

**THE SIXTEENTH MEETING OF THE COMMITTEE OF THE WHOLE - PLANNING
OF THE CITY OF GREATER SUDBURY**

**Council Chambers
Tom Davies Square**

**Tuesday, November 13, 2001
Commencement: 7:30 p.m.
Adjournment: 10:05 p.m.**

CHAIR DAVE KILGOUR PRESIDING

Present Councillors Bradley, Callaghan, Davey (A. 8:09), Dupuis, Gainer, Lalonde, McIntaggart, Petryna

Staff J. Rule, Chief Administrative Officer; D. Bélisle, General Manager of Public Works; D. Nadorozny, General Manager of Economic Development and Planning Services; B. Lautenbach, Director, Planning Services; C. Hallsworth, General Manager of Citizen & Leisure Services; G. Clausen, Director of Engineering Services; A. Dagostino, Roads and Drainage Engineer; B. Falcioni, Operations Engineer; L. Moulaison, Planning Technician; K. Forrester, Property Administrator; A. Haché, Deputy Clerk; S. Hotti, Planning Secretary

Media The Box, MCTV, Sudbury Star, CBC Radio

Declarations of Pecuniary Interest None declared.

DELEGATIONS

Private Roads City of Greater Sudbury Report dated November 6, 2001 was received from the General Manager of Public Works regarding private roads - City of Greater Sudbury.

Fax dated November 9, 2001 from Mr. Frank Pagnucco, 5345 Raft Lake Road, Sudbury regarding Raft Lake Road, was circulated to Members of the Committee at the meeting.

The General Manager of Public Works addressed the Committee and gave a power point presentation on private roads in the City of Greater Sudbury.

He stated that in 2000, the former City of Valley East petition the Transition Board for the City of Greater Sudbury to assume a number of private roads servicing seasonal and permanent dwellings in the Joe Lake and Frenchman Lake areas. The Transition Board heard a similar request from the former Town of Nickel Centre, asking for approval to spend municipal funds to pave Donnelly Court, a short private road off Donnelly Drive.

Cont'd...

DELEGATIONS (Cont'd.)

Private Roads The Transition Board deferred decisions on these two requests to the City of Greater Sudbury (Cont'd.) new Council of the City of Greater Sudbury, and further recommended that all private roads in the new City of Greater Sudbury be reviewed in 2001.

He advised there are 335 kilometres of private roads that have been identified. Since the staff report has been circulated, it has come to their attention that many more private roads are yet to be identified.

To- date, the City of Greater Sudbury has received requests to assume nine private roads. They are as follows:

- 1) North Shore Road - Lake Panache
- 2) Raft Lake Road
- 3) Pine Cone Road, Lake Wahnapiatae
- 4) Donnelly Court (off Donnelly Drive)
- 5) Dill Lake Road
- 6) Joe Lake Road East
- 7) Joe Lake Road West (private portion)
- 8) Frenchman Lake Road South (private portion)
- 9) Bushy Bay Lake Road (Twin Lakes Subdivision - Rathbun Township)

These roads total 19.2 kilometres and would cost \$2.4 million to bring to municipal standards.

Mr. Belisle pointed out that Council did not build nor propagate the private roads. It was largely the benefiting property owners who developed these roads, with the full knowledge that no one would maintain these roads but themselves. Council is under no legal or historical obligation to assume any of these roads. However, he noted that Council is inclined to have some responsibility because these property owners do pay municipal taxes.

He explained there is a process in place today whereby municipalities assume private roads on a regular basis. That is the subdivision process, where a private developer will build a number of new roads on raw land, and then turn them over to the municipality, to be maintained in perpetuity at public expense.

Using the subdivision process as a guide, the criteria recommended for the assumption of private roads includes the following:

- registered survey plan(s)
- “clean” property transfer(s)
- roads are constructed or improved to meet the minimum standards
- the proposed road is continuous with and/or connects to an existing municipal road or Provincial highway
- the road must service year round residential properties. Industrial, commercial, or institutional roads will not be considered, nor will seasonal cottage access roads

Cont'd...

DELEGATIONS (Cont'd.)

- these eligibility criteria will not apply to new private roads developed after January 1, 2001.

All associated work and costs would be the responsibility of petitioning residents.

He stated staff are recommending that private roads can be assumed by the City, provided no upfront capital costs are involved, and that all eligibility criteria is satisfied.

The Committee agreed that the recommendation outlined in the staff report be read following the presentations.

Donnelly Court
Garson

Letters dated October 30, 2001 were received from Barbara and Lloyd Blanchard, Muriel and Gerry Laferriere, and Laura and Alan Kuzenko regarding Donnelly Court, Garson.

Mr. Lloyd Blanchard, 55 Donnelly Court, addressed the Committee giving a brief history of Donnelly Court. He stated that the street has existed for more than 30 years, has three residences and is 100 metres in length. He explained that the residents of the street have installed and paid for sewer and water, installed their own storm sewer system and street lighting.

He explained that it was the intention of the Township of Neelon-Garson to accept this street in 1972. A survey of the street was completed and parcels are registered at the Registry Office. In 1972 a building permit was issued. That same year the developer passed away and the change to the new municipality allowed the process of registering the road to fall through the cracks and the street was not formally accepted. The former Region of Sudbury continued to issue building permits for two more homes, a garage, a building permit to renovate, as well as granting a severance.

Mr. Blanchard pointed out that the Town of Nickel Centre extensively reviewed the matter and passed a by-law to accept the road allowance. They also approved an expenditure of \$4,500 to pave the street. This expenditure required the approval of the Transition Board.

Mr. Blanchard stated they do not want any improvements or upgrades to the street. They only want the City to assume the street which would make it easier to sell their homes. He stated they do not agree with the staff report that it would cost \$84,000 for the required improvements to Donnelly Court.

He requested the Committee to respect the decision of the former Town of Nickel Centre and assume Donnelly Court.

Cont'd...

DELEGATIONS (Cont'd.)

Donnelly Court (Cont'd.) The Committee defeated a motion by Councillor Callaghan to deal with Donnelly Court separately and agreed to hear all the presenters prior to dealing with resolutions on the assumption of private roads.

Joe Lake Road East and West Frenchman Lake Road South Mr. Emile Mailloux, 1499 Joe Lake Road and Mr. Ray Gauthier, 333 Frenchman Lake Road representing the Frenchman, Hanmer, Joe and Dixon Lakes Ratepayers' Association were present.

Submission on the Review of Private Roads dated November 13, 2001 from the Frenchman, Hanmer, Joe and Dixon Lakes Ratepayers' Association, was circulated to Members of the Committee at the meeting.

Mr. Mailloux addressed the Committee explaining the attached maps in their submission. He stated there are 21 permanent homes and 15 summer cottages on Frenchman Lake. On Joe Lake there are 23 permanent homes and 24 cottages. On Hanmer Lake there are 13 permanent homes and 23 cottages. He pointed out that the residents in these areas have spent approximately \$175,000 to construct and improve these roads.

Mr. Gauthier addressed the Committee giving a brief history of the lands in the area of Joe, Frenchmen and Hanmer Lakes. He explained that in 1968 an application was made by the Township of Capreol and Hanmer to annex the unorganized Township of Wisner. The cottage owners opposed the application. An O.M.B. hearing was held and the Board approved the annexation pointing out that as a result of the Provincial shelter grant the tax burden on the cottagers would not be very serious and if the applicant properly maintained the roads in the area to be annexed they would be very little if any worse off.

He explained that for years the ratepayers tried to convince the former Valley East Council that the roads in question were municipal roads. In 1999 by-laws were passed by the City of Valley East to assume Joe Lake Road East and Dixon Road, Joe Lake Road West and Frenchman Lake Road South. He stated these by-laws recognized the municipality's ownership of the roads as directed in the O.M.B.'s Board Decision in 1968.

He also stated that the staff estimate to bring Joe Lake Road East and West and Frenchman Lake Road South up to standards are very high. He asked that their request be dealt with separately and apart from the other roads being discussed this evening. He stated they are requesting snow removal and grading work for the roads. They realize there are many roads in the City that require work and they are willing to wait their turn. He asked the Committee to support their request.

The Committee Chair advised that it was the consensus of the Committee to hear all presenters prior to a resolution being presented.

Cont'd...

DELEGATIONS (Cont'd.)

Pine Cone Road Letter dated October 30, 2001 was received from Mr. Norm Eady,
MacLennan Chairperson, Pine Cone Road Homeowners Association regarding Pinecone
Township, Skead Road, MacLennan Township, Skead.

Mr. Norm Eady, Chairperson, Pine Cone Road Homeowners Association, addressed the Committee stating that the proposed policy outlined in the staff report seems to be fair. He advised that there are 31 families residing on Pine Cone Road who pay a total of \$50,000 in municipal taxes. They have spent approximately \$100,000 to upgrade the road, as well as spend \$1,500 - \$2,000 a year for grading and plowing of the road. In their opinion, it will cost \$50,000 - \$60,000 to bring the road up to standards and not \$100,000 as outlined in the staff report. He stated they would like the road accepted as is. The road is the required width and there is an existing cul-de-sac. They are requesting consideration be given to the arrangement they had with the former Town of Nickel Centre regarding snowplowing.

The General Manager of Public Works explained that the former Town of Nickel Centre contracted out the plowing and grading for East Bay Road and the same contractor did Pine Cone Road at the same time so that the residents of Pine Cone Road would not have to pay for the call out. He noted the residents of Pine Cone Road paid the bill for the snow plowing.

North Shore Mr. Jack Rivet, 561 North Shore Road, addressed the Committee stating that
Road, Panache he lives approximately 8 km from the Panache Bay Marina. He explained
Lake, Whitefish that 5.5 km of the road are maintained by the City and 2.5 km are maintained
by the land owners. He advised that they have constructed ditches, installed
culverts and have put gravel on the road. He pointed out that considering the
amount of tax dollars paid by the property owners, they receive no services.
He stated that they need snow removal. It cost approximately \$1,000 a year
to plow the road.

Bushy Bay Road Mr. Bob McGregor, Westhill, Ontario, addressed the Committee regarding
Rathbun Twp. Bushy Bay Road. He stated that there are approximately 76 units
established in the area. He pointed out that they went through the complete
subdivision process. He also noted that since the amalgamation their taxes
have gone from approximately \$2,400 to a total of \$24,000 a year. He
explained that this is a Ministry of Natural Resources access road. He
advised that the MNR have indicated in writing that they would consider
upgrading the road as a potential project under the MNR capital fund
providing that they receive assurances that all future maintenance would be
assumed by either the Local Roads Board or the Municipality. Mr. McGregor
requested the Committee to consider the assumption of this road.

Mr. Mike Mirka, 729 Griffith Street, Sudbury, addressed the Committee as a member of the Raft Lake Ratepayers' Association. Mr. Mirka pointed out that he recently applied for a building permit and could only obtain a permit for a seasonal dwelling because of the private road status. With respect to taxes he requested Council to consider changing their tax rate if the road is not assumed by the City.

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DELEGATIONS (Cont'd)

Bushy Bay Road The General Manager of Public Works advised that roads cannot be area
Rathbun Twp. rated because of legislation.
(Cont'd)

Private Roads The following resolution was presented:
City of Greater
Sudbury Bradley-McIntaggart: That Council adopt the criteria and process for the
 assumption of private roads as outlined in the report of the General Manager
 of Public Works dated November 6, 2001.

The following amendment to the above-noted motion was presented:

2001-156 Gainer-Bradley: That the eligibility criteria be amended by deleting
from bullet #5 of the staff report, the following words: "year round" and "nor
will seasonal cottage access roads."

CARRIED

The main motion as amended was presented:

2001-157 Bradley-McIntaggart: That Council adopt the criteria and process
for the assumption of private roads as outlined in the report of the General
Manager of Public Works dated November 6, 2001, and

That the eligibility criteria be amended by deleting from bullet #5 of the staff
report, the following words: "year around" and "nor will seasonal cottage
access roads."

YEAS

Bradley
Callaghan
Davey
Dupuis
Gainer
Lalonde
McIntaggart
Petryna
Kilgour

NAYS

CARRIED

Bullet #5 of the staff report would read as follows: "The road must service
residential properties. Industrial, commercial or institutional roads will not be
considered."

The Committee requested information on a communications plan concerning
this matter. The Chief Administrative Officer indicated he would discuss this
matter with the Communications Officer and the General Manager of Public
Works.

Past the Hour of 10:00 p.m. 2001-158 Bradley-Gainer: That we proceed past the hour of 10:00 p.m.

CARRIED

PART I CONSENT AGENDA

The following resolution was presented to adopt Items C-1 to C-7 contained in the Consent Agenda:

2001-159 McIntaggart-Bradley: That Items C-1 to C-7 contained in the Consent Agenda, be adopted.

CARRIED

MINUTES

V.E.T.A.C. Minutes of Oct. 3, 2001 2001-160 Bradley-McIntaggart: That Report #8 Vegetation Enhancement Technical Advisory Committee Minutes of October 3, 2001, be adopted.

CARRIED

ROUTINE MANAGEMENT REPORTS

Proposed Street Names Report dated November 7, 2001 was received from the General Manager of Public Works regarding approval of proposed street names - Kiandra Court and Abigail Court.

2001-161 McIntaggart-Bradley: That the following names be added to the list of approved street names for application in the City of Greater Sudbury:

- Kiandra Court
- Abigail Court

CARRIED

Surplus Land South Bay Road Report dated November 7, 2001 was received from the Director of Legal Services/City Solicitor and the General Manager, Corporate Services regarding declaration of surplus land, Parts 5, 7, 8, 11 and 12, Plan 53R-5371, South Bay Road.

2001-162 Bradley-Callaghan: That Parts 5, 7, 8, 11 and 12 - South Bay Road be stopped up and closed under by-law and transferred to the abutting owner(s) in accordance with the procedure governing the disposal of real property.

CARRIED

PART I CONSENT AGENDA (Cont'd.)

ROUTINE MANAGEMENT REPORTS (Cont'd.)

Surplus Land #80 National Street _____ Report dated November 7, 2001 was received from the Director of Legal Services/City Solicitor and the General Manager, Corporate Services regarding surplus Ontario Realty Corporation property, #80 National Street.

2001-163 Callaghan-Bradley: That the City of Greater Sudbury advise the Ontario Realty Corporation that it is not interested in acquiring #80 National Street.

CARRIED

Surplus Land 38 School Street Levack _____ Report dated November 7, 2001 was received from the Director of Legal Services/City Solicitor and the General Manager, Corporate Services regarding surplus School Board property, Levack Public School, 38 School Street, Levack.

2001-164 Bradley-Callaghan: That the Sudbury Rainbow District School Board be advised that the City of Greater Sudbury is not interested in acquiring the Levack Public School; and

Further that the School Board be advised that it is the desire of the Greater Sudbury Public Library Board to remain as tenants in their existing space at this location.

CARRIED

Street Naming Energy Court Report dated November 7, 2001 was received from the Director of Legal Services/City Solicitor and the General Manager, Corporate Services regarding street naming - Energy Court.

2001-165 Callaghan-Bradley: That the cul-de-sac, south of Lorne Street being described as Parts 16, 17, 18, 25, 26, 27, 31, 32, 47, 48 and 50, Plan 53R-14343 be named Energy Court.

CARRIED

Surplus Land Onwatin Lake Road _____ Report dated November 7, 2001 from the Director of Legal Services/City Solicitor and the General Manager, Corporate Services regarding declaration of surplus land, Part 6, Plan 53R-14072, Onwatin Lake Road.

2001-166 Bradley-McIntaggart: That Part 6, Plan 53R-14072 be declared as surplus to the City's needs and sold in accordance with the procedures governing the disposal of real property.

CARRIED

PART II REGULAR AGENDA

MANAGERS' REPORTS

Sale of Surplus Land Report dated November 7, 2001 was received from the Director of Leisure, Community and Volunteer Services and the General Manager of Citizen and Leisure Services regarding sale of surplus land.

2001-167 McIntaggart-Bradley: That the funds received from the sale of Parcel 53M-1239-58 Gateway Subdivision and of Parcel 53M-1254-8 Valleystream Subdivision be used to develop/improve parkland within those same neighbourhoods.

CARRIED

Adjournment 2001-168 Bradley-McIntaggart: That we do now adjourn.
TIME: 10:05 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR DAVE KILGOUR