

Minimum Maintenance Standards

- A new defence to municipalities that meet the minimum maintenance standard as set out in a provincial regulation
- To date no cases have been decided
- Development of regulation was a collaborative effort between the provincial and municipal representatives

...continued

17

- A number of issues require attention, e.g.
 - out of season issues
 - seasonal roads
 - sidewalks
 - winter and night patrols.
- An example of micro-management by the province
- Municipalities are best able to determine the appropriate minimum standards.

18

Specifically:

It is recommended that municipal councils establish by by-law Minimum Maintenance Standards for municipal roads.

19

Evolution of Municipal Government

- Act needs to embrace and allow for a continuing evolution of municipal government
- The mandatory five year review requirement contemplates this evolution
- Municipal government has demonstrated its ability to act responsibly, not perfectly but responsibly

20

TO ACHIEVE A MATURE RELATIONSHIP
REQUIRES:

- that the rest of the Municipal Act reflect the importance of section 2
- an examination of the impact of other legislation on the general powers
- that not only the Municipal Act conform to Principles but all provincial legislation affecting municipal government must conform to the Principles.

21

TO ACHIEVE A MATURE RELATIONSHIP
REQUIRES:

- evolution in approach
- a change in attitude by both provincial and municipal officials –
 - long history of learned dependency
 - along with prescriptive legislative
- an examination of the relationship of the Municipal Act and other legislation, including regulations

22

Specifically:

It is recommended that all provincial legislation affecting municipal government shall define the provincial interest in the legislation.

23

Accountability

- Section 2 both recognizes and requires municipal government be accountable government
- Accountability has been measured by municipal compliance to provincial rules
 - notice requirements, including budget notice
 - the need for lists
 - the form of the tax bill
 - the establishment of objectives and standards in section 299
 - the notice of the efficiency and effectiveness of service delivery in section 300
 - the development of policies on hiring and procurement in sections 270 and 271

24

Recommendation

- Legislation should be enacted recognizing that municipalities are governments capable of administering their own affairs
- Private Members Bill 99 not proceed
- Municipal governments will perform responsibly and should be allowed to govern based on broad authority within their areas of jurisdiction

25

Closed Meetings

- Closed meetings are restrictive and often unworkable
- Contrast the provincial situation with that of local government
- No forum or opportunity for municipal councils or their committees to
 - meet to develop a strategic planning process for the community
 - undertake an educational program or
 - just have an opportunity to ask “dumb” questions of staff or other members of council

26

Mr. Justice Lacourciere of the Ontario Court of Appeal in a dissenting opinion in the case of *Southam Inc. v. Hamilton-Wentworth (Regional Municipality) Economic Development Committee* recognized the importance of council being able to meet in a closed meeting.

“The present issue, however, concerns gatherings of commissioners when no business is transacted; when, rather, they confer together and with each other; and when they collaborate in doing what may be called their “homework”. It is important that they do so freely and without restraint. Like all who have the responsibility of making important decisions, they need an opportunity to express, exchange and test ideas, to deliberate freely, off the record, and without the restraint of outside influence. Freedom of discussion and the exchange of ideas is essential to an understanding of a problem. It cannot be satisfactorily accomplished under a spotlight or before a microphone.”

27

Specifically:

It is recommended that municipal council be granted the discretion to determine when and for what purpose council or a committee may hold a closed meeting.

28

Closed Meetings and MFIPPA

- Conflict exists between the *Municipal Act* and the *Municipal Freedom of Information and Protection of Privacy Act*
- Under MFIPPA municipalities are required to keep certain information confidential
 - it is enforceable by prosecution or penalties for failing to do so.
- How can council deal with a matter which it is required to keep confidential under MFIPPA if it cannot discuss the same matter at a closed meeting because it is not a permitted reason to conduct a closed meeting ?

...continued

29

Specifically:

It is recommended that the conflict between section 239 of the Municipal Act, 2001 and the Municipal Freedom of Information and Protection of Privacy Act be resolved by legislative amendment.

30

Head of Council

- Head of Council “...to act as chief executive officer of the municipality” (undefined)
- Chief administrative officer “...exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality” and is permissive authority
- Issue: Is the Head of Council responsible for overseeing the administrative operations of the municipality?

31

Specifically:

It is recommended that the province define the phrase “acting as the chief executive officer” in section 225.

32

Integrity Commissioner Recommendations

Specifically:

It is recommended that

- the Municipal Act, 2001 be amended to permit municipalities to appoint an independent Integrity Commissioner*
- the legislation should include broadly worded authority permitting a municipal council to appoint an integrity commissioner on the terms and conditions it deems appropriate.*
- the authorizing legislation should include adequate powers to undertake a full and complete investigation.*

33

Lobby Registry Recommendation

Specifically:

It is recommended that:

- Individual municipalities should have the discretion whether to create a lobby registry.*
- The legislation should include a broadly worded authority.*
- Any lobby registry should should not impose a higher standard on municipalities than the province imposes on itself.*

34

Codes of Conduct

- currently, no requirement for municipalities to enact a code of conduct
- many councils have put a code of conduct in place.
- goes to the issue of accountability but also bring clarity to members of council and staff as to what is appropriate behaviour
- should be enacted under a broad authority
- municipal councils could enforce conduct in extreme cases by prosecution
- code of conduct details repercussions on a member of council or staff who breach the confidentiality

35

Codes of Conduct

Specifically:

It is recommended that municipal councils be authorized to enact codes of conduct, the details of which would be solely left up to the municipal council as to what and how the code would be prepared.

36

Joint and Several Liability

- While not an issue directly related to the review of the Municipal Act it has a huge impact:
 - Municipalities added as defendant
 - Perception that municipalities have deep pockets
 - Insurance premiums rise
 - Those responsible do not pay

37

Joint and Several

Specifically:

It is recommended that the principle of joint and several liability be abandoned and that section 1 of the Negligence Act be repealed.

38

Conclusion

- Responsible behavior flows out of responsibility.
- Legislative changes consistent with the Principles will result in municipal governments that are equipped to act responsibly and with the tools to face the challenges faced by our communities.

39

Minutes

City Council	2004-09-30
Planning Committee	2004-10-05
Committee of the Whole	2004-10-05
Ad Hoc Committee - Council Auditor	2004-10-05
Special Meeting of Council	2004-09-29
Priorities Committee {TO BE TABLED}	2004-10-13
Tender Opening Committee	2004-09-27
Tender Opening Committee	2004-09-28
Tender Opening Committee	2004-10-05
Nickel District Conservation Authority	2004-09-22
Sudbury & District Health Unit	2004-09-16
City of Greater Sudbury Public Library Board	2004-06-17
Greater Sudbury Housing Corporation	2004-08-31

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

**C-11
Tom Davies Square**

**Thursday, September 30, 2004
Commencement: 6:00 p.m.**

DEPUTY MAYOR CRAIG, IN THE CHAIR

Present

Councillors Berthiaume; Bradley; Caldarelli; Callaghan (A 6:07 p.m.); Dupuis; Gainer (A 6:06 p.m.); Gasparini; Kett; Reynolds; Rivest; Thompson; Mayor Courtemanche

City Officials

M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; C. Matheson, General Manager of Health & Social Services; D. Nadorozny, General Manager of Economic Development & Planning Services; D. Wuksinic, General Manager of Corporate Services; S. Jonasson, Director of Finance/City Treasurer; R. Swiddle, City Solicitor/Director of Legal Services; S. Vrbanac, Assistant City Solicitor; P. Demers, Community Relations and Policy Advisor; T. Mowry, City Clerk; CJ Caporale, Council Secretary

**Declarations of
Pecuniary Interest**

None declared.

"In Camera"

2004-493 Reynolds-Callaghan: That we move "In Camera" to deal with Litigation Matters and Freedom of Information and Protection of Privacy 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 6:59 p.m., Council recessed.

Reconvene

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

Chair

HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR

Present

Councillors Berthiaume; Bradley; Caldarelli; Callaghan; Craig; Dupuis (A 8:05 p.m.); Gainer; Gasparini; Kett; Reynolds; Rivest; Thompson

C.C. 2004-09-30 (18TH)

(1)

City Officials

M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; C. Matheson, General Manager of Health & Social Services; D. Nadorozny, General Manager of Economic Development & Planning Services; D. Donaldson, Acting General Manager of Emergency Services; D. Wuksinic, General Manager of Corporate Services; S. Jonasson, Director of Finance/City Treasurer; R. Swiddle, City Solicitor/Director of Legal Services; I. Davidson, Chief of Police, Greater Sudbury Police Service; P. McCauley, Acting Manager of Corporate Communications and French-language Services; P. Demers, Community Relations and Policy Advisor; J. McKechnie, Executive Assistant to the Mayor; T. Mowry, City Clerk; F. Bortolussi, Planning Committee Secretary; CJ Caporale, Council Secretary

C.U.P.E.

W. MacKinnon, President; F. Posadowski, Recording Secretary

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.

Motion to Withdraw

With the consent of the majority of Members present, Council agreed to withdraw Councillor Berthiaume's motion, Item R-3 (Greater Sudbury Hydro Plus Inc. Labour Disruption).

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 Litigation Matters and Freedom of Information and Protection of Privacy Matters falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f) and one resolution emanated therefrom.

Tender - Supply and Delivery of Granular Crushed Materials & Winter Sand 2004-2007

The following resolution was presented:

2004-494 Callaghan-Gainer: THAT OCL Trucking & Excavating Ltd. be allowed to withdraw its bid for the Winter Sand component of the Supply of Granular, Crushed Materials & Winter Sand tender as a result of an error on the face of its bid;

AND THAT the contract for the Winter Sand component be awarded to the next lowest compliant bidder "Denis Gratton Transport Ltd."

CARRIED

C.C. 2004-09-30 (18TH)

(2)

MATTERS ARISING FROM THE PRIORITIES COMMITTEE

Rise and Report

Councillor Kett, Chair of the Priorities Committee, reported that the Priorities Committee met on 2004-09-29 and there were no items requiring Council approval.

MATTERS ARISING FROM THE PLANNING COMMITTEE

Rise and Report

Councillor Thompson, Chair of the Planning Committee, reported that the Planning Committee met on 2004-09-21 and there were no items requiring Council approval.

PART I CONSENT AGENDA

Consent Agenda

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

2004-495 Reynolds-Callaghan: THAT Items C-1 to C-6 inclusive, contained in Part I, Consent Agenda, be adopted, with the exception of Priorities recommendation 2004-62 (CGS Final Master Fire Plan), as otherwise dealt with.

CARRIED

MINUTES

Item C-1 Report No. 17 City Council 2004-09-16

Councillor Berthiaume noted that the City Council minutes of 2004-09-16 omitted Item R-3 (Greater Sudbury Hydro Plus Inc. Labour Disruption). The City Clerk advised that the minutes would be corrected.

2004-496 Callaghan-Reynolds: THAT Report No. 17, City Council Minutes of 2004-09-16 be adopted, as corrected.

CARRIED

Item C-2 Report No. 16 Planning Committee 2004-09-21

2004-497 Reynolds-Callaghan: THAT Report No. 16, Planning Committee Minutes of 2004-09-21 be adopted.

CARRIED

Item C-3 Report No. 4 Special Meeting of Council 2004-09-24

2004-498 Bradley-Callaghan: THAT Report No. 4, Special Meeting of Council (Special Priorities Session) Minutes of 2004-09-24 be adopted.

CARRIED

C.C. 2004-09-30 (18TH)

(3)

Item C-5
T.O.C.
2004-09-14

2004-499 Callaghan-Reynolds: THAT the Report of the Tender Opening Committee Minutes of 2004-09-14 be received.

CARRIED

Item C-6
T.O.C.
2004-09-21

2004-500 Callaghan-Bradley: THAT the Report of the Tender Opening Committee Minutes of 2004-09-21 be received.

CARRIED

Item C-4
Report No. 13
Priorities Committee
2004-09-29

2004-501 Callaghan-Reynolds: THAT Report No. 13, Priorities Committee Minutes of 2004-09-29 be adopted, with the exception of Priorities recommendation 2004-62 (CGS Final Master Fire Plan), as otherwise dealt with.

CARRIED

Priorities
Recommendation
2004-62 (CGS Final
Master Fire Plan)

2004-502 Caldarelli-Bradley: It is recommended that:

1. Council approve, in principle, the initiatives identified in the Master Fire Plan OPTION 4 and subsequently forward a copy to the OFM;
2. Council authorize the Emergency Services Department to carry on with the fire services system enhancements and investigations as described as OPTION 4, which they have commenced. All new initiatives will require Council approval as part of the 2005/2006 budget.
3. The General Manager of Emergency Services be directed to prepare detailed funding estimates to implement the final MASTER FIRE PLAN, dated September, 2004 as part of the 2005/2006 budget process.

RECORDED VOTE:

YEAS

Berthiaume
Bradley
Callaghan
Craig
Gainer
Gasparini
Reynolds
Rivest
Thompson
Mayor Courtemanche

NAYS

Caldarelli
Kett

CARRIED

C.C. 2004-09-30 (18TH)

(4)

BY-LAWS

2004-267A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING OF SEPTEMBER 30TH, 2004

2004-268F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2004-108F TO ESTABLISH AND CONTINUE RESERVES, RESERVE FUNDS AND TRUST FUNDS

Council Resolution 2004-456

(Presentation at the 2004-09-16 Council meeting from the Nickel Centre Community Association requesting the support of Council in the operation of a fitness/wellness centre at the Falconbridge Community Centre. The fitness centre equipment and much of the capital conversion work was donated by community partners.)

2004-269 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.)

2004-270T 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-1, A BY-LAW TO REGULATE TRAFFIC AND PARKING ON ROADS IN THE CITY OF GREATER SUDBURY

Report dated 2004-09-22, with attachments, from the General Manager of Public Works regarding Traffic Control - Cedargreen Subdivision.

(This By-law provides for a stop sign at the intersection of Cedargreen Drive and Ashgrove Street.)

2004-271Z 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 Recommendation 2004-208

(This By-law rezones lands which were dedicated to the City of Sudbury for park purposes to "P", Park Zone. Eden Point Drive, Sudbury.)

BY-LAWS (continued)

2004-272 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF LOT 19, PLAN M-1049, O'NEILL DRIVE, GARSON TO MARY ELIZABETH LARONDE

Planning Committee meeting of 2004-09-21

2004-273Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2004-256Z, A BY-LAW TO AMEND BY-LAW 2004-20Z, A BY-LAW TO AMEND BY-LAW 83-300, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF ONAPING FALLS AND THE FORMER CITY OF VALLEY EAST

Planning Committee Recommendation 2004-214

(This By-law corrects By-law 2004-256Z by deleting therefrom the appeal period. By-law 2004-256Z removed the "H", Holding Symbol from the subject lands so that they are zoned "C2-16", Special General Commercial. - Broder Sudbury Developments, Municipal Road # 80, Val Caron)

2004-274 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-86 TO REGULATE THE LICENSING OF LOTTERIES

(This amendment to the Lottery Licencing By-law clarifies the right of the City Clerk, in his capacity as Lottery Licensing Officer, to delegate his authority to issue lottery licences to designated persons, to impose conditions on such delegation, and to revoke such delegated authority.)

2004-275 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT A SCHOOL ZONE SPEED POLICY

Priorities Committee Recommendation 2004-59

(At the Priorities Committee meeting of 2004-09-15 the General Manager of Public Works submitted a report regarding the School Zone Speed Policy.)

2004-277 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2002-331G, A BY-LAW OF THE CITY OF GREATER SUDBURY DEALING WITH THE COLLECTION, REMOVAL AND DISPOSAL OF WASTE WITHIN THE CITY OF GREATER SUDBURY

(This By-law amends the Waste Management By-law to implement the new residential garbage bag tag system in accordance with recommendation 7 of the Technical Steering Committee as adopted by Council under resolution 2004-219 and to make a minor housekeeping adjustment, to remove the necessity of the General Manager of Public Works consenting in writing to depositing approved fill in low lying lots.)

1ST & 2ND Reading

2004-503 Reynolds-Bradley: THAT By-law 2004-267A to and including By-law 2004-275 and By-law 2004-277 be read a first and second time.

CARRIED

3RD Reading

2004-504 Bradley-Berthiaume: THAT By-law 2004-267A to and including By-law 2004-275 and By-law 2004-277 be read third time and passed.

CARRIED

CORRESPONDENCE FOR INFORMATION ONLY

Item C-7
New Directly Operated
Licensed School Age
Programs

Report dated 2004-09-20 from the General Manager of Health & Social Services regarding New Directly Operated Licensed School Age Programs was received for information only.

Item C-8
"Walking - The
Ultimate Medicine"

Report dated 2004-09-22 from the General Manager of Health & Social Services regarding "Walking - The Ultimate Medicine" was received for information only.

**PART II
REGULAR AGENDA**

MANAGERS' REPORTS

Item R-1
Accessibility Planning

Report dated 2004-09-21, with attachments, from the General Manager of Citizen & Leisure Services regarding Accessibility Planning was received.

The following resolution was presented:

2004-505 Callaghan-Bradley: WHEREAS the Ontarians with Disabilities Act mandates municipalities and public transportation systems to prepare annual accessibility plans;

AND WHEREAS all annual accessibility plans report on the measures the organization has taken to identify, remove and prevent barriers to persons with disabilities and describe the measures in place to ensure that facilities, programs and services are reviewed for accessibility;

AND WHEREAS the municipality is required to have an Accessibility Advisory Committee whose duty it shall be to advise the Council in each year about the presentation, implementation and effectiveness of the accessibility plan;

Item R-1
Accessibility Planning
(continued)

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury approve the 2004-2005 City of Greater Sudbury Accessibility Plan and the 2004-2005 Greater Sudbury Transit Accessibility Plan;

AND FURTHER THAT Council endorses the Terms of Reference for the Accessibility Advisory Committee as presented.

CARRIED

Item R-2
Insurance Claims
Adjusting Services

Report dated 2004-09-23 from the General Manager of Corporate Services regarding Insurance Claims Adjusting Services was received.

The following resolution was presented:

Callaghan-Bradley: THAT the Treasurer be authorized to negotiate with SCS Insurance Adjusters Ltd. for the Claims Adjustment Agreement to be extended for a one year period ending December 31st, 2005.

Report Requested

A request by Councillor Rivest that staff submit a report within the next three months outlining the self-insurance advantages and disadvantages of the City becoming self-insured did not receive the concurrence of Council.

Item R-2
Insurance Claims
Adjusting Services
(continued)

The following resolution was presented:

2004-506 Callaghan-Bradley: THAT the Treasurer be authorized to negotiate with SCS Insurance Adjusters Ltd. for the Claims Adjustment Agreement to be extended for a one year period ending December 31st, 2005.

SIMULTANEOUS WRITTEN RECORDED VOTE:

YEAS

Callaghan
Craig
Kett
Reynolds
Rivest

NAYS

Berthiaume
Bradley
Caldarelli
Gainer
Gasparini
Thompson
Mayor Courtemanche

MOTION LOST

MOTIONS

Item R-3
Greater Sudbury
Hydro Plus Inc. Labour
Dispute

The following motion was previously withdrawn:

Berthiaume-Rivest: WHEREAS the City of Greater Sudbury is the sole Shareholder and owner of Greater Sudbury Utilities and the subsidiary companies of Greater Sudbury Utilities;

AND WHEREAS Greater Sudbury Hydro Plus Inc. is a wholly subsidiary of Greater Sudbury Utilities;

AND WHEREAS the strike at Greater Sudbury Hydro Plus Inc. is now into a third month with no end in sight;

AND WHEREAS the main issue in dispute is the request of the Board of Directors of Greater Sudbury Hydro Plus Inc. to put in place a two-tier benefit program whereby employees hired after March 31, 2004 will not be entitled to retiree benefits after age 65;

AND WHEREAS two-tier benefit programs are known to lead to a divisive workplace that creates future labour relations problems for both an Employer and a Trade Union;

AND WHEREAS the position advanced in negotiations by the Board of Directors of Greater Sudbury Hydro Plus Inc. will not provide any cost savings to Greater Sudbury Hydro Plus Inc. for a minimum of fifteen years and most likely not for a period of forty years;

AND WHEREAS the position advanced in negotiations by the Board of Directors of Greater Sudbury Hydro Plus Inc. is a direct attack on future senior citizens in our community;

AND WHEREAS this attack on future senior citizens in our community is contrary to the good work performed by the "Mayor and Council's Committee on Senior's Issues";

AND WHEREAS the Council of the City of Greater Sudbury appoints the Board of Directors to Greater Sudbury Utilities and the subsidiary companies of Greater Sudbury Utilities;

THEREFORE BE IT RESOLVED that the Council of the City of Greater Sudbury hereby immediately requests the resignation of the Board of Directors to Greater Sudbury Utilities and the subsidiary companies of Greater Sudbury Utilities;

AND BE IT FURTHER RESOLVED that the Management Negotiating Team for Greater Sudbury Hydro Plus Inc. is directed to remove from the collective bargaining table the request to put in place a two-tier benefit program whereby employees hired after March 31, 2004 will not be entitled to retiree benefits after age 65.

Item R-4
Long Term Care
Facilities - Quality
Care Needs

The following resolution was presented:

Berthiaume-Bradley: WHEREAS the City of Greater Sudbury wants to ensure that our frail elderly and vulnerable adults with physical disabilities are provided with a minimum level of care in long-term care facilities;

AND WHEREAS residents receive less than two (2) hours a day of direct care, clearly less time than it takes to take care of the full personal needs of such residents;

AND WHEREAS research shows that 3.5 hours of care each day is the minimum that nursing home residents need to receive quality care;

THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury hereby request the Provincial government of Ontario legislate a staffing minimum standard of 3.5 hours minimum of care per day to ensure that our seniors get the care they need in the long term care facilities in Ontario;

AND FURTHER THAT copies of this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable George Smitherman, Minister of Health and Long Term Care, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, Ms. Shelley Martel, MPP(Nickel Belt), the Association Of Municipalities of Ontario, L' association française des Municipalités de L' Ontario and the Federation of Northern Ontario Municipalities.

Change of Chair

At 7:55 p.m., His Worship Mayor David Courtemanche vacated the chair.

DEPUTY MAYOR CRAIG, IN THE CHAIR

Item R-4
Long Term Care
Facilities - Quality
Care Needs
(continued)

With the concurrence of the mover, Councillor Gainer requested that the foregoing motion be amended as follows:

by deleting "than two (2) hours a day of" and "clearly less time" in the second paragraph;

Friendly Amendment

inserting "an increased level of" after the words "Provincial government of Ontario legislate" in the fourth paragraph;

deleting "minimum standard of 3.5 hours minimum of" in the fourth paragraph.

Item R-4
Long Term Care
Facilities - Quality
Care Needs
(continued)

2004-507 Berthiaume-Bradley: WHEREAS the City of Greater Sudbury wants to ensure that our frail elderly and vulnerable adults with physical disabilities are provided with a minimum level of care in long-term care facilities;

Main Motion
(as amended)

AND WHEREAS residents receive less direct care than it takes to take care of the full personal needs of such residents;

AND WHEREAS research shows that 3.5 hours of care each day is the minimum that nursing home residents need to receive quality care;

THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury hereby request the Provincial government of Ontario legislate an increase level of staffing care per day to ensure that our seniors get the care they need in the long term care facilities in Ontario;

AND FURTHER THAT copies of this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable George Smitherman, Minister of Health and Long Term Care, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, Ms. Shelley Martel, MPP(Nickel Belt), the Association Of Municipalities of Ontario, L' association française des Municipalities de L' Ontario and the Federation of Northern Ontario Municipalities.

CARRIED

ADDENDUM

Addendum Resolution

The following resolution was presented:

2004-508 Callaghan-Bradley: THAT the Addendum to the Agenda be dealt with at this time.

CARRIED

Declarations of
Pecuniary Interest

None declared.

Item AD-1
Noise By-law
Exemption - CPR -
Harry Crescent

Report dated 2004-09-22 from the General Manager of Public Works regarding Noise By-Law Exemption - Harry Crescent at Canadian Pacific Railway Crossing, Sudbury was received.

The following resolution was presented:

2004-509 Bradley-Thompson: THAT this Council has no objection to the granting of an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to Canadian Pacific Railway (CPR) from Sunday, October 3, 2004 to Monday, October 4, 2004, between the hours of 7:00 p.m. to 7:00 a.m.;

C.C. 2004-09-30 (18TH)

(11)

Item AD-1
Noise By-law
Exemption - CPR -
Harry Crescent
(continued)

AND THAT an exemption be granted to CPR for the proposed railway crossing upgrading at Harry Crescent in the City of Greater Sudbury;

AND FURTHER THAT approval of this exemption be further subject to CPR and/or its contractors providing public notice of this construction activity prior to its commencement.

CARRIED

BY-LAWS

2004-278 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PART 7 ON PLAN 53R-14476 TO 996465 ONTARIO LIMITED O/A DOMINION PARC DEVELOPMENTS

Planning Committee Recommendation 2004-201

(This By-law authorizes the transfer of a strip of land adjacent to Highway 69 North in Valley East to the abutting land owner.)

1ST & 2ND Reading

2004-510 Bradley-Thompson: THAT By-law 2004-278 be read a first and second time.

CARRIED

3RD Reading

2004-511 Bradley-Thompson: THAT By-law 2004-278 be read a third time and passed.

CARRIED

Change of Chair

At 8:10 p.m., Deputy Mayor Craig vacated the Chair.

HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR

QUESTION PERIOD

Lasalle Boulevard /
Notre Dame Avenue
Intersection

Councillor Dupuis asked the General Manager of Public Works what could be done to alleviate the congestion of traffic at the intersection of Lasalle Boulevard and Notre Dame Avenue, Sudbury.

Mr. Belisle advised Council that several previous reports have been examined and solutions for this intersection are included in a comprehensive traffic study. He advised that the reports stated solution to this problem would be to extend Maley Drive or construct a grade separation (overpass).

C.C. 2004-09-30 (18TH)

(12)

Traffic Lights
Elizabeth Street,
Ward 2

Councillor Bradley asked the General Manager of Public Works what the status was regarding the tender to install traffic lights at Elizabeth Street in Ward 2.

Mr. Belisle advised that this item has been tendered and will be brought forward to Council seeking approval on whether to proceed with an over-expenditure or to re-tender.

Street Lights
MR 35, Ward 2

Councillor Bradley asked the General Manager of Public Works what the status was regarding the installation of street lights on MR 35.

Mr. Belisle advised Council that the concrete bases for the street lights have been constructed and will be completed this fall.

By-law 2004-276
Strong Communities
Rent Supplement
Program

Councillor Rivest asked why By-law 2004-276 was pulled from the Agenda.

The City Clerk advised that this By-law had been dealt with at a previous meeting of Council.

By-law 2004-277
Waste Management
By-law amendment

Councillor Rivest asked the General Manager of Public Works what the "minor housekeeping adjustment" was regarding the Waste Management By-law.

Mr. Belisle advised Council that it was no longer necessary for residents to acquire written consent from the General Manager of Public Works in order to deposit fill in low lying areas.

Centre de santé
communautaire de
Sudbury (CSCS)
Satellites

Councillor Berthiaume stated that in March 2004, he brought forward a motion regarding Centre de santé communautaire de Sudbury (CSCS) Satellites and that no response had been received from the Minister of Health and Long-Term Care. He asked that a letter be sent by the Mayor's office following up on the motion.

The Chair advised that he will contact the Minister's office by telephone and report back to Council.

Construction -
Various Intersections -
Kingsway

Councillor Craig asked the General Manager of Public Works for a timeline regarding construction at the various intersections on the Kingsway.

Mr. Belisle advised Council that a public meeting was held last week for the Kingsway/Second Avenue construction and that a public outline was distributed. He advised that the Kingsway/Barrydowne Road construction is slated to start this fall and the Kingsway/Falconbridge Highway construction next year.

Construction -
Kingsway/South East
By-pass

Councillor Craig asked the General Manager of Public Works what the long-range plan was for the Kingsway/South East By-Pass extension.

Mr. Belisle advised Council that this would be part of the 2005 Budget process.

AMO Information
Binder

Councillor Craig advised that he attended an AMO meeting and that an information binder, with background material included, has been made available to Council in the Councillors' Lounge.

Adjournment

2004-512 Callaghan-Berthiaume: THAT this meeting does now adjourn. Time: 8:40 p.m.

CARRIED

Mayor

City Clerk

C.C. 2004-09-30 (18TH)

(14)

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

**Council Chamber
Tom Davies Square**

**Tuesday, October 5th, 2004
Commencement: 5:40 p.m.
Adjournment: 8:55 p.m.**

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, Reynolds

Councillor Berthiaume

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; G. Clausen, Director of Engineering Services; D. Nadorozny, General Manager of Economic Development and Planning Services; A. Haché, Deputy City Clerk; F. Bortolussi, Planning Committee Secretary; M. Burch, Licensing & Assessment Clerk

News Media Sudbury Star; MCTV

Declarations of Pecuniary Interest None declared

PUBLIC HEARINGS

APPLICATION FOR REZONING TO PERMIT THE ENLARGEMENT OF AN EXISTING LOT AND THE CREATION OF ONE NEW LOT, 1366 & 1380 KEAST DRIVE, SUDBURY - HENRY & AMY CROCCO

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

Report dated September 24th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning to permit the enlargement of an existing lot and the creation of one new lot, 1366 & 1380 Keast Drive, Sudbury - Henry & Amy Crocco.

Henry Crocco, 1380 Keast Drive, Sudbury, one of the applicants, was present.

The Manager of Development Services outlined the application to the Committee.

APPLICATION FOR REZONING TO PERMIT THE ENLARGEMENT OF AN EXISTING LOT AND THE CREATION OF ONE NEW LOT, 1366 & 1380 KEAST DRIVE, SUDBURY - HENRY & AMY CROCCO (Cont'd)

Henry Crocco stated he was satisfied with the recommendation.

The Chair asked whether anyone in the audience wished to speak in favour or against this application and seeing none:

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 #2004-229:

Caldarelli-Dupuis: THAT the application by Henry and Amy Crocco to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of Parcel 50423 SES and Part of Parcel 23065 "A" SES in Lot 1, Concession 2, McKim Township from "FD", Future Development to "R1.D2.5", Single Residential be approved subject to the following:

- a) that the applicants provide the Development Services Section with a registered survey plan outlining the parts of Parcel 23065 "A" being rezoned in order to enable the preparation of an amending by-law.

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

CARRIED

APPLICATION FOR REZONING TO MAINTAIN A SECOND DWELLING UNIT AS A TEMPORARY USE, 75 ARLINGTON DRIVE, DOWLING - YVAN GUINARD

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

Report dated September 27th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning to maintain a second dwelling unit as a temporary use, 75 Arlington Drive, Dowling - Yvan Guinard.

Yvan Guinard, 75 Arlington Drive, Dowling, the applicant, was present.

The Manager of Development Services outlined the application to the Committee.

APPLICATION FOR REZONING TO MAINTAIN A SECOND DWELLING UNIT AS A TEMPORARY USE, 75 ARLINGTON DRIVE, DOWLING - YVAN GUINARD (Cont'd)

Yvan Guinard stated he did not raise the elevation of the secondary dwelling unit above the regulatory flood line because he would have no windows in the kitchen and bathroom of the main dwelling unit. He further stated that the footings on the secondary dwelling unit are the same level as the main unit providing a 3-foot crawl space for the secondary unit. He indicated he had flood proofed the door but the flood proofing had to be removed as required by Building Services. He has lived in the area for over 50 years and has never had water in his basement. His elderly mother resides in the secondary unit and this is the third time they have applied for the temporary use.

Councillor Bradley, Ward Councillor, asked the cost of this application and was advised that the total application fee was \$897.00 being \$260.00 for the public notice and advertising costs and \$637.00 for the rezoning application fee.

The Chair asked whether anyone in the audience wished to speak in favour or against this application and seeing none:

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

The following recommendations were presented:

Recommendation #2004-230:

Bradley-Dupuis: THAT the application by Yvan Guinard, the owner of Parcel 20023 S.W.S. being Lot 25, Plan M-587 in Lot 3, Concession 4, Township of Dowling, City of Greater Sudbury, to permit a second dwelling unit on the subject property for a maximum temporary period of three years, pursuant to Section 39 of The Planning Act be approved.

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

CARRIED

Recommendation #2004-231:

Bradley-Dupuis: THAT the City of Greater Sudbury refund \$637.00 of the application fee to the applicant.

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

CARRIED

APPLICATION FOR REZONING IN ORDER TO PERMIT THE CONVERSION OF A FORMER NON-PROFIT ADMINISTRATIVE OFFICE (YWCA) TO A "BUSINESS OFFICE", 348 - 350 ELM STREET, SUDBURY - KIMBERLEY DUQUETTE, LEO DUQUETTE, DANIEL PHILIPOW & JO-ANNE PHILIPOW

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

Report dated September 28th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning in order to permit the conversion of a former non-profit administrative office (YWCA) to a "business office", 348 - 350 Elm Street, Sudbury - Kimberley Duquette, Leo Duquette, Daniel Philipow & Jo-Anne Philipow

Jo-Anne Philipow, 1763 Madison Avenue, Sudbury, and Leo Duquette, 1457 Agincourt Avenue, Sudbury, two of the applicants, were present.

The Manager of Development Services outlined the application to the Committee.

Jo-Ann Philipow stated that the shed on the property has now been removed. She further stated that they are in contact with the owner of the lands at the rear of the subject property with a view to possibly leasing or purchasing for additional parking. They are presently leasing the property for parking during their renovations. She further stated that the previous owners had 14 staff and they will only have 3 as most of their business is done through the internet or by telephone.

Ms. Philipow also indicated that the renovations they are making to the building and landscaping will be an improvement to the neighbourhood. When asked if the building was of historical value, she stated that she did not know as they could not find any records as to when the building was erected. Also, she stated that the changes are to up-grade; maintaining not changing the look of the building.

The Chair asked whether anyone in the audience wished to speak in favour or against this application and seeing none:

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:

APPLICATION FOR REZONING IN ORDER TO PERMIT THE CONVERSION OF A FORMER NON-PROFIT ADMINISTRATIVE OFFICE (YWCA) TO A "BUSINESS OFFICE", 348 - 350 ELM STREET, SUDBURY - KIMBERLEY DUQUETTE, LEO DUQUETTE, DANIEL PHILIPOW & JO-ANNE PHILIPOW (Cont'd)

Recommendation #2004-232:

Dupuis-Caldarelli: THAT the application by Kimberly Duquette, Leo Duquette, Daniel Philipow, Jo-Ann Philipow to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "R6", Established Residential to "R6-Special", Special Established Residential with respect to those lands described as Parcel 149 S.E.S. being PIN 02134-0303, being Part of Lot 6, Plan M-26 in Lot 7, Concession 4, Township of McKim be recommended for approval subject to the following conditions:

1. The following uses shall be permitted in the "R6-Special" zone, *either*;
all the uses permitted in the "R6", Established Residential zone or,
a "business office" not exceeding a net floor area of 230m². A "business office" shall not be permitted in conjunction with any other "R6" use.
2. Four parking spaces shall be provided when the existing building is occupied by a business office.
3. Prior to the passage of an amending zoning by-law a Site Plan Control Agreement with the City of Greater Sudbury respecting the subject lands shall be established to the satisfaction of the Director of Planning Services.
4. That zoning by-law variances required as the result of the Site Plan Control agreement process be recognized in the amending zoning by-law.
5. The amending zoning by-law specify that not more than 1 unlit business identification wall *or* projecting sign, not exceeding 1m² in sign area, accessory to a permitted main non-residential use shall be permitted.

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

CARRIED

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF A CLUBHOUSE IN CONNECTION WITH A PROPOSED GOLF COURSE, MARTIN ROAD AT DOMINION DRIVE, HANMER - PETER CHURAN

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

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF A CLUBHOUSE IN CONNECTION WITH A PROPOSED GOLF COURSE, MARTIN ROAD AT DOMINION DRIVE, HANMER - PETER CHURAN (Cont'd)

Report dated September 23rd, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning to permit the development of a clubhouse in connection with a proposed golf course, Martin Road at Dominion Drive, Hanmer - Peter Churan.

Peter Churan, 3179 Highway 69 North, Val Caron, the applicant, was present.

The Manager of Development Services outlined the applications to the Committee.

Peter Churan advised that he did meet with the area residents. The area residents feel the proposal will improve the neighbourhood, increase property values and create employment. He indicated the land is not prime agricultural land; it is very wet. It is too wet to grow potatoes however, it might be suitable for growing grass crops. He pointed out that the property requires a considerable amount of drainage work and he has already done fair amount.

Councillor Ron Dupuis, Ward Councillor, indicated that drainage issues are one of the biggest concerns and he would like to ensure they are addressed. There is a tremendous amount of water in the area that has no where to go.

The Director of Engineering Services advised that an engineering report is required dealing with municipal drains that traverse property as well as storm water run off. This report is being requested to ensure there are no problems downstream from the property.

Councillor Ron Dupuis, Ward Councillor, indicated that he has received telephone calls from residents of Dominion Drive who are concerned with increased traffic in front of their homes. He further indicated that the area residents are aware that a golf course is currently permitted on the subject property, but any building or structure would require rezoning.

The Manager of Development Services advised that it is anticipated that 50 vehicle trips will be generated during peak hours.

The Chair asked whether anyone in the audience wished to speak in favour or against this application and seeing none:

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

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF A CLUBHOUSE IN CONNECTION WITH A PROPOSED GOLF COURSE, MARTIN ROAD AT DOMINION DRIVE, HANMER - PETER CHURAN (Cont'd)

The following recommendation was presented:

Recommendation #2004-233:

Dupuis-Caldarelli: THAT the application by Peter Churan to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by changing the zoning classification of Parcel 37982 SES, being Part of Part 1, Plan 53R-4813 in Lot 10, Concession 1, Hanmer Township from "A", Agricultural Reserve to "A-Special", Agricultural Reserve Special be approved subject to the following:

- a) That a golf course and related accessory uses be permitted in addition to normal agricultural uses;
- b) That prior to the passing of an amending by-law the applicant shall engage the services of a professional engineer and prepare a hydrogeological study indicating that the site can provide a potable water supply for the clubhouse to the satisfaction of the General Manager of Public Works and indicating that the site can accommodate private sewage disposal facilities to the satisfaction of the Sudbury and District Health Unit.
- c) That the amending by-law define the subject property as an area of site plan control pursuant to Section 41 of the Planning Act.
- d) That prior to the issuance of a building permit the applicant shall be required to enter into a Site Plan Control Agreement to deal with such matters as building location, entrance design, parking layout and treatment, drainage and stormwater management, the provision of a street light on Martin Road at the entrance, and waste disposal.

CONCURRING MEMBERS: Councillors Dupuis, Reynolds, Thompson

NON-CONCURRING MEMBERS: Councillors Bradley, Caldarelli

CARRIED

Recess At 7:10 p.m., the Planning Committee recessed.

Reconvene At 7:17 p.m., the Planning Committee reconvened.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF SINGLE RESIDENTIAL AND MULTIPLE RESIDENTIAL DWELLINGS, ST. AGNES STREET AND BRABANT STREET, AZILDA - 1232259 ONTARIO LIMITED (OWNER: MICHAEL R. CASTONGUAY)

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

Report dated September 27th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding applications for Official Plan Amendment and rezoning to permit the development of single residential and multiple residential dwellings, St. Agnes Street and Brabant Street, Azilda - 1232259 Ontario Limited (Owner: Michael R. Castonguay).

Letter dated October 4th, 2004 from Clarence Rousselle, 55 Paul Street, Azilda and Robert Rousselle, 65 Paul Street, Azilda, was circulated to Committee Members at the meeting.

Michel Robert Castonguay, 650 Lakepoint Court, Sudbury, the applicant, was present.

The Manager of Development Services outlined the applications to the Committee.

Michel Castonguay stated that he has been working on this proposal for several years. He further stated he will be constructing a 51-unit seniors residence which entails a total of eight buildings over an area of seven acres which is why he calls it a village. He pointed out that he is not applying for the subdivision component this evening. He indicated there are minor issues regarding the flood plain and he is having discussions with City staff and Nickel District Conservation Authority in this regard. He feels this project will have a strong emphasis on community involvement. He has contacted local community colleges with a view to apprenticeship programs for youth and he also expects other community partners as the project develops. He indicated that he, for the most part, has had positive feedback.

Jason Spadafore, 283 St. Agnes Street, Azilda, resides on the property which will abut the entrance to the subject lands. He stated that, if there was a public meeting, he would have attended but he did not hear of any meeting nor did his neighbours. He further stated that, when he purchased his property, he understood he would be in a residential area and not have a road beside his house. The proposed road would make his property a corner lot with higher taxes, lower value and no privacy. It will also affect the safety of the neighbourhood. He is in a low lying area and if, fill were placed on the subject lands, he would have water problems.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF SINGLE RESIDENTIAL AND MULTIPLE RESIDENTIAL DWELLINGS, ST. AGNES STREET AND BRABANT STREET, AZILDA - 1232259 ONTARIO LIMITED (OWNER: MICHAEL R. CASTONGUAY) (Cont'd)

Louise Desjardins, 284 St. Agnes Street, Azilda, resides in front of the proposed road. She feels with this road she will have to deal with street lights, car lights and vehicles entering and existing the road all night. She stated that there is much traffic on the street. She pointed out that two years ago there was a petition regarding speeding on St. Agnes Street. There are many children in the area and they play on the subject lands. She also stated that she would have appreciated being told of the project. She spoke with area residents and no one was aware of any meeting. She is not against the seniors residence, only the road in front of her house.

Councillor Bradley, Ward Councillor, stated he suggested to Mr. Castonguay that he hold a public meeting with the area residents. He attended the public meeting at the Lionel Lalonde Centre and no one was present. He also stated that he has never received complaints about the traffic on St. Agnes Street and that traffic was heavy only when there were events at the lake which events are now barred. He indicated there is great need for a seniors residence in the area.

Mr. Castonguay stated that, although the property is 44 acres, access is very limited and he has reviewed this matter extensively. If he were to move the road, it would split the village which would not be practical. He also stated that he contacted the area residents directly or by telephone to advise them of the meeting.

Councillor Berthiaume, Ward Councillor, stated he has not received any telephone calls of complaint or objection to this project and the first time he hears any is this evening. He further stated that the area is in great need of a seniors residence. He also advised he was impressed with the project. Also, he spoke with Mr. Castonguay and advised him to hold a public meeting with the area residents. He indicated he fully supports this project and asked for approval from the Planning Committee.

Councillor Bradley asked if anything could be done about the location of the street.

The Manager of Development Services stated that the road will be a driveway until the subdivision proceeds. He indicated that issues like this can be revisited with during the site plan process as any approval given tonight does not finalize the plans.

Councillor Bradley asked staff to review the site plan to see if something could be done suitable to everyone.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF SINGLE RESIDENTIAL AND MULTIPLE RESIDENTIAL DWELLINGS, ST. AGNES STREET AND BRABANT STREET, AZILDA - 1232259 ONTARIO LIMITED (OWNER: MICHAEL R. CASTONGUAY) (Cont'd)

The Chair asked whether there was anyone else in the audience who wished to speak in favour or against this application and seeing none:

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

The following recommendations were presented:

Recommendation #2004-234:

Bradley-Dupuis: THAT the application by 1232259 Ontario Limited (Owner: Michel R. Castonguay) to amend the Rayside-Balfour Secondary Plan, by changing the land use from "Low Density Residential" and "Neighbourhood and Community Parks and Trail System" to "Medium Density Residential" with respect to those lands described as being Part of PIN 73347-0896 and Part of PIN 73347-0891 being Parts 1 to 4 inclusive, Plan 53R-17545 in Lot 6, Concession 1, Township of Rayside be recommended for approval subject to the following conditions:

1. That prior to passage of the above noted Secondary Plan Amendment the owner shall provide a report and preliminary infrastructure design, from a consulting civil engineer with a valid certificate of authorization, which demonstrates the feasibility of the proposed development with regard to sanitary sewer and watermain service, stormwater management and lot grading for the subject site and for the concept plan area to the satisfaction of the General Manager of Public Works.

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

CARRIED

Recommendation #2004-235:

Bradley-Dupuis: That the application by 1232259 Ontario Limited (Owner: Michel R. Castonguay) to amend By-law 83-302 being the Comprehensive Zoning By-law for the (former) Town of Rayside-Balfour from "RU", Rural to "R1", Single Residential and "R3-Special", Special Medium Density Residential, as the case may be, with respect to those lands described as being Part of PIN 73347-0896 and Part of PIN 73347-0891 being Parts 1 to 4 inclusive, Plan 53R-17545 in Lot 6, Concession 1, Township of Rayside be recommended for approval subject to the following conditions:

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF SINGLE RESIDENTIAL AND MULTIPLE RESIDENTIAL DWELLINGS, ST. AGNES STREET AND BRABANT STREET, AZILDA - 1232259 ONTARIO LIMITED (OWNER: MICHAEL R. CASTONGUAY) (Cont'd)

Recommendation #2004-235 (cont'd):

1. The lands described as being Parts 1, 2 and 4, Plan 53R-17545 shall be zoned "R3-D12.3-Special", Special Medium Density Residential.
2. That in addition to the uses permitted in an "R3", Medium Density Residential zone a residential building containing a maximum of 20 guest rooms designed for seniors or residents thereof who require nursing and/or homecare, as well as common kitchen and eating facilities shall be permitted.
3. The amending zoning by-law create a minimum parking requirement of one (1) parking space per four (4) guest rooms.
4. Only one single residential lot comprising those lands described as being Part 3, Plan 53R-17545 shall be permitted, and accordingly zoned "R1.D4.9", Single Residential.

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

CARRIED

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Items C-1 to C-2 contained in Part 1 of the Consent Agenda:

Recommendation #2004-236:

Caldarelli-Dupuis: THAT Items C-1 to C-2 contained in Part 1, Consent Agenda, be adopted.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-1 Report dated September 24th, 2004, was received from the General
Surplus School Manager of Corporate Services regarding Surplus School Board
Properties, Ecole Properties, 96 Gaudette Street - Ecole Monseigneur Cote,
Monseigneur Cote Chelmsford & 14 Ontario Street - Ecole Jacques Cartier,
& Ecole Jacques Chelmsford.
Cartier, Chelmsford

Recommendation #2004-237:

Bradley-Dupuis: THAT Le Conseil Scolaire Catholique du Nouvel-Ontario be advised that the City of Greater Sudbury is not interested in acquiring the following properties:

1. 96 Gaudette Street - École Monseigneur Côté, Chelmsford; and
2. 14 Ontario Street - École Jacques Cartier, Chelmsford.

CARRIED

Item C-2 Report dated September 24th, 2004, was received from the General
Declaration of Manager of Corporate Services regarding Declaration of Surplus
Surplus Lands Lands - Various Lots on Oak Street and Cedar Street, Capreol -
Various Lots, Lofty Pine Lofty Pine Subdivision,
Subdivision, Capreol

Recommendation #2004-238:

Bradley-Dupuis: THAT the properties owned by the City and legally described as Lots 9, 12, 13, 14, 15, 16, 17, 18, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 48 and 50, Plan M-1211, be declared surplus and sold in accordance to the procedures governing the disposal of surplus property.

CARRIED

Adjournment

Recommendation #2004-239:

Bradley-Dupuis: That we do now adjourn.
Time: 8:55 p.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR RUSS THOMPSON PRESIDING

**THE FIRST MEETING OF THE COMMITTEE OF THE WHOLE
OF THE COUNCIL OF THE CITY OF GREATER SUDBURY**

**C-10
Tom Davies Square**

**Tuesday, October 5, 2004
Commencement: 3:15 p.m.**

Chair

COUNCILLOR TERRY KETT, IN THE CHAIR

Present

Councillors Berthiaume; Caldarelli; Gasparini; Reynolds; Rivest; Thompson (A 4:53 p.m.); Mayor Courtemanche

City Officials

M. Mieto, Chief Administrative Officer; K. Khan, Business Analyst; D. Mathe, Manager of Supplies & Services; T. Mowry, City Clerk; CJ Caporale, Council Secretary

Declarations of
Pecuniary Interest

None declared.

Purpose of Meeting

The Chief Administrative Officer advised that the purpose of this meeting was to present and review the draft ranking of the thirteen (13) proposals received for Contract CA004-04, Request for Proposal for a Review of the Organizational Structure and Practices of the City of Greater Sudbury.

"In Camera"

2004-01 Rivest-Berthiaume: That we move "In Camera" to deal with the Consideration of Third Party Proprietary Information resulting from a Tender (Municipal Freedom of Information and Protection of Privacy Act) 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

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report

Councillor Kett, as Chairman of the Committee of the Whole, reported the Committee met to deal with the Consideration of Third Party Proprietary Information resulting from a Tender (Municipal Freedom of Information and Protection of Privacy Act) falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2001-03 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5) and one resolution emanated therefrom.

Committee Appointed

The following resolution was presented:

2004-02 Kett-Berthiaume: THAT the following Members of Council be appointed to a Committee in order to conduct the final interviews of the three (3) short-listed firms for Contract CA004-04, Request for Proposal for a Review of the Organizational Structure and Practices of the City of Greater Sudbury, and to make a final recommendation to the October 14, 2004 regular meeting of Council:

Councillor Kett (Chair)
Councillor Berthiaume
Councillor Caldarelli
Councillor Reynolds
Councillor Rivest

CARRIED

Bid Submissions

Councillor Kett announced that the three (3) firms selected for interviews are:

Mercer Delta Consulting Group
Berkley Consulting Group
Grant Thornton

Direction

Councillor Kett advised that the following direction was given to staff:

1. That the CAO's Office contact the three (3) firms and advise they will be interviewed by a Committee of Council;
2. That the CAO's Office will prepare a package for the Members of the Committee consisting of draft interview questions and ranking sheet. This information will be provided to the Members of the Committee in advance of the meeting;
3. That the Manager of Supplies & Services will contact each of the three (3) short-listed firms and ask them for a "last and final offer" based on a fixed price for services, subject to negotiation of the final terms of reference. This information will be provided to the Committee.

Adjournment

2004-03 Rivest-Berthiaume: That this meeting does now adjourn.
Time: 4:15 p.m.

CARRIED

Councillor Terry Kett, Chair

City Clerk

**THE FIFTH MEETING OF THE AD-HOC COMMITTEE
COUNCIL AUDITOR OF THE CITY OF GREATER SUDBURY**

Tom Davies Square
Committee Room C-10

Tuesday, October 5, 2004
Commencement: 4:30 p.m.
Adjournment: 5:00 p.m.

COUNCILLOR CLAUDE BERTHIAUME, PRESIDING

Present Councillors Caldarelli; Kett; Reynolds; Rivest
Councillors Bradley, Dupuis, Thompson

Staff M. Mieto, Chief Administrative Office; D. Mathe, Manager of Supplies & Services; A. Haché, Deputy City Clerk; F. Bortolussi, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

Purpose of Meeting The Chief Administrative Officer advised that the purpose of this meeting was to present the proposal received for Contract CA004-05, Request for Proposal for a Council Auditor.

"In Camera" 2004-8 Caldarelli-Rivest: THAT we move "In Camera" to deal with the Consideration of Third Party Proprietary Information resulting from a Tender (Municipal Freedom of Information and Protection of Privacy) 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

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report Councillor Berthiaume, as Chair of the Ad Hoc Committee - Council Auditor, reported that the Committee met in closed session to deal with the Consideration of Third Party Proprietary Information.

Bid Submission Councillor Berthiaume announced that one firm would be interviewed. The City Clerk's Office was directed to arrange a meeting date between October 18th, 2004 and October 29th, 2004.

Adjournment 2004-9 Rivest-Caldarelli: THAT we do now adjourn.
TIME: 5:00 p.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR CLAUDE BERTHIAUME, CHAIR

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

**C-11
Tom Davies Square**

**Wednesday, September 29, 2004
Commencement: 6:00 p.m.**

Chair

DEPUTY MAYOR DOUG CRAIG, CHAIR

Present

Councillors Berthiaume; Bradley; Caldarelli (A 6:03 p.m.); Callaghan; Dupuis; Gainer (A 6:25 p.m.); Gasparini; Reynolds; Rivest; Thompson

City Officials

M. Mieto, Chief Administrative Officer; C. Ouellette, Acting General Manager of Health & Social Services; A. Stephen, General Manager of Emergency Services; D. Wuksinic, General Manager of Corporate Services; R. Swiddle, City Solicitor/Director of Legal Services; C. Mahaffy, Manager of Financial Planning & Policy; D. Donaldson, Fire Chief; B. Battison, Deputy Fire Chief; M. Leduc, Deputy Fire Chief; P. Demers, Community Relations and Policy Advisor; T. Mowry, City Clerk; CJ Caporale, Council Secretary

Declarations of
Pecuniary Interest

None declared.

Purpose of Meeting

Deputy Mayor Craig addressed Council advising the purpose of the meeting was to deal with the Security of the Property of the Municipality and would be conducted "In Camera".

"In Camera"

2004-08 Reynolds-Rivest: That we move "In Camera" to deal with the Security of the Property of the Municipality 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

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report

Deputy Mayor Craig, as Chairman of the Committee of the Whole, reported Council met to deal with the Security of the Property of the Municipality falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2001-03 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5) and no resolutions emanated therefrom.

Adjournment

2004-09 Reynolds-Rivest: THAT this meeting does now adjourn.
Time: 6:58 p.m.

CARRIED

Deputy Mayor Doug Craig, Chair

City Clerk

MINUTES OF THE TENDER OPENING COMMITTEE MEETING

Committee Room C-14
Tom Davies Square
2004-09-27

Commencement: 2:30 p.m.
Adjournment: 2:37 p.m.

D. MATHÉ, MANAGER OF SUPPLIES & SERVICES, IN THE CHAIR

Present : D. Wuksinic, General Manager of Corporate Services; R. Swiddle, City Solicitor; S. Jonasson, City Treasurer; E. Stankiewicz, Co-Ordinator of Current Budget; D. Dumontelle, Budget Technician T. Derro, Chief Tax Collector; D. Braney, Property Administrator; L. Valle, Senior Accountant, Tax; A. Roy, Law Clerk; J. Van de Rydt, Co-Ordinator of Capital Budget and Risk Management; L. Lesar, Secretary to the Manager of Supplies & Services; S. Cundari, Clerk/Receptionist, Supplies & Services.

The Chairman advised the City Treasurer had withdrawn the following properties from the Sale of Land by Public Tender - Municipal Tax Sale:

File No. 02-173, 0 Long Lake Road (Roll #090.014.07400)
File No. 03-01, 2800 Kingsway (Roll #010.018.00100)
File No. 03-02, 0 Kingsway (Roll #010.018.00500)
File No. 03-08, 433 Lorne Street (Roll #050.008.05900)
File No. 03-09, 797 Lorne Street (Roll #050.012.06100)

Any tenders received for the above-noted properties would be returned unopened to the bidders.

Properties Receiving No Bids:

The Chairman advised no tenders were received for the following properties:

File No. 02-152, Dryden Township (Roll #240.003.02300)
File No. 03-154, 191 Ray Street (Roll #240.003.07330)
File No. 02-155, 201 Ray Street (Roll #240.003.07331)
File No. 02-157, 25 Laren Street (Roll #240.003.29000)
File No. 02-163, 0 Hwy 537 (Roll #250.003.04900)
File No. 02-165, Cleland Township (Roll #250.003.07500)
File No. 02-172, Scadding Township (Roll #250.004.02900)
File No. 03-05, 234 Bessie Ave. (Roll #040.018.05500)
File No. 03-06, 227 Lorne Street (Roll #050.001.00100)
File No. 03-07, 185 Lorne Street (Roll #050.001.00200)
File No. 03-13, 259 Fielding Road (Roll #110.002.30900)
File No. 03-14, 235 Fielding Road (Roll #110.002.31000)
File No. 03-15, 235 Fielding Road (Roll #110.002.31100)
File No. 03-16, 675 Regional Road 55 (Roll #110.004.16300)
File No. 03-17, 47 B Levack Drive (Roll #150.003.21600)
File No. 03-18, 3555 Highway 144 (Roll #160.002.10000)

Tenders for the Municipal Tax Sale were received from the following bidders:

File No. 02-166, 115 Labre Road, Cleland Twp.

Minimum Tendered Amount: \$9,177.20

BIDDER	TOTAL AMOUNT	BID DEPOSIT
Charles Robineau	\$ 9,500.00	\$2,000.00
Jean-Marc Labre, Aurora Caciotti-Labre	\$27,777.00	\$5,555.40
Valeriy Pokholchendo	\$31,100.00	\$6,300.00
Larry & Laurie Aubertin	\$11,300.00	\$2,000.00
Alvin Lindhorst	\$10,529.00	\$2,105.00
Caroline Bayroft & Anne Hofland	\$13,002.00	\$2,650.00
Victor Steve Bene	\$12,222.00	\$3,000.00
Fernando Cardoso	\$10,001.00	\$2,001.00

The foregoing tenders would be turned over to the Law Clerk for award and preparation of Legal Documents for the Sale of these properties.

File No. 02-170 - Scadding Township, Parcel 5194

Minimum tendered amount: 5,978.27

BIDDER	TOTAL AMOUNT	BID DEPOSIT
Fernando Cardoso	\$7,501.00	\$1,501.00

The foregoing tenders would be turned over to the Law Clerk for award and preparation of Legal Documents for the Sale of these properties

File No. 02-171, Scadding Township, Parcel 5192

Minimum Tendered Amount: \$5,978.27

BIDDER	TOTAL AMOUNT	BID DEPOSIT
Fernando Cardoso	\$8,001.00	\$1,601.00

The foregoing tenders would be turned over to the Law Clerk for award and preparation of Legal Documents for the Sale of these properties

The meeting adjourned at 3:37 p.m.

Chairman

Secretary

MINUTES OF THE TENDER OPENING COMMITTEE MEETING

Committee Room C-14
Tom Davies Square
2004-09-28

Commencement: 2:30 p.m.
Adjournment: 2:33 p.m.

M. JAKUBO, ACTING MANAGER OF SUPPLIES & SERVICES, IN THE CHAIR

Present

D. Dumontelle, Budget Technician; K. Lessard, Law Clerk; R. Rocca, Engineering Technician; L. Lesar, Secretary to the Manager of Supplies & Services

Contract 2004-25 Intersection Improvements

Tenders for Contract 2004-25, Barrydowne / Kingsway Intersection Improvements {estimated at a total contract cost of \$770,000.00} were received from the following bidders:

BIDDER	TOTAL AMOUNT
Teranorth Construction & Engineering Limited	\$1,036,037.59
Pioneer Construction In.	\$1,025,137.68
Belanger Construction (1981) Inc.	\$1,093,149.45
Interpaving Limited	\$ 998,846.27

A bid deposit in the form of a certified cheque, letter of credit or bid bond with an agreement to bond accompanied each tender.

The foregoing tenders were turned over to the Engineering Technician for review and recommendation. A report outlining the recommendations would be prepared and forwarded to the General Manager of Public Works for approval. A copy of this report would be provided to the Manager of Supplies & Services.

Adjournment

The meeting adjourned at 2:33 p.m.

Chairman

Secretary

T.O.C 2004-09-28 (1)

MINUTES OF THE TENDER OPENING COMMITTEE MEETING

Committee Room C-14
Tom Davies Square
2004-10-05

Commencement: 2:30 p.m.
Adjournment: 2:38 p.m.

M. JAKUBO, CO-ORDINATOR OF SUPPLIES & SERVICES, IN THE CHAIR

Present

R. Martin, Manager of Fleet; M. Hauta, Accountant; K. Lessard, Law Clerk; L. Lesar, Secretary to the Manager of Supplies & Services

Contract PWD04-61
Operated Two Cu. Yd.
Loader

Tenders for contract PWD04-61, Rental of One (1) Operated Two Cubic Yard Loader {estimated at a cost of \$70,000.00 per unit/per year} were received from the following bidders:

BIDDER	HOURLY RATE
D. Lafond Contracting	\$35.00
Savoy Holdings	\$64.99
Nova Contracting	\$58.00
Denis Gratton Transport Ltd.	\$43.85
Bruce Tait Construction Ltd.	\$63.50
Pat Taylor Contracting Inc.	\$58.00

A bid deposit in the amount of \$1,000.00 in the form of a certified cheque, money order or irrevocable letter of credit accompanied each tender.

The foregoing tenders were turned over to the Manager of Fleet for review and recommendation. A report outlining the recommendations would be prepared and forwarded to the General Manager of Public Works for approval. A copy of this report would be provided to the Manager of Supplies & Services.

Adjournment

The meeting adjourned at 2:38 p.m.

Chairman

Secretary

T.O.C. 2004-10-05 (1)

NICKEL DISTRICT CONSERVATION AUTHORITY

Minutes of General Board Meeting

Wednesday, September 22, 2004

Room C-11
Tom Davies Square

Commenced: 7:00 p.m.
Adjourned: 8:41 p.m.

PRESENT: Ron Bradley, Chairman
Aaron Beaudry
Ron Dupuis
Bob Rogers, Vice-Chairman

ALSO PRESENT: P. Sajatovic
Alain Couillard
Media

COMMUNICATIONS: Russ Thompson
Gerard Dalcourt

1. Chair Bradley opened the meeting.
2. No declarations of conflict were declared.
3. Adoption of Minutes

a) June 16, 2004

Resolution 2004-44

Rogers - Beaudry

That the minutes of the June 16, 2004 General Board meeting, as duplicated and circulated, be approved.

Carried.

4. Delegations

a) Todd Gerling, 158 St. Onge Street, Chelmsford

Mr. Gerling was not present, however, the additional information requested by members was discussed. The staff report addressed the issues of:

- 1) where the retaining wall is likely located on the property
- 2) when and whom may have built the retaining wall, and
- 3) what types of easements are registered against the property.

Members still had concerns, and asked for further clarification, before making a formal decision. Staff are to report back at the October, 2004 General Board meeting relating to:

- 1) tributary realignment options, and
- 2) legal liability/safety issues from the potential failure of the wall on private property.

5. Presentation

a) Overview of N.D.C.A. Website Development

The N.D.C.A. agreed to move ahead to prepare a corporate website. An experienced youth website developer, Mr. Alain Couillard, was retained through the Job Connect Program, to undertake the work. The site was unveiled to members and comments were received. Refinements will be made and the site will be launched to the public by mid-October, 2004.

6. General Business

a) Funding Request to Nickel District Conservation Foundation

Resolution 2004-45

Rogers - Beaudry

That the Nickel District Conservation Foundation be requested to provide \$20,000 in funding support for activities associated with the Lake Laurentian Environmental-Education Program.

Carried.

b) Confirmation of E-Mail Polls

During July and August, 2004, because regularly scheduled Board meetings were not held, two e-mail/telephone polls had to be conducted. Resolutions were brought forward at this Board meeting to confirm the decisions.

Resolution 2004-46

Beaudry - Rogers

WHEREAS the Conservation Authorities Act is recognized as a provincial and municipal partnership since 1946:

AND WHEREAS the Conservation Authorities have provincially delegated responsibilities for the implementation of flood and erosion control programs for the protection of life and property in Ontario;

AND WHEREAS the Province has previously committed to paying 50% of flood

and erosion control programs and other related eligible programs as defined in the 1997 Policy and Procedures Manual, but has not met that funding commitment;

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

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

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

AND FURTHER that the Nickel District Conservation Authority General Board will forward this report to its member municipality, the City of Greater Sudbury, for endorsement. That we do now adjourn.

Carried.

Resolution 2004-47

Rogers -Beaudry

That the Consultant Engineer's report prepared in relation to 1027 Arthur Street be received,

AND FURTHER that the report be forwarded to the property owner for their information and follow-up.

Carried.

c) Application to H.R.D.C.

Members discussed an application to Human Resources Development Canada for a youth program to support activities at the Lake Laurentian Conservation Area.