 11 and 12, Concession 3, Township of Neelon, as shown on a plan prepared by D.S. Dorland, OLS and dated March 19th, 2004.
2. THAT the standard conditions of draft approval be imposed.
3. Prior to the submission of servicing plans, the applicant/owner shall, to the satisfaction of the General Manager of Public Works, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario. Said report shall, at a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design

Second Avenue South
and Greenwood Drive
Wesmak Lumber Co.
Inc.
(continued)

information and recommended construction procedures for the following items; storm and sanitary sewers, watermains, roads, the mass filling of land, surface drainage works including erosion control, slope stability (if applicable) and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official.

4. THAT the proposed internal subdivision roadways be built to an urban standard, including curbs, gutters, storm sewers and related appurtenances.
5. THAT Second Avenue north of Greenwood Drive and Greenwood Drive be constructed to urban collector road standards.
6. THAT the corner radius for all intersecting streets is to be a minimum of 9.0 metres.
7. THAT the owner provide a detailed lot grading plan for all the proposed lots as part of the submission of servicing plans. Said plan shall be designed by a civil engineer with a valid certificate of authorization in the Province of Ontario. The Plan must show finished grades around homes, side yards, swales and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. Suitable provisions shall be incorporated into the subdivision agreement to ensure that the lot grading is undertaken, all to the satisfaction of the General Manger of Public Works.
8. THAT the owner provide underground Cable, Hydro, Telephone and Gas utility services for this subdivision.
9. THAT access to Torbay Road be prohibited through the placement of a 0.3 metre reserve along the entire Torbay Road frontage.
10. THAT the owner be required to improve sight lines at the southwest corner of Second Avenue and Torbay Road in order to provide minimum safe stopping sight distance.
11. As a condition of development, the applicant must submit an application to the Nickel District Conservation Authority for the placement of fill material in the floodplain. This must be done prior to the reconstruction of Greenwood Drive. The application must include details of lot grading plans, volumes of fill to be used, a sedimentation control plan, and stabilization methods.

Second Avenue South
and Greenwood Drive
Wesmak Lumber Co.
Inc.
(continued)

12. THAT the final plan of subdivision be integrated with the City of Greater Sudbury Control Network. Final plan coordinate listings and an AutoCad simple line file of the resultant parcel fabric (with coordinated points labelled) are to be provided as part of this requirement. Also, the final plan must be provided in AutoCad.dwg format.

Bancroft Drive,
Sudbury - Timestone
Corporation

2004-359 Caldarelli-Reynolds: A. THAT the City of Greater Sudbury Council's delegated official be directed to issue the draft plan approval for the subject subdivision not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51 (20) of the Planning Act, and subject to the following conditions:

1. THAT this draft approval applies to the draft plan of subdivision of Part of P.I.N. 73576-0009 being Part 2, Plan SR-1386 save and except Parts 1, 3, 5 & 7, Plan 53R-15744 in Lot 10, Concession 3, Township of Neelon as shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S., dated April 7th, 2004.
2. THAT the standard conditions of draft approval be imposed.
3. THAT cash in lieu of the 5% of the lands included in the plan of subdivision be dedicated to the City of Greater Sudbury for municipal parks purposes in accordance with Section 51.1 of the Planning Act.
4. THAT the registered Plan be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Geographic Information, Surveys and Mapping Section; provision of the final plan coordinate listings and an AutoCAD file of the resultant parcel fabric shall formulate part of this requirement.
5. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the General Manager of Public Works and the Chief Building Official, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario, as described in the staff report of July 6th, 2004.
6. The owner shall provide a detailed lot grading plan for all the proposed lots as part of the submission of servicing plans, as described in the staff report of July 6th, 2004, to the satisfaction of the General Manager of Public Works. As part of the lot grading plan and the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province

Bancroft Drive,
Sudbury - Timestone
Corporation
(continued)

of Ontario incorporated into the plans at locations required by the General Manager of Public Works.

7. Prior to the submission of servicing plans, the owner shall have a storm water management report and plan prepared by a consulting engineer with a valid certificate of authorization to the satisfaction of the General Manager of Public Works as described in the staff report of July 6th, 2004.
8. The owner will be required to dedicate rear lot easements to the City of Greater Sudbury for municipal purposes to the satisfaction of the General Manager of Public Works.
9. The applicant will be required to enter into a written agreement to satisfy all requirements of the City of Greater Sudbury concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
10. A corner radius for all intersecting streets of 9.0 m shall be provided to the satisfaction of the General Manager of Public Works.
11. The temporary cul-de-sac shall be developed with a 17.5 metre radius, with the paved portion having a radius of 13.5 metres, to the satisfaction of the General Manager of Public Works. Further, the owner shall identify portions of Lots 11 and 12 as Blocks of land to be dedicated to the City, and held in trust, to facilitate the establishment of the temporary cul-de-sac to the satisfaction of the General Manager of Public Works and the Director of Legal Services/City Solicitor. Upon the completion of a through street, such lands shall be dedicated back to the adjoining property owner(s).
12. Prior to the signing of the final plan, Condition # 25 applying to the approval of the final plan of subdivision for the Lion's Gate Subdivision (File # 780-6/91001) shall be amended as described in the staff report of June 6th, 2004, to the satisfaction of the General Manager of Public Works and the Director of Planning Services. Prior to said undertaking, the owner shall provide to the Director of Planning Services a written authorization and acknowledgment from the owner(s) of the "Lions Gate Subdivision" which states the required modification to Condition # 25 within the "Lions Gate Subdivision" is considered to be appropriate.

Bancroft Drive,
Sudbury - Timestone
Corporation
(continued)

13. The owner shall provide a 0.3 metre reserve along Lots 4 and 6 for the purpose of prohibiting access to Bancroft Drive, and to restrict access onto the minor roadway, to the satisfaction of the General Manager of Public Works.
14. The proposed street shall be constructed as a collector road to the satisfaction of the General Manager of Public Works.
15. Prior to the registration of the final plan the Director of Planning Services and the Director of Legal Services/City Solicitor shall be satisfied that Consent Applications B0098/2003, B0099/2003, B0044/2004 & B0045/2004 have been completed.
16. If final approval is not granted within three years of the date of draft approval, the draft approval shall lapse in accordance with Section 51 (32) of the Planning Act, unless an extension is granted by Council pursuant to Section 51 (33) of the Planning Act.
17. Draft approval does not guarantee an allocation of water or sanitary sewer capacity. Prior to the signing of the final plan, the Planning Services Division is to be advised by the General Manager of Public Works that sufficient water and sanitary sewer capacity exists to service the development.
18. THAT the plan described in Item 1 of this conditional draft plan of subdivision approval be revised to provide a full cul-de-sac design with abutting residential lots to the satisfaction of the General Manager of Public Works and the Direction of Planning Services.
19. THAT Condition #11 and #14 be deleted.

CARRIED

1329 Regent Street,
Sudbury - Shell
Canada Products

2004-360 Reynolds-Caldarelli: THAT the application by Shell Canada Products to amend By-law 95-500Z with respect to Parcel 24919 S.E.S., Lot 7, Concession 1, Township of McKim, by changing the zoning classification from "C1-1", Local Commercial Zone-Special to a revised "C1-Special" be approved subject to the following:

- a) The only permitted use shall be a convenience store and an automobile service station, and this use shall not be interpreted to permit the sale of vehicles or the parking and/or storage of trucks.
- b) THAT the sign requirements of the "C2" zone shall apply;
- c) THAT the business identification ground sign on the subject property not exceed 20.96 square metres in total sign area.

CARRIED

O'Neil Drive West,
Garson - Cedar Green
Enterprises Ltd.

2004-361: Dupuis-Caldarelli: A. THAT the application by Cedar Green Enterprises Ltd. to amend the Secondary Plan for the Nickel Centre Settlements on site specific basis, by changing the land use designation from "Greenbelt to "Residential - Estate" to the permit the creation of three (3) rural estate residential lots adjacent to an existing public road with respect to those lands described as being Part of Parcel 39056 S.E.S. in Lot 9, Concession 1, Township of Garson be recommended for approval subject to the following conditions:

1. To enable preparation of an amending by-law to adopt the proposed official plan amendment, the owner shall provide the Development Services Section with a registered plan of survey which describes the lands which are to be the subject of the proposed amendment.

CARRIED

2004-362 Caldarelli-Dupuis: B. THAT the application by Cedar Green Enterprises Ltd. to amend By-law 83-304 being the Comprehensive Zoning By-law for the (former) Town of Nickel Centre from "OR", Outdoor Recreation to "R1.D0.9", Single Residential in order to permit the creation of three (3) residential lots with respect to those lands described as being Part of Parcel 39056 S.E.S. in Lot 9, Concession 1, Township of Garson be recommended for approval.

CARRIED

2004-363 Caldarelli-Dupuis: C. THAT the creation of three residential lots with respect to those lands generally described as being Part of Parcel 39056 S.E.S. in Lot 9, Concession 1, Township of Garson, and as shown on the "Sketch of Proposed Estate Lot Development" dated January 26th, 2004 be permitted to proceed by way of the consent process;

AND FURTHER THAT Lot 3 of the proposed development be exempt from the municipal water servicing policy which would require that a lot within 152.5 m of an existing service point be connected to the municipal water system.

CARRIED

Consent Agenda

2004-364 Dupuis-Bradley: THAT Items C-1 to C-10 contained in Part 1, Consent Agenda, be adopted.

CARRIED

DLAC Minutes
2004-06-24

2004-365 Dupuis-Bradley: THAT the Development Liaison Advisory Committee Minutes of 2004-06-24 be adopted.

CARRIED

C.C. 2004-07-13 (15TH)

(10)

Cerilli Group Inc.
MR 80, Val Therese

2004-366 Bradley-Dupuis: THAT the request by Cerilli Group Inc. to remove the "H", Holding Symbol pertaining to By-law 83-300 being the Comprehensive Zoning By-law for the (former) City of Valley East with respect to the "HC2", Holding General Commercial zone in order to permit development of the subject lands described as Parts 6 & 7, Plan 53R-16669 in Lot 4, Concession 3, Township of Hanmer be approved.

CARRIED

Tim & Laurie Smith
South Bay Road,
Sudbury

2004-367 Bradley-Dupuis: THAT the request by Tim and Laurie Smith to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by removing the "H", Holding Symbol with respect to the "H19PS-4", Holding Private Open Space Special zoning that applies to Parts 1 and 2, Plan 53R-9528, Lot 1, Concession 1, McKim Township in order to permit the development of the subject property for a single dwelling be approved.

CARRIED

1969 Old Burwash
Road - Expropriate

2004-368 Bradley-Thompson: WHEREAS it is necessary for the municipality to expropriate the lands municipally known as 1969 Old Burwash Road, for municipal purposes;

WHEREAS the approving authority has not received written notification, for a hearing, in accordance with the Expropriations Act;

THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury, as the "Approving Authority" under the Expropriation Act, R.S.O. 1990, c. E.26, grant approval for the expropriation, by the City of Greater Sudbury of certain lands municipally known as 1969 Old Burwash Road, for the South End Rock Tunnel Project;

AND THAT staff be authorized to proceed with the expropriations and also continue to negotiate property owner;

AND THAT the Property Negotiator/Appraiser be authorized to execute all the required documents.

CARRIED

Lot 17, Attlee Avenue,
Sudbury

2004-369 Bradley-Thompson: THAT the property legally described as Lot 17, Plan M-1249 be declared surplus to the City's needs and be offered for sale to the general public pursuant to the procedures governing the disposal of full marketability property as set out in By-Law 2003-294;

THAT any agreement of purchase and sale for the said lands be conditional upon:

Lot 17, Attlee Avenue,
Sudbury
(continued)

- a) the City reserving an easement for municipal purposes at the expense of the Vendor;
- b) the transferee paying any applicable Goods and Services Tax, or if a GST registrant delivering appropriate evidence of registration and an undertaking to indemnify the City;
- c) the property being sold "as is";
- d) approval of the sale by Council;
- e) the Vendor, at its cost, providing a reference plan of survey to establish a legal description for the easement;
- f) the Purchaser employing an architect or civil engineer to design a house for the lot and to complete a detailed lot grading plan. The Purchaser shall also retain a geotechnical engineer to approve the stability of slopes and any retaining walls that will be part of an engineered lot grading plan. Said plans shall be to the satisfaction of the General Manager of Public Works.

CARRIED

Roseland Drive,
Wahnapitae

2004-370 Thompson-Bradley: THAT the property owned by the City of Greater Sudbury, and legally described as Part of Lot 8, Plan SR-2968, measuring 2820 square feet in size be declared surplus to the City's needs and offered for sale to Gerald Gaudette and Lina Genier, the owners of Lot 9, Plan SR-2968, for the price of \$1,500.00 pursuant to the procedure, governing the disposal of limited marketability property set out in City's Property By-law;

THAT the transfer of the said lands be conditional upon:

- a) the lands being consolidated with any abutting lands owned by the Transferee and the Transferee delivering on closing, a Lot Consolidation agreement in the City's standard form, if appropriate, and bearing the cost of registration of same on title to the lands, in priority to any mortgage or other similar encumbrance;
- b) the Transferee paying on closing, the transfer price for the land;
- c) the Transferee paying any applicable Goods and Services Tax, or, if a GST registrant, delivering appropriate evidence of registration and an undertaking to indemnify the City;
- d) the Transferee at its cost, providing a reference plan of survey to establish a legal description for the property, and

Roseland Drive,
Wahnapiatae
(continued)

securing the approval of the City to such plan prior to depositing same at its expense;

THAT the Property Negotiator / Appraiser and Clerk be authorized to execute the required documents to complete the transaction.

That a By-Law be passed to authorize the Property Negotiator / Appraiser and Clerk to sign the required documents to complete the transaction.

CARRIED

Lot 104, Plan M-95
Cross Street, Sudbury

2004-371 Thompson-Bradley: THAT the property owned by the City of Greater Sudbury, legally described as Part of Lot 104, Plan M-95, be declared surplus to the City's needs and leased to 3336263 Canada Ltd., at a rental rate of \$2,000 per year and the rental rate shall be adjusted annually to reflect the annual increase in the Consumer Price Index and that the lease be subject to the following terms:

- a) THAT the lands be leased for a period of 30 years and provide for 2 ten-year extensions to the term;
- b) THAT the lands be leased for parking purposes and that the parking lot be constructed to the satisfaction of the General Manager of Public Works and the Director of Planning Services;
- c) THAT a By-Law be passed to authorize the Property Negotiator / Appraiser to sign a Lease Agreement with 3336263 Canada Ltd., permitting the construction and maintenance of a parking lot on part of Lot 104, Plan M-95.

CARRIED

Royal Oaks
Subdivision - Dalron
Construction Ltd.

2004-372 Bradley-Thompson: THAT upon payment of Council's extension fee of \$1,666.66 prior to the August 20, 2004 lapsing date, the conditions of draft approval for the plan of subdivision of Part of Registered Plans M-1044 & M-1045 in Lots 2 & 3, Concession 6, Township of McKim, File #RP780-6/89023 be amended as follows:

- a) By deleting conditions #9, 10, 11, 14, 15 & 16.
- b) By deleting condition #22 and replacing it with the following:
"22. That this draft approval shall lapse on February 24, 2006."

c) By adding the following conditions:

"24. The owner shall provide a 150 mm diameter watermain connected to the Montrose Booster Pump to provide adequate water pressure to Lots 167 to 170 inclusive and Lots 250 to 255 inclusive."

"25. The owner agrees to provide Lot 255 to the City for the construction of a future upgraded Water Booster Station by the City. The owner shall install supply and outlet piping for said station to the satisfaction of the General Manager of Public Works."

"26. The owner agrees to direct all future sanitary sewage for the subdivision to the existing Nickeldale Trunk Sanitary Sewer."

"27. Prior to the submission of servicing plans, the applicant/owner shall, to the satisfaction of the General Manager of Public Works, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommended construction procedures for the following items: storm and sanitary sewers, watermain, roads, the mass filling of land, surface drainage works including erosion control, slope stability (if applicable) and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official."

"28. Prior to the submission of servicing plans, the applicant/owner shall have a stormwater management report and plan prepared by a consulting engineer with a valid certificate of authorization. Said report shall establish the drainage area upstream of this proposed subdivision and how stormwater will be managed both upstream and within the subdivision development in order to limit the impact of stormwater both within the subdivision and on downstream receiving storm sewers, drainage channels and creeks. The report shall deal with sediment control and the control of both the 1:5 and regional storm events. The Regional storm flow path is to be set out on the plan. The report and plan shall be to the satisfaction

Royal Oaks
Subdivision - Dalron
Construction Ltd.
(continued)

of the General Manager of Public Works. The owner shall be responsible for the design and construction of any required stormwater management facility as part of the servicing plans for the subdivision and the owner shall dedicate the lands for the stormwater management facility as a condition of this development."

CARRIED

Perfect Choice
Developments Inc.
Confederation
Subdivision

2004-373 Bradley-Thompson: THAT upon payment of Council's processing fee of \$833.33 prior to the lapsing date of August 26, 2004, the conditions of draft approval for the draft plan of subdivision of Parcels 33648, 31901, 31902 and 49635, Part of Lot 8, Concession 6, Township of Blezard, File #780-7/95001 shall be amended as follows:

a) By deleting condition #10 and replacing it with the following:

"10. That this draft approval shall lapse on April 26, 2005."

b) By deleting conditions #13 & 14.

c) That the following conditions be added:

"26. Prior to the submission of servicing plans, the applicant/owner shall, to the satisfaction of the General Manager of Public Works, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommended construction procedures for the following items: storm and sanitary sewers, watermain, roads, the mass filling of land, surface drainage works including erosion control, slope stability (if applicable) and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official."

"27. Prior to the submission of servicing plans, the applicant/owner shall have a stormwater management report and plan prepared by a consulting engineer with a valid certificate of

Perfect Choice
Developments Inc.
Confederation
Subdivision
(continued)

authorization. Said report shall establish the drainage areas draining to and within this proposed subdivision and how stormwater will be managed within the subdivision development in order to limit the impact of stormwater both within the subdivision and on the Whitson River. The report shall deal with sediment control and the control of both the 1:5 and regional storm events. The Regional storm flow path is to be set out on the plan. The report and plan shall be to the satisfaction of the General Manager of Public Works. The owner shall be responsible for the design and construction of any required stormwater management facility as part of the servicing plans for the subdivision and the owner shall dedicate the lands for the stormwater management facility as a condition of this development."

CARRIED

MATTERS ARISING FROM THE FINANCE COMMITTEE

Approval of Finance
Committee
Recommendation

2004-374 Bradley-Caldarelli: THAT Finance Recommendation 2004-59, approved at the Finance Committee Meeting of 2004-07-13 be adopted.

CARRIED

Multi-Year Budgeting

2004-375 Dupuis-Craig: WHEREAS the Mission of the Council of the City of Greater Sudbury is to provide excellent access to quality municipal services and leadership in the social, environmental and economic development in the City of Greater Sudbury;

AND WHEREAS focusing on providing excellent value to Citizens and exceptional customer service, while striving for cost-effective, efficient, open, accountable and accessible local government, are the priorities of this Council;

AND WHEREAS it is necessary to put in place sound financial planning in order to maintain the public's trust and confidence in its ongoing financial stewardship of the public purse through long-term financial forecasting and budgeting;

AND WHEREAS Council as part of its financial stewardship recognizes the need to balance municipal services and the ability to pay taking into account inflationary pressures and the fact that 60-70% of a municipal budget is outside of its direct control;

Multi-Year Budgeting
(continued)

AND WHEREAS the current traditional budget model does little to facilitate long-term financial planning and impedes effective expenditure management in that financial resources are made on a piecemeal basis while the implications of past and present decisions beyond the next year are neglected;

AND WHEREAS Council is committed to developing more effective ways of preparing and presenting the City's Budget;

AND WHEREAS multi-year budgeting offers the following potential benefits over the traditional practice of annual budgeting:

- ▶ decreased staff time;
- ▶ enhanced long-range planning;
- ▶ improved program evaluation; and,
- ▶ facilitates the integration of financial and strategic planning with a more strategic approach to resource allocation;

THEREFORE BE IT RESOLVED THAT Council adopts for the 2005 - 2006 budget years the multi-year budgeting approach outlined in the Report from the General Manager of Corporate Services dated June 18th, 2004;

AND THAT Council directs staff to prepare a 2005 - 2006 Multi-Year Budget, using all of the tools at their disposal; e.g. efficiencies, new or enhanced revenues, service reviews, new ways of doing business, assessment growth, etc. to present an Operating Budget not to exceed the rate of inflation;

AND THAT Council directs staff to prepare a Capital Budget inclusive of inflation and the new Capital Levy.

CARRIED

PART I
CONSENT AGENDA

Consent Agenda

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

2004-376 Caldarelli-Bradley: THAT Items C-1 to C-15 inclusive, contained in Part I, Consent Agenda, be adopted.

CARRIED

MINUTES

- Item C-1
Report No. 14
City Council
2004-06-24 2004-377 Bradley-Caldarelli: THAT Report No. 14, City Council Minutes of 2004-06-24 be adopted. **CARRIED**
- Item C-2
Ad-Hoc Committee -
Council Auditor
2004-06-24 2004-378 Caldarelli-Bradley: THAT the Report of the Ad-Hoc Committee - Council Auditor Minutes of 2004-06-24 be adopted. **CARRIED**
- Item C-3
Report No. 6
Sudbury & District
Board of Health
2004-06-17 2004-379 Bradley-Caldarelli: THAT Report No. 6, Sudbury & District Board of Health Minutes of 2004-06-17 be received. **CARRIED**
- Item C-4
T.O.C.
2004-06-22 2004-380 Caldarelli-Bradley: THAT the Report of the Tender Opening Committee Minutes of 2004-06-22 be received. **CARRIED**
- Item C-5
T.O.C.
2004-06-23 2004-381 Bradley-Caldarelli: THAT the Report of the Tender Opening Committee Minutes of 2004-06-23 be received. **CARRIED**
- Item C-6
T.O.C.
2004-06-29 2004-382 Caldarelli-Bradley: THAT the Report of the Tender Opening Committee Minutes of 2004-06-29 be received. **CARRIED**
- Item C-7
T.O.C.
2004-07-06 2004-383 Bradley-Caldarelli: THAT the Report of the Tender Opening Committee Minutes of 2004-07-06 be received. **CARRIED**
- Item C-8
Greater Sudbury
Police Services Board
2004-05-25 2004-384 Caldarelli-Bradley: THAT the Report of the Greater Sudbury Police Services Board Minutes of 2004-05-25 be received. **CARRIED**
- Item C-9
N.D.C.A.
2004-06-16 2004-385 Bradley-Caldarelli: THAT the Report of the Nickel District Conservation Authority Minutes of 2004-06-16 be received. **CARRIED**

Item C-10
Report No. 4
Greater Sudbury
Public Library Board
2004-05-20

2004-386 Caldarelli-Bradley: THAT Report No. 4, Greater Sudbury Public Library Board Minutes of 2004-05-20 be received.

CARRIED

Item C-11
Ad-Hoc Committee
Proposed Uniform
Store Closing By-law
2004-06-30

2004-387 Bradley-Caldarelli: THAT the Report of the Ad-Hoc Committee - Proposed Uniform Store Closing By-law Minutes of 2004-06-30 be received.

CARRIED

TENDERS

Item C-12
Contract 2004-16
Paris St. Bridge
Rehabilitation & Road
Work

Report dated 2004-07-07, with attachments, from the General Manager of Public Works regarding Tender Award, Contract 2004-16, Paris Street Bridge Rehabilitation and Road Work was received.

The following resolution was presented:

Caldarelli-Bradley: THAT the City enter into a contract with Nor Eng Construction and Engineering Limited for the Paris Street Bridge Rehabilitation and Road Work in the amount of \$4,744,380.00, this being the lowest bid;

AND THAT an allocation of \$1.3 million be approved from the 2005 Capital Roads Budget.

Recess

At 6:50 p.m., Council recessed.

Reconvene

At 6:58 p.m., Council continued the regular meeting.

Item C-12
Contract 2004-16
Paris St. Bridge
Rehabilitation & Road
Work
(continued)

Councillor Rivest requested the following amendment to the foregoing motion:

2004-388 Rivest-Reynolds: THAT we amend the first paragraph in the motion by adjusting the amount of \$4,744,380 accordingly;

AND THAT the scope of the work be reduced to fit into the allocated budget. This could be done by removing the road works portion and cutting back the work on the approaches.

DEFEATED

Amendment to
Resolution

Motion for Deferral

Councillor Rivest moved that Item C-12 (Contract 2004-16 Paris St. Bridge Rehabilitation & Road Work) be deferred to the next Council meeting of 2004-08-10 until the facts and figures in the report are verified by staff.

DEFEATED

C.C. 2004-07-13 (15TH)

(19)

Main Motion

The motion was once again presented:

2004-389 Caldarelli-Bradley: THAT the City enter into a contract with Nor Eng Construction and Engineering Limited for the Paris Street Bridge Rehabilitation and Road Work in the amount of \$4,744,380.00, this being the lowest bid;

AND THAT an allocation of \$1.3 million be approved from the 2005 Capital Roads Budget.

CARRIED

Item C-13
Ice Edging Equipment
Municipal Arenas

Report dated 2004-07-07 from the General Manager of Citizen & Leisure Services regarding Purchase of Ice Edging Equipment - Municipal Arenas was received.

The following resolution was presented:

2004-390 Bradley-Caldarelli: THAT Zamboni be identified as the vendor of record for ice edging equipment;

AND FURTHER THAT the City of Greater Sudbury purchase eleven Zamboni Ice Edgers with propane tanks for a total cost of \$46,299 with funding to come from the Capital Financing Reserve Fund - Citizen and Leisure Services.

CARRIED

Item C-14
RFP - Point of Sale
System - Sudbury
Community Arena

Report dated 2004-07-07 from the General Manager of Citizen & Leisure Services regarding Award of RFP for Point of Sale System at Sudbury Community Arena was received.

The following resolution was presented:

2004-391 Caldarelli-Bradley: THAT Council approve the purchase of the Point of Sale system for the Sudbury Community Arena in the amount of \$104,040 plus Provincial Sales Tax for a total of \$111,332;

AND THAT the contract for the Point of Sale system be awarded to Sabrepoint Incorporated;

FURTHER THAT \$71,333 be funded from the 2003 Citizen and Leisure Services Capital Budget Allocation for the Sudbury Arena and that \$40,000 be funded from the Capital Financing Reserve Fund - Citizen and Leisure Services.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-15
Liquor License
Extension - Sudbury
Shrine Club

Report dated 2004-07-09, with attachments, from the General Manager of Corporate Services regarding Liquor License Extension - Sudbury Shrine Club was received.

The following resolution was presented:

2004-392 Bradley-Caldarelli: THAT this Council has no objection to the granting of a Liquor License Extension to Sudbury Shrine Club which will be held at the Shrine Banquet and Convention Centre, 2565 Kingsway Blvd, Sudbury, Ontario, for their Annual Pig Roast/Barbecue on July 22, 2004. The hours of operation are 3:00 p.m. to 11:00 p.m. with an anticipated attendance of 150 people.

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

CARRIED

BY-LAWS

Refer to Pages 22-28 and 34-35.

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with **Store Closing By-laws** in **Part II - Regular Agenda**, at this time.

STORE CLOSING BY-LAWS

Members of Council presented their views and opinions on the regulating and deregulating of store hours.

Change of Chair

At 8:20 p.m., His Worship Mayor David Courtemanche vacated the chair.

DEPUTY MAYOR CRAIG, IN THE CHAIR

Change of Chair

At 8:24 p.m., Deputy Mayor Craig vacated the Chair.

HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR

BY-LAWS

Rules of Procedure

Council agreed to deal with the **By-Laws** and the **Addendum**, at this time.

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

2004-192 3RD A BY-LAW OF THE CITY OF GREATER SUDBURY TO CLOSE THE REMAINDER OF THE LANE SOUTH OF VAN HORNE STREET ABUTTING LOTS 112 TO 117, PLAN 2-S, SUDBURY

Planning Committee Recommendation 2004-145

Received 1ST and 2ND reading at the City Council meeting of 2004-06-24.

2004-193 3RD A BY-LAW OF THE CITY OF GREATER SUDBURY TO CLOSE FREDERICK STREET (UNOPENED) SOUTH OF VAN HORNE STREET ABUTTING LOTS 111 AND 112, PLAN 2-S, SUDBURY AND TO TRANSFER IT TO THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF THE DIOCESE OF SAULT STE. MARIE

Planning Committee Recommendation 2004-146

Received 1ST and 2ND reading at the City Council meeting of 2004-06-24.

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

Planning Committee Recommendation 2004-147

Received 1ST and 2ND reading at the City Council meeting of 2004-06-24.

Councillor Kett requested that the foregoing By-law be pulled.

With the concurrence of Council, the Chair requested that the foregoing By-law be dealt with after **Store Closing By-laws** (refer to Page 34.)

2004-195 See **PART II - REGULAR AGENDA - STORE CLOSING BY-LAWS** (refer to Page 30.)

BY-LAWS (continued)

THE FOLLOWING BY-LAWS APPEAR FOR THREE READINGS:

2004-200F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY WITH RESPECT TO DEVELOPMENT CHARGES

Report dated 2004-07-09, with attachments, from the General Manager of Corporate Services regarding 2004 Development Charges Study was received.

(2004 Development Charges Study being presented for approval and implementation of new Development Charges.)

2004-201 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING OF JULY 13, 2004

2004-202 3 A BY LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN AGREEMENT WITH THE LIONS CLUB OF CONISTON TO AUTHORIZE THE ERECTION OF A FRIENDSHIP ARCH AT THE CONISTON PARK AND A GRANT PERTAINING THERETO

Report dated 2004-06-25, with attachments, from the General Manager of Citizen & Leisure Services regarding Coniston Lions Club Friendship Arch at the Coniston Park was received.

(The Lions Club of Coniston is requesting Council's permission to install a Lions Club Friendship Arch at the Coniston Park located at the corner of Second Avenue and Government Road in Coniston.)

2004-203 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SUDBURY REGIONAL SOCCER ASSOCIATION TO USE AN INDOOR SOCCER FLOOR SURFACE BY WAY OF GRANT

Report dated 2004-06-25 from the General Manager of Citizen & Leisure Services regarding Agreement with the Sudbury Regional Soccer Association for the Use of the Artificial Playfield Surface was received.

(Council decided on 2004-02-26 not to renew the lease for the rental space at the Exhibition Centre which leaves the Sudbury Regional Soccer Association into negotiations with the owners of the Exhibition Centre - Resolution 2004-100.)

2004-204 See **PART II - REGULAR AGENDA - STORE CLOSING BY-LAWS** (refer to Page 32.)

BY-LAWS (continued)

- 2004-205 See **PART II - REGULAR AGENDA - STORE CLOSING BY-LAWS** (refer to Page 33.)
- 2004-206P 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT AMENDMENT NUMBER 236 OF THE OFFICIAL PLAN FOR THE SUDBURY PLANNING AREA
- Planning Committee Recommendation 2004-142
- (This amendment is a site specific amendment to permit the creation of one residential lot within the Agricultural Reserve of the Valley East Secondary Plan - Roma and Angele Miron, Parcel 18511 S.E.S. in Lot 6, Conc. 3, Hanmer, 5000 Desmarais Road, Val Therese.)
- 2004-207 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT MUNICIPAL LAW ENFORCEMENT OFFICERS TO ENFORCE THE PRIVATE PROPERTY AND DISABLED PARKING SECTIONS OF BY-LAW 2001-1 AND FIRE ROUTE BY-LAW 2003-30T
- (This By-law updates the list of enforcement officers.)
- 2004-208A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN AGREEMENT WITH CUSTOM BIO-GAS INC. FOR A FEASIBILITY STUDY
- Council Resolution 2004-101
- 2004-209A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN EXTENSION AND AMENDING AGREEMENT WITH CHRISTOPHER J. STEWART O/A C.J. STEWART CONSULTING SERVICES
- Council Resolution 2004-321
- 2004-210 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2004-152, A BY-LAW TO AUTHORIZE FUNDING FROM COMMUNITY PLACEMENT TARGET FUNDING TO VARIOUS SOCIAL SERVICE AGENCIES TO ASSIST IN DELIVERING COMMUNITY PROGRAMS TO PROVIDE DIRECT AND INDIRECT SERVICES TO ONTARIO WORKS PARTICIPANTS
- Council Resolution 2004-273
- (This By-law amends the existing By-law to delete the reference to money going to the Red Cross operating the cold weather alert program.)

BY-LAWS (continued)

2004-211E 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO GRANT APPROVAL FOR THE EXPROPRIATION BY THE CITY OF GREATER SUDBURY OF CERTAIN LANDS REQUIRED FOR THE SOUTH END ROCK TUNNEL PROJECT

Planning Committee meeting of 2004-07-13

2004-212E 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE EXPROPRIATION OF PARCEL 28558 S.E.S. FROM LORIS CECCHETTO FOR THE SOUTH END ROCK TUNNEL PROJECT

Planning Committee meeting of 2004-07-13

2004-213Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2000-65Z TO AMEND BY-LAW 83-300, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF ONAPING FALLS AND CITY OF VALLEY EAST

Planning Committee meeting of 2004-07-13

(This By-law removes the "H", Holding Symbol from the subject lands to zone them "C2", General Commercial. - Cerilli Group Inc., Municipal Road # 80, Val Therese)

2004-214Z 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 meeting of 2004-07-13

(This By-law rezones the subject property to C1-30 to allow signs which are normally permitted in a "C2" Zone and to allow a business identification ground sign with a total sign area of 20.96 square metres. - Shell Canada Products, 1329 Regent Street, Sudbury.)

2004-215Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 83-300, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF ONAPING FALLS AND CITY OF VALLEY EAST

Planning Committee Recommendation 2004-105

(This By-law rezones the subject property to Single Residential to permit the creation of six lots for single residential use on the Larocque Street extension. This property is also the subject of Consent Applications B37/2004 to B42/2004. - Jean Brassard & 844367 Ontario Inc., Larocque Avenue Extension, Val Caron.)

BY-LAWS (continued)

2004-216Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 83-300, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF ONAPING FALLS AND CITY OF VALLEY EAST

Planning Committee Recommendations 2003-123 and 2003-124

(This By-law rezones the subject property "RU-22", Special Rural to permit the storage, maintenance and sale of mobile homes, trailers, cargo containers and storage garages in addition to all other "Rural" land uses. Further, the location for mobile home and storage facility activities on the subject lands has been identified, the requirement for a 75 foot planting strip established and "RU-22" zoned lands identified as an area where Site Plan Control shall apply. - Valley View Mobile Homes Village Inc., Gravel Drive, Hanmer)

2004-217Z 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 meeting of 2004-07-13

(This By-law removes the "H" Holding Symbol from the subject property to zone it "PS-4", Private Open Space Special, permitting a single dwelling - Tim & Laurie Smith, South Bay Road, Sudbury)

2004-218Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 83-304, THE COMPREHENSIVE ZONING BY-LAW OF THE FORMER TOWN OF NICKEL CENTRE

Planning Committee Recommendation 2004-137

(This By-law does not rezone the subject property. This By-law permits a model, manufactured home retail sale display area for a maximum temporary period of one year. The By-law establishes standards for the provision of parking and loading areas, signs and the requirement that a building permit must be obtained. - 630411 Ontario Inc., Falconbridge Road/Municipal Road # 86, Garson)

2004-219Z 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 Recommendations 2003-208 and 2004-47

(This By-law rezones the subject property to "R1.D2.5", Single Residential to permit a lot addition to Parcel 20425 S.E.S., resulting from Consent Application B0119/2003. - Nickel District Conservation Authority / Andrew Caruso, 2420 South Bay Road, Sudbury)

BY-LAWS (continued)

- 2004-220Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 83-300, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF ONAPING FALLS AND CITY OF VALLEY EAST

Planning Committee Recommendation 2004-122

(This By-law rezones the subject property to Single Residential to permit the creation of four lots for single residential use on the St. Michel Street Extension. This property is also subject of Consent Applications B60/2004 to B63/2004. - Philippe & Louise Landry, St. Michel Street Extension, Hanmer)

- 2004-221A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-1, BEING A BY-LAW TO REGULATE TRAFFIC AND PARKING ON ROADS IN THE CITY OF GREATER SUDBURY

Report dated 2004-07-07, with attachments, from the General Manager of Public Works regarding Traffic Control - Algonquin II Subdivision.

(This By-law controls traffic with a "Stop" sign at the intersection facing east-bound traffic on Trailview Drive at Mist Hollow Drive)

- 2004-223 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE PURCHASE FROM CATHERINE MCBRIDE OF PARCEL 9351 S.E.S. FOR THE SOUTH END ROCK TUNNEL PROJECT

Planning Committee meeting of 2004-07-13

- 2004-224 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PART OF JESUITES LANE, SUDBURY BEING PARTS 1 AND 2 ON PLAN 53R-13877 TO 1311928 ONTARIO INC.

Planning Committee meeting of 2004-07-13

- 2004-225 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PART OF PARCEL 40319 S.E.S. TO DR. ARDYTH ANN WELLS DENTISTRY PROFESSIONAL CORPORATION

Planning Committee meeting of 2004-07-13

BY-LAWS (continued)

2004-226A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE A LEASE AGREEMENT WITH 3336263 CANADA LTD. OF PART OF LOT 104, PLAN M-95, CROSS STREET, SUDBURY

Planning Committee meeting of 2004-07-13

2004-227 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PART OF PART OF LOT 8, PLAN SR-2968, ROSELAND DRIVE, WAHNAPIAE TO GERALD GAUDETTE AND LINA GENIER

Planning Committee meeting of 2004-07-13

2004-228A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE ARTS AND CULTURE GRANTS 2004

Report dated 2004-07-07 from the General Manager of Citizen & Leisure Services regarding Arts and Culture Grants for 2004 was received.

(As part of the 2004 budget deliberations, Council approved funding in the amount of \$224,800 for the Arts and Culture grant Allocations. In 2004, four new groups were added to the Arts and Culture granting program.)

Councillor Callaghan requested that the foregoing By-law be pulled.

With the concurrence of Council, the Chair requested that By-law 2004-228A be dealt with after **Store Closing By-laws** (refer to Page 35).

1ST & 2ND Reading

2004-393 Bradley-Caldarelli: THAT By-law 2004-200F to and including By-law 2004-203, By-law 2004-206P to and including By-law 2004-221A, and, By-law 2004-223 to and including By-law 2004-228A be read a first and second time.

CARRIED

3RD Reading

2004-394 Caldarelli-Bradley: THAT By-law 2004-192 to and including By-law 2004-194, By-law 2004-200F to and including By-law 2004-203, By-law 2004-206P to and including 2004-221A, and, By-law 2004-223 to and including By-law 2004-228A be read a third time and passed.

CARRIED

ADDENDUM

Addendum Resolution The following resolution was presented:

2004-395 Caldarelli-Bradley: THAT the Addendum to the Agenda be dealt with at this time.

CARRIED

Declarations of
Pecuniary Interest None declared.

BY-LAWS

2004-229 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PART 4 ON PLAN 53R-14476 TO 996465 ONTARIO LIMITED O/A DOMINION PARC DEVELOPMENTS

Planning Committee meeting of 2004-07-13

1ST & 2ND Reading 2004-395 Bradley-Caldarelli: THAT By-law 2004-229 be read a first and second time.

CARRIED

3RD Reading 2004-396 Caldarelli-Kett: THAT By-law 2004-229 be read a third time and passed.

CARRIED

CORRESPONDENCE FOR INFORMATION ONLY Refer to Page 37.

STORE CLOSING BY-LAWS (continued)

Uniform Store Closing
By-law The following resolution was presented:

2004-397 Berthiaume-Bradley: THAT the Council of the City of Greater Sudbury agree that a new uniform store closing by-law be passed subject to the "General Closing Hours" provisions of the by-law being established by Council.

SIMULTANEOUS WRITTEN RECORDED VOTE:

YEAS

NAYS

Berthiaume
Bradley
Callaghan
Craig
Dupuis
Kett
Rivest
Thompson

Caldarelli
Gainer
Gasparini
Reynolds
Mayor Courtemanche

CARRIED

2004-195 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO REPEAL CERTAIN STORE CLOSING BY-LAWS OF ITS FORMER CONSTITUENT MUNICIPALITIES

Report dated 2004-07-09, with attachments, from the General Manager of Corporate Services regarding Store Hours By-law.

(This By-law repeals the five store closing By-laws of the former municipalities.)

By-law 2004-195 was not required to be dealt with because of the foregoing resolution.

Ad-Hoc Committee -
Proposed Uniform
Store Closing By-law
Recommendation

The following resolution was presented:

Bradley-Kett: THAT store hours be established as follows:

Monday to Friday - 5 a.m. to 9 p.m.
Saturday and Sunday - 5 a.m. to 6 p.m.

With the exception of the month of December when stores will be opened from 5 a.m. to 11 p.m. on Fridays and Saturdays (until Christmas), with the other days of the week remaining unchanged.

Amendment to
Resolution

Councillor Thompson requested the following amendment to the foregoing motion:

2004-398 Thompson-Bradley: THAT the store hours be established as follows:

Monday to Sunday - 5 a.m. to 12 midnight

SIMULTANEOUS WRITTEN RECORDED VOTE:

YEAS

NAYS

Caldarelli
Craig
Gainer
Gasparini
Reynolds
Thompson
Mayor Courtemanche

Berthiaume
Bradley
Callaghan
Dupuis
Kett
Rivest

CARRIED

Ad-Hoc Committee -
Proposed Uniform
Store Closing By-law
Recommendation
(continued)

Councillor Rivest requested the following amendment to the foregoing motion:

2004-399 Rivest-Thompson: AND THAT retail hours for Christmas Eve and New Year's Eve be 5 a.m. to 6 p.m.

CARRIED

Amendment to
Resolution

Amendment to
Resolution

Councillor Kett requested the following amendment to the foregoing motion:

2004-400 Kett-Rivest: THAT the hours for Monday to Sunday be 5 a.m. to 10 p.m.

CARRIED

Amendment to
Resolution

Councillor Dupuis requested the following amendment to the foregoing motion:

2004-401 Dupuis-Craig: THAT the hours be Saturday and Sunday 5 a.m. to 6 p.m.

CARRIED

Amendment to
Resolution

Councillor Kett requested the following amendment to the foregoing motion:

2004-402 Kett-Bradley: THAT for three Saturdays before Christmas, stores be open from 5 a.m. to 10 p.m.

CARRIED

Amendment to
Resolution

Councillor Caldarelli requested the following amendment to the foregoing motion:

2004-403 Caldarelli-Gasparini: THAT stores be open from 5 a.m. to 10 p.m. Monday to Saturday and that they be open 5 a.m. to 6 p.m. Sundays.

CARRIED

With the concurrence of Council, Amendment 2004-402 was deemed redundant because of the foregoing amendment.

Ad-Hoc Committee -
Proposed Uniform
Store Closing By-law
Recommendation
(continued)

Main Motion
(as amended)

The main motion as amended was then presented:

2004-404 Bradley-Kett: THAT store hours be established as follows:

Monday to Saturday - 5 a.m. to 10 p.m.
Sunday - 5 a.m. to 6 p.m.

AND THAT retail hours for Christmas Eve and New Year's Eve be
5 a.m. to 6 p.m.

SIMULTANEOUS WRITTEN RECORDED VOTE:

YEAS

NAYS

Caldarelli
Callaghan
Craig
Gainer
Gasparini
Reynolds
Rivest
Thompson
Mayor Courtemanche

Berthiaume
Bradley
Dupuis
Kett

CARRIED

2004-204 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO
REQUIRE THE CLOSING OF CERTAIN RETAIL BUSINESS
ESTABLISHMENTS

Report dated 2004-07-09, with attachments, from the General
Manager of Corporate Services regarding Store Hours By-law.

(This By-law repeals the five store closing By-laws of the former
municipalities and establishes new uniform store closing hours for the
entire City.)

1ST & 2ND Reading

2004-405 Bradley-Caldarelli: THAT By-law 2004-204 be read a first
and second time.

CARRIED

3RD Reading

2004-406 Caldarelli-Bradley: THAT By-law 2004-204 be read a third
time and passed.

CARRIED

C.C. 2004-07-13 (15TH)

(32)

Days Proclaimed by
the Mayor

The following resolution was presented:

2004-407 Bradley-Berthiaume: THAT the City of Greater Sudbury pass a by-law requiring stores to be closed on days proclaimed by the Mayor.

RECORDED VOTE:

YEAS

NAYS

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

CARRIED

2004-205 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO REQUIRE CERTAIN RETAIL BUSINESS ESTABLISHMENTS TO BE CLOSED ON CIVIC HOLIDAYS PROCLAIMED BY THE MAYOR

Report dated 2004-07-02 from the General Manager of Corporate Services regarding Mayor's Proclamation - August Civic Holiday.

(The Municipal Act, 2001 provides that a local municipality may, by By-law, require retail business establishments to be closed for any period of time proclaimed by the head of Council as a civic holiday. Mayor Courtemanche has indicated that he will follow the request of a majority of Councillors.)

1ST & 2ND Reading

2004-408 Bradley-Caldarelli: THAT By-law 2004-205 be read a first and second time.

CARRIED

3RD Reading

2004-409 Caldarelli-Bradley: THAT By-law 2004-205 be read a third time and passed.

CARRIED

C.C. 2004-07-13 (15TH)

(33)

Civic Holidays

The following resolution was presented:

Bradley-Caldarelli: THAT the Mayor of the City of Greater Sudbury be requested to proclaim August 2, 2004 a Civic Holiday.

Amendment to Resolution

Councillor Kett requested the following amendment to the foregoing motion:

2004-410 Kett-Gasparini: THAT the motion be amended as follows:

1. That the words "August 2, 2004" be replaced with the words "the first Monday in August and Boxing Day".
2. That the words "until the end of the term of this Council" be added to the end of the motion.

CARRIED

Main Motion
(as amended)

2004-411 Bradley-Caldarelli: THAT the Mayor of the City of Greater Sudbury be requested to proclaim the first Monday in August and Boxing Day as Civic Holidays, until the end of the term of this Council.

CARRIED

Proceed Past
10:00 p.m.

2004-412 Bradley-Caldarelli: THAT we proceed past the hour of 10:00 p.m.

CARRIED

Rules of Procedure

Council agreed to deal with By-Laws at this time.

BY-LAWS

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

Planning Committee Recommendation 2004-147

Received 1ST and 2ND reading at the City Council meeting of 2004-06-24.

Motion for Deferral

Councillor Gainer moved that the foregoing by-law be deferred to the 2004-08-10 Council meeting until further information is received from staff regarding public access to the lake front.

CARRIED

BY-LAWS (continued)

2004-228A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE ARTS AND CULTURE GRANTS 2004

Report dated 2004-07-07 from the General Manager of Citizen & Leisure Services regarding Arts and Culture Grants for 2004.

(As part of the 2004 budget deliberations, Council approved funding in the amount of \$224,800 for the Arts and Culture grant Allocations. In 2004, four new groups were added to the Arts and Culture granting program.)

3RD Reading

2004-413 Berthiaume-Bradley: THAT By-law 2004-228A be read a third time and passed.

CARRIED

MANAGERS' REPORTS

Item R-1
EMS Ambulance Fleet
Standardization

Report dated 2004-07-09, with attachments, from the General Manager of Emergency Services regarding Emergency Medical Services Division Ambulance Fleet Standardization was received.

The following resolution was presented:

2004-414 Caldarelli-Bradley: WHEREAS the City of Greater Sudbury EMS Division has identified the requirement to standardize the ambulance fleet;

AND THAT the City of Greater Sudbury EMS Division has identified the requirement to order Ambulance Units each year to ensure adequate coverage of service;

AND THAT Council authorize the EMS Division to standardize the ambulance fleet purchases with Demers Ambulances of Beloeil, Quebec;

AND THAT Council authorize the purchase of three (3) ambulances and that funding in the approximate amount of \$285,715 plus applicable taxes be approved from the Emergency Services Ambulance Reserve Fund, as approved through the 2004 Capital Budget process.

CARRIED

Item R-2
Fire Services 2004
Capital Procurement
Purchase Plan

Report dated 2004-07-09 from the General Manager of Emergency Services regarding Fire Services 2004 Capital Procurement Purchase Plan was received.

The following resolution was presented:

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

Item R-2
 Fire Services 2004
 Capital Procurement
Purchase Plan
 (continued)

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>

CARRIED

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with **Correspondence for Information Only** at this time.

CORRESPONDENCE FOR INFORMATION ONLY

Item C-16
DLAC Status Report

Report dated 2004-07-07, with attachments, from the General Manager of Economic Development & Planning Services regarding Development Liaison Advisory Committee Status Report to City Council was received for information only.

Item C-17
Hwy 144, Dowling
Sidewalks

Report dated 2004-07-06, with attachments, from the General Manager of Public Works regarding Highway Construction along Highway 144, Dowling - Sidewalks was received for information only.

MANAGERS' REPORTS (continued)

Item R-3
David Street WTP
Expansion

Report dated 2004-07-07, with attachments, from the General Manager of Public Works regarding Status Report - David Street Water Treatment Plant Expansion was received.

The following resolution was presented:

2004-416 Caldarelli-Bradley: THAT the projected unbudgeted costs of the David Street Water Treatment Plan Expansion estimated to be \$1,164,800 be funded from the Capital Financing Reserve Fund - Water.

CARRIED

Proceed Past
11:00 p.m.

2004-417 Caldarelli-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.

Mayor

Deputy Clerk

**THE THIRTEENTH MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

Committee Room C-11
Tom Davies Square

Tuesday, July 13th, 2004
Commencement: 8:30 a.m.
Adjournment: 4:25 p.m.

COUNCILLOR REYNOLDS PRESIDING

Present Councillors Bradley; Caldarelli; Dupuis; Thompson (A: 8:40 a.m.)
Councillor Craig

Staff D. Braney, Property Negotiator/Appraiser; D. Belisle, General Manager of Public Works; R. Swiddle, Director of Legal Services/City Solicitor; Angie Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2004-150:**

Bradley-Dupuis: That we move "In Camera" to deal with property 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 10:00 a.m., the Planning Committee recessed.

Reconvene At 10:15 p.m., the Planning Committee reconvened in the **Council Chambers** for the regular meeting.

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, Reynolds
Councillors Craig, Gasparini

Staff B. Lautenbach, Director of Planning Services; B. Tanos, Cartographer; G. Clausen, Director of Engineering Services; R. Irwin, Planner;
D. Braney, Property Negotiator/Appraiser; D. Wuksinic, General Manager of Corporate Services; D. Belisle, General Manager of Public Works; C. Mahaffy, Supervisor of Accounting Services; A. Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary; J. Godfrey, Document Imaging Student

News Media MCTV; Channel 10 News

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Declarations of Pecuniary Interest None declared

Rise and Report Councillor Reynolds, reported the Committee met in closed session to deal with property matters and the following resolutions emanated therefrom:

Sale of Vacant Land Hwy. 69 N. The following recommendation was presented:

Valley East
Abutting Val Therese
Fire Station

Recommendation #2004-151:

Dupuis-Thompson: THAT the City of Greater Sudbury sell to 996465 Ontario Limited O/A Dominion Park Developments, part of Part 4, Plan 53R-14476, being Part of Parcel 6592 for the sum of \$90,000.00.

CARRIED

City Purchase of 37 Walford Road The following recommendation was presented:

Sudbury for the
South End Rock
Tunnel Project

Recommendation #2004-152:

Bradley-Dupuis: THAT the City of Greater Sudbury purchase from Catherine McBride the property located at 37 Walford Road under the terms and conditions outlined in the report dated July 7th, 2004, and

THAT the Clerk and the Property Negotiator/Appraiser be authorized to execute all documents required to complete the transaction.

CARRIED

Sale of Land Jesuites Lane The following recommendation was presented:

Parts 1 & 2
Plan 53R-13877
Sudbury

Recommendation #2004-153:

Dupuis-Bradley: THAT part of Jesuites Lane closed by By-Law 89-68, being Parts 1 and 2, Plan 53R-13877, be sold to the abutting land owner, 1311928 Ontario Inc., for the price of \$7,200.00 pursuant to the procedures governing the disposal of limited marketability property set out in the City's Property By-Law;

That the transfer of the said lands be conditional upon:

- a) the City reserving or granting any necessary easements for public utilities or for municipal purposes;

Cont'd.

MATTERS ARISING FROM THE "IN CAMERA" SESSION (cont'd)

Sale of Land
Jesuites Lane
Parts 1 & 2
Plan 53R-13877
Sudbury (Cont'd)

Recommendation #2004-153 (Cont'd)

- b) the lands being consolidated with any abutting lands owned by the Transferee and the Transferee delivering on closing, a Lot Consolidation agreement in the City's standard form, if appropriate, and bearing the cost of registration of same on title to the lands, in priority to any mortgage or other similar encumbrance;
- c) the Transferee paying on closing, the transfer price for the land;
- d) the Transferee paying any applicable Goods and Services Tax, or, if a GST registrant, delivering appropriate evidence of registration and an undertaking to indemnify the City;

That the Property Negotiator/Appraiser and Clerk be authorized to execute the required documents to complete the transaction.

That a By-Law be passed to authorize the Property Negotiator/Appraiser and Clerk to sign the required documents to complete the transaction.

CARRIED

Sale of Property
61 First Avenue
Coniston
- Coniston Medical
Centre

The following recommendation was presented:

Recommendation #2004-154:

Bradley-Dupuis: THAT the property known as 61 First Avenue, Coniston (Coniston Medical Centre) legally described as Part of Parcel 40319 S.E.S., Part 2, Plan 53R-8591, Lot 3, Conc. 3, Township of Neelon be sold to Dr. Ardyth Ann Wells Dentistry Professional Corporation subject to the terms and conditions outlined in the report dated July 7th, 2004; and

THAT Council dispense from Section 13 of By-law 2003-294 governing procedures for the acquisition and sale of land, which requires that fully marketable land be marketed to the general public, and

THAT the Clerk and Property Negotiator/Appraiser be authorized to execute all documents necessary to complete the real estate transaction.

CARRIED

MATTERS ARISING FROM THE "IN CAMERA" SESSION (cont'd)

Land Acquisition
Radisson Park
Chelmsford

The following recommendation was presented:

Recommendation #2004-155:

Dupuis-Bradley: THAT the City of Greater Sudbury purchase from Northland Engineering (1987) Limited Lot 3, Plan M-956, Part of Block B on Plan M-956 designated as Part 1 on Plan 53R-10627 and Part of Lot 11, Concession 3, designated as Part 2 on Plan 53R-10627 all in the Township of Rayside under the terms and conditions outlined in the report dated July 6th, 2004;

THAT the acquisition be funded from the Transition Board Budget; and

THAT the Property Negotiator/Appraiser and the Clerk be authorized to execute the required documents.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR DRAFT PLAN OF SUBDIVISION APPROVAL TO SUBDIVIDE THE PROPERTY INTO 26 LOTS FOR SINGLE RESIDENTIAL USE ABUTTING MERRYGALE DRIVE, SUDBURY - 823616 ONTARIO LIMITED

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

Report dated June 28th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services for a plan of subdivision to permit the creation of 26 lots for single residential use, Merrygale Drive, Sudbury - 823616 Ontario Limited.

Letter of concern dated July 8th, 2004 was received from Anne Long, Sudbury in opposition to the above-noted application

Letter dated July 11th, 2004, from Desmond Rainsford, Sudbury, in opposition to the above application was distributed to Committee Members at the meeting.

Mr. Rejean Parise, counsel for the applicant, Mr. Cotesta, the principal of the corporation, Mr. Paquette, Geotechnical Engineer and Mr. Laframboise, Surveyor, were present.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR DRAFT PLAN OF SUBDIVISION APPROVAL TO SUBDIVIDE THE PROPERTY INTO 26 LOTS FOR SINGLE RESIDENTIAL USE ABUTTING MERRYGALE DRIVE, SUDBURY - 823616 ONTARIO LIMITED (cont'd)

The Director of Development Services outlined the application to the Committee. He advised that the subject property abuts Harbour Park Subdivision and will require sewer, water and road linkages to the Harbour Park lands. In February 2004, City staff met with the applicant to discuss the implications of this proposal within the context of the known "poor soil conditions". It was the conclusive recommendation of City Staff that the design of the subdivision be modified such that all areas where poor soil conditions occur be avoided. Staff explored a subdivision design alternative for the developer's consideration (Sketch 2) and offered to consider any other alternative which would achieve a similar result (avoiding construction in poor soils). The project will have significant construction activity and short term disruptions and/or nuisance will occur. The volume of truck traffic to remove and replace the soils, (hundreds of truck trips) will exceed those disturbances residents would normally anticipate. Planning Services cannot support the application as submitted, however, would support an alternative provided the applicant stays out of the poor soils. Review of the revised plan of subdivision would be required. Because application fees have been paid and staff will entertain an alternative or option, it is being recommended that the fees be waived for the revised application, save and except public notice fees.

Mr. Parise advised that what has to be looked at when dealing with the proposal is the context of the process. He advised that in 1994 a draft plan of subdivision for the subject property was considered by Council which involved the use of Secondary Plan policies which recognized land constraints and integrated greenspace into the development. There has been dialogue between the developer and staff for over a year and in response to the concerns from Planning and Engineering staff the development has been shifted to the north. A public meeting was held last Wednesday with the area residents. Concerns expressed by residents relate to Harbour Park in terms of access to the greenspace area adjacent to Bethel Lake. Charging the soil is not a solution being looked at by the applicant. They are taking a different method and that is to remove the poor soil and replacing it. The option presented by staff avoids development on the poor soil. He believes they have an engineering solution which will resolve the poor soil entirely and referred to a report prepared by Terraprobe. He circulated a subdivision plan to the Committee for their consideration which reduced the number of lots from 26 to 21 and indicated that the proposal has its advantages and contrasts. He pointed out that this subdivision plan is in keeping with the character of the area, creates more greenspace and the buffer to the lake has now moved from adequate to substantial distance. He advised that they have a process to seal the tandem trucks so there will be no leakage during transportation. They plan to create a pit with rocks which the tandem trucks would drive over to remove the clay from the tires minimizing dirt in the area. They have selected a site for the clay being removed from the property that being Good Neighbour Salvage location on Highway 69S.

Recess At 11:33 a.m., the Planning Committee recessed.

Reconvene At 11:41 a.m., the Planning Committee reconvened.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR DRAFT PLAN OF SUBDIVISION APPROVAL TO SUBDIVIDE THE PROPERTY INTO 26 LOTS FOR SINGLE RESIDENTIAL USE ABUTTING MERRYGALE DRIVE, SUDBURY - 823616 ONTARIO LIMITED (cont'd)

Mr. Parise stated that the cost of the lots will be whatever the market can bear at the time. In the City of Greater Sudbury in 2005, the cost will probably range between \$60,000 - \$80,000.00.

Mr. Paquette explained that the clay will not drip water and retains water for a long time. He said that there is always a disruption to the neighbourhood with any new subdivision. They are presently looking for an agreement with Harbour Park regarding the extra buffer zone. Excavation will take approximately 1 ½ to 2 months. No hazardous material will be brought on site. The shortest distance is 160 feet between where they will be working and the water.

Councillor Caldarelli, Ward Councillor, indicated that she was not aware of the public meeting. She questioned how far down they would need to dig before they got to the bedrock and how much it would cost to remove the clay and put in the fill. She also indicated that the Good Neighbour Salvage property at one time had MOE orders to clean up the property and would not like to see the clay placed in contaminated soil.

With respect to how far down they would need to dig before they got to bedrock, Mr. Parise responded that it would be different for every lot and is a significant engineering challenge. To remove the clay and replace it with fill would be hugely expensive and he is not aware of any environmental issues with the Good Neighbour Salvage yard.

Councillor Craig, Ward Councillor indicated that he attended the public meeting held on Wednesday of last week. It is not uncommon for a lot in the Southend to be worth \$80,000 to \$100,000.00 and there are people who are interested in purchasing. The public meeting was very well attended with approximately 15 people in attendance. There were many good questions asked. He advised there no aggressive opposition at the meeting. Since the meeting, he has had one telephone call in opposition to the application. He advised the applicant has made a valiant effort to address the concerns raised in the staff report. He supports the application for 21 lots based on the public meeting and the meeting today.

Vanda Cooper, 106 Merrygale Drive, indicated that she does support development of the Merrygale area and was aware when she purchased her property that future development was planned. She questioned if the soil is bad, why is there discussion about building a subdivision on it? She has concerns regarding the backfill, increased truck traffic, the hours of operation during the removal and hauling of fill and the safety of children in the area. Traffic in the area is heavy between 8:00 - 9:00 a.m. because of Laurentian University and the new medical school so if Ramsey Lake Road is closed then residents would be shut out. She is also concerned regarding access to the marsh and the leisure and recreational area being inadequate. If Council supports Option "B", then the walkway should be discussed.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR DRAFT PLAN OF SUBDIVISION APPROVAL TO SUBDIVIDE THE PROPERTY INTO 26 LOTS FOR SINGLE RESIDENTIAL USE ABUTTING MERRYGALE DRIVE, SUDBURY - 823616 ONTARIO LIMITED (cont'd)

Mr. Parise advised that their goal is to minimize disruption to area residents. The process to remove and replace the soil will not be done in July or August when children are out of school. It would likely start in September. With respect to the issues around leisure and recreation he advised that he is not able to respond today and may require further discussion at some point. There will be a Lot Grading Agreement entered into to the satisfaction of the City to ensure proper drainage and levelling of land. They would work to develop a walkway. They do not have a final plan and a walkway would be the kind of issue they would address at that time.

Margaret Sun, 709 Bedford Court, indicated that she is not opposed to development and would like to see residential development. She stated that this is a beautiful area and is something Sudbury has that other places do not. She indicated that looking at the City By-law there is a designated flood plain that runs through the subject area. The flood plain serves a function, to filter the water going into Lake Ramsey. She questioned how much work would need to be done to ensure issues don't arise from that. She can see why the City would be concerned about building sewers, streets, etc. in the area. She was not at the public meeting when the modified plan was presented but she still sees a number of lots in the in the flood area. She is also concerned about potential damage to Bethel Lake.

Rob Poplin, 118 Merrygale Drive, was present in opposition to the application. The plan does not show any access to greenspace. He questioned if there was anyway the amount of traffic to Merrygale Drive could be reduced as there are numerous children in the area.

Joan Rabsky, 696 Bedford Court, advised that there were 10 people in attendance at the public meeting which was mainly for information only and she does not believe they left the meeting particularly happy or agreeable. She referred to Dr. Desmond Rainsford's letter of July 11th, 2004 stating that 13 lots are in a designated flood plain...and that the City By-law should be upheld and no lots considered in the flood plain area. She indicated that the soil to be removed from Lot 9 will take longer than the applicant thinks and she believes it would fill one-half of the Council Chambers. The method of sheet piling has never been done in this area and there is no local expertise and no precedence, so there is no guaranty that this will work. There is no guaranty that there will be no environmental damage to Bethel Lake.

Al Rabsky, 696 Bedford Court, a resident since 1965, advised that he used Bethel Lake since the 1940's, which was then pristine. He indicated that Bethel Lake will continue to be a stressed lake if the Committee accepts the initial proposal or the subsequent one. Bethel Lake does feed into Lake Ramsey, which supplies our drinking water. He would support Sketch 2, the City's proposal, wherein no soils are to be removed. He requested that building be prohibited on the lots with poor soil and pointed out are there for a reason – to protect the environment.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR DRAFT PLAN OF SUBDIVISION APPROVAL TO SUBDIVIDE THE PROPERTY INTO 26 LOTS FOR SINGLE RESIDENTIAL USE ABUTTING MERRYGALE DRIVE, SUDBURY - 823616 ONTARIO LIMITED (cont'd)

Mr. Parise explained that this development is occurring on lots which are in the flood plain. It is occurring on lots beyond that. In terms of comments about the buffer and ecology, there are two experts in attendance and the process of sheet piling they believe is a workable solution.

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

The following recommendation was presented:

Recommendation #2004-156:

Bradley-Dupuis: A. That the Application for Draft Plan of Subdivision Approval by 823616 Ontario Limited to permit the creation of 26 lots for single residential use with respect to those lands described as P.I.N. 73592-0137 and Part of P.I.N. 73592-0165, being formerly Part of Parcel 378 S.E.S. in Lot 2, Concession 2, Township of McKim be denied; however, in the alternative,

B. Council does recommend that the Application for Draft Plan of Subdivision Approval by 823616 Ontario Limited with respect to those lands described as P.I.N. 73592-0137 and Part of P.I.N. 73592-0165, being formerly Part of Parcel 378 S.E.S. in Lot 2, Concession 2, Township of McKim be revised such that proposed residential lots and municipal infrastructure are removed from the "Area of Weak Compressible Soft Clay" as illustrated by the Geotechnical Evaluation Proposed Glenby Manor Subdivision - Trow Consulting Engineers Ltd., January 31, 1995, and that such a revised draft plan of subdivision may be submitted for further consideration; and that the applicant upon doing so shall be exempt from further subdivision and/or rezoning application fees save and except any fee which may be required to provide public notice(s).

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

Recess At 1:25 p.m., the Planning Committee recessed.

Reconvene At 1:45 p.m., the Planning Committee reconvened.

PUBLIC HEARINGS (cont'd)

2004 DEVELOPMENT CHARGES BY-LAW - JOHN HUGHES, HEMSON CONSULTING LTD.

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

Report dated July 9th, 2004, was received from the General Manager of Corporate Services regarding 2004 Development Charges By-Law.

The Development Charges Background Study was circulated under separate cover.

John Hughes, Hemson Consulting Ltd., gave an electronic presentation on the 2004 Development Charges Study. He indicated that calculation of development charges involves four key steps - growth forecast over the period of the By-law; calculation of growth-related costs; calculation of unrecovered amounts and calculation of per unit charges. It is recommended that when new projects are approved, Council amend the development charges by-law. Other current policies and administrative practices would continue such as annual indexing, exemption of designated Town Centres i.e. downtown developments and credits for demolitions. He advised that projected development charge rates are 14% lower than the current development charge rates.

No objectors were present.

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

The following recommendation was presented:

Recommendation #2004-157:

Bradley-Dupuis: WHEREAS the City of Greater Sudbury will continue to experience growth through development and redevelopment; and

WHEREAS development and redevelopment requires the provision of physical services by the City of Greater Sudbury; and

WHEREAS Council desires to ensure that the capital costs of the growth-related demands for, or the burden on municipal services does not place an unfair financial burden on the City or its existing taxpayers while, at the same time, ensuring new taxpayers contribute no more than the net capital costs attributable to providing the current level of municipal services; and

WHEREAS the City of Greater Sudbury has undertaken a Study of, among other matters, services, expected growth, growth related facilities and the costs thereof; and

PUBLIC HEARINGS (cont'd)

2004 DEVELOPMENT CHARGES BY-LAW - JOHN HUGHES, HEMSON CONSULTING LTD.

Recommendation #2004-157 (Cont'd):

WHEREAS the Study was disseminated to the public and a public meeting was held and Council heard comments and representations from the public;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Greater Sudbury hereby determines that no further Public Hearing is required on this matter and that the proposed By-law 2004-200F as circulated be passed to come into effect on July 14, 2004.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED

APPLICATION FOR SUBDIVISION APPROVAL AND REZONING TO SUBDIVIDE 84 LOTS FOR SINGLE RESIDENTIAL USE, SECOND AVENUE SOUTH AND GREENWOOD DRIVE - WESMAK LUMBER CO. INC.

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

Report dated July 6th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding applications for a Plan of Subdivision and rezoning to subdivide the property into 84 lots for single residential use, Second Avenue South and Greenwood Drive - Wesmak Lumber Co. Inc.

Letter of concern dated July 5th, 2004 was received from Nicole and Jacques Guy, Sudbury in opposition to the above-noted application.

Letter of concern dated July 5th, 2004 was received from Moe and Michelle Parisotto, Sudbury, in opposition to the above-noted application.

Letter of concern dated July 5th, 2004, was received from Danielle and Michael Harrington, Sudbury, in opposition to the above-noted application.

Letter of concern dated July 5th, 2004, was received from Clermont P. Cyr, Sudbury, in opposition to the above-noted application.

Letter of concern dated July 5th, 2004, was received from Wayne Ablitt, Sudbury, in opposition to the above-noted application.

Letter dated July 9th, 2004, was received from Nicole Guy, Sudbury, in opposition to the above application was distributed to Committee Members at the meeting.

Petition dated July 9th, 2004, was received, for completion of ponds along Second Avenue South in opposition to the above application was distributed to Committee Members at the meeting.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR SUBDIVISION APPROVAL AND REZONING TO SUBDIVIDE 84 LOTS FOR SINGLE RESIDENTIAL USE, SECOND AVENUE SOUTH AND GREENWOOD DRIVE - WESMAK LUMBER CO. INC. (cont'd)

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

Councillor Reynolds, Ward Councillor, asked a question with respect to the sidewalks to be installed. She also indicated that her constituents have expressed concern regarding the sedimentation ponds not being finished, being a bit of an eyesore at this time and asked what the plans were to finish the project.

The Director of Engineering Services explained that the developer could build sidewalks along the frontage of their property. The City would prefer to receive the money, put it in the capital reserve and later use it to link up to sidewalks on Bancroft. Funds required to link up to Bancroft Drive would need to be included in roads capital budget. The sedimentation ponds are now under construction and the area will be landscaped. The ponds are designed to catch sediment before it goes into Lake Ramsey.

Mr. Sig Kirchhefer, Consulting Engineering, was present on behalf of the applicant. He advised that in 1987 an overall plan was submitted for the development of the applicants holdings. A wetland development proposal was submitted to the City and approved by City staff and various agencies. The applicant is now applying for the next phase to be developed. The wetland development fulfills three functions, - it is a recreation area, a fish habitat and treats surface run-off before it discharges to Ramsey Lake. It is the first facility of its kind in Sudbury. The wetland development is almost complete and they have done more than what they were required to do. There are minor type touch-ups and then the wetland will be considered finished. Work is planned to continue later this year and fall and finished next June/July.

Wayne Ablitt, 522 2nd Avenue South addressed the Committee indicating that the road he uses to drive home is not safe. There are 30 homes in the neighbourhood and with this development there will be more traffic moving up and down this unsafe road. He would like this development to be approved but also wants Council to do its part. He advised that there is a rock cut where the co-op housing is located. If this road was approved 30 years ago and it met the standards then it should meet today's standards. In conjunction with what the developer is doing, Mr. Ablitt requested the City come forward with some funding for the roadway.

The Director of Engineering Services advised that he could not provide a definite answer at this time regarding whether the road met today's standards. He advised the area has been studied and ranked and there is a report on the matter. He will need to do some research and a report would be presented to the Committee.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR SUBDIVISION APPROVAL AND REZONING TO SUBDIVIDE 84 LOTS FOR SINGLE RESIDENTIAL USE, SECOND AVENUE SOUTH AND GREENWOOD DRIVE - WESMAK LUMBER CO. INC. (cont'd)

Steve Gossling, 492 Second Avenue South, has resided in the area for 20 years. He said that the upper portion of the road between Bancroft Drive and the CP rail is not safe and can't wait for another 5 - 10 years to be upgraded. He requested that consideration be given to a three way stop sign at Second Avenue and Greenwood. He suggested blasting the rock where the two co-ops are located in order to improve sight lines north of the railway tracks. He has no problem with the pond system in terms of aesthetics

Bob Sargeant, 1879 Torbay Road, questioned whether the corner of Torbay Road and Second Avenue was not a part of the proposal.

The Director of Planning Services advised that it was not part of the application.

Councillor Gasparini, Ward Councillor, also expressed concern with the construction of sidewalks (200 feet) along the frontage of the developers property only.

Councillor Bradley expressed his concern with safety based on the comments received from the residents of the area. The Committee approved a request by Councillor Bradley that a report be prepared concerning this matter.

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

Recommendation #2004-158:

Caldarelli-Bradley: a) That the application to amend By-law 95-500Z by changing the zoning classification of Parcel 6013 S.E.S., Lots 11 & 12, Concession 3, Township of Neelon, from "R1", Single Residential Zone and "FD", Future Development Zone to "R1", Single Residential Zone be approved subject to the following condition:

1. That prior to the passing of an amending by-law, the applicant shall provide the Planning Services Division with a plan of survey, describing the property to be rezoned, with the exception of Blocks 'A' & 'B' which shall remain zoned "FD".

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED