
**FOR THE REGULAR MEETING OF CITY COUNCIL
TO BE HELD ON THURSDAY, JULY 14, 2005 AT 7:00 P.M.
IN THE COUNCIL CHAMBER, TOM DAVIES SQUARE**

ADDENDUM (RESOLUTION PREPARED)

PAGE NO.

(Two-thirds Majority Required to Deal with the Addendum)

1. Declarations of Pecuniary Interest

ROUTINE MANAGEMENT REPORTS

- AD-1 Report dated 2005-07-14, with attachments, from the Executive Director of Administrative Services regarding Noise By-law Exemption - Nickel Rim South Project - Falconbridge Limited **AD1 - AD4**
(RESOLUTION PREPARED)

(At the Council meeting of December 16, 2004, Resolution 2004-643 was passed granting a Noise By-law Exemption to Falconbridge Limited for the Nickel Rim South Project. A further request was received on July 13, 2005 for an extension to the Noise By-law for the period of August 1, 2005 to July 31, 2006.)

- AD-2 Report dated 2005-07-14, with attachments, from the Executive Director of Administrative Services regarding Noise By-law Exemption - Ministry of Transportation Contract - Highway 69 South - Aecon-Alarie Joint Venture. **AD5 - AD8**
(RESOLUTION PREPARED)

(A request for an exemption to the Noise By-law was received from Aecon-Alarie Joint Venture for the construction of the MTO project (Four Lane Highway 69) located on Highway 69 South, east of Gladu Road, Sudbury. The request is for twenty-four hours per day, seven days a week to the end of August, 2005 to allow for crushing operations.)

BY-LAWS**PAGE NO.**

2005-197T 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

[This by-law refers to Item R-1 (Various Parking Issues, Young Street, Capreol), Council Agenda dated July 14, 2005.]]

MANAGERS' REPORTS

AD-3 Report dated 2005-07-06 from the General Manager of Infrastructure & Emergency Services regarding Lionel Lalonde Centre Construction Project - Design Contract.

(RESOLUTION PREPARED)

AD9 - AD10

(This report recommends the award of the detailed design contract to Nicholls Yallowega Belanger Architects.)

(Next Agenda Item: **CIVIC PETITIONS**)

2005-07-14

**ANGIE HACHÉ
ACTING CITY CLERK**

**CORRIE-JO CAPORALE
COUNCIL SECRETARY**

ADDENDUM (2005-07-14)

-II-

Request for Decision City Council



Type of Decision

| | | | | | | | | | |
|--------------------|-------------------------------------|-----|--------------------------|----|-----------------|-------------------------------------|------|--------------------------|--------|
| Meeting Date | Thursday, July 14, 2005 | | | | Report Date | Thursday, July 14, 2005 | | | |
| Decision Requested | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No | Priority | <input checked="" type="checkbox"/> | High | <input type="checkbox"/> | Low |
| | Direction Only | | | | Type of Meeting | <input checked="" type="checkbox"/> | Open | <input type="checkbox"/> | Closed |

Report Title

**REQUEST FOR AN EXTENSION OF NOISE BY-LAW EXEMPTION
NICKEL RIM SOUTH PROJECT - FALCONBRIDGE LIMITED**

Policy Implication + Budget Impact

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

Policy Implication:

Falconbridge Limited has requested an extension to the approval given by Council in Resolution 2004-643. The Nickel Rim South Project is located between Capreol and Skead, in the former Town of Nickel Centre. Noise By-law 92-13 of the former Town is still in effect.

Budget Impact:

There is no financial impact associated with this Request for Decision.

☒ Background Attached

Recommendation

WHEREAS Council by Resolution 2004-643 granted Falconbridge Limited an extension to the exemption to Noise By-law 92-13 of the former Town of Nickel Centre for the period from January 1, 2005 to and including July 31, 2005;

AND WHEREAS Falconbridge Limited has requested an extension of the exemption for operational requirements at the Nickel Rim South Project to carry out intensive surface construction such as preparing the site, including moving the broken rock, drilling and excavating work for a one year period from August 1, 2005 to and including July 31, 2006;

☒ Recommendation Continued

Recommended by the Department Head

Caroline Hallsworth
Executive Director of Administrative Services

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer

Date: Thursday, July 14, 2005

Report Prepared By

CJ Caporale
Council Secretary

Division Review

RESOLUTION (continued):

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury has no objection to the granting an extension of the exemption to Noise By-law 92-13, to Falconbridge Limited and its contractors for operational requirements at the Nickel Rim South Project to July 31, 2006 subject to the conditions set out in Council Resolution 2004-643 remaining in effect.

BACKGROUND:

City Council at its meeting of 2004-01-29 passed Resolution 2004-48, which read in full as follows:

THAT this Council has no objection to the granting of an exemption to By-law 92-13, "BEING A BY-LAW TO PROHIBIT AND REGULATE NOISES IN THE TOWN OF NICKEL CENTRE", to Falconbridge Limited and its contractors for operational requirements at the Nickel Rim South Project to carry out intensive surface construction such as preparing the site, including moving the broken rock, drilling and excavating work for a four month period from February 1st, 2004 to and including May 30, 2004;

AND THAT approval of this exemption be subject to restricting blasting to the daylight hours only;

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

AND FURTHER THAT it is to be understood that this approval is given solely for the purpose of granting a noise exemption only and shall not be construed as an exemption or approval for any other purpose.

At the City Council meeting of 2004-05-13 an extension of the noise exemption was granted under Resolution 2004-258, which read in full as follows:

WHEREAS Council by Resolution 2004-48, 2004-01-29, granted Falconbridge Limited an exemption to Noise By-law 92-13 of the former Town of Nickel Centre for the period from February 1st, 2004 to and including May 30th, 2004;



Date: Thursday, July 14, 2005

BACKGROUND (continued):

AND WHEREAS Falconbridge Limited has requested an extension of the exemption to December 31st, 2004;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury has no objection to the granting an extension of the exemption to Noise By-law 92-13, to Falconbridge Limited and its contractors for operational requirements at the Nickel Rim South Project to December 31, 2004 subject to the conditions set out in Council Resolution 2004-48 remaining in effect.

At the City Council meeting of 2004-12-16 an extension of the noise exemption was granted under Resolution 2004-643, which read in full as follows:

WHEREAS Council by Resolution 2004-258, 2004-05-13, granted Falconbridge Limited an extension to the exemption to Noise By-law 92-13 of the former Town of Nickel Centre for the period from May 30th, 2004 to and including December 31, 2004;

AND WHEREAS Falconbridge Limited has requested an extension of the exemption for operational requirements at the Nickel Rim South Project to carry out intensive surface construction such as preparing the site, including moving the broken rock, drilling and excavating work for a six month period from January 1, 2005 to and including July 31, 2005;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury has no objection to the granting an extension of the exemption to Noise By-law 92-13, to Falconbridge Limited and its contractors for operational requirements at the Nickel Rim South Project to July 31, 2005;

AND THAT approval of this exemption be subject to the following conditions: 1) Restricting blasting to the daylight hours only. 2) That approval of this exemption be further subject to Falconbridge Limited and/or its contractors providing public notice of this construction activity prior to its commencement. 3) It is to be understood that this approval is given solely for the purpose of granting a noise exemption only and shall not be construed as an exemption or approval for any other purpose.

A check of the By-law Office was conducted to determine if any noise complaints had been received and they indicated that no noise complaints regarding this project have been received.

RECOMMENDATION:

It is recommended that Council grant Falconbridge's request for an extension of the exemption to Noise By-law 92-13 of the former Town of Nickel Centre from August 1, 2005 to and including July 31, 2006 subject to the same terms and conditions as set out in Council Resolution 2004-643.

ATTACH:

1. Site Location Map - Nickel Rim South Advanced Exploration Project

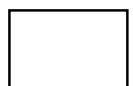
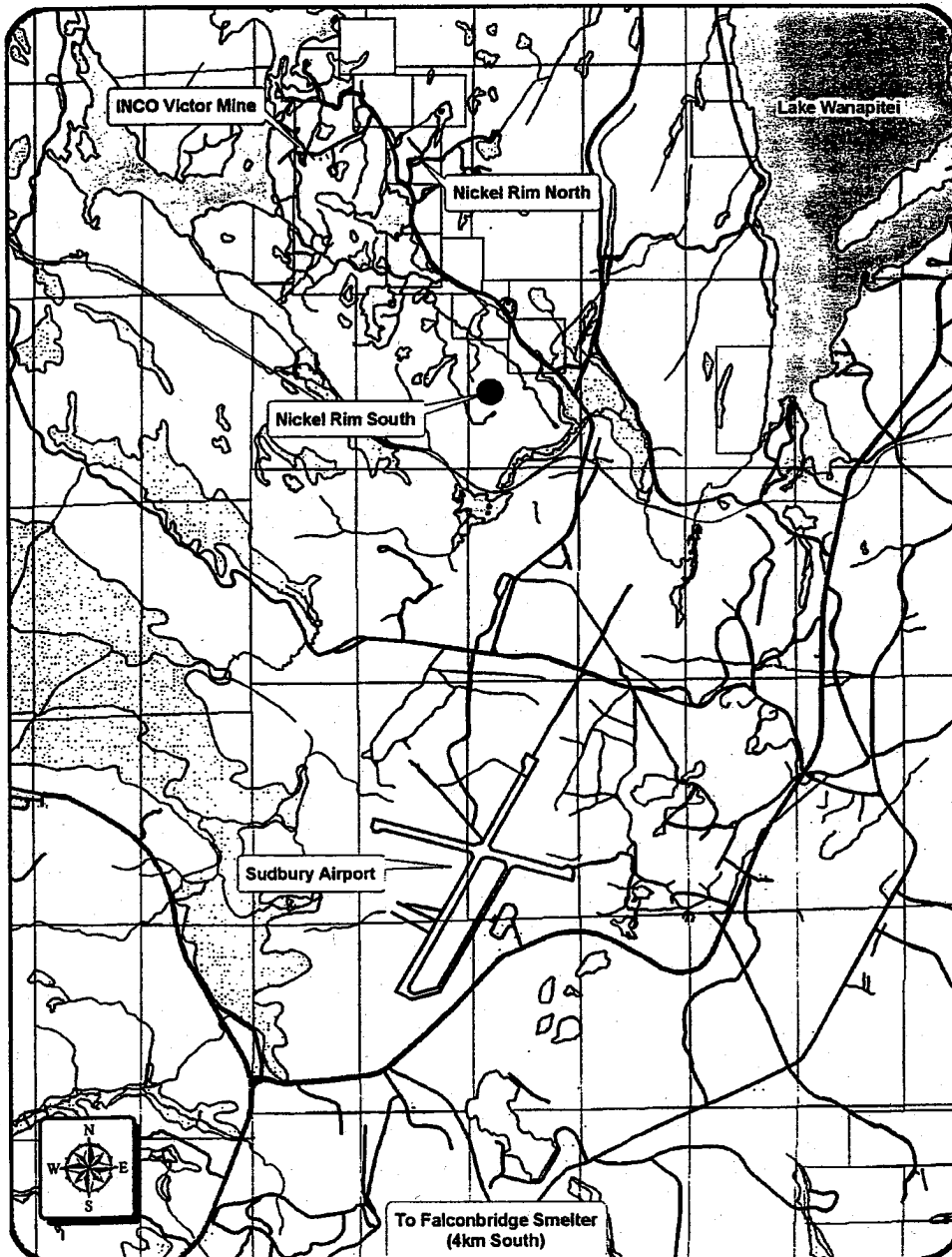


Figure 3.2.1
Site Location – Nickel Rim South Advanced Exploration Project



Request for Decision City Council

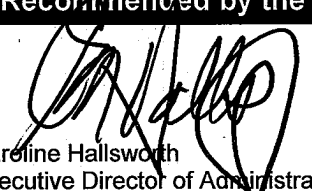


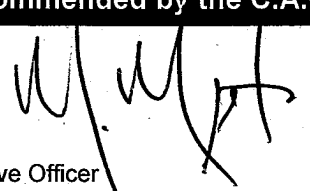
| Type of Decision | | | | | | | | | |
|--------------------|--|---------------------------------------|-----|--|----|-----------------|--|---------------------------------------|--------|
| Meeting Date | | Thursday, July 14, 2005 | | | | Report Date | | Thursday, July 14, 2005 | |
| Decision Requested | | <input checked="" type="checkbox"/> X | Yes | | No | Priority | | <input checked="" type="checkbox"/> X | High |
| | | Direction Only | | | | Type of Meeting | | <input checked="" type="checkbox"/> X | Open |
| | | | | | | | | | Closed |

| Report Title |
|---|
| <p align="center">NOISE BY-LAW EXEMPTION - AECON-ALARIE JOINT VENTURE FOUR LANE HIGHWAY 69 SOUTH</p> |

| Policy Implication + Budget Impact | |
|--|--|
| <input type="checkbox"/> | This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified. |
| <p><u>Policy Implication:</u></p> <p>Aecon-Alarie Joint Venture has requested an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law).</p> <p><u>Budget Impact:</u></p> <p>There is no financial impact associated with this Request for Decision.</p> | |
| <input checked="" type="checkbox"/> X | Background Attached |

| Recommendation | |
|---|--------------------------|
| <p>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 Aecon-Alarie Joint Venture for the construction on Highway 69 South, east of Gladu Road, Sudbury (Ministry of Transportation's Contract 2004-5004 - Highway 69 South Four Lane);</p> <p>AND THAT exemption be granted for the period starting immediately to August 31, 2005 for a twenty-four hour, seven day a week crushing operation;</p> | |
| <input checked="" type="checkbox"/> X | Recommendation Continued |

| Recommended by the Department Head |
|---|
|  Caroline Hallsworth Executive Director of Administrative Services |

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

AD 5

Date: Thursday, July 14, 2005

Report Prepared By

A. Haché

Angie Haché
Acting City Clerk

Division Review

RECOMMENDATION (continued):

AND THAT approval of this exemption be subject to Aecon-Alarie Joint Venture providing notification to the area property owners of this construction activity with a copy to be provided to the City Clerk's Office for distribution.

BACKGROUND:

A letter dated July 12, 2005 was received from Mr. Ben Paille, Project Coordinator, Aecon-Alarie Joint Venture, requesting a noise by-law exemption for construction of the MTO project (Contract 2004-5004) located on Highway 69 South just east of Gladu Road, Sudbury. The exemption is for a crushing operation, which will run seven days a week, twenty-four hours per day until the end of August, 2005.

Mr. Paille advised that 160,000 tonnes of granular must be produced in order to continue the construction of the new "Four Lane Highway 69" and that a steady crushing operation is necessary in order to keep up with the progress of the construction.

He also stated, in his letter, that "in accordance with Special Provision No. 199F33M (construction for Contract 2004-5004), our crushing operations are not within the noise sensitive area limits of 500m from homes, businesses and cottages. This Special Provision does not specify any constraints against crushing".

A check of the By-law Office was conducted to determine if any noise complaints had been received. Mr. Bryan Gutjahr, Manager of By-law Enforcement Services, indicated that they have received one complaint regarding the noise from this activity.

Mr. Greg Clausen, City Engineer, had no concerns other than the neighbours be advised and that a foreman's name and contact number be provided.

Attach:

- 1) Letter dated July 12, 2005 - Aecon-Alarie Joint Venture

AD6

**AECON-ALARIE Joint Venture**

July 12, 2005
The Greater City of Sudbury
Sudbury, ON P3E 5K3

Attn: Angie Hache

Re: MTO Contract 2004-5004
Hwy 69 from 7km north of Hwy 537, northerly 2.4km
Exception to noise by-law for crushing

Aecon-Alarie Joint Venture (AAJV) is requesting an exception to the noise by-law for construction of the MTO project located on Highway 69 South just East of Gladu Road. More specifically, the exception to the noise by-law is for our 24 hours per day, 7 days a week crushing operation, which will continue until the end of August. Within this time frame, 160,000 tonnes of granular must be produced in order to continue the construction of the new "Four Lane Highway 69". Our steady crushing operation is necessary in order to keep up with the progress of the job.

In accordance with Special Provision No. 199F33M (Construction Noise Constraints) for Contract No. 2004-5004, our crushing operations are not within the noise sensitive area limits of 500m from homes, businesses and cottages. This Special Provision does not specify any constraints against crushing. Please refer to attachment for a copy of this Special Provision.

Your cooperation is greatly appreciated. Please advise me if you have any questions or concerns.

Yours truly,
AECON-ALARIE Joint Venture

Ben Paille
Project Coordinator
Tel: 705-522-0922
Fax: 705-522-0925

| Exemption and Permit Identification | Exemption and Permit Details and Conditions |
|-------------------------------------|---|
| DFO Fisheries Authorisation | Fisheries, Resources, Culverts 1,4,5,6,7 |

The exemptions and permits provided above do not relieve the Contractor of other obligations imposed by statute or by municipal bylaw.

CONSTRUCTION NOISE CONSTRAINTS

Special Provision No. 199F33M

December 1990

Noise Sensitive Areas

This special provision covers the requirements for control of construction noise produced by the Contractor's operations. With the exception of any exemptions from municipal noise control bylaws that may be indicated elsewhere in the Contract, these requirements do not relieve the Contractor of other obligations imposed by statute or by municipal bylaw.

Noise constraints in noise sensitive areas are as follows:

| Noise Sensitive Area Limits | |
|--|--|
| Within the contract limit and within 500 m of homes, businesses and cottages, and at all MTO and crown sources listed on the aggregate sources list. | |
| Constraint | Constraint Details |
| Equipment Maintenance | Equipment shall be maintained in an operating condition that prevents unnecessary noise, including but not limited to non-defective muffler systems, properly secured components, and the lubrication of moving parts. |
| Equipment Operation | Idling of equipment shall be restricted to the minimum necessary to perform the specified work. |
| Equipment Type | Hydraulic drills with dust collectors |
| Hours of Operation | Drilling, blasting and pile driving operations are restricted to the hours of 07:00-19:00 |
| Aggregate Activities at MTO Permitted Sites | Hours of operation are as identified on the aggregate permit site plan. |

Request for Decision City Council



Type of Decision

| | | | | | | | | | |
|--------------------|-------------------------------------|-----|--|----|-----------------|-------------------------------------|------|--|--------|
| Meeting Date | July 14, 2005 | | | | Report Date | July 6, 2005 | | | |
| Decision Requested | <input checked="" type="checkbox"/> | Yes | | No | Priority | <input checked="" type="checkbox"/> | High | | Low |
| | Direction Only | | | | Type of Meeting | <input checked="" type="checkbox"/> | Open | | Closed |

Report Title

Lionel Lalonde Centre Construction Project - Design Contract

Policy Implication + Budget Impact

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

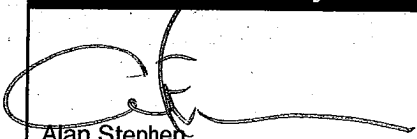
☒ Background Attached

Recommendation

THAT Council approve the sole sourcing of architectural services for the detailed design and administration of the Lionel Lalonde Centre Construction Project to Nicholls, Yallowega, Belanger Architects / Architectes (NYBAA)

Recommendation Continued

Recommended by the Department Head


Alan Stephen
General Manager, Infrastructure and Emergency Services

Recommended by the C.A.O.


Mark Mieto
Chief Administrative Officer

AD 9

Date: June 23, 2005

Report Prepared By



Danielle Braney
Manager of Assets

Division Review



Danielle Braney
Manager of Assets

Background:

The firm Nicholls Yallowega Bélanger Architects/Architectes (NYBAA) have been the consultants of record for the Lionel Lalonde Centre over the last several years and have the experience and expertise to complete the project approved by Council on May 26, 2005. NYBAA were the original architects of the school and have staff members who worked on the original building. The firm has been involved in all subsequent renovations to the facility (boxing, dormitories, fitness centre, classrooms and workshops,...).

The Purchasing By-Law requires Council's approval for sole sourcing of Consultants. The Manager of Assets in consultation with the Manager of Supplies and Services/Purchasing Agent recommends the sole sourcing of this project to NYBAA, based on their experience, records and expertise with this building. This would also allow the project to begin this summer rather than late Fall or early Spring to ensure that substantial completion is achieved by the Fall of 2006.

The Supplies and Services Section will prepare the contract documents and the Assets Section will co-ordinate the construction project with NYBBAA.

AD10