

# City Council AGENDA

FOR THE **REGULAR MEETING** OF CITY COUNCIL TO BE HELD ON **THURSDAY**, **AUGUST 12**, **2004** AT **7:00 P.M.** IN THE **COUNCIL CHAMBER**, TOM DAVIES SQUARE

# MAYOR DAVID COURTEMANCHE, CHAIR

4:30 P.M. COMMITTEE OF THE WHOLE - "IN CAMERA"

COMMITTEE ROOM C-11, TOM DAVIES SQUARE To deal with: Litigation & Personnel Matters

7:00 P.M. REGULAR COUNCIL MEETING

**COUNCIL CHAMBER, TOM DAVIES SQUARE** 

#### (PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

The Council Chamber of Tom Davies Square is wheelchair accessible. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. Persons requiring assistance are requested to contact the City Clerk's Office at least 24 hours in advance of the meeting if special arrangements are required. Please call (705) 671-2489, extension 2475. Telecommunications Device for the Deaf (TTY) (705) 688-3919. Copies of Agendas can be viewed on the City's web site at <a href="https://www.greatersudbury.ca">www.greatersudbury.ca</a>.

- 1. Moment of Silent Reflection
- 2. Roll Call
- 3. Declarations of Pecuniary Interest

PUBLIC HEARINGS PAGE NO.

#### {NONE}

#### PRESENTATIONS/DELEGATIONS

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

(FOR INFORMATION ONLY)

1

- ▶ Ms. Laura Hicks, Director of Fundraising & Community Relations, NEMHC
- 5. Letter dated 2004-07-16 from the Nickel District Conservation Authority (NDCA) regarding a presentation to inform City Council of the submission made to the Minister of Natural Resources asking for a Provincial re-investment in Ontario's Conservation Authorities.

2

#### (ELECTRONIC PRESENTATION) (RESOLUTION PREPARED)

- ► Councillor Ron Bradley, Chair, NDCA
- Mr. Paul Sajatovic, Planner, NDCA
- 6. Report dated 2004-08-05, with attachments, from the General Manager of Economic Development & Planning Services regarding Phase Two (2) of Dynamic Earth.

3 - 5

# (ELECTRONIC PRESENTATION) (RESOLUTION PREPARED)

- Mr. Doug Craig, Chair, Dynamic Earth Steering Committee
- Mr. Jim Marchbank, CEO, Science North

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

At this point in the meeting, the Chair, Deputy Mayor Dupuis, will rise and report any matters discussed during the "In Camera" session. Council will then consider any resolutions or by-laws.

#### MATTERS ARISING FROM THE PLANNING COMMITTEE: 2004-08-10

At this point in the meeting, the Chair of the Planning Committee, Councillor Thompson, will bring forward any matter requiring Council approval.

#### PART I - CONSENT AGENDA

# (RESOLUTION PREPARED adopting resolutions for Items C-1 to C-18 contained in the Consent Agenda)

(For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.)

MINUTES					
C-1	Report No. 15, City Council, Minutes of 2004-07-13. (RESOLUTION PREPARED - MINUTES ADOPTED)	M1 - M37			
C-2	Report No. 13, Planning Committee, Minutes of 2004-07-13. (RESOLUTION PREPARED - MINUTES ADOPTED)	M38 - M67			
C-3	Report No. 14, Finance Committee, Minutes of 2004-07-13. (RESOLUTION PREPARED - MINUTES ADOPTED)	M68 - M70			
C-4	Report of the Ad-Hoc Committee - Council Auditor, Minutes of 2004-07-14. (RESOLUTION PREPARED - MINUTES ADOPTED)	M71 - M86			
C-5	Report of the Ad-Hoc Committee - Council Auditor, Minutes of 2004-08-04. (RESOLUTION PREPARED - MINUTES ADOPTED)	M87 - M88			
C-6	Report of the Licensing Committee, Minutes of 2004-07-14. (RESOLUTION PREPARED - MINUTES ADOPTED)	M89 - M90			
C-7	Report No. 14, Planning Committee, Minutes of 2004-08-10. (RESOLUTION PREPARED - MINUTES ADOPTED){TABLED}				
C-8	Report of the Tender Opening Committee, Minutes of 2004-07-13. (RESOLUTION PREPARED - MINUTES RECEIVED)	M91			
C-9	Report of the Tender Opening Committee, Minutes of 2004-07-20. (RESOLUTION PREPARED - MINUTES RECEIVED)	M92 - M93			
C-10	Report of the Tender Opening Committee, Minutes of 2004-07-27. (RESOLUTION PREPARED - MINUTES RECEIVED)	M94 - M95			
C-11	Report No. 5, Board of Directors of Sudbury Metro Centre Minutes of 2004-0 (RESOLUTION PREPARED - MINUTES RECEIVED)	6-03. <b>M96 - M97</b>			

#### **TENDERS**

#### {NONE}

#### **ROUTINE MANAGEMENT REPORTS**

- C-12 Report dated 2004-08-09, with attachments, from the General Manager of Corporate Services regarding Special Occasion Permit and Noise By-law Exemption, Valley East 100<sup>th</sup> Birthday Bash Valley East Lions Club Inc. (RESOLUTION PREPARED)
  - (The Valley East Lions Club Inc. has applied to Council for a Special Occasion Permit and Noise By-law Exemption in order to facilitate their 100<sup>th</sup> Birthday Bash.)
- C-13 Report dated 2004-08-06, with attachments, from the General Manager of Corporate Services regarding Liquor License Extension and Noise By-law Exemption, Royal Canadian Legion, Branch #224, Copper Cliff. 10 12 (RESOLUTION PREPARED)
  - (The Royal Canadian Legion in Copper Cliff will be holding a birthday party for four (4) individuals and a Liquor License Extension and Noise By-law Exemption is required.)
- C-14 Report dated 2004-07-30 from the General Manager of Public Works regarding
  Agreement: Falconbridge Hauled Sewage Site.

  (RESOLUTION PREPARED)

  13 14

(There is an existing agreement between the former Region and Falconbridge Limited for the use of the hauled sewage site in Falconbridge, which has expired. The City of Greater Sudbury and Falconbridge must enter into an Agreement to allow for the continued use of the hauled sewage site.)

#### TELEPHONE POLLS

- C-15 Report dated 2004-08-03 from the General Manager of Health and Social Services regarding award of Request for Proposal, Furniture and Furnishings, Pioneer Manor (RESOLUTION PREPARED)

  15 16
- C-16 Report dated 2004-07-28, with attachments, from the General Manager of Corporate Services regarding Temporary Extension to Liquor License, Tradewinds Motor Hotel.

  17 19

  (RESOLUTION PREPARED)

(A request was made by the Tradewinds Motor Hotel for a Liquor License Extension to facilitate their Grand Opening Celebration.)

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#### TELEPHONE POLLS (continued)

PAGE NO.

C-17 Report dated 2004-07-23, with attachments, from the General Manager of Corporate Services regarding Noise By-law Exemption, Trinity Development Site. 20 - 22 (RESOLUTION PREPARED)

(A request from Interpaving Limited was received for an exemption to the Noise By-law in order to perform work at the Trinity Development Site on Marcus Drive, 24 hours a day, seven days a week.)

C-18 Report dated 2004-08-06, with attachments, from the General Manager of Corporate Services regarding Noise By-law Exemption - Sudbury Downs. 23 - 25 (RESOLUTION PREPARED)

(A letter was received from the Ontario Lottery & Gaming Corporation requesting an exemption to the Noise By-law in order to hold an outdoor summer concert series at the Sudbury Downs.)

#### **BY-LAWS**

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

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

Planning Committee Recommendation 2004-147

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

26 - 30

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

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

- 2004-230A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING OF AUGUST 12, 2004
- 2004-231A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT BY-LAW ENFORCEMENT OFFICERS FOR THE SUDBURY AIRPORT

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

# **BY-LAWS** (continued) PAGE NO. 2004-232 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2002-300. A BY-LAW TO REGULATE SMOKING IN PUBLIC PLACES AND WORKPLACES (This amendment corrects a typographical error in the text of the original By-law. Section 19, dealing with employers, wrongly refers to "Section 7" instead of "Section 8". Section 7 deals with smokers. This amendment corrects this number reference.) 2004-233 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND 3 THE PROCEDURE BY-LAW 2002-202 Report dated 2004-08-03 from the General Manager of Corporate Services regarding Amendment to Procedure By-law 2002-202 -Change of Meeting Time - Planning Committee. 31 - 33(This By-law changes the start-time of Planning meetings from 7:00 p.m. to 5:30 p.m. beginning in September. Notice of this By-law has been given and no comments were received.) Report dated 2004-08-06, with attachments, from the General Manager of Corporate Services regarding Delegation of Tax Relief Hearings. 34 - 39(This By-law also provides that applicants who wish to make representation to Council requesting tax relief shall be heard by the Hearing Committee instead of the whole Council.) 2003-234A 3 BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2002-165A TO APPOINT OFFICIALS FOR THE CITY OF GREATER SUDBURY (This By-law updates the list of Clerks at Citizen Service Centres and By-law Enforcement Officers.) 2004-235A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN AGREEMENT WITH THE MINISTRY OF PUBLIC INFRASTRUCTURE RENEWAL FOR COST SHARING ARRANGEMENTS ON THE ROCK TUNNEL SERVICING **PROJECT** (This By-law is necessary to authorize the agreement with the Ministry for the Ministry's contribution of one-third (\$8.4 million) of the total cost of the

project.)

#### **BY-LAWS** (continued)

PAGE NO.

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

Planning Committee Recommendation 2004-163

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

2004-237Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 83-304, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF NICKEL CENTRE

Planning Committee Recommendation 2004-164

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

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

Planning Committee meeting of August 10, 2004

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

Planning Committee meeting of August 10, 2004

# **BY-LAWS** (continued)

PAGE NO.

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

Planning Committee meeting of August 10, 2004

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

Planning Committee meeting of August 10, 2004

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

Planning Committee meeting of August 10, 2004

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

Planning Committee Resolution 2004-158

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

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

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

Planning Committee meeting of August 10, 2004

#### CORRESPONDENCE FOR INFORMATION ONLY

C-19 Report dated 2004-08-06 from the General Manager of Corporate Services regarding Public Sale under the Municipal Act.

40 - 41

(FOR INFORMATION ONLY)

(This report deals with a public sale under the Municipal Act for properties with tax arrears.)

C-20 Report dated 2004-08-04 from the General Manager of Public Works regarding update on Bridge Rehabilitation Project, Lorne Street at Big Nickel Road. 42 - 43 (FOR INFORMATION ONLY)

(Information report on the status and schedule of the Lorne Street at Big Nickel Road Bridge Contract 2003-25.)

#### PART II - REGULAR AGENDA

#### REFERRED AND DEFERRED MATTERS

{NONE}

#### **MANAGERS' REPORTS**

R-1 Report dated 2004-08-04 from the General Manager of Public Works regarding On-Street Bicycle Lanes - Howey Drive/Bellevue Avenue/Bancroft Drive Corridor. 44 - 49 (RESOLUTION PREPARED)

(At the Council meeting of 2004-05-13, Council directed staff to submit a report regarding on-street bicycle lanes along the Howey Drive / Bellevue Avenue / Bancroft Drive road corridor.)

R-2 Report dated 2004-08-05, with attachments, from the General Manager of Public Works regarding Request to Paint Access Covers (Manhole Covers), Myths and Mirrors Community Arts.

50 - 52 (RESOLUTION PREPARED)

(Myths and Mirrors Community Arts has requested approval from Council to paint decorative designs on manhole covers in the Downtown area.)

R-3 Report dated 2004-07-02, with attachments, from the General Manager of Corporate Services regarding Appointment of Board Member, Sudbury & District Health Unit.

53 - 65
(RESOLUTION PREPARED)

(At the 2004-06-24 Council meeting, Councillor Gainer submitted his resignation as a Member of the Board of Directors, for the Sudbury & District Health Unit.)

# **MANAGERS' REPORTS** (continued)

PAGE NO.

R-4 Report dated 2004-08-05, with attachments, from the General Manager of Corporate Services regarding No Whistle Rail Locations.

(RESOLUTION PREPARED)

66 - 78

(On 2002-08-22, Council passed resolution 2002-497, that staff meet with CNR and CPR representatives to discuss possible No Whistle locations requested by the public, and if these negotiations are successful, that a By-law be passed to establish new No Whistle locations.)

R-5 Report dated 2004-07-22 from the General Manager of Citizen & Leisure Services regarding Snowboard Terrain Park Proposal. 79 - 81 (RESOLUTION PREPARED)

(The City of Greater Sudbury has received an unsolicited proposal to operate a snowboard terrain park at the Adanac Park.)

R-6 Report dated 2004-07-22 from the General Manager of Citizen & Leisure Services regarding Adanac Ski Chalet. 82 - 84 (RESOLUTION PREPARED)

(The Adanac Ski Chalet was badly damaged by a fire on July 2, 2004 and requires either substantial repairs or reconstruction.)

R-7 Report dated 2004-07-27 from the General Manager of Emergency Services regarding renovations to accommodate EMS at existing ES Stations (Fire Halls). **85 - 89** (RESOLUTION PREPARED)

(Report seeking approval to complete renovations at Emergency Services Stations (Leon, Van Horne, Long Lake and Minnow Lake) to accommodate cohabitation of both EMS and Fire Divisions.)

#### MOTIONS

#### R-8 Presented by Councillor Kett:

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

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

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

#### **MOTIONS** (continued)

PAGE NO.

#### R-8 Presented by Councillor Kett (continued):

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

- 1. Public consultation is step #1 in the Approval Process for a group home.
- 2. Under the Municipal Consultation part of the application process, the Ministry communicates directly with the local councillor(s) when an application is being made in order to allow the councillor(s) to co-ordinate the public consultation process with the applicant.

#### R-9 Presented by Councillor Dupuis:

WHEREAS area residents and members of Club Amical have expressed safety concerns regarding the Rideau Street and Lavoie Street intersection;

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

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

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

#### R-10 Presented by Councillor Bradley:

WHEREAS during 2004 Current budget discussions a request for re-painting and maintaining Centennial Welcome signs in Rayside-Balfour, Walden and Valley East was denied:

AND WHEREAS these signs are deteriorating and in need of maintenance:

THEREFORE BE IT RESOLVED THAT provision be included in the 2005 Current Budget to have these signs structurally inspected by a professional and funds provided on a annual basis should maintenance be required.

#### **MOTIONS** (continued)

PAGE NO.

#### R-11 Presented by Councillor Bradley:

WHEREAS the Ministry of Agriculture and Food has recently announced that they are phasing out grants under the Municipal Outlet Drainage (MOD) Program;

AND WHEREAS municipal drains have been a fixture in rural Ontario's infrastructure since the late 1800's and have historically been instrumental in developing farmlands in Ontario;

AND WHEREAS Ontario has had drainage legislation in place for approximately 150 years and the grant program has provided the impetus for the development of agricultural lands through the creation of new municipal drains;

AND WHEREAS the founders of the grant program established the program and financial partnership between the Province, the landowner and local municipalities in order to promote the supply of agricultural products to the residents of the Province and in order to promote the development of the Province;

AND WHEREAS the grant program has also provided Provincial support for the ongoing maintenance of municipal drains to ensure agricultural production is maintained:

AND WHEREAS municipal drains provide a vital role in the production and sustainability of agriculture production, food and livestock;

AND WHEREAS municipal drains are a vital component of rural infrastructure and without them the environment in many areas would be adversely affected, including increased potential for flooding, public health risks and reduced support for wildlife, bird and fish habitat;

AND WHEREAS municipal drains provide the necessary drainage outlet for local roads and public highways in support of the public transportation system;

AND WHEREAS the withdrawal of the program will negatively impact the agricultural community; local municipalities; and engineering, construction and material supply businesses;

AND WHEREAS out of the 2003 Provincial budget of approximately \$68 billion funding provided for municipal drains was only \$6.46 million;

AND WHEREAS a successful agricultural identity and community is a significant part of the provincial economy;

# **MOTIONS** (continued)

PAGE NO.

#### R-11 Presented by Councillor Bradley (continued):

AND WHEREAS the cancellation of these grants will affect municipal finances as property owners will look to municipalities to provide financial assistance;

THEREFORE BE IT RESOLVED THAT The Honourable Dalton McGuinty, Premier of Ontario and The Honourable Steve Peters, Minister of Agriculture and Food be requested to reconsider their decision to phase-out grants for this Program;

AND THAT this resolution be forwarded to the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Local MPPs, the Drainage Superintendents Association, the Drainage Engineers Association and the Ontario Federation of Agriculture and the Municipal Engineers Association.

### R-12 Presented by Councillor Dupuis:

WHEREAS on June 21, 2001, the Ontario Legislature adopted the Franco-Ontarian Flag as an Official Emblem;

AND WHEREAS the flag was first unveiled in 1975 at l'Université de Sudbury;

AND WHEREAS the Franco-Ontarian Community is proud of its flag;

AND WHEREAS the Flour Mill area has always been recognized as the Francophone section of the City of Greater Sudbury;

NOW THEREFORE BE IT RESOLVED THAT the Franco-Ontarian flag fly permanently on Notre Dame Avenue south of the railroad tract at the site of the *Welcome to the Flour Mill* Monument:

AND FURTHER THAT a plaque explaining the origin of the Franco-Ontarian Flag also be erected.

#### **ADDENDUM**

#### **CIVIC PETITIONS**

#### **QUESTION PERIOD**

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"IN CAMERA" (Incomplete Items)

10:00 P.M. ADJOURNMENT (RESOLUTION PREPARED)

{TWO-THIRDS MAJORITY REQUIRED TO PROCEED PAST 10:00 P.M.}

2004-08-06

THOM M. MOWRY CITY CLERK

CORRIE-JO CAPORALE COUNCIL SECRETARY