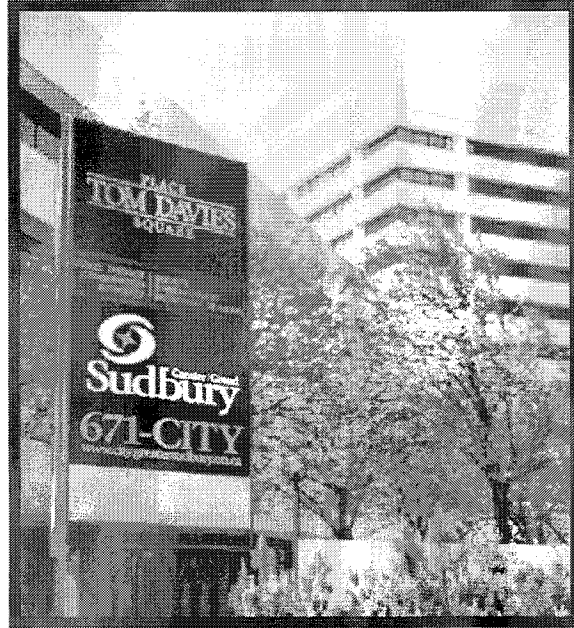


Vision: The City of Greater Sudbury is
a growing, world-class community
bringing talent, technology and a great
northern lifestyle together.

Vision : La Ville du Grand Sudbury est une
communauté croissante de calibre
international qui rassemble les talents, les
technologies et le style de vie exceptionnel

Agenda Ordre du jour



For the
City Council
Meeting
to be held

Pour la réunion
du Conseil
municipal qui
aura lieu

Thursday, June 24, 2004

jeudi 24 juin 2004

at **7:00 p.m**

à 19 h

Council Chamber
Tom Davies Square

dans la Salle du Conseil
Place Tom Davies



Regular Council

Agenda

FOR THE CITY COUNCIL MEETING
TO BE HELD ON

THURSDAY, JUNE 24, 2004

COUNCIL CHAMBER

TOM DAVIES SQUARE

7:00 P.M.

Agenda
ordre du jour



(14TH)

City Council AGENDA

*FOR THE **REGULAR MEETING** OF CITY COUNCIL
TO BE HELD ON **THURSDAY, JUNE 24, 2004** AT **7:00 P.M.**
IN THE **COUNCIL CHAMBER**, TOM DAVIES SQUARE*

MAYOR DAVID COURTEMANCHE, CHAIR

- 6:30 P.M. COMMITTEE OF THE WHOLE - "IN CAMERA"**
COMMITTEE ROOM C-11, TOM DAVIES SQUARE
To deal with: Property and Litigation Matter
- 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 www.greatersudbury.ca.

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

PUBLIC HEARINGS

PAGE NO.

{NONE}

PRESENTATIONS/DELEGATIONS

2. Report dated 2004-06-17, with attachments, from the General Manager of Health & Social Services regarding Seniors Campus. 1 - 7
(ELECTRONIC PRESENTATION) (RESOLUTION PREPARED)
(REPORT FROM KPMG ENTITLED "ESTABLISHMENT OF A SENIORS CAMPUS CITY OF GREATER SUDBURY" UNDER SEPARATE COVER)
 - C. Matheson, General Manager of Health & Social Services
3. Report dated 2004-06-14, with attachments, from the General Manager of Economic Development & Planning Services regarding Bill 124 Building Code Statute Law Amendment Act - Impact on Administration & Enforcement of the Ontario Building Code by the City of Greater Sudbury - Progress Update. 8 - 32
(ELECTRONIC PRESENTATION) (RESOLUTION PREPARED)
 - G. Mazza, Director-Building Services/Chief Building Official

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 PRIORITIES COMMITTEE: 2004-06-23

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

MATTERS ARISING FROM THE PLANNING COMMITTEE: 2004-06-15

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

MATTERS ARISING FROM THE FINANCE COMMITTEE: 2004-06-23

At this point in the meeting, Council will consider, by way of one resolution, the recommendations adopted by the Finance Committee. Any questions regarding the recommendations should be directed to Councillor Gainer, Chair, Finance Committee.

PART I - CONSENT AGENDA

(RESOLUTION PREPARED adopting resolutions for Items C-1 to C-12 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.)

<u>MINUTES</u>	<u>PAGE NO.</u>
C-1 Report No. 13, City Council, Minutes of 2004-06-10. (RESOLUTION PREPARED - MINUTES ADOPTED)	M1 - M23
C-2 Report No. 12, Planning Committee, Minutes of 2004-06-15. (RESOLUTION PREPARED - MINUTES ADOPTED)	M24 - M41
C-3 Report No. 11, Priorities Committee, Minutes of 2004-06-23. (RESOLUTION PREPARED - MINUTES ADOPTED)(MINUTES TABLED)	
C-4 Report No. 14, Finance Committee, Minutes of 2004-06-23. (RESOLUTION PREPARED - MINUTES ADOPTED)(MINUTES TABLED)	
C-5 Report of the Public Hearing Committee, Minutes of 2004-06-21. (RESOLUTION PREPARED - MINUTES ADOPTED)(MINUTES TABLED)	
C-6 Report of the Court of Revision, Minutes of 2004-06-23. (RESOLUTION PREPARED - MINUTES ADOPTED)(MINUTES TABLED)	
C-7 Report No. 4, Sudbury Metro Centre Board of Directors, Minutes of 2004-05-10. (RESOLUTION PREPARED - MINUTES RECEIVED)	M42 - M43
C-8 Report of the Tender Opening Committee, Minutes of 2004-06-08. (RESOLUTION PREPARED - MINUTES RECEIVED)	M44 - M45
C-9 Report of the Tender Opening Committee, Minutes of 2004-06-15. (RESOLUTION PREPARED - MINUTES RECEIVED)	M46 - M47

PART I - CONSENT AGENDA (continued)

TENDERS

PAGE NO.

- C-10 Report dated 2004-06-16 from the General Manager of Citizen & Leisure Services regarding a Request for Proposal for Advertising Services - Contract CPS04-05 Section A - Greater Sudbury Transit and Section B - Greater Sudbury Arenas (excluding Sudbury Community Arena). **33 - 36**
(RESOLUTION PREPARED)

(The current contract for advertising services for Greater Sudbury Transit was extended to December 31, 2004 and the current contract for municipal arenas was extended to July 31, 2004. Advertising is a revenue source which assists in reducing the costs, to the taxpayer, of municipal programs, services and facilities.)

ROUTINE MANAGEMENT REPORTS

- C-11 Report dated 2004-06-16 from the General Manager of Public Works regarding Geneva House, St. Raphael Street, Sudbury - Cost Sharing, Watermain Improvements. **37 - 38**
(RESOLUTION PREPARED)

(A 50%/50% cost sharing agreement to construct a new watermain loop between St. Raphael and Brady Street was negotiated between City staff and the developer for Geneva House.)

- C-12 Report dated 2004-06-16 from the General Manager of Public Works regarding Consulting Engineering Services, Paris Street Rehabilitation Project, Final Design Engineering and Construction Inspection. **39 - 40**
(RESOLUTION PREPARED)

(The firm of Dennis Consultants was retained to do a condition survey and preliminary design for the rehabilitation of the Paris Street overpass and later advised to proceed with the detailed engineering design.)

TELEPHONE POLLS

{NONE}

BY-LAWS

THE FOLLOWING BY-LAW APPEARS FOR A THIRD AND FINAL READING:

- 2004-113 3RD A BY-LAW OF THE CITY OF GREATER SUDBURY
TO PROVIDE FOR THE MAJCHER-PERRAS
MUNICIPAL DRAINAGE WORKS IN THE CITY OF
GREATER SUDBURY

Court of Revision - 2004-06-23

(This By-law now appears for third reading following the meeting of the Court of Revision and all appeals have been resolved.)

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

THE FOLLOWING BY-LAWS APPEAR FOR THREE READINGS:

2004-176A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO CONFIRM THE PROCEEDINGS OF COUNCIL
AT ITS MEETING OF JUNE 24, 2004

2004-177F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO LEVY AND COLLECT OMITTED AND
SUPPLEMENTARY REALTY TAXES FOR THE
YEAR 2004

Report dated 2004-06-18 from the General Manager
of Corporate Services regarding 2004 Omitted and
Supplementary Tax Billing

41 - 42

(This report deals with the 2004 omitted and
supplementary tax billing.)

2004-178T 3 A BY-LAW OF THE CITY OF GREATER
SUDBURY TO AMEND BY-LAW 2001-1, BEING A
BY-LAW TO REGULATE TRAFFIC AND PARKING
ON ROADS IN THE CITY OF GREATER SUDBURY

Report dated 2004-06-16, with attachments, from the
General Manager of Public Works regarding Traffic
Control - Covington Avenue, Garson.

43 - 46

(It was requested by the Councillor of Ward 4 to have the
Yield sign changed to a Stop sign at the intersection of
Covington Avenue and Parkview Drive, Garson, due to
reduced visibility.)

Priorities Recommendation 2004-45

(This By-law also lowers the speed limit on Notre Dame
Avenue fronting École Foyer Jeunesse in Valley East.)

2004-179 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 2003-209 TO ADOPT A
MUNICIPAL ALCOHOL RISK MANAGEMENT
POLICY

Council Resolution 2004-285

(This By-law updates the Municipal Alcohol policy as
directed by Council at its meeting of 2004-06-10.)

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

- 2004-180F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE A GRANT BY WAY OF LEASE
AGREEMENT TO THE ONAPING FALLS LIONS
CLUB FOR 31 STURGEON STREET, DOWLING
- Planning Committee meeting of 2004-06-15
- 2004-181 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 2003-52 TO AUTHORIZE THE
SALE OF LAND ON LOCKERBY MINE ACCESS
ROAD, FAIRBANKS TOWNSHIP, TO ERIC
BRETON
- Planning Committee meeting of 2004-06-15
- (This By-law changes the land to be transferred and the
sale price to reflect the reduction in land found as a result
of a survey.)
- 2004-182 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE THE SALE OF PART OF PARCEL
23501"A" S.E.S., LOCKERBY MINE ACCESS
ROAD, FAIRBANKS TOWNSHIP TO YVETTE
LEROUX
- Planning Committee meeting of 2004-06-15
- 2004-183A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE AN AGREEMENT WITH BELL
CANADA TO SUPPLY LOCAL AND LONG
DISTANCE PHONE SERVICES
- Council Resolution 2004-299
- 2004-184F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE A TAX EXTENSION AGREEMENT
WITH 1141466 ONTARIO LIMITED FOR ROLL
#010.018.011.00.0000
- Report dated 2004-06-18 from the General Manager
of Corporate Services regarding Tax Extension
Agreement between the CGS and 1141466 Ontario
Limited.
- (This report sets out the particulars of a proposed Tax
Extension Agreement between the CGS and the
above-named regarding taxes owing for 0 Kingsway,
Sudbury.)

47 - 48

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

2004-185G 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 2002-331G DEALING WITH
THE COLLECTION, REMOVAL AND DISPOSAL OF
WASTE WITHIN THE CITY OF GREATER
SUDBURY

Council Resolution 2004-301

(This updates the Waste Collection By-law in accordance
with the recommendations of the Technical Steering
Committee as adopted by Council.)

2004-186 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE VARIOUS CONDITIONAL
GRANTS TO RAINBOW ROUTES ASSOCIATION
FOR THE DESIGN AND CONSTRUCTION OF
NON-MOTORIZED RECREATIONAL TRAILS
WITHIN THE CITY OF GREATER SUDBURY

Report dated 2004-06-16 from the General Manager
of Citizen & Leisure Services regarding Agreement
with Rainbow Routes for Trails Development.

49 - 51

(The City of Greater Sudbury has been working together
with Rainbow Routes to develop trails over the past three
years.)

2004-187A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE AN AGREEMENT WITH RAINBOW
ROUTES ASSOCIATION TO ADDRESS
CONSTRUCTION OF A NON-MOTORIZED
RECREATIONAL TRAILS ON LANDS OWNED BY
THE MINISTRY OF TRANSPORTATION ONCE
LICENCED TO THE CITY OF GREATER SUDBURY

Report dated 2004-06-16 from the General Manager
of Citizen & Leisure Services regarding Agreement
with Rainbow Routes for Trails Development.

49 - 51

(The City of Greater Sudbury has been working together
with Rainbow Routes to develop trails over the past three
years.)

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

2004-188A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE AN AGREEMENT WITH RAINBOW
ROUTES ASSOCIATION TO ADDRESS
CONSTRUCTION OF A NON-MOTORIZED
RECREATIONAL TRAILS ON LANDS OWNED BY
THE CITY OF GREATER SUDBURY

Report dated 2004-06-16 from the General Manager
of Citizen & Leisure Services regarding Agreement
with Rainbow Routes for Trails Development.

49 - 51

(The City of Greater Sudbury has been working together
with Rainbow Routes to develop trails over the past three
years.)

2004-189P 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO ADOPT OFFICIAL PLAN AMENDMENT
NUMBER 225 FOR THE SUDBURY PLANNING
AREA

Planning Committee Recommendation 2003-122

(This amendment is a site specific Official Plan
amendment to establish rural land use policies, wherein
additional uses being the storage, maintenance and sale of
mobile homes, trailers, cargo containers and storage
garages would be permitted. Valley View Mobile Homes
Village Inc., Gravel Drive, Hanmer.)

2004-190A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE A MEMORANDUM OF
UNDERSTANDING WITH THE MINISTER OF
MUNICIPAL AFFAIRS AND HOUSING FOR THE
STRONG COMMUNITIES RENT SUPPLEMENT
PROGRAM

Priorities Committee meeting of 2004-06-23

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

2004-191F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE THE CANCELLATION,
REDUCTION OR REFUND OF REALTY TAXES

Report dated 2004-06-18, with attachments, from the
General Manager of Corporate Services regarding
Tax Adjustments Under Section 357 and 358 of the
Municipal Act

52 - 57

(This report provides the quarterly tax adjustments under
Sections 357 and 358 of the Municipal Act.)

THE FOLLOWING BY-LAWS APPEAR FOR FIRST AND SECOND READING ONLY:

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

Planning Committee meeting of 2004-06-15

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

Planning Committee meeting of 2004-06-15

2004-194 2 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO CLOSE THE NICKEL LAKE SHORE
ALLOWANCE

Planning Committee Recommendation 2004-147

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

THE FOLLOWING BY-LAW APPEARS FOR THREE READINGS AND IS DEPENDENT ON THE OUTCOME OF THE PRIORITIES COMMITTEE MEETING OF 2004-06-23:

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

(This By-law repeals the five store closing By-laws of the former municipalities, and is presented in the event that Council chooses to deal with this matter by repealing these By-laws. If Council chooses to proceed in any other manner, such as proceeding with a new uniform By-law, this By-law should not be passed at this time and the new By-law would be prepared for Council's consideration at a later date.)

CORRESPONDENCE FOR INFORMATION ONLY

C-13 Report dated 2004-06-18, with attachments, from the General Manager of Corporate Services regarding ROMA Reciprocal Insurance Program Retro-assessment. **58 - 60**
(FOR INFORMATION ONLY)

(A letter received from the ROMA Insurance program indicated a former municipality's share of a deficit incurred over the three years prior to amalgamation. This billing represents about one year's premium to that municipality.)

C-14 Report dated 2004-06-16 from the General Manager of Public Works regarding Status Update, Azilda Wastewater Treatment Plant. **61 - 62**
(FOR INFORMATION ONLY)

(At the Council meeting of 2004-06-10, Council directed staff to prepare a report on the status of the Azilda Wastewater Treatment Plant and the total equivalent residential units building permits available.)

C-15 Report dated 2004-06-16 from the General Manager of Public Works regarding Working Hours - Road Construction Projects - Contract 2004-17, Paris Street Widening and Resurfacing. **63 - 65**
(FOR INFORMATION ONLY)

(Due to public complaints about the construction on the Kingsway, bids were received under two options:

- a) conventional construction, Monday to Friday;
- b) accelerated construction, up to and including 24/7.)

PART II - REGULAR AGENDA

REFERRED AND DEFERRED MATTERS

PAGE NO.

- R-1 Report dated 2004-06-18, with attachments, from the General Manager of Corporate Services regarding Amendment to By-law 2004-160 Regulate Open Air Burning. **66 - 85**
(RESOLUTION PREPARED)

**2004-160 3RD A BY-LAW OF THE CITY OF GREATER SUDBURY
TO REGULATE OPEN AIR BURNING**

(At the Council meeting of 2004-06-10, Council deferred By-law 2004-160 in order for staff to make amendments.)

MANAGERS' REPORTS

- R-2 Report dated 2004-06-16, with attachments, from the General Manager of Economic Development & Planning Services regarding Economic Development Capital Envelope - 2004 Tourism Development Plan. **86 - 90**
(RESOLUTION PREPARED)

MOTIONS

{NONE}

ADDENDUM

CIVIC PETITIONS

QUESTION PERIOD

PART II - REGULAR AGENDA (continued)

NOTICES OF MOTIONS

“IN CAMERA” (Incomplete Items)

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

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

2004-06-18

**THOM M. MOWRY
CITY CLERK**

**CORRIE-JO CAPORALE
COUNCIL SECRETARY**

Conseil municipal ORDRE DU JOUR

**DE LA RÉUNION ORDINAIRE DU CONSEIL MUNICIPAL
QUI AURA LIEU LE JEUDI 24 JUIN 2004 À 19 h
DANS LA SALLE DU CONSEIL, À LA PLACE TOM DAVIES**

LE MAIRE DAVID COURTEMANCHE, PRÉSIDENT

- 18 h 30** **COMITÉ PLÉNIER - RÉUNION À HUIS CLOS
SALLE DE COMITÉ C-11, PLACE TOM DAVIES
*Objet de la réunion : des questions relatives au bien et un litige***
- 19 h** **RÉUNION ORDINAIRE DU CONSEIL MUNICIPAL
SALLE DU CONSEIL, PLACE TOM DAVIES**

**(VEUILLEZ ÉTEINDRE LES TÉLÉPHONES CELLULAIRES ET LES
TÉLÉAVERTISSEURS)**

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1. Moment de silence
2. Appel nominal
3. Déclarations d'intérêt pécuniaire

{AUCUNE}**EXPOSÉS / DÉLÉGATIONS**

2. Rapport daté du 17 juin 2004, accompagné de pièces jointes, de la directrice générale de la Santé et des Services sociaux au sujet du Campus pour aînés. **1 - 7**
(PRÉSENTATION ÉLECTRONIQUE) (RÉSOLUTION PRÉPARÉE)
(RAPPORT DE LA FIRME KPMG INTITULÉ "ESTABLISHMENT OF A SENIORS CAMPUS CITY OF GREATER SUDBURY" (ÉTABLISSEMENT D'UN CAMPUS POUR AÎNÉS DANS LA VILLE DU GRAND SUDBURY) SOUS PLI SÉPARÉ)
- C. Matheson, directrice générale la Santé et des Services sociaux
3. Rapport daté du 14 juin 2004, accompagné de pièces jointes, du directeur général des Services de développement économique et de planification au sujet de la loi 124 – Loi de 2002 modifiant des lois en ce qui concerne le Code du bâtiment - impact sur l'administration et l'application du Code du bâtiment de l'Ontario par la Ville du Grand Sudbury – compte rendu **8 - 32**
(PRÉSENTATION ÉLECTRONIQUE) (RÉSOLUTION PRÉPARÉE)
- G. Mazza, officiel en chef des Bâtiments et directeur des Services de construction

QUESTIONS DÉCOULANT DE LA SÉANCE À HUIS CLOS

À cette étape de la réunion, l'adjoint au maire Dupuis, président de la réunion, rapportera toute question traitée pendant la séance à huis clos. Le Conseil examinera ensuite les résolutions ou les règlements.

QUESTIONS DÉCOULANT DE LA RÉUNION DU COMITÉ DES PRIORITÉS tenue le 2004-06-23

À cette étape de la réunion, le conseiller Kett, président du comité, saisira le Conseil de toute question nécessitant l'approbation de ce dernier.

QUESTIONS DÉCOULANT DE LA RÉUNION DU COMITÉ DE PLANIFICATION tenue le 15 juin 2004

À cette étape de la réunion, le conseiller Thompson, président du comité, saisira le Conseil de toute question nécessitant l'approbation de ce dernier.

QUESTIONS DÉCOULANT DE LA RÉUNION DU COMITÉ DES FINANCES tenue le 23 juin 2004

À cette étape de la réunion, le Conseil étudiera, par l'entremise d'une résolution, les recommandations adoptées par le Comité des finances. Toute question au sujet de ces recommandations devrait être adressée au conseiller Gainer, président du Comité des finances.

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS

(Résolution préparée pour les articles C-1 à C-9 de l'ordre du jour des résolutions)

(Par souci de commodité et pour accélérer le déroulement des réunions, les questions d'affaires répétitives ou routinières sont incluses à l'ordre du jour des résolutions et on vote collectivement pour toutes les questions de ce genre.

À la demande d'un conseiller, on pourra traiter isolément d'une question d'affaires de l'ordre du jour des résolutions par voie de débat ou par vote séparé. Dans le cas d'un vote séparé, la question d'affaires isolée est retirée de l'ordre du jour des résolutions et on ne vote collectivement qu'au sujet des questions à l'ordre du jour des résolutions.

Toutes les questions d'affaires à l'ordre du jour des résolutions sont inscrites séparément au procès-verbal de la réunion.)

PROCÈS-VERBAUX

PAGE N°

C-1	Rapport n° 13, Conseil municipal, procès-verbal de la réunion tenue le 10 juin 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	M1 - M23
C-2	Rapport n° 12, Comité de planification, procès-verbal de la réunion tenue le 15 juin 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	M24 - M41
C-3	Rapport n° 11, Comité des priorités, procès-verbal de la réunion tenue le 23 juin 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)(PROCÈS-VERBAL DÉPOSÉ)	
C-4	Rapport n° 4, Conseil d'administration du Sudbury Metro Centre, procès-verbal de la réunion tenue le 10 mai 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU)	M42 - M43
C-5	Rapport du Comité de dépouillement des soumissions, procès-verbal de la réunion tenue le 8 juin 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU)	M44 - M45
C-6	Rapport du Comité de dépouillement des soumissions, procès-verbal de la réunion tenue le 15 juin 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU)	M46 - M47

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

SOUMISSIONS

PAGE N°

- C-7 Rapport daté du 16 juin 2004 de la directrice générale des Services aux citoyens et des Loisirs au sujet d'une demande de proposition pour des services publicitaires - contrat CPS04-05, section A - Transit du Grand Sudbury et section B - arénas du Grand Sudbury (sauf l'Aréna communautaire de Sudbury) **33 - 36**
(RÉSOLUTION PRÉPARÉE)

(Le contrat actuel relativement à des services publicitaires pour le Transit du Grand Sudbury a été prolongé jusqu'au 31 décembre 2004 et le contrat actuel pour les arénas municipales a été prolongé jusqu'au 31 juillet 2004. La publicité est une source de revenu qui aide à réduire les frais, pour le contribuable, des installations, des programmes et des services municipaux.)

RAPPORTS DE GESTION COURANTS

- C-8 Rapport daté du 16 juin 2004 du directeur général des Travaux publics au sujet de Geneva House, rue St. Raphael, Sudbury - partage des frais, améliorations à la conduite d'eau maîtresse **37 - 38**
(RÉSOLUTION PRÉPARÉE)

(Une convention de partage des frais moitié-moitié pour construire une nouvelle boucle de conduite d'eau maîtresse entre les rues St. Raphael et Brady a été négociée entre le personnel de la Ville et le promoteur pour Geneva House.)

- C-9 Rapport daté du 16 juin 2004 du directeur général des Travaux publics au sujet de Services de consultation en ingénierie, chantier de remise en état de la rue Paris, inspection finale de la conception de l'ingénierie et de la construction **39 - 40**
(RÉSOLUTION PRÉPARÉE)

(On a retenu les services de la firme Dennis Consultants pour effectuer une vérification de l'état et une conception préliminaire pour la remise en état du passage supérieur de la rue Paris et puis on l'a avisé de procéder à la conception d'ingénierie détaillée.)

SONDAGES TÉLÉPHONIQUES

{AUCUN}

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS

PAGE N°

LE RÈGLEMENT SUIVANT PARAÎT POUR LA 3^E ET DERNIÈRE LECTURE :

2004-113 3^E RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR PRÉVOIR LES TRAVAUX DE DRAINAGE
MUNICIPAL MAJCHER-PERRAS MUNICIPAL
DRAINAGE WORKS DANS LA VILLE DU GRAND
SUDBURY

Cour de réformation - 2004-06-23

(Ce règlement paraît aujourd'hui pour sa troisième lecture
après la réunion avec la Cour de réformation et la
résolution de tous les appels.)

LES RÈGLEMENTS SUIVANTS PARAISSENT POUR TROIS LECTURES :

2004-176A 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR CONFIRMER LES DÉLIBÉRATIONS DU
CONSEIL LORS DE SA RÉUNION TENUE LE 24
JUN 2004

2004-177F 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR PRÉLEVER ET PERCEVOIR LES IMPÔTS
OMIS ET SUPPLÉMENTAIRES POUR L'ANNÉE
2004

Rapport daté du 18 juin 2004 du directeur général
des Services corporatifs au sujet de factures d'impôt
omis et supplémentaires de 2004

41 - 42

(Ce rapport traite des factures d'impôt omises et
supplémentaires de 2004.)

2004-178T 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR MODIFIER LE RÈGLEMENT 2001-1, ÉTANT
UN RÈGLEMENT POUR RÉGIR LA CIRCULATION
ET LE STATIONNEMENT SUR LES ROUTES DANS
LA VILLE DU GRAND SUDBURY

Rapport daté du 16 juin 2004, accompagné de pièces
jointes, du directeur général des Travaux publics au
sujet de la régulation de la circulation - avenue
Covington, Garson

43 - 46

(Le conseiller du quartier 4 a demandé que le panneau
« cédez » (yield) soit remplacé par un panneau « arrêt »
(stop) à l'intersection de l'avenue Covington et de la
promenade Parkview, à Garson, en raison de la visibilité
réduite.)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS (suite)

PAGE N°

- 2004-179 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR MODIFIER LE RÈGLEMENT 2003-209 POUR
ADOPTER UNE POLITIQUE MUNICIPALE SUR LA
GESTION DU RISQUE EN MATIÈRE D'ALCOOL

Résolution du Conseil municipal 2004-285

(Ce règlement met à jour la politique municipale sur la
consommation d'alcool comme l'a demandé le Conseil
municipal lors de sa réunion tenue le 10 juin.)

- 2004-180F 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR AUTORISER UNE SUBVENTION PAR
L'ENTREMISE D'UNE CONVENTION DE BAIL
AVEC LE CLUB DES LIONS D'ONAPING FALLS
POUR LE 31, RUE STURGEON, DOWLING

Réunion du Comité de planification tenue le 15 juin
2004

- 2004-181 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR MODIFIER LE RÈGLEMENT 2003-52 POUR
AUTORISER LA VENTE D'UN TERRAIN SUR LE
CHEMIN D'ACCÈS À LA MINE LOCKERBY,
CANTON DE FAIRBANKS, À ÉRIC BRETON

Réunion du Comité de planification tenue le 15 juin
2004

(Ce règlement change le terrain à transférer et le prix de
vente pour refléter la réduction du terrain constatée après
un levé.)

- 2004-182 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR AUTORISER LA VENTE D'UNE PARTIE DE
LA PARCELLE 23501"A" S. E. S., CHEMIN
D'ACCÈS À LA MINE LOCKERBY, CANTON DE
FAIRBANKS, À YVETTE LEROUX

Réunion du Comité de planification tenue le 15 juin
2004

- 2004-183A 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR AUTORISER UNE CONVENTION AVEC
BELL CANADA POUR FOURNIR DES SERVICES
TÉLÉPHONIQUES LOCAUX ET INTERURBAINS

Résolution du Conseil municipal 2004-299

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS (suite)

PAGE N°

2004-184F 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR AUTORISER UN ACCORD DE
PROLONGATION D'IMPÔT AVEC 1141466
ONTARIO LIMITED POUR LE RÔLE N°
010.018.011.00.0000

Rapport daté du 18 juin 2004 du directeur général
des Services corporatifs au sujet d'un accord de
prolongation d'impôt entre la VGS et la société
1141466 Ontario Limited

47 - 48

(Ce rapport établit les détails d'un accord de prolongation
proposé entre la VGS et la société susmentionnée au sujet
d'impôts impayés pour le 0, Kingsway, Sudbury.)

2004-185G 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR MODIFIER LE RÈGLEMENT 2002-331G
PORTANT SUR LA COLLECTE, L'ENLÈVEMENT
ET L'ÉLIMINATION DES DÉCHETS DANS LA VILLE
DU GRAND SUDBURY

Résolution du Conseil municipal 2004-301

(Ce règlement met à jour le règlement sur la collecte des
déchets conformément aux recommandations du Comité
directeur technique que le Conseil municipal a adoptées.)

2004-186 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR AUTORISER DIVERSES SUBVENTIONS
CONDITIONNELLES À L'ASSOCIATION ROUTES
DE L'ARC-EN-CIEL POUR LA CONCEPTION ET LA
CONSTRUCTION DE SENTIERS RÉCRÉATIFS
POUR VÉHICULES NON MOTORISÉS DANS LA
VILLE DU GRAND SUDBURY

Rapport daté du 16 juin 2004 de la directrice
générale des Services aux citoyens et des Loisirs au
sujet d'une convention avec les Routes de l'arc-en-
ciel pour l'aménagement de sentiers

49 - 51

(La Ville du Grand Sudbury a travaillé de concert avec les
Routes de l'arc-en-ciel pour aménager des sentiers depuis
trois ans.)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS (suite)

PAGE N°

- 2004-187A 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR AUTORISER UNE CONVENTION AVEC
L'ASSOCIATION ROUTES DE L'ARC-EN-CIEL
POUR ABORDER LA CONSTRUCTION DE
SENTIERS RÉCRÉATIFS POUR VÉHICULES NON
MOTORISÉS SUR DES TERRAINS APPARTENANT
AU MINISTÈRE DES TRANSPORTS AUTREFOIS
SOUS LICENCE À LA DANS LA VILLE DU GRAND
SUDBURY LA VILLE DU GRAND SUDBURY

Rapport daté du 16 juin 2004 de la directrice
générale des Services aux citoyens et des Loisirs au
sujet d'une convention avec les Routes de l'arc-en-
ciel pour l'aménagement de sentiers

49 - 51

(La Ville du Grand Sudbury a travaillé de concert avec les
Routes de l'arc-en-ciel pour aménager des sentiers depuis
trois ans.)

- 2004-188A 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR AUTORISER UNE CONVENTION AVEC
L'ASSOCIATION ROUTES DE L'ARC-EN-CIEL
POUR ABORDER LA CONSTRUCTION DE
SENTIERS RÉCRÉATIFS POUR VÉHICULES NON
MOTORISÉS SUR DES TERRAINS APPARTENANT
À LA VILLE DU GRAND SUDBURY

Rapport daté du 16 juin 2004 de la directrice
générale des Services aux citoyens et des Loisirs au
sujet d'une convention avec les Routes de l'arc-en-
ciel pour l'aménagement de sentiers

49 - 51

(La Ville du Grand Sudbury a travaillé de concert avec les
Routes de l'arc-en-ciel pour aménager des sentiers depuis
trois ans.)

- 2004-189P 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR ADOPTER LA MODIFICATION AU PLAN
OFFICIEL NUMÉRO 225 POUR LA ZONE DE
PLANFICATION DE SUDBURY

Recommandation du Comité de planification
2003-122

(Cette modification est une modification au Plan officiel
propre à l'emplacement pour établir des politiques
d'utilisation des terres rurales, où des utilisations
additionnelles, soit l'entreposage, l'entretien et la vente de
maisons mobiles, de caravanes, de conteneurs et de
garages d'entreposage, seraient permises. Valley View
Mobile Homes Village Inc., promenade Gravel, Hanmer.)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS (suite)

PAGE N°

2004-190A 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR AUTORISER UN PROTOCOLE D'ENTENTE
AVEC LE MINISTRE DES AFFAIRES MUNICIPALES
ET DU LOGEMENT POUR LE PROGRAMME DE
SUPPLÉMENT AU LOYER POUR
L'ÉPANOUISSEMENT COMMUNAUTAIRE

2004-191F 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR AUTORISER L'ANNULATION, LA
RÉDUCTION OU LE REMBOURSEMENT D'IMPÔTS
FONCIERS

Rapport daté du 18 juin 2004, accompagné de pièces
jointes, du directeur général des Services corporatifs
au sujet d'allègements fiscaux en vertu des articles
357 et 358 de la Loi sur les municipalités

52 - 57

(Ce rapport donne les allègements fiscaux trimestriels en
vertu des articles 357 et 358 de la Loi sur les
municipalités.)

LES RÈGLEMENTS SUIVANTS PARAISSENT SEULEMENT POUR LES 1^{RE} ET 2^E LECTURE:

2004-192 2 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR FERMER LE RESTE DE LA RUELLE AU
SUD DE LA RUE VAN HORNE CONTIGU AUX
LOTS 112 À 117, PLAN 2-S, SUDBURY

Réunion du Comité de planification tenue le 15 juin
2004

2004-193 2 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
FERMER LA RUE FREDERICK (NON OUVERTE)
AU SUD DE LA RUE VAN HORNE CONTIGUÉ AUX
LOTS 111 ET 112, PLAN 2-S, SUDBURY ET DE LA
TRANSFÉRER À LA SOCIÉTÉ ÉPISCOPALE
CATHOLIQUE ROMAINE DU DIOCÈSE DE SAULT
STE. MARIE

Réunion du Comité de planification tenue le 15 juin
2004

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS (suite)

PAGE N°

2004-194 2 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR FERMER L'ALLOCATION RIVERAINE DU
LAC NICKEL

Recommandation du Comité de planification
2004-147

LE RÈGLEMENT SUIVANT PARAÎT POUR TROIS LECTURES ET DÉPEND DU RÉSULTAT DE LA RÉUNION DU COMITÉ DES PRIORITÉS TENUE LE 23 JUIN 2004 :

2004-195 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR ABROGER CERTAINS RÈGLEMENTS SUR
LA FERMETURE DES MAGASINS DE SES
ANCIENNES MUNICIPALITÉS CONSTITUANTES

(Ce règlement abroge les cinq règlements sur la fermeture
des magasins des anciennes municipalités et est présent
au cas où le Conseil municipal choisirait de traiter cette
question en abrogeant ces règlements. Si le Conseil
choisissait de procéder de toute autre manière, comme un
nouveau règlement uniforme, ce règlement ne serait pas
adopter à ce moment-là et le nouveau règlement serait
préparé aux fins de considération du Conseil à une date
ultérieure.)

CORRESPONDANCE À TITRE DE RENSEIGNEMENT SEULEMENT

C-10 Rapport daté du 18 juin 2004, accompagné de pièces jointes, du directeur général
des Services corporatifs au sujet de ROMA – évaluation rétroactive du programme
d'assurance réciproque **58 - 60**
(À TITRE DE RENSEIGNEMENT SEULEMENT)

(Une lettre reçue du programme d'assurance ROMA a indiqué la part d'une ancienne
municipalité d'un déficit contracté au cours des trois années avant la fusion. Cette facture
représente environ une année de primes pour cette municipalité.)

C-11 Rapport daté du 16 juin 2004 du directeur général des Travaux publics au sujet d'un
compte rendu, usine de traitement des eaux usées d'Azilda **61 - 62**
(À TITRE DE RENSEIGNEMENT SEULEMENT)

(Lors de la réunion du Conseil municipal tenue le 10 juin 2004, le Conseil a demandé au
personnel de rédiger un rapport sur l'état de l'usine de traitement des eaux usées d'Azilda
et le total équivalent disponible de permis de construire des unités d'habitation.)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

CORRESPONDANCE À TITRE DE RENSEIGNEMENT SEULEMENT (suite)

PAGE N°

- C-12 Rapport daté du 16 juin 2004 du directeur général des Travaux publics au sujet des heures de travail – chantiers de construction routière - contrat 2004-17, élargissement et nouvelle surface de la rue Paris
(À TITRE DE RENSEIGNEMENT SEULEMENT) **63 - 65**

(En raison des plaintes du public au sujet des travaux sur le Kingsway, les soumissions ont été reçues en fonction de deux options :

- a) construction conventionnelle, du lundi au vendredi;
- b) construction accélérée, jusqu'à 24 heures par jour, 7 jours par semaine.)

PART II - REGULAR AGENDA

QUESTIONS REPORTÉES ET QUESTIONS RENVOYÉES

R-1 Règlement 2004-160 – Régulation des feux en plein air :

- 2004-160 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY
POUR RÉGIR LES FEUX EN PLEIN AIR

Rapport daté du 18 juin 2004, accompagné de pièces jointes, du directeur général des Services corporatifs au sujet d'une modification au règlement 2004-160 Régulation des feux en plein air

66 - 85

(Lors de la réunion du Conseil municipal tenue le 10 juin 2004, le Conseil a reporté le règlement 2004-160 afin que le personnel puisse faire des modifications.)

RAPPORTS DES GESTIONNAIRES

- R-2 Rapport daté du 16 juin 2004, accompagné de pièces jointes, du directeur général des Services de développement économique et de planification au sujet de l'enveloppe d'immobilisations de développement économique – Plan de développement du tourisme 2004
(RÉSOLUTION PRÉPARÉE) **86 - 90**

MOTIONS

{AUCUNE}

ADDENDA

PART II - REGULAR AGENDA (suite)

PÉTITIONS CIVIQUES

PÉRIODE DE QUESTIONS

AVIS DE MOTIONS

HUIS CLOS (questions inachevées)

LEVÉE DE LA SÉANCE À 22 h (RÉSOLUTION PRÉPARÉE)

{UNE MAJORITÉ DES DEUX TIERS EST REQUISE POUR POURSUIVRE LA RÉUNION APRÈS 22 h.}

LE 18 JUIN 2004

**THOM M. MOWRY,
GREFFIER MUNICIPAL**

**CORRIE-JO CAPORALE,
SECRÉTAIRE DU CONSEIL**

Request for Decision City Council



Type of Decision

Meeting Date	June 24, 2004				Report Date	June 17, 2004			
Decision Requested	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only				Type of	☒	Open	☐	Closed

Report Title

Seniors Campus

Policy Implication + Budget Impact

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

This report provides policy direction to proceed with the request for proposal for the development of semi independent living accommodation, and a children's day care centre within the proposed seniors campus at Pioneer Manor. It further assigns physical space for the creation of a Geriatric Wellness Centre at the site. Financial details will be provided to council once the request for proposals has been responded to by the bidders.

This report extends the consulting contract of C.J. Stewart Consulting Services to December 31, 2004 for the purpose of establishing the action plan and implementation strategies for the Mayor and Council's Committee on Seniors Issues as well as researching and seeking funding for a Geriatric Wellness Centre for the Seniors Campus.

☒ Background Attached

Recommendation

Whereas the City of Greater Sudbury has embarked upon the development and implementation of a seniors campus on the grounds of Pioneer Manor, and

Whereas the proposed seniors campus will incorporate the highest standards of long term care, the northern Ontario Dementia Assessment and Consultation Services for northeastern Ontario, specialized research including best practices in long term care, the Alzheimer Society, and semi-independent living accommodation and a children's day care centre;

Therefore be it resolved that the KPMG report entitled Establishment of a Seniors Campus for the City of Greater Sudbury be received; and

☒ Recommendation Continued

Recommended by the General Manager

Catherine Matheson
General Manager, Health and Social Services

Recommended by the C.A.O.

Mark Miets
C. A. O.

Report Prepared By

Catherine Matheson

Division Review

That the additional 30,000 square feet of space at Pioneer Manor be sought for occupancy in keeping with the original concept of the Seniors Campus and the Pioneer Manor Strategic Plan; and

That a request for proposal be issued to identify potential semi-independent living accommodation operators for the 14,000 square feet of space available within the facility, and for the 2500 - 3600 square feet available for the children's day care centre; and

That the remaining 12,000 square feet of space at Pioneer Manor be distributed as up to 10,000 square feet for the Sudbury Manitoulin Alzheimer Society and 2,000 square feet for the development of a geriatric wellness centre; and

That the terms of reference for the Mayor and Council's Committee on Seniors Issues be amended to enable this committee to provide advice on the evolution of the campus and to advise Council on the same; and

That the consulting contract with C.J. Stewart Consulting Services be extended for a final 6 months ending December 31, 2004 under the existing terms and conditions for the purpose of setting the action and implementation plan for the Mayor and Council's Committee on Seniors Issues and to research and seek alternative funding sources for a geriatric wellness centre within the seniors campus.

Background

The concept of a seniors campus on the grounds of Pioneer Manor emanated from the Master Plan for Pioneer Manor, 1994 and was fully supported by the City of Greater Sudbury Council. In 2001, with the Ministry of Health and Long Term Care requirement for capital redevelopment of Pioneer Manor, City Council incorporated the concept of the Seniors Campus to be the guiding element. The vision was the 20 acre site at Pioneer Manor being redefined as a conglomeration of partners who would contribute to the creation of a centre for geriatric excellence in northeastern Ontario.

Capital Redevelopment Project (\$22 million)

Capital redevelopment projects were directed by the Province of Ontario to all structurally non compliant facilities, of which Pioneer Manor was 1 facility of 106 in Ontario. The project now fully underway will be completed in the fall of 2004. A total of 188 beds will be re-created to the front of the facility, while 32 beds in Heritage Lane (Alzheimer/Dementia Unit) will be renovated to new design standards. The intention of the capital investment is to move facilities to the highest standards of structural compliance in long term care. Unlike the existing areas, the new areas will have a combination of private and semi-private bedrooms, each bedroom having its own washroom and each occupant having their own window. Each of the 7 home units will have a maximum of 32 residents residing in them. All home units will have their own lounges, tub rooms, dining rooms, medical/nursing staff areas and kitchens.

The facility as a whole has taken on the image of a park like setting, and home which enables healthy living throughout the 4 seasons. By example, the grounds of the campus will be redeveloped for attractive paved walking paths and sitting areas. The paths will connect to the trans Canada trail located at the West end of the property. Connecting the existing physical complex to the new site will be a winter park. The “Winter Park” is an indoor park like setting which will enable all residents to gather in a common area central to the facility within a 2 storey southern exposure. In keeping with the concept of a park like setting the complex will offer five secure out door courtyards.

Strategic Plan - Seniors Campus

One strategic position for the seniors campus was to position Pioneer Manor as a “hub” for geriatric excellence in Northern Ontario, through the attraction of additional specialized geriatric resources to the community

- promotion of the campus internationally to raise the benchmark in Long Term Care
- offering a broad range of health care and professional services above and beyond existing standards in the industry
- providing opportunities for increased community involvement
- building on intellectual capital for the purpose of specialization
- attaining the service of a geriatrician for northeastern Ontario
- conducting specialized geriatric research

As the campus evolves these opportunities will be realized.

Seniors Campus Steering Committee

To facilitate development of the Seniors Campus, a steering committee was established under the chairmanship of Councillor Callaghan with five pivotal focal points; 1) redeveloped long term care facility, 2) Northern Ontario Dementia Assessment and Consultation Services for Northeastern Ontario, 3) Geriatric Research, 4) Semi-Independent Living Accommodation and 5) Alzheimer Day Centre and Services.

For the past several years members of the local community and northeastern Ontario have volunteered to participate in the steering committee and its sub-committees. The committees have dedicated their time to the evolution of the campus model and have had specific successes including the establishment of the Northeastern Ontario Dementia Assessment and Consultative Services using tele-health technology.

The Seniors Campus is now entering the implementation phase of development. As such, it is recommended that the Seniors Campus Steering Committee and the Mayor and Council’s Committee on Seniors Issues be amalgamated into one for the purpose of achieving the objectives as set out in Sudbury’s Golden Opportunity Strategic Direction. The terms of reference for the new Mayor’s Committee have been revised and are attached to this report.

Selection of Partners - Criteria

The Seniors Campus Steering Committee has developed the following criteria for selection of potential partners for occupancy of the proposed space:

- 1) Commitment to Strategic Plan
- 2) Commitment to Research
- 3) Demonstrated innovation and leadership related to best practices in geriatrics, education or management
- 4) Non-competitive with other service providers at the campus
- 5) Commitment to an active role in evolution of campus
- 6) Proven financial viability and sustain ability
- 7) Commitment to quality and integrity
- 8) Commitment to development of geriatric services
- 9) Proven involvement in community development activities

These principles will be adhered to in the selection of future partners for the campus.

KPMG Report - Establishment of a Seniors Campus

Upon completion of the new 188 bed structure located at the front of the property, 30,000 square feet of internal space will be vacated and no longer required for long term care purposes. The excess institutional space was originally constructed in the 1950s and 70s and no longer meets the structural requirements for long term care, however it is structurally sound. This 30,000 square feet will be available for alternate uses serving a seniors campus. Ten thousand of the available space has been assigned for use by the Sudbury Manitoulin Alzheimer Society who are seeking funding for the purpose of the retrofitting of the space to their purpose.

KPMG was selected to conduct a review of opportunities for the excess space following a national RFP being issued in 2002 to identify potential partners who may be interested in occupying the existing space. Only 1 operator responded to the advertised opportunity. Given the lack of interest staff approached targeted operators directly and found further potential interest in the opportunities. The KPMG report provided further insight into the establishment of the Seniors Campus.

Identified Case Studies in Long Term Care

KPMG conducted a review of other long term care facilities in the province, including Baycrest in Toronto, and Longworth Retirement Village in London. All the facilities reviewed seek to attract ancillary services which compliment the services of the long term care facility. Baycrest established in 1918, is internationally recognized for its variety of medical research and retail activities located on site.

Land Use Issues

Since 1994, the concept of semi-independent living accommodation alternatives was identified as a focal point for the future campus development. However, given the flood nature of the lands surrounding Pioneer Manor, the availability of land to create semi-independent living alternatives became critically limited. With this in mind and given the availability of accommodation space internal to the facility, it is recommended that the supportive housing component of the campus be dealt with internally as opposed to constructing a new structure.

Anchor Tenant - Alzheimer Society

Since 2001, the Alzheimer Society has expressed interest in occupying 10,000 of the 30,000 square feet of space. City of Greater Sudbury Council has approved the occupancy of this agency in the requested space at the facility for the reimbursement of direct expenses related to their occupancy of the space. Since the Alzheimer's Society is the first major tenant holding with agreement in place the rental space has been designed on the basis of a financial break even point. The Alzheimer Society is conducting their own capital campaign for the purpose of making tenant capital improvements. The Alzheimer Society is not expected to occupy the space until 2005/2006.

City Capital Contribution - Towards the Seniors Campus

KPMG in their review has not recommended capital contribution from the City of Greater Sudbury towards the excess space;

- 1) capital investment for a specific purpose may limit the investment in time given potential turnover of the tenant
- 2) leasehold improvements can lead to equipment investment which leads to additional capital requirements
- 3) investment into capital may result in concerns over market competition
- 4) liability for defect or deficiency in construction

Landlord Versus Operator of Services

KPMG in their review of opportunities has recommended that the city assume the role of landlord versus operator of direct ancillary services. By example,

- 1) direct operation by the city would result in competition with other sectors
- 2) operation of services would require additional investment
- 3) ancillary services would not correspond with core services/mandate Pioneer Manor
- 4) city as operator would assume all risks associated with the ancillary services.

Distribution of Profits and Cost Recovery

KPMG in their report has recommended restriction of profit from rental arrangements to Pioneer Manor. Given the addition of 100,000 square feet of operating space to the facility without a corresponding increase in revenue to offset that expense it will be necessary to direct profits arising out of the rental of excess properties to the operational needs of the facility.

Rental revenue can be assigned under different rental scenarios. However, the consideration for market situations is necessary. By example, medical space in the community is being offered at extremely low rates for the purpose of attracting the physicians to specific sites. It is expected that for Pioneer Manor to be successful in attracting a physician to their site the need for competitive rental arrangements will be required. However, for a non profit provider such as the Alzheimer Society operating revenues are at a minimum. Therefore, rental arrangements for non profit organizations would not necessarily be sought beyond a break even point of cost recovery. With respect to the potential arrangement with a private housing provider, the potential for rental funds above a break even point would be feasible. In the situation of semi-independent living accommodation alternatives, in the absence of private sector interest in managing/operating the services the city would explore this opportunity. It is expected that given current demand and supply of semi-independent living alternatives, the services could generate revenue beyond simple cost recovery which would offset costs associated with the operation of the seniors campus and would enable the campus to meet its original objectives..

Request for Proposal

It is recommended that the space allocation for Pioneer Manor be pursued for occupancy as follows:

- a) 10,000 square feet Alzheimer Society – occupancy pending completion of capital campaign
- b) 2500 - 3600 square feet Child Care Centre
- c) 14,000 square feet - Retirement Wing
- d) 3000 square feet - Geriatric Wellness Centre

Action Plan 2004

- 1) Formation of Mayor and Council's Roundtable for Seniors Issues and incorporation of the Seniors Campus Ancillary Services into their work plan, see attached terms of reference.
- 2) Development of partnership processes including ethics, confidentiality, labour relations, intellectual property, research guidelines and financial coordination matters.
- 3) Issuance of Request for Proposal for children's day care centre and semi independent living accommodation operator
- 4) Decision of Council on Future Partners of Seniors Campus

MAYOR AND COUNCIL'S COMMITTEE ON SENIORS' ISSUES and the SENIORS CAMPUS AT PIONEER MANOR

REVISED Terms of Reference

1.1 MISSION STATEMENT

The Mayor and Council's Roundtable on Seniors' Issues and Seniors Campus for Pioneer Manor represents the diversity of older adults fifty-five years of age and over, within the City of Greater Sudbury. The committee will advise on the establishment of a comprehensive service and research site for older adults on the grounds of Pioneer Manor, which will provide a continuum of coordinated services. The Mayor and Council's Roundtable will also promote, maintain and enhance seniors' quality of life in the City of Greater Sudbury through consultation, education, and advice as indicated in Sudbury's Golden Opportunity Report, 2004.

1.2 PURPOSE

To advise the Mayor and Council, to promote the development of a continuum of services for seniors who may be living independently or require the assistance of others.

1.3 GOALS

- 1.3.1 To respond to requests from the Mayor and Council on matters relating to older adults.
- 1.3.2 To promote the development and creation of opportunities for older adults.

1.4 OBJECTIVES

- 1.4.1 To address the needs of an aging population through research, consultation and advice on policy.
- 1.4.2 To ensure older adults are actively involved in planning for their future.
- 1.4.3 To assist in the development of information and referral mechanisms for seniors, and advise on the creation of advocacy channels for seniors in the City of Greater Sudbury.

1.5 STRUCTURE

The Mayor and Council's Roundtable on Seniors' Issues shall consist of a membership of twelve(12), and the Mayor or his Designate, who will act

as Chair. Working Groups of persons with particular expertise may be formed to assist the Mayor and Council's Roundtable on Seniors' Issues.

1.6 SELECTION OF MEMBERS

- 1.6.1 Positions on the Mayor and Council's Committee will be advertised in all local media.
- 1.6.2 Application for membership must be made on an approved application form.
- 1.6.3 Selections will be made using standardized selection criteria.
- 1.6.4 Selection will be made by City Council, at a City Council meeting.
- 1.6.5 City Council will make recommendations to fill vacancies on the Committee.
- 1.6.6 The Term of Office will be for the duration of Council.

1.7 OPERATIONS

- 1.7.1 Members must attend meetings. Members who miss three consecutive meetings without good reason will lose their membership.
- 1.7.2 All communications regarding the Committee must go through the Committee.
- 1.7.3 Quorum will be by simple majority(ie. 50% plus one)
- 1.7.4 Decisions will be made by a majority vote
- 1.7.5 All Declarations of Conflict of Interest will be noted at the outset of each meeting, and those members who are in a Conflict of Interest position will refrain from discussion or voting on those agenda items.

1.8 REPORTING

- 1.8.1 Article 34, Advisory Panels in the Council Procedure By-Law sets out the authority under which MCCSI will operate.

1.9 SUGGESTED DELIVERABLES FOR 2004

Suggested deliverables for 2004 include the implementation of initiatives to address:

- Sudbury's Golden Opportunities Report
- Seniors' Information and Referral services
- Seniors Advocate for the City
- Seniors Campus
- Other seniors-related issues as identified by the Mayor and Council

Request for Decision City Council



Type of Decision

Meeting Date	June 24, 2004				Report Date	June 14, 2004			
Decision Requested	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only				Type of Meeting	☒	Open	☐	Closed

Report Title

BILL 124 Building Code Statute Law Amendment Act - Impact on Administration & Enforcement of the Ontario Building Code by the City of Greater Sudbury - Progress Update

Policy Implication + Budget Impact

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

2005 financial implications cannot be quantified at this time.

☒ Background Attached

Recommendation

THAT Council receive this report for information purposes and that the Chief Building Official be instructed to work with our development industry partners on DLAC to strike committees to provide Council Recommendations on:

- Building Permit Fees - Fee for Service
- Use of Registered Code Agencies
- New Mandated Inspection Regime & Personnel Resources Requirements

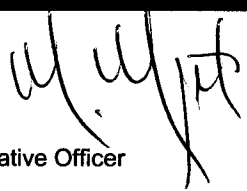
as mandated under the New Ontario Building Code Act.

Recommendation Continued

Recommended by the General Manager


Doug Nadorogny
General Manager of Economic Development & Planning Services

Recommended by the C.A.O.


Mark Mieto
Chief Administrative Officer

Date: June 14, 2004

Report Prepared By



Guido A. Mazza, P. Eng.
Chief Building Official

Division Review



Wm. Lautenbach
Director of Planning Services

BACKGROUND

On June 19, 2002, the Province of Ontario passed Bill 124, "The Building Code Statute Law Amendment Act 2002, S.O. 2002, c. 9 Being An Act To Improve Public Safety And To Increase Efficiency In Building Code Enforcement". Royal assent was granted June 27, 2002.

Bill 124 was the Province's response to the Building Regulatory Reform Advisory Group (BRRAG) report presented to the Minister of Municipal Affairs and Housing in August of 2000.

Bill 124 received first reading on November 1st, 2001. The Bill was proclaimed on July 25, 2003, without any changes from first reading, as the Building Code Statute Law Amendment Act 2002 and Ontario Regulation 305/03 was filed to implement the Province's Building Regulatory Reform.

Some of the amendments to the Building Act, 1992 and the Building Code came into force on September 1st, 2003, while the majority will take effect July 1st, 2005, and form the essentials of the financial and resource impacts of these changes on the City of Greater Sudbury's Building Services' operations.

This legislation introduced the most significant reforms to the Building Regulatory System since the introduction of the Ontario Building Code in 1975.

This report is intended to highlight the changes to be introduced by the Province and to advise Council of the impact those changes will have on the administration and enforcement of the Ontario Building Code within the City of Greater Sudbury.

Following the proclamation of the Bill, the City's Chief Building Official attended a workshop for Large Municipalities Chief Building Officials (LMCBO) on November 1st, 2003, in Ottawa and participated in the development of an action plan to assist municipalities in preparing for the implementation of Bill 124. The action plan was developed in consultation with the Ministry of Municipal Affairs and Housing staff. On March 18th, 2004, the Ministry issued a "Municipal Checklist" to help municipalities prepare for July 1, 2005 (see attached).

This report will generally follow the outline of the Ministry's notice and stated goals of **Public Safety - Streamlining - Accountability** dated July 28, 2003, as well as our previous report to Council on October 23, 2003 (see attached), with emphasis on what the municipality will have to do by July 1, 2005.

Date: June 14, 2004

A) PUBLIC SAFETY

1. Mandatory Provincial Building Code Knowledge Requirements

One of the most significant elements of the legislation is to require Building Code knowledge for building designers, building officials and Registered Code Agencies (RCA's) to improve the quality of new construction, to promote code requirements related to health, safety and accessibility, to promote greater use of innovative solutions and to speed up approvals.

The new legislation established qualifications for different building practitioners. For example, designs, plans or drawings would need to be prepared by a professional who meets the new qualifications before a permit is issued. Some of those involved in construction would need to be covered by insurance.

The requirements for designers to meet qualifications with respect to Building Code knowledge should have several positive effects on submissions received by the City for permits. Establishing base line qualifications for designers will help achieve a more efficient and effective approval process and should have a positive effect on obtaining more consistent, uniform submissions. The City will be responsible for establishing the qualifications of designers through the Provincial Registry currently being developed.

It is fundamental to public safety to ensure that key building practitioners are knowledgeable with current code requirements and are capable of interpreting the code in accordance with its underlying principles. There is a concern in this regard that builders are not required to meet qualifications set down by the new Bill.

Municipal Building Officials, most designers, engineers, architects and persons engaged by Registered Code Agencies (RCA's) will have to meet these requirements by July 1, 2005.

Implications for the City of Greater Sudbury

There are currently 12 Building Inspectors/Plans Examiners within the Building Services Division that will need to pass a number of 3-hour Provincial exams. The number of exams to be passed varies with the duties of each position i.e. The Chief Building Official (CBO) will only have to write one exam on the legal aspects and powers and duties of a CBO, where as some Plans Examiners and Building Inspectors will require to pass 6 exams in order to continue to perform their duties beyond June 30, 2005. A number of staff have already written exams and the success rates have been about 90 percent.

Further City of Greater Sudbury staff have completed a number of Ministry of Municipal Affairs courses in anticipation of this legislation and will be given "advanced standing" pursuant to Section 2.6 of the Ontario Building Code Act. Building Officials that successfully complete these advanced standing alternatives would not be required to write the corresponding technical examinations.

However considerable time and resources will still be required to meet the July 1, 2005 deadline. Currently Building Services is exploring alternative training options through its affiliation with the Ontario Building Officials Association (OBOA) and distance learning options through Northern College and Contact North.

Date: June 14, 2004

It should be noted ongoing maintenance of Building Official qualification is also mandated through the new regulations and must be budgeted.

Actions to be Completed Are:

- i) Provide training and ensure all staff pass the requisite exams by July 1, 2005.
- ii) Once completed, file the information with the Director of Building Development Branch of the Ministry of Municipal Affairs as required.
- iii) Review the Appointment By-law for Building Officials and revise accordingly.
- iv) Review with the Human Resources Division the new qualifications and the effect they may have on the existing job descriptions.

2. Mandatory Notifications & Inspections

One of the most important tasks the public expects to be done within the Building Regulatory system is inspection at different stages of construction. The new legislation requires that notifications from builders be followed by inspection by municipal staff or RCA's at certain key stages of construction and that these inspections take place within 2 working days of notification. The Province is attempting through this legislation to mandate inspection service levels and provide a more consistent inspection system across the Province.

Implications for the City of Greater Sudbury

Historically, the Building Services Division has managed its mandate of administering and enforcing the Ontario Building Code through a policy of risk management. Aware of its obligations to enforce the Ontario Building Code Act and the regulations, as well as the financial ramifications to the municipality for failing to conduct itself with due diligence in the completion of its duties, the Division has focussed its resources on those requirements that:

- have the greatest impact on the public, and
- activities that expose the City to the highest liability.

This is accomplished by applying a risk assessment matrix to Building Services branch activities to ensure those activities of high frequency and high risk get the greatest attention and that those activities that have a low frequency and low risk are assigned little priority. The risk management policy adopted by Building Services branch ensures that the greatest resources are directed to those areas of greatest risk to either mitigate the risk or control risk through training, clear and precise procedures, or by redirecting the risk to a third group, the design professionals (i.e. to the structural engineer who has signed and stamped his/her professional seal on the design plans as conforming with the Building Code).

The new regulations have mandated a minimum standard for inspection service throughout the Province. The number and type of inspections for both residential as well as the institutional, commercial and industrial (ICI) sector will increase through this legislation from our current procedures.

The increased number of residential inspections required and especially the new mandated inspections within the institutional, commercial and industrial (ICI) sector will require additional personnel resources.

Date: June 14, 2004

Actions to be Completed Are:

- i) It is essential that we establish new procedures in conjunction with our local development partners, Sudbury District Home Builders, Sudbury Construction Association and design professionals. Therefore we will establish a comprehensive policy and procedure to meet the new requirements of the regulations through a sub-committee of Council's Development Liaison Advisory Committee (DLAC). The recommendations of this Committee will be forwarded to Council's Priorities Committee for adoption, including any requirements for additional staff resources.
- ii) Once the policy has adopted through Council, an educational program be established through the Sudbury District Home Builders' Association and the Sudbury Construction Association to inform the industry of the new procedures.

B) STREAMLINING**1. Specific Time Limits on Building Permit Decisions, Applicable Laws**

Municipalities will have specific time limits ranging from 10 days for houses to 30 days for complex buildings to issue permits or give reasons in writing why the permit could not be issued. The requirement for specific time units was recommended by the Building Regulatory Reform Advisory Group (BRRAG). The regulations permit appeals to the Building Code Commission when these time frames are not adhered to. The Commission has the authority to require that the municipality comply.

BRRAG also recommended that all applicable laws permitting construction of buildings in Ontario be listed in the regulations. The legislation provides a definition of applicable law, which has been clarified to include a specific list of laws that require compliance before a building permit can be issued (e.g. applications requiring official plan amendments, subdivision agreements, rezoning, site plan approval, etc.). The specific time limits to issue permits do not start until applicable laws are complied with, as such it is important that all applicable laws are known.

The following table outlines time frames contained in the new legislation as well as benchmarks currently specified by Council through DLAC for levels of service in the City of Greater Sudbury:

	Class of Building	Ontario Building Code Time Period Business Days	Council's DLAC Benchmarks Business Days
1	Stock Plans for Part 9 Houses	5	5
2	Part 9 Houses	10	5/10
3	Other Part 9 Buildings	15	5 & 10
4	Part 3 Buildings	20	5 & 10
5	Complex Buildings	30	10

Date: June 14, 2004

Implications for the City of Greater Sudbury

We do not expect any difficulties in meeting the Provincial time limits on Building Permit decisions. In fact, current issuance turnaround times established by Council in 1995 through DLAC in most cases are more stringent. Council receives regular reports on these benchmarks from Building Services through DLAC and for the most part we currently meet and exceed the Provincial standards for permit time limits.

Procedures with respect to the degree of detail examined by staff specifically as it relates to Building Services such as heating, ventilation and air conditioning will require review by DLAC to establish best practice principles on these aspects of construction review mandated by the new Building Code regulations.

Actions to be Completed Are:

- i) Establish a sub-committee through DLAC to review plans submission and examination standards to conform to the new Building Code mandated inspections. As well review our plans review policies against the list of applicable laws to identify gaps in internal and external approvals as well as to identify approvals that do not qualify as applicable law.

2. A Common, Province-wide Application Form for Permits

In order to promote uniformity across the Province, a common application form is prescribed effective July 1, 2005. Also, common Building Code order forms are prescribed for use Province-wide. Standard Province-wide forms were recommended by BRRAG.

Implications for the City of Greater Sudbury

The common application form issued by the Minister does not fit exactly with what Sudbury currently uses. Municipalities are not allowed to make any changes to it that would require submission of more information.

The Large Municipalities Chief Building Officials Group (LMCBO) is currently working with the Ministry to effect some changes to the form. The Ministry has indicated a willingness to cooperate on this issue.

Currently, Building Services Division is undergoing a complete re-vamping of its Building Permit software as part of the "Connect Ontario" project approved by Council. Provisions for the incorporation of the final version of the new mandated Province-wide application have been made in the software architecture.

There will be other changes to our existing procedures in processing applications, for instance, we will be required to ensure designers demonstrate that they are provincially qualified before we can accept their designs for review. As well, more care will be required in acceptance of the application, which in turn triggers the time limits to issue permits noted previously.

Date: June 14, 2004

Actions to be Completed Are:

- i) Recommend through LMCBO that the Province modify the prescribed application slightly to better reflect our current application and the ability to use it with electronic permitting.
- ii) Review the existing order forms for compliance with those prescribed by the Province and make changes as required.
- iii) Amend our existing Building By-law to reflect the changes required by the Province with respect to the submission of information required to complete an application for a permit.

3. Provisions Which Provide Municipalities the Use of RCA's

Legislation will, as of July 1, 2005, allow municipalities to hire RCA's to perform plans examination and/or inspections. The legislation also permits applicants for permits to hire their own RCA's with Municipal Council approval for house construction only.

Implications for the City of Greater Sudbury

Bill 124 has made provisions to create a new entity called a Registered Code Agency (RCA). Initially, the concept was to create a private sector Building Inspector to provide plan examination and/or building inspection functions which could be utilized by the municipality during peak times of the year or for work perhaps of a unique nature such as a large development or a major high-rise building. An RCA is required to have the same qualifications as a Municipal Inspector including insurance coverage. The provisions to permit an RCA is found in Section 4.1 of the Building Code Act (BCA).

The Ministry of Municipal Affairs & Housing added another option which would permit an applicant for a permit to acquire the services of an RCA for plan examination and/or inspection services. This option was controversial and not supported Province-wide. Therefore the Ministry of Municipal Affairs & Housing made provisions for this option in Section 4.2 of the BCA subject to approval from the principal authority (City Council), but for house construction only and not the Industrial, Commercial and Institutional (ICI) sector.

Council must decide, by regulation, by-law or resolution whether to permit RCA's to operate within the jurisdiction of the City of Greater Sudbury and, if so, under what conditions. For example - employed by the principle authority only as per Section 4.1 of the BCA or employed by the applicant only as per Section 4.2 of the BCA or, employed by both principle authority and/or by the applicant or, not to exist for any purpose within the jurisdiction of the City of Greater Sudbury.

The benefit to an RCA under 4.1 of the BCA (working for municipality) would be to provide assistance to the City during peak construction times or during high growth periods or during periodic economic booms. In essence, the RCA becomes a temporary or contract Inspector for the municipality who retains the ability to control or manage the function and risk. Further if the municipality hires an RCA it will ensure that the RCA has reporting systems that are comparable with its own (e.g. customer and Inspector Plus automated inspection systems). The municipality will also ensure that records of plan examination and inspections performed including orders issued are in a form compatible with the municipality's given the latter is required to maintain these records.

Date: June 14, 2004

The benefit to an RCA under 4.2 (working for applicant) of the BCA may be to secure immediate or pre-purchase services that might help expedite the construction schedules.

The downside of an RCA under 4.2 would be that we lose our ability to manage risk as the municipality is still required to issue a permit which, under joint and several liability laws, includes the municipality as a target in any lawsuits. The municipality would have to deduct from the permit fees the fees charged by the RCA for plan examination and/or inspection services. The municipality is still responsible to investigate to take necessary action (including legal action) for specific orders and circumstances during construction, i.e.) Unsafe orders, prohibit use and occupancy, etc.. The RCA is only required to maintain 7 year MSD insurance after which time the municipality has total liability for another 8 years. The municipality is required to maintain the file and support any inquiries regarding information of legal documents in the file for 15 years. The negative implications on an RCA under 4.2 of the BCA far outweigh the benefits of such an entity.

However, it is our recommendation that Council obtain a recommendation from the Development Liaison Advisory Committee on the subject after a sub-committee of DLAC thoroughly investigates the issue of RCA's with input from our Legal Services Division and Risk Management Section.

Actions to be Completed Are:

- i) Chief Building Official chair a sub-committee of DLAC to review the issues of Registered Code Agencies under the new Building Code Act. The sub-committee shall provide recommendations for Council through the Development Liaison Advisory Committee as a whole on the issue.
- ii) Amend the Building By-law to reflect Council's decision.

4. Provisions that Support Design Innovations, New Products, Minister's Rulings and Binding Interpretations

The legislation allows CBO's to accept equivalents to encourage innovation in materials, systems and designs. The Minister is also allowed to make rulings on the same issues, and make binding interpretations of the Code. All of these requirements were recommended by BRRAG.

Implications for the City of Greater Sudbury

We welcome these changes and are confident that they will expedite approvals and promote the uniform application of the Building Code across the Province. The legislation requires as of July 1, 2005, that the CBO make a record of the decision, including the decision to allow the equivalent and all the documents provided by the person requesting approval for the equivalent.

Actions to be Completed Are:

- i) Develop a policy and procedure with respect to the approval of equivalents and mechanism for tracking decisions.

Date: June 14, 2004

5. Expedited Route to the OMB for Site Plan Approval

Effective July 1, 2005, the Planning Act has been amended to make it clear that the colour, texture and type of materials, window detail, construction detail, architectural detail and the interior design of buildings including the layout of interior areas are not subject to site plan approval.

This amendment also provides that the owner of the land or the municipality may apply to the Municipal Board (by means of a notice for directions) to determine a dispute about whether site plan approval applies or not. The Board shall make a final determination that is not subject to further appeal or review. These actions do not comply fully with the recommendation from BRRAG which recommended essentially that site plan approval not hold up the issuance of permits once it is determined that the site is serviceable and the form and location of the building is approved.

Implications for the City of Greater Sudbury

We do not foresee that this option will be used in the City of Greater Sudbury. Our policy on conditional permits has eliminated the need for the OMB to expedite site plan disputes, which hold up the issuance of permits. Except where a public participation meeting is required (such as a rezoning or minor variance), the CBO on request issues partial building permits while details of the site plan approval are being worked out. In addition, our site plan policies do not deal with requirements not founded in legislation, i.e. colour of brick issues that in some municipalities have delayed site plan approvals and associated building permits.

Actions to be Completed Are:

- i) Amend our Site Plan Control By-law and our policies and procedures to comply with the legislation effective July 1, 2005.

C) ACCOUNTABILITY

1. Provisions Describing the Roles of Key Parties

The legislation includes provisions describing the roles of key parties in the building construction process including: designers, builders, persons (e.g. property owners), who cause a building to be constructed, manufacturers, suppliers and retailers of products intended to be used in buildings covered by the Building Code; RCA's, CBO's and Inspectors. BRRAG had recommended that these roles be put into legislation.

Implications for the City of Greater Sudbury

From a municipal perspective the roles of the CBO and Inspectors are defined as follows, (1(6) and 1(7) of the Act.

“(6) Role of Chief Building Officials. It is the role of a CBO,

- (a) to establish operational policies for the enforcement of this Act and the building code within the applicable jurisdiction;***

Date: June 14, 2004

- (b) to co-ordinate and oversee the enforcement of the Act and the building code within the applicable jurisdiction;*
- (c) to exercise powers and perform the other duties assigned to him or her under this Act and the building code; and*
- (d) to exercise powers and perform duties in accordance with the standards established by the applicable code of conduct. 2002, c.9, s.3*

(7) Role of Inspectors. *It is the role of an Inspector,*

- (a) to exercise powers and perform duties under this Act and the building code in connection with reviewing plans, inspecting construction and issuing orders in accordance with this Act and the building code;*
- (b) to exercise powers and perform duties in respect of only those matters for which he or she has the qualifications required by this Act and the building code; and*
- (c) to exercise powers and perform duties in accordance with the standards established by the applicable code of conducts. 2002, c.9.S.3".*

Overall, the changes represent an improvement over existing legislation. These clearly defined roles and responsibilities of designers, builders, owners and etc. will also help the Courts in assessing liability should lawsuits arise.

Actions to be Completed Are:

- i) Review with Human Resources Division the need to amend existing job descriptions for Inspectors and the CBO to capture the duties prescribed by legislation.

2. Mandatory Professional Indemnity Insurance Coverage Enforced through Provincial Registration System

The legislation requires mandatory professional indemnity insurance coverage for persons engaged in the business of providing design services to the public, and for RCA's. This insurance requirement will be enforced through a Provincial registration system with an annual renewal.

Implications for the City of Greater Sudbury

These requirements help create a more fair liability system. The new legislation requires most designers as well as all RCA's to have certain minimum insurance coverage. Unfortunately, the insurance coverage will lapse 2 years after any RCA goes out of business or immediately when a designer goes out of business. BRRAG had recommended to the Government that these insurance requirements continue for 10 years after the building was constructed. However, given the current insurance problems following 9/11, the cost of such insurance coverage was totally unrealistic and the government did not enact the runoff insurance coverage as recommended. Municipalities will therefore remain at risk until the ultimate limitation period of 15 years runs out for construction defects.

Actions to be Completed Are:

- i) None to be taken by the municipality, given that the Province will ensure through the annual registration that the required persons and agencies will have the required insurance coverage.

Date: June 14, 2004

3. Mandatory Reporting By Municipalities on Permit Fees

The legislation requires mandatory reporting by municipalities on building permit fees, which will enhance transparency and ensure that building permit fees do not exceed enforcement costs. In addition, municipalities must provide annual building permit fee reports and hold mandatory public meetings before building permit fees are changed.

Implications for the City of Greater Sudbury

This requirement ensures that user fees do not become taxes. The legislation follows a recent Supreme Court decision that states that there must be a reasonable nexus between the user fee charged and the service provided.

The new regulations amend Section 7 of the Act to introduce a fee structure intended to require that permit fees are only collected to cover anticipated costs associated with the administration and enforcement of the Act by a municipality.

Additional related requirements include:

- Where an applicant appoints RCA's the fees collected by the municipality are required to be reduced to reflect the portion of the work allocated to the RCA.
- The new Building Code Act introduces requirements for the preparation of annual reports detailing enforcement costs and fees collected and would require that the reports be made available to the public as specified in forthcoming implementing legislation.
- If Council proposes to change any fee related to permit applications and issuance, notice of the proposed changes must be provided and a public meeting concerning the proposed changes must be held in the manner to be described in forthcoming regulations.

Requirements related to fees introduced by the new Act will affect the current disbursement of fees collected with respect to permit applications and issuance. These provisions address the level of fees which may be established for services delivered in relation to the enforcement of the Building Code Act and new requirements with respect to notice and consultation on the establishment of any new fees or fee changes under the Act.

The municipality will not be entitled to use permit fees to support any other services provided i.e.) Development Services, Property Standards By-law Enforcement, etc.. The municipality can no longer access revenues from permit fees. Currently, any revenue, including excess revenue goes to the Business Unit to be used at the discretion of the municipality. Bill 124 requires all revenue to remain with the service provider and the municipality is entitled to have a reserve fund for specific purposes, i.e.) Revenue equalization for multi-year projects, dedicated budgeting for computers, vehicles, training, etc., which will support services related to Building Permits. In essence, Building Services will be viewed as a stand alone self sustaining financial business unit, leasing space from the municipality.

Therefore, as required by legislation we will prepare a report with the assistance of our development industry partners on DLAC through a sub-committee with the assistance of all municipal departments that support in some way the activities of the Building Services Division with respect to Building Code enforcement.

Date: June 14, 2004

Actions to be Completed Are:

- i) Determine all direct and indirect costs associated with the Building Code enforcement and calculate permit fees in accordance with the legislation;
- ii) Prepare a report on fees and costs, including any reserve funds and make it available to the public who request it;
- iii) Conduct a public meeting in accordance with the legislation and adopt a new fee schedule.

4. Code of Conduct for Building Officials

Recognizing their significant role and authority in the approvals process and to promote honesty and integrity among Building Officials, the legislation requires municipalities to develop and enforce codes of conduct governing the behaviour of Chief Building Officials and Building Inspectors.

The legislation requires that the municipality adopt a Code of Conduct and put into effect enforcement procedures for its CBO and its Inspectors. Section 7.1.(2)(3) and (4) of the Act prescribes:

(2) ***"Purposes.*** *The following are the purposes of a Code of Conduct:*

- a) *To promote appropriate standards of behaviour and enforcement actions by the CBO and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.*
- b) *To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the CBO and Inspectors in the exercise of a power or the performance of a duty under this Act or the building code.*
- c) *To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the building code by the CBO and Inspectors.* 2002.c.9, S. 12.

(3) ***Contents.*** *A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached.* 2002, c.9,s.12

(4) ***Public Notice.*** *The principal authority shall ensure that the code of conduct is brought to the attention of the public.* 2002, c.9, s.12".

Implications for the City of Greater Sudbury

The City of Greater Sudbury through its affiliation with the Large Municipalities Chief Building Officials Group (LMCBO) participated in the preparation of a draft code (see attached) which has been prepared based on a draft code from LMCBO and codes from other professional groups such as the Professional Engineers of Ontario. The Human Resources Division will be involved in finalizing the code and its enforcement procedure.

Date: June 14, 2004

Actions to be Completed Are:

- i) Finalize the draft code of conduct with the Human Resources Division.
- ii) Develop enforcement policies and the manner by which to communicate the code to the public.

SUMMARY

Bill 124 "An Act to Improve Public Safety and to Increase Efficiency in Building Enforcement" has introduced the most significant changes to the Ontario Building Code since it was first introduced in 1975. The impacts on the City of Greater Sudbury's administration and enforcement of the Ontario Building Code will be significant and impact our development industry partners as well.

It is our intention as the Building Services Division to continue our partnership relationship with the building industry established through Council's Development Liaison Advisory Group (DLAC) by seeking their input during lead up to the July 1, 2005 implementation date.

Administrative, procedural and enforcement changes mandated by the new Ontario Building Code Act will be developed through sub-committees of DLAC to provide Council recommendations for their consideration that have been arrived at with consultation with the development industry.

Specifically, the sub-committees will deal with issues of Building Permit fees as fee for service, the potential use of Registered Code Agencies within the process, and the implementation of the new mandated inspection regime with associated personnel resource considerations.

Other issues such as mandatory Building Official registration, standard form implementation, benchmarks on permit decisions, applicable law as it relates to permit application procedures, Minister's rulings, etc., will continue to be worked on by the Chief Building Official and Building Services staff with the assistance of internal City staff and the building industry with further progress reports provided to Council leading to the July 1, 2005 implementation date of the new Ontario Building Code.

Attachments

RECEIVED

Building & Development Branch
777 Bay Street, 2nd Floor
Toronto, Ontario M5G 2E5
Fax: (416) 585-7531

March 18, 2004

MAR 22 2004

OFFICE OF
CHIEF BUILDING OFFICIAL

Dear Chief Building Official:

As you are aware the building regulatory system has undergone some changes with the introduction of the *Building Code Statute Law Amendment Act, 2002* and the associated amendments to the Building Code. I am writing to provide you with some steps your municipality may wish to take in preparation for these changes, which will come in effect July 1, 2005.

In response to requests from building officials and municipalities, the Ministry of Municipal Affairs and Housing in co-operation with municipal building officials has developed the attached checklist to assist municipalities prepare for the July 1, 2005 implementation date.

The checklist has been designed to include brief descriptions of the general areas in which the building regulatory system has been changed and how these changes affect municipalities. Following the description, action items have been identified for municipalities to take in order to prepare for the full implementation of the building regulatory system changes.

Additional implementation information is available on the Building Code web site at www.obc.mah.gov.on.ca including the changes to the *Building Code Act, 1992* and Building Code, qualification, registration, examination and training information. Other elements will be added in the coming weeks including an updated, model building permit bylaw, standard Order forms, and new training initiatives. You may wish to stay informed by subscribing to the Branch's e-mail newsletter, CodeNews, by following the links at the Building Code web site.

Please contact James Douglas, Manager, Code Development, Legislation and Appeals at (416) 585-7174 or David Brezer, Manager, Code Interpretation, Registration and Training at (416) 585-6656 if you have any questions about items raised in this letter.

Sincerely,



Ali Arlani
Director, Building and Development Branch

Encl.

**IMPLEMENTING CHANGES TO THE BUILDING CODE ACT AND BUILDING CODE:
MUNICIPAL CHECKLIST**

The Ontario Building Code (OBC) was amended through the filing of Ontario Regulation 305/03. The amendments of most concern to municipalities take effect July 1, 2005. This checklist outlines the actions municipalities should consider in preparing for July 1, 2005.

Chief Building Officials and Inspectors

Qualification of Building Officials

As of July 1, 2005, chief building officials and inspectors must be qualified to be appointed, and to remain appointed, under the BCA as a chief building official or inspector [Subsection 15.11. of the BCA and Section 2.16. of the OBC]. The qualifications that chief building officials and inspectors must have, include: (1) successful completion of an examination program administered by the Ministry of Municipal Affairs and Housing and (2) filing of information with the Director of the Building and Development Branch.

Actions:

- ☐ Municipalities should consider preparing a plan and budget for the participation of staff in examinations, and training, if needed. The plan could include an inventory of current staff qualifications and previous training mapped against current responsibilities. Gaps identified between current and required qualifications could be identified and the appropriate training provided
- ☐ Municipalities should also consider developing plans concerning the filing of information with the Director, required for chief building officials, supervisors and managers, and inspectors as part of their qualification.
- ☐ With the introduction of qualification requirements for building officials, bylaws and policies concerning the appointment of building officials should be reviewed in order to determine if they should include references to the qualification requirements of those individuals.

Code of Conduct

The *Building Code Act, 1992* was amended to include a provision requiring that municipalities establish and enforce a code of conduct for chief building officials and inspectors, and bring it to the attention of the public [Clause 7.1 (1) of the BCA].

Actions:

- ☐ Municipalities must establish and enforce a code of conduct for chief building officials and inspectors in accordance with the BCA framework; and
- ☐ Develop enforcement policies and manner to communicate it to the public.

Permit Review

Permit Application Form and Additional Plans and Specifications

As of July 1, 2005 applicants for a permit to construct or demolish a building must use the permit application form that is approved by the Minister of Municipal Affairs and Housing [Clause 2.4.1.1A.(2) of the OBC]. The approved form, Application for a Permit to Construct or Demolish, is available for download from the Building Code web site at www.obc.mah.gov.on.ca or can be requested by contacting the Building and Development Branch at (416) 585-6666.

A requirement for the acceptance of an Application for a Permit to Construct or Demolish is that all applicable fields on the application form and required schedules be completed. In addition to those fields and schedules of the permit application form, municipalities may also require, through their building bylaw, the types and quantities of plans and specifications that must accompany the application form [Clause 7 (1) (b) of the BCA].

Actions:

- ☐ Municipalities should put plans in place for the use of the permit application form. This may include updating permit tracking software, application processing procedures, and adjusting existing building permit bylaws.
- ☐ Municipalities should examine their building bylaws to ensure they are adequate to meet the municipality's needs for plans and specifications.



Applicable Law

The definition of applicable law under the Building Code has been clarified to include a specific list of provisions that require compliance before a permit can be issued [Article 1.1.3.3. of the OBC].

Action:

- ☐ Municipal plans review policies should be checked against the list of applicable law to identify gaps in internal and external approvals and to identify approvals that do not qualify as applicable law. For those policies that do not qualify, municipalities may need to devise alternative methods to facilitate compliance.

Permit Review

The amended OBC introduces timeframes in which building officials must make a decision regarding the issuance of a building permit. When a permit is not eligible to be issued, the building official is required to notify the applicant of the reasons, within the required timeframe. These timeframes are outlined in Article 2.4.1.1B. of the OBC and are based on the class of building of which the permit applies.

Actions:

- ☐ In preparation for meeting these timeframes for permit review, municipalities should review their application acceptance procedures in order to determine practices for the timely diversion of deficient applications.
- ☐ Municipalities should also develop policies and procedures to co-ordinate various municipal departments that may provide comment during the permit review process, as well as policies and procedures for the review of outside documents and the process of verifying applicable law.
- ☐ Municipalities may also consider agreements for joint enforcement with other municipalities with respect to all or certain classes of buildings or enter into an agreement for the review of stock plans [Sentence 6(1)(b) of the BCA]. In addition, municipalities may consider authorizing the use of registered code agencies to meet service demands. [Section 4.1 of the BCA].

Approval of Equivalents

Under the *Building Code Act, 1992*, a chief building official may approve the use of materials, systems and building designs that are not authorized under the Building Code, but in the opinion of the chief building official will achieve the level of performance required under the Building Code [Section 9 of the BCA]. Effective July 1, 2005 the chief building official must make record of the decision, including the decision to allow the equivalent and all the documents provided by the person requesting approval for the equivalent [Clause 2.7.1.1. of the OBC].

Action:

- ☐ Municipalities should consider policies and procedures with respect to the approval of equivalents, including mechanisms for tracking decisions made, accompanying documentation for the decisions, and policy to release this information to the public.

Registered Code Agencies

The *Building Code Act, 1992* introduces additional service delivery options to municipalities in the form of registered code agencies (RCAs). [Section 4 of the BCA].

Action:

- ☐ Municipalities should review and assess their service delivery options with respect to the enforcement of the *Building Code Act, 1992* and Building Code. In so doing, the municipality may wish to address the appointment of RCAs and put an operational plan in place.

Inspections

Inspection and Additional Notices

The OBC was amended to include stages of construction at which a builder is to give notice of readiness for inspection to a chief building official or registered code agency, where applicable. Municipalities may pass a bylaw for additional notices and specify the timeframes in which the notices must be made [Clause 2.4.5.2. of the OBC].

Municipalities will also be required to meet timeframes to undertake required inspections [Clause 2.4.5.3. of the OBC]. The timeframe to inspect on-site sewage systems is five working days and the timeframe to inspect other work is two days.

Actions:

- ☐ Municipalities should identify if additional notices are required and reflect decisions to add notices in their building bylaw. Municipalities should also establish operational policies with respect to additional inspections, and amend builder communication materials.
- ☐ Timeframes for mandatory inspections may require adjustments in municipal policies and resources. Municipalities should develop operational plans in order to meet the requirements set under the Building Code. Plans may involve identifying gaps between existing service levels and service levels required as of July 1, 2005.

Building
Bylaw

Prescribed Order Forms

As of July 1, 2005 an inspector or chief building official must use the prescribed forms for the issuance of an order directing compliance with the BCA [Subsection 12(4), 13(1.1) and 14(1.1) of the BCA]. The Ministry of Municipal Affairs and Housing is currently developing common order forms and will make them available either through the Ontario Building Code web site at www.obc.mah.gov.on.ca or they can be requested by contacting the Building and Development Branch at (416) 585-6666.

Action:

- ☐ Municipalities should put plans in place for the implementation of common order forms.

Registered Code Agencies

The *Building Code Act, 1992* introduces additional service delivery options to municipalities in the form of registered code agencies (RCAs). [Section 4 of the BCA].

Actions:

- ☐ Municipalities should review and assess their service delivery options with respect to the enforcement of the *Building Code Act, 1992* and Building Code. In so doing, the municipality may wish to address the appointment of RCAs and put an operational plan in place.

Permit Fees**Setting Permit Fees**

As of July 1, 2005 municipalities must set their permit fees so as not to exceed the anticipated reasonable costs of administering and enforcing the *Building Code Act, 1992* and Building Code in its area of jurisdiction [Clause 7 (1) (c) of the BCA]. This is consistent with case law.

Actions:

- ☐ Municipalities should develop policies and procedures around the calculation and setting of fees. In aligning permit fees with costs of enforcing the Building Code, municipalities may take the opportunity to set fees in such a way as to promote the submission of complete permit applications. Municipalities should also review fee provisions in their building permit bylaws and make adjustments where necessary.

Building
Bylaw

Annual Fee Report

Municipalities must also prepare an annual report outlining their fees and costs of Building Code enforcement [Subsection 7(4) of the BCA]. The report shall contain the following information:

- The total fees collected in the 12-month period, ending no earlier than three months before the release of the report;
- The direct costs of administering and enforcing the BCA, including the review of applications for permits and inspection of buildings;

- The indirect costs of administering and enforcing the BCA, including support and overhead costs; and
- The amount of a reserve fund, if one has been established for any purpose relating to the administration or enforcement of the Act [Clause 2.23.1.1. of the OBC].

Action:

- ☐ Municipalities should prepare policies and procedures with respect to the preparation and release of the annual report. In addition to preparing the annual report, the municipality must make it available to every person or organization that has requested the report and has provided the municipality with their address. Therefore, municipalities should establish mechanisms for tracking requests for the report.

Changing Permit Fees

As of July 1, 2005 municipalities that wish to change their permit fees must give notice to interested parties and hold a public meeting concerning the proposed changes [BCA Subsection 7 (6) and Clause 2.23.1.2. of the OBC]. Notice of the public meeting must be sent by regular mail 21 days in advance of the meeting time. The following information must be made available to the public:

- An estimate of the costs of administering and enforcing the BCA by the municipality;
- The amount of the fee or of the change to the existing fee; and
- The rationale for imposing or changing the fee.

Action:

- ☐ Municipalities should set policies and procedures in place for changing permit fees and establishing a mechanism for tracking requests from interested parties. Policies and procedures surrounding public meetings should also be developed.

Keep in Touch

Additional implementation information is available on the Building Code web site at www.obc.mah.gov.on.ca including the changes to the *Building Code Act, 1992* and Building Code, qualification, registration, examination and training information. Other elements will be added in the coming weeks including an updated, model building permit bylaw, standard Order forms, and new training initiatives. You may wish to stay informed by subscribing to the Branch's e-mail newsletter, CodeNews.

Note: Municipalities may wish to discuss these changes to the *Building Code Act, 1992* and Building Code with their solicitor.

Request for Decision City Council



Type of Decision									
Meeting Date	October 23, 2003				Report Date	October 3, 2003			
Decision Requested		Yes		No	Priority	X	High		Low
	Direction Only		X		Type of Meeting		Open	X	Closed

Report Title
BILL 124 - Legislation that will impact the Administration and Enforcement of the Ontario Building Code by the City of Greater Sudbury

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 receive this report for information purposes and that the Chief Building Official be instructed to prepare a report and presentation on the financial and resource implications of Bill 124 on the City of Greater Sudbury's Building Services' operations.
Recommendation Continued

Recommended by the General Manager
 DOUG NADOROZNY General Manager of Economic Development & Planning Services

Recommended by the C.A.O.
 MARK MIETO Chief Administrative Officer

Date: October 23, 2003

Report Prepared By



Guido A. Mazza, P. Eng., Director of Building Services/
Chief Building Official

Division Review



Bill Lautenbach
Director of Planning Services

Background

Bill 124 constitutes the Province of Ontario's response to the recommendations of the Building Regulatory Reform Advisory Group's (BRRAG) report to the Minister of Municipal Affairs and Housing issued in July, 2000. The report was entitled "Knowledge, Accountability and Streamlining Cornerstones for a New Building Regulatory System in Ontario".

On June 19, 2002, the Province of Ontario passed Bill 124, "The Building Code Statute Law Amendment Act, 2002, S.O. 2002, C.9 Being an Act to Improve Public Safety and to Increase Efficiency in Building Code Enforcement". Royal assent was granted on June 27, 2002, without any accompanying regulations to determine the scope and breadth of the Province's intent.

Over one year later, on July 25, 2003, the Building Code Statute Law Amendment Act 2002 (Bill 124) was proclaimed and Ontario Regulation 305/03 was filed to implement the Province's Building Regulatory Reforms.

This legislation and accompanying regulations have introduced the most significant reforms to the Building Regulatory System since the introduction of the Ontario Building Code in 1975.

Certain provisions of the Building Code Statute Law Amendment Act, 2002, came into force on September 1, 2003, with most other provisions coming into force July 1, 2005. This phase-in period of approximately 24 months reflects the stated commitment of the Government to permit the municipalities to implement the changes.

This report is intended to provide an overview of the changes being introduced by the Province and a more detailed study will be provided to Council through its Development Liaison Advisory Committee (DLAC) on the administration and enforcement of the Ontario Building code within the City of Greater Sudbury.

KEY PROVISIONS IN BILL 124 AND THE REGULATION

Public Safety:

- Mandatory provincial Building Code knowledge requirements will apply to building officials, persons employed or engaged by private inspection agencies (RCAs) and to persons responsible for design activities.
- Mandatory inspections at key stages of construction as specified in Building Code must be conducted within two working days of notification of readiness for inspection.

Date: October 23, 2003

Streamlining:

- Specific time limits on building permit decisions, ranging from 10 days for houses to 30 days for complex buildings.
- A common, province-wide application form for permits to construct or demolish buildings.
- Provisions which provide municipalities increased flexibility through the use of RCAs. In addition to in-house enforcement or joint enforcement arranged by two or more municipal councils, municipalities are provided with additional Building Code enforcement options:
 1. Appointing an RCA to undertake functions related to plans review and/or building inspections; and
 2. Allowing permit applicants for house construction to directly appoint RCAs to undertake plans review and inspections.
- Provisions that support design innovations and new building products include rulings by the Minister of Municipal Affairs and Housing approving alternative materials, systems and building designs. The legislation also gives the Minister the ability to issue binding interpretations of the Building Code.
- An expedited route to the Ontario Municipal Board in the case of site plan disputes.

Accountability:

- Provisions describing the roles of key parties in the building construction process including: designers; builders; persons, (e.g. property owners), who cause a building to be constructed; manufacturers, suppliers and retailers of products intended to be used in buildings covered by the Building Code; RCAs; chief building officials; and inspectors.
- Mandatory professional indemnity insurance coverage for persons engaged in the business of providing design services to the public, and for RCAs.
- Qualifications and insurance requirements for designers and RCAs to be enforced through a provincial registration system with annual renewal.
- RCAs must register annually with the government, have qualified staff who have passed provincial Building Code exams, prepare and adhere to a "quality management plan", comply with conflict of interest provisions, and have on staff an architect or engineer where the RCA reviews or inspects buildings that need to be designed by an architect or professional engineer.
- Mandatory reporting by municipalities on building permit fees will enhance transparency and ensure that building permit fees do not exceed inspection, monitoring, and enforcement costs. In addition, municipalities must provide annual building permit fee reports and hold mandatory public meetings before building permit fees are charged.

Date: October 23, 2003

SUMMARY

Bill 124 and its subsequent recently passed regulations respond to a number of issues with respect to the Building Permit approval process that are long overdue, related to the streamlining of the permit and inspection processes, the level of code knowledge required by various practitioners and the accountability and responsibility of key practitioners in the process.

Council, through its Development Liaison Advisory Committee (DLAC), has already implemented policies such as benchmarking of building permit turnaround times in 1995 that in many cases far exceed the newly mandated provincial time limits in building permit issuance.

However, it is the intent of Building Services to provide Council with a detailed report with recommendations from DLAC on the financial and resource implications of Bill 124 on the City of Greater Sudbury's Building Services' operations.

LMCBO DRAFT CODE OF CONDUCT FOR BUILDING OFFICIALS

Purpose

The purpose of this Code is to promote appropriate standards of behaviour, enforcement actions, honesty, and integrity among building officials and, to prevent practices which may constitute an abuse of power including unethical or illegal practices, by building officials, in the exercise of their power or the performance of their duty under the Act or the Ontario Building Code.

Standards of Conduct

Building Officials undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works and structures.
2. Apply all relevant building laws, codes and standards in an impartial, consistent, fair and professional manner, independent of any external influence and without regard to any personal interests.
3. Abide with the provision of the Building Code Act, the Ontario Building Code and other Acts or Laws which regulate or govern Building Officials or their functions.
4. Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency.
5. Extend professional courtesy to all.

Breaches of the Code of Conduct

The Chief Building Official will review any allegations of breaches of this Code of Conduct made against municipal building officials. Where the allegations are against the Chief Building Official, senior management of the municipality will review the allegations.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of the municipal employer and will be based on the severity and frequency of the violation in accordance with relevant employment standards.

Request for Decision City Council



Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 16, 2004			
Decision Requested	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only				Type of	☒	Open	☐	Closed

Report Title
Request for Proposal for Advertising Services - Contract CPS04-05 Section A - Greater Sudbury Transit and Section B - Greater Sudbury Arenas

Policy Implication + Budget Impact	
☒	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
The advertising revenues which are credited towards the 2005 base budget for Greater Sudbury Transit will increase from \$101,000 to \$110,000. The advertising revenues which are credited towards the 2005 base budget for Community Arenas will increase from \$6,666 to \$21,500.	
☐	Background Attached

Recommendation	
That the contract for the delivery of advertising services for Greater Sudbury Transit and for Community Arenas, be awarded to BK Corporate Marketing Services, these being the only proposals to meet the criteria outlined in the Request For Proposal. The licence fee for advertising services for Greater Sudbury Transit is: January 1, 2005 to December 31, 2005 - \$110,000 January 1, 2006 to December 31, 2006 - \$115,000 January 1, 2007 to December 31, 2007 - \$115,000 January 1, 2008 to December 31, 2008 - \$117,000 January 1, 2009 to December 31, 2009 - \$120,000 Further, BK Corporate Marking will pay the city 35% of gross billings less direct sales expenses, or the licence fee described above, whichever amount is greater, with respect to advertising rights for Greater Sudbury Transit.	
☒	Recommendation Continued

Recommended by the General Manager
 Caroline Hallsworth General Manager, Citizen and Leisure Services

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

Report Prepared By



Roger Sauvé
Director
Greater Sudbury Transit



Richard Ahola
Manager of Municipal Arenas
and Community Centres

Division Review



Réal Carré
Director
Leisure, Community and Volunteer Services

Recommendation Continued

The licence fee for advertising services for Municipal Arenas, excluding the Sudbury Community Arena, is:

August 1, 2004 to July 31, 2005 - \$21,500 + 5% of gross billings
August 1, 2005 to July 31, 2006 - \$22,000 + 5% of gross billings
August 1, 2006 to July 31, 2007 - \$23,000 + 5% of gross billings
August 1, 2007 to July 31, 2008 - \$24,000 + 5% of gross billings
August 1, 2008 to July 31, 2009 - \$25,000 + 5% of gross billings

Further, BK Corporate Marketing will pay the City 35% of gross billings less direct sales expenses, or the licence fee described above, whichever amount is greater, with respect to all advertising rights granted to the fourteen (14) arenas, excluding the Sudbury Community Arena.

Executive Summary

The current contract for advertising services for Greater Sudbury Transit had been extended to December 31st, 2004, while the current contract for advertising services for municipal arenas had been extended to July 31st, 2004. Consequently, a Request for Proposal for advertising services for Greater Sudbury Transit, Municipal Arenas and the Greater Sudbury Airport was issued. The award of the contract for the Greater Sudbury Airport will be made by the Airport Community Development Corporation.

Background

Advertising is a revenue source which assists in reducing the costs, to the taxpayer, of municipal programs, services and facilities. The sale of advertising rights requires an intensive effort and is one which has traditionally been contracted out by the municipality, with the service provider managing the sale, billing and installation of advertising in exchange for payment of a licence fee to the municipality. To maximize revenues, invite creative solutions and capitalize on opportunities, advertising rights for three distinct service areas were packaged into one Request for Proposal, with three sub-components.

Greater Sudbury Transit, through a Request For Proposal (RFP) process, grants exclusive rights to market and sell advertising on transit buses, which advertising includes bus boards and interior bus advertisements, to sell advertising in bus shelters and on bus benches. The bus bench program is provided as a convenience to transit passengers between the 15th day of March and the 15th day of November. The benches are provided, installed and maintained by the successful proponent to the RFP.

Within municipal arenas, there are a number of advertising opportunities which include both sides of rinkboards, resurfacers, interior and exterior wall signage, and entrance bulletin boards. As suggested by staff within the department, opportunities to sell advertising in other recreational facilities are also available and would increase the revenues received through this program. Accordingly, BK Corporate Marketing Services will also be the vendor of record for advertising for other city recreational facilities, subject to negotiation of mutually satisfactory agreements for these specific facilities.

Subsequent to issuance of the RFP, a mandatory information meeting was held to insure that proponents had full understanding of the opportunities presented through the RFP. While three companies attended the information meeting, only one company submitted proposals for the advertising contracts.

The licence fee for advertising services for Greater Sudbury Transit is higher than the 2004 guarantee and increases over the five year term as described below:

Term	Licence Fee
January 1, 2005 to December 31, 2005	\$110,000
January 1, 2006 to December 31, 2006	\$115,000
January 1, 2007 to December 31, 2007	\$115,000
January 1, 2008 to December 31, 2008	\$117,000
January 1, 2008 to December 31, 2009	\$120,000

As well as the current marketing items, BK Corporate Marketing Services is proposing new creative transit advertising products such as bus wraps, tail wraps, graphic displays for the top of shelters and advertising at the Transit Terminal. With the potential of higher sales a percentage clause was added to the RFP. BK Corporate Marketing Services has agreed to pay the above-noted licence fee for advertising services each year of the agreement, or 35% of gross sales less direct sales expenses, whichever amount is greater. BK Corporate Marketing has advised that there would be an 18% deduction on those sales, which represents the direct costs of making the sale. For example, the licence fee for the first year is \$110,000. Should BK Corporate Marketing sell \$400,000 worth of advertising, they would deduct 18% or \$72,000 from that amount for the direct sales costs and remit to the City 35% of \$328,000, which amount would be \$114,800 or \$4,800 more than the licence fee guaranteed under the terms of the contract.

The licence fee for advertising services for municipal arenas increases over the five year term as described below:

Term	Licence Fee
August 1, 2004 to July 31, 2005	\$21,500 + 5% of gross billings
August 1, 2005 to July 31, 2006	\$22,000 + 5% of gross billings
August 1, 2006 to July 31, 2007	\$23,000 + 5% of gross billings
August 1, 2007 to July 31, 2008	\$24,000 + 5% of gross billings
August 1, 2008 to July 31, 2009	\$25,000 + 5% of gross billings

As well as the current marketing items, BK Corporate Marketing Services is proposing new creative advertising products such as full vinyl wrap of ice resurfacers, external signage and opportunities within other recreational facilities. BK Corporate Marketing Services has agreed to pay the above-noted licence fee for advertising services each year of the agreement, or 35% of gross sales less direct sales expenses, whichever amount is greater.

BK Corporate Marketing has been involved in providing advertising services to Greater Sudbury Transit since 1992 and has been involved in providing advertising services in some municipal arenas since 1990.

Request for Decision City Council



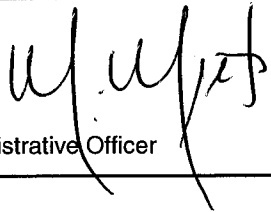
Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 16, 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title
Genevra House, St. Raphael Street, Sudbury, Cost Sharing, Watermain Improvements

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 an allocation of \$40,000 from the Capital Reserve Fund for Water be paid to Genevra House, St. Raphael Street, as the City's contribution for watermain improvements.
Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Date: June 16, 2004

Report Prepared By



D. Bélisle
General Manager of Public Works

Division Review

The Geneva House project at the end of St. Raphael Street could not have proceeded without watermain improvements. The existing dead-end watermain on St. Raphael Street could not supply sufficient water for fire protection. Negotiations between City staff and the developer resulted in a 50%/50% cost sharing agreement to construct a new watermain loop between St. Raphael and Brady Street. The City's contribution was to have been \$40,000, and the executed Site Plan Control Agreement reflects this commitment. The benefits to the City through participation in this project are the elimination of a dead end watermain, and improved fire protection for existing homes on St. Raphael Street.

Unfortunately, the point person negotiating on the City's behalf passed away suddenly, and no source of funding was identified, nor was Council approval obtained to cost share on this project. The project is now complete, and Geneva House is rightfully requesting payment.

Funding is available from the Capital Financing Reserve Fund - Water which has an uncommitted balance of \$6.3 million.

Request for Decision City Council



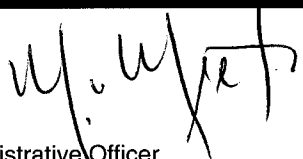
Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 16, 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title
Consulting Engineering Services, Paris Street Rehabilitation Project, Final Design Engineering and Construction Inspection

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 the firm of Dennis Consultants, a division of R.V. Anderson Associates Limited, be appointed to complete the detailed engineering design and construction supervision for the Paris Street overpass bridge.
Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Final Design Engineering and Construction Inspection

Date: June 14, 2004

Report Prepared By



D. Bélisle
General Manager of Public Works

Division Review

In 2003, the firm of Dennis Consultants was retained to do a condition survey and preliminary design for the rehabilitation of the Paris Street overpass. After this was completed, they were instructed to proceed with the detailed engineering design for the required works by the City's Roads Engineer.

Unfortunately, the Roads Engineer passed away suddenly, and only recently, it was discovered that the Consultant has been working since January 2004, without the necessary Council approval. We are now seeking Council's approval to appoint this firm to complete the design, tendering, and construction inspection. Dennis Consultants did the original design of the bridge, and are best suited to undertake (in this instance complete) the required engineering.

The complete project is estimated at \$4.7 million, including engineering fees of \$530,000, or 13% of the project costs. Funding is provided in the 2003 and 2004 Capital Roads Budgets, with a further allocation of \$1.0 million required in 2005 to complete the road approaches to the Bridge, from Van Horne Street to John Street. The work will commence this year with completion in 2005.

Request for Decision City Council



Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 18, 2004			
Decision Requested	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only				Type of Meeting	☒	Open	☐	Closed

Report Title
2004 Omitted and Supplementary Tax Billing

Policy Implication + Budget Impact	
☒	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
N/A	
☒	Background Attached

Recommendation
That a by-law be passed authorizing the 2004 omitted and supplementary tax billing.
Recommendation Continued

Recommended by the General Manager
 D. Wukosinski General Manager of Corporate Services

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

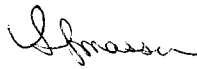
Report Prepared By



T. Derro
Supervisor of Tax/Chief Tax Collector



Division Review



S. Jonasson
Director of Finance/City Treasurer

BACKGROUND

This report deals with the 2004 omitted and supplementary tax billing, including due dates for this billing.

Sections 33 and 34 of the Assessment Act authorize a local municipality, in any year, to enter omitted and supplementary assessments on to the tax roll and to levy and collect realty taxes resulting from this additional assessment.

Omitted and supplementary assessments are generated by property additions or changes that increase current value assessment.

For omitted and supplementary assessments added to the tax roll after June 1, 2004, the due dates are:

July 19, 2004
August 19, 2004

For omitted and supplementary assessments added to the tax roll after September 1, 2004, the due dates are:

October 18, 2004
November 18, 2004

For omitted and supplementary assessments added to the tax roll after November 1, 2004, the due date is:

December 15, 2004

Request for Decision City Council



Type of Decision									
Meeting Date	June 24 th , 2004				Report Date	June 16 th , 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of Meeting		Open		Closed

Report Title
Traffic Control - Covington Avenue, Garson

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 traffic control at the intersection of Covington Avenue and Parkview Drive in Garson, be changed from a "Yield" sign to a "Stop" sign facing northbound traffic on Covington Avenue, and That a By-Law be passed to amend the City of Greater Sudbury's Traffic and Parking By-Law 2001-1, to implement the recommended change.
Recommendation Continued

Recommended by the General Manager
 Don Belisle General Manager of Public Works

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

Date: June 16th, 2004

Report Prepared By



Nathalie Mihelchic, P. Eng.
Co-ordinator of Traffic & Transportation

Division Review



R.G. (Greg) Clausen, P. Eng.
Director of Engineering Services

Background:

The Traffic and Transportation Section received a request from Councillor Thompson to have the Yield sign changed to a Stop sign at the intersection of Covington Avenue and Parkview Drive, in Garson (see Exhibit 'A'). A site investigation revealed reduced visibility at the intersection due to nearby mature trees.

Yield signs are appropriate when sight lines are adequate and stopping is not always required. Therefore, staff supports the request to change the Yield sign to a Stop sign. We will also ensure that our Operations' Division prune the overhanging branches to eliminate obstruction of the new Stop sign. Both Ward Councillors support the recommendation.

The City of Greater Sudbury

Schedule "P" to By-Law 2001-1

Yield Right-Of-Way

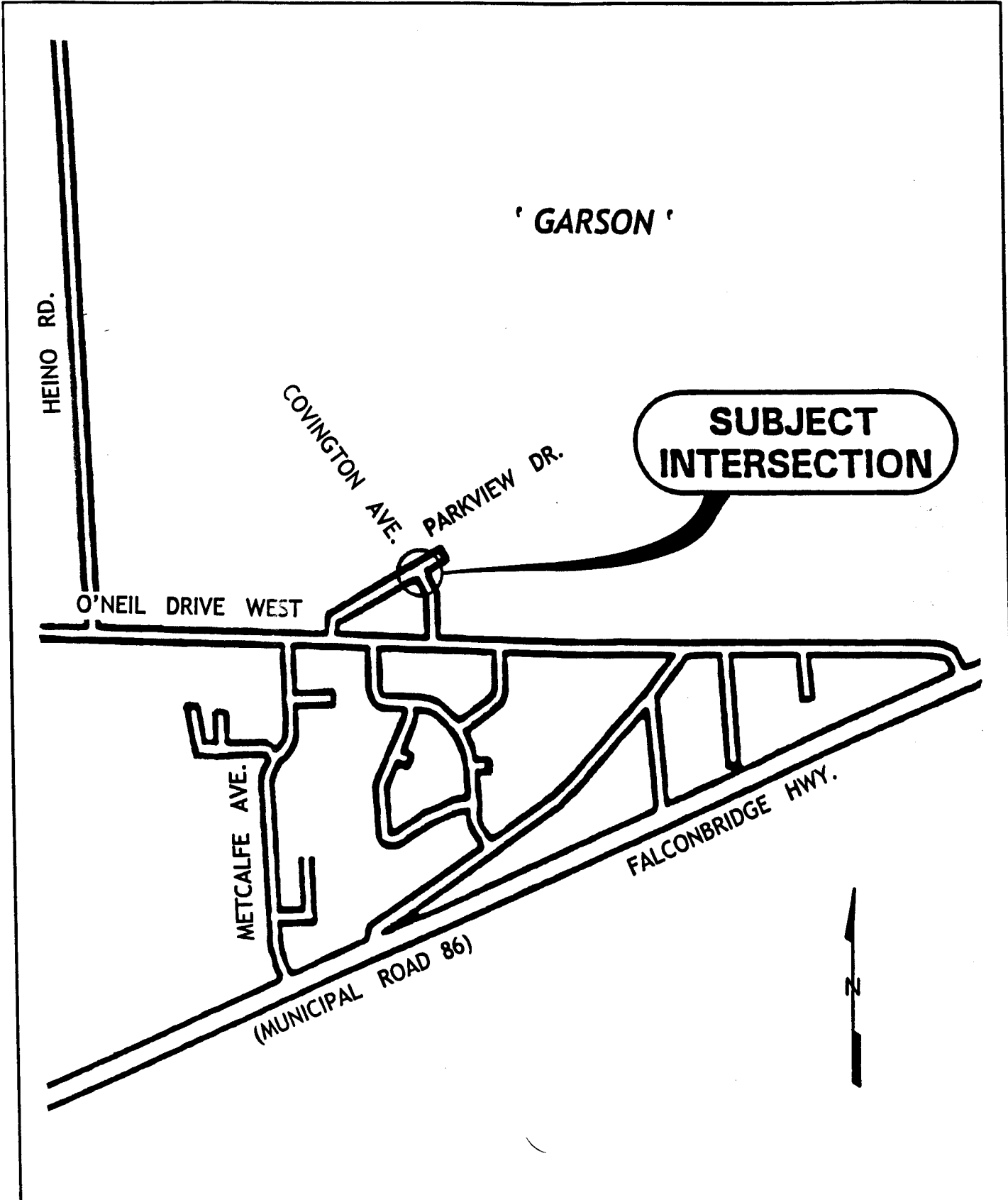
DELETE:	
Intersection	Direction of Travel
Covington Avenue - Parkview Drive Nickel Centre	North on Covington Avenue

Schedule "O" to By-Law 2001-1

Stops at Intersections

ADD:	
Intersection	Direction of Travel
Covington Avenue - Parkview Drive Nickel Centre	North on Covington Avenue

EXHIBIT: A



 Sudbury	TRAFFIC CONTROL		
	COVINGTON AVENUE, GARSON		
	2004/06/14		N.T.S.

Request for Decision City Council

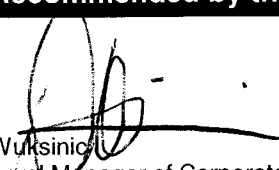


Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 18, 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title
Tax Extension Agreement Roll # 010.018.011.00.0000 Between the City of Greater Sudbury and 1141466 Ontario Limited

Policy Implication + Budget Impact	
☒	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
N/A	
☒	Background Attached

Recommendation
That the appropriate by-law be enacted.
Recommendation Continued

Recommended by the General Manager
 D. Wuksinich General Manager of Corporate Services

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Report Prepared By



T. Derro
Supervisor of Tax/Chief Tax Collector



Division Review



S. Jonasson
Director of Finance/City Treasurer

BACKGROUND

1141466 Ontario Limited has requested a Tax Extension Agreement with respect to the property located at 0 Kingsway in the City of Greater Sudbury. A Tax Extension Agreement is a standard Agreement. This Agreement provides that if the owner fails to honour the provisions of the agreement, the agreement shall become null and void and the owner shall be placed in the position that he/she was in prior to the entering into of the agreement, which may include the sale of the property by public tender.

A tax certificate was registered against these lands on June 25th, 2003 and the owner has one year from that date to redeem the property by paying all outstanding taxes, penalty, interest charges and costs in full in one lump sum.

However, Section 378 (1) of the *Municipal Act*, allows a municipality to enter into a Tax Extension Agreement with the owner of the property providing an extension of time for payment of the arrears by way of a down payment and monthly payments.

The owner is agreeable to making payment of the arrears on the following Schedule. It is recommended that a standard form Extension Agreement be authorized.

CALCULATION OF PAYMENTS REQUIRED UNDER EXTENSION AGREEMENT
TS FILE NO. 03-03

	AMOUNT
(1) Outstanding taxes, penalty and interest charges on TAX ARREARS CERTIFICATE	\$52,014.39
(2) Additional taxes levied subsequent to tax sale proceedings	\$ 3,146.51
2004	
2005	\$ 3,100.00
2006	\$ 0.00
(3) Estimated additional penalty and interest charge subsequent to tax sale proceedings	\$ 9,012.13
(4) Administration Charges - Estimated	<u>\$ 1,685.00</u>
TOTAL AMOUNT TO BE PAID UNDER EXTENSION AGREEMENT	\$68,958.03

TO BE PAID AS FOLLOWS:

(1) Down payment on signing	\$30,000.00
(2) 19 Payments of \$2,000.00 each, starting July 1, 2004	\$38,000.00
(3) 1 Final Payment of \$958.03 on February 1, 2006	<u>\$ 958.03</u>
	\$68,958.03

Request for Decision City Council



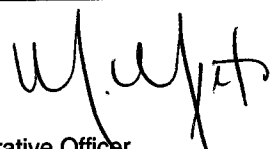
Type of Decision									
Meeting Date		June 24, 2004				Report Date		June 16, 2004	
Decision Requested		☒	Yes		No	Priority		☒	High
		Direction Only				Type of		☒	Open
									Closed

Report Title
Agreements with Rainbow Routes for Trails Development

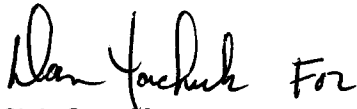
Policy Implication + Budget Impact	
☒	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
Background Attached	

Recommendation	
THAT staff be authorized to enter into an agreement with the Rainbow Routes Association to facilitate the development of trails for non motorized use on City of Greater Sudbury property and; THAT staff be authorized to enter into a second agreement with Rainbow Routes to authorize the construction of a trail on lands owned by the Ministry of Transportation effective upon the City signing a licence agreement for the use of those lands and; THAT staff be authorized to enter into an agreement with the Ministry of Transportation for the purposes of trail construction, which agreement relates to trail construction on lands owned by the MTO which runs parallel to Highway 17 and;	
☒	Recommendation Continued

Recommended by the General Manager
 Caroline Hallsworth General Manager, Citizen and Leisure Services

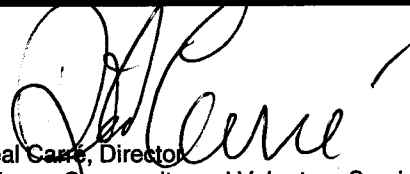
Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer

Report Prepared By



Chris Gore, Manager
Community Development and Volunteerism

Division Review



Réal Gagné, Director
Leisure, Community and Volunteer Services

Recommendation Continued

THAT a By-Law be prepared authorizing a series of grants to Rainbow Routes for the purposes of trail construction, which series of grants shall not exceed the \$350,000 previously allocated by Council in 2001 for the purposes of trail construction and which grants shall be funded from the Rainbow Routes Trails Capital Account established in 2001.

Background

Rainbow Routes is a local non profit organization committed to the development, management, use and preservation of an integrated, year round , multi use trail network for the general public that will connect the City of Greater Sudbury to the Trans Canada Trail System. The organization is governed by volunteers from within the community with 10 Directors and 1 Executive Director who represent a variety of local trail groups, user groups and citizens from across the community. Rainbow Routes has lead projects such as the Hillfield Trail project in Walden among others and have recently published the second edition of the Greater Sudbury Trail Guide.

The City of Greater Sudbury has been working together with Rainbow Routes to develop trails over the past three years. In 2001 , Rainbow Routes prepared the "Trans Canada Trail Master Plan" in partnership with the City. The plan identifies links required to connect the disjointed and disparate network of existing trails. During the 2001 budget deliberations, Council allocated \$350,000 to Rainbow Routes for trail development and funded this allocation from the Tax Rate Stabilization Fund. The Council allocation was levered by Rainbow Routes through an application to the Northern Ontario Heritage Fund for the development and improvement of trails in the Sudbury area. With the municipal and provincial funding in place as well as in-kind community support, \$1.4 million worth of work on the development and improvement of a local trail networks will be completed. Portions of this work have been completed previously and the balance of the Rainbow Route trail funding that remains in the capital account is \$225,000.

Many of the trails being constructed are developed on municipal property, and periodically there is a need for an agreement between Rainbow Routes and the City of Greater Sudbury as to how that specific portion of trail will be developed. To facilitate this partnership and speed-up the process of approvals, it is respectfully recommended that Council authorize staff to enter into a five year agreement, which will describe the terms under which Rainbow Routes will be allowed to construct trails on municipal property. The agreement addresses the project approval process and safety issues so as to ensure that trail construction is managed responsibly.

The reporting requirements under the Municipal Act require that grants from the municipality to community organizations be approved by way of by-law. Council has already approved the allocation of funding to Rainbow Routes for trail development as part of the 2001 budget process, however a by-law has not been formally passed authorizing the payment of grants directly to Rainbow Routes.

Rainbow Routes is currently working on construction of the section of the Trans Canada Trail from Fielding Park to Southview Drive. A portion of this trail will be constructed on lands owned by the Ministry of Transportation of Ontario, which lands run parallel to Highway 17. The Ministry of Transportation of

Ontario has advised that the City must negotiate a licence agreement with MTO to permit the construction of a trail on that land. The City would then enter into an agreement with Rainbow Routes authorizing the construction of trails on lands owned by the MTO. This report seeks authority for the City to enter into a licence agreement with the Ministry of Transportation of Ontario for trail construction on Ministry owned lands.

The City of Greater Sudbury Master Plan for Parks, Open Space and Leisure identifies trails as one of the most important and recurring issues identified through an extended community consultation process and suggests that trail development should remain a high community priority. A strong and flexible partnership with local organizations such as Rainbow Routes and the other funding groups supporting the development of the Trans Canada Trail will help to ensure that the City of Greater Sudbury continues to work towards creating the network of trails required to support local needs, improve tourism and to help support environmental concerns.

Request for Decision City Council



Type of Decision

Meeting Date	June 24, 2004				Report Date	June 18, 2004			
Decision Requested	☒	Yes	☐	No	Priority	☐	High	☐	Low
	Direction Only				Type of Meeting	☐	Open	☐	Closed

Report Title

Tax Adjustments Under Section 357 and 358 of the Municipal Act

Policy Implication + Budget Impact

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

Of the total taxes to be struck from the tax roll, the City's portion is \$8,138.32. This amount, as well as previous amounts struck from the roll in 2004, is well within the budget amount for tax write offs.

☒ Background Attached

Recommendation

That the amount of \$12,108.96 be struck from the tax roll.

Recommendation Continued

Recommended by the General Manager


Doug Wukosinic
General Manager of Corporate Services

Recommended by the C.A.O.


Mark Mieto
Chief Administrative Officer

Report Prepared By



T. Derro
Supervisor of Tax / Chief Tax Collector



Division Review



S. Jonasson
Director of Finance / City Treasurer

BACKGROUND

Sections 357 and 358 of the Municipal Act provide the authority for the cancellation, reduction or refund of realty taxes.

Section 357

Section 357 authorizes the cancellation, reduction or refund of realty taxes in the current year for such reasons as change in rate of taxation, change in tax status, fire/demolition or gross error. Section 357 applications are verified by the Municipal Property Assessment Corporation and processed by the municipality.

Section 358

Section 358 of the Municipal Act authorizes the reduction of realty taxes for clerical errors such as errors in key punching, transposition of figures or mathematical calculations. Such errors occur with the preparation of the assessment roll and are confirmed by the Municipal Property Assessment Corporation prior to the tax adjustment by the municipality. Section 358 applications apply to the two (2) taxation years prior to the year in which the error(s) was made.

The Treasurer's recommendations for the cancellation, reduction or refund of realty taxes under the Municipal Act are presented to Council for approval. Attached for Council's information and action is Schedule A, summarizing the tax adjustments by authority, reason and amount. Also attached is Schedule B which provides a more detailed property by property description of the tax adjustments.

SCHEDULE 'A'

ADJUSTMENT OF TAXES

UNDER SECTIONS 357/358 OF THE MUNICIPAL ACT June 24, 2004 City Council Meeting

<i>Reason for Adjustment</i>	<i>Applications</i>	<i>City Portion</i>	<i>Education Portion</i>
Fire / Demolition	6	3,363.27	181.93
Gross or Manifest Clerical Error	1	372.76	111.90
Change in Tax Class / Rate	2	4,402.29	3,676.81
TOTAL:	9	\$8,138.32	\$3,970.64

RECOMMENDED APPLICATIONS TO CITY COUNCIL FOR TAX ADJUSTMENTS
UNDER SECTIONS 357/358 OF THE MUNICIPAL ACT
REASON: FIRE AND OR DEMOLITION

55

[illegible]

City Council Meeting of: June 24, 2004

[illegible]

City Council Meeting of: June 24, 2004

57

Request for Decision City Council



Type of Decision

Meeting Date	June 24, 2004				Report Date	June 18, 2004			
Decision Requested		Yes	☒	No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title

ROMA Reciprocal Insurance Program
Retro-assessment

Policy Implication + Budget Impact

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

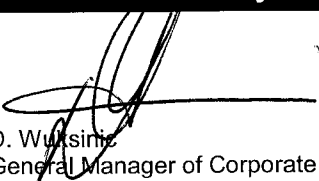
☒ Background Attached

Recommendation

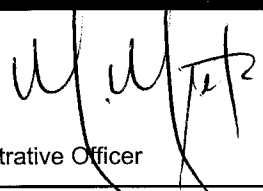
FOR INFORMATION ONLY

Recommendation Continued

Recommended by the General Manager


D. Wuksinic
General Manager of Corporate Services

Recommended by the C.A.O.


M. Mieto
Chief Administrative Officer

Date: June 18, 2004

Report Prepared By

C. Mahaffy

Manager of Financial Planning & Policy/Deputy Treasurer

Division Review

S. Jonasson

Director of Finance/City Treasurer

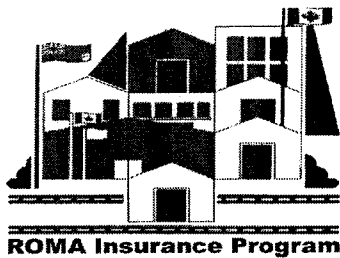
BACKGROUND

Reciprocal Insurance programs are designed to be non-profit and consist of a group of similar organizations, pooling their claims exposure, and paying a share of the anticipated costs of all insurance claims, based on an equitable formula.

Reciprocal Insurance programs often produce lower premiums for the participants in the short run. However, each participant, through the formal reciprocal agreement, is liable for retro-assessment if the costs of claims and administration exceed the projections.

Attached is a copy of a letter received from the ROMA insurance program billing the City for a former municipality's share of the deficit incurred over the three years prior to amalgamation. This billing represents about one year's premium to that municipality. The City's reserve fund for insurance will be used to fund this unanticipated expenditure.

It is our understanding that billings to the participants who are still in the reciprocal program are considerably higher as the losses have continued to be experienced since 2001.



Handwritten initials and a stamp that reads "RECEIVED" with a date.

June 02, 2004

Sandra Jonasson
Town of Rayside-Belfour
c/o City of Greater Sudbury
200 Brady Street, P.O. Box 5000, Stn A
Sudbury, ON P3A 5P3

Re: ROMA Reciprocal Insurance Program
Retro-assessment

Enclosed please find an invoice in the amount of \$84,610.56 representing your share of deficit funding of the ROMA Special Underwriting Group for the period February 15, 1998 to January 01, 2001. We have included calculations by year supporting the assessed amount as well as yearly Income Statements reflecting the deficits valued at December 31, 2003.

Authority to issue this invoice is at the direction of the ROMA Insurance Board acting as the SUG 1 Committee pursuant to the Special Underwriting Group 1 Agreement dated December 12, 1997. These assessments are made pursuant to Section 7.05 of the Reciprocal Agreement.

If satisfactory arrangements have not been made within 14 days of the date of this letter to settle this outstanding indebtedness, this matter will be referred to our legal counsel for collection.

Yours truly,

Bill Bishop
Tel. (905) 480-0060 ext. 229
Toll Free: 1-888-880-6639

Request for Decision City Council



Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 16, 2004			
Decision Requested		Yes	☒	No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title
Status Update, Azilda Wastewater Treatment Plant

Policy Implication + Budget Impact	
☐	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
n/a	
☒	Background Attached

Recommendation
FOR INFORMATION ONLY
Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Date: June 16, 2004

Report Prepared By



D. Bélisle
General Manager of Public Works

Division Review

At the Council meeting of June 10, 2004, Council directed staff to prepare a report on the status of the Azilda Wastewater Treatment Plant (WWTP).

The Azilda WWTP has a rated capacity of 2,840 M³/day. In 2001 and 2002, this capacity was exceeded, resulting in a Provincial Officer's Order by the Ministry of the Environment (MOE), directing the City to develop an action plan to bring the sewage flows into compliance with the plant's rated capacity. This Order was issued in March, 2003. In April 2003, the City responded with a proposal to the MOE to have the plant capacity re-rated. A similar approach was successful in the late 1990's, for the Dowling WWTP, with the result that the plant's capacity was increased at minimal capital cost. The MOE have been receptive to our proposal to re-rate the Azilda WWTP, and we expect to be in a position to submit an Application for a new Certificate of Approval in the very near future. We will be applying for a rated capacity of 3,300 M³/day.

At the present time, there are 33 equivalent residential units (ERU's) building permits available in Azilda. However, if all registered lots in the community were to proceed to construction, we would be oversubscribed by 277 ERU's. If the plant is re-rated at 3,300 M³/day, we could accommodate these 277 ERU's, plus an additional 30 ERU's, for a total of 307 new ERU's. This is more than enough to accommodate new construction in Azilda for at least the next ten years.

Request for Decision City Council



Type of Decision

Meeting Date	June 24, 2004				Report Date	June 16 2004			
Decision Requested		Yes	☒	No	Priority	☒	High		Low
	Direction Only				Type of Meeting		Open		Closed

Report Title

Working Hours - Road Construction Projects
Re: Contract #2004-17, Paris St Street Widening and Resurfacing

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

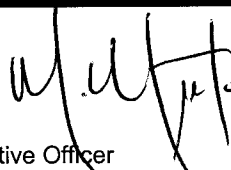
Recommendation

Recommendation Continued

Recommended by the General Manager


 Don Bélisle
 General Manager of Public Works

Recommended by the C.A.O.


 Mark Mieto
 Chief Administrative Officer

Date: June 16, 2004

Report Prepared By



Don Bélisle
General Manager of Public Works

Division Review

Background:

This contract is for the completion of the Paris Street trunk watermain project that was carried out in 2003. It involves widening at selected locations, generally on the west side of Paris Street, new concrete curbs and sidewalks and complete new asphalt resurfacing from Walford Road to Regent Street.

In response to public complaints about the recent road works on the Kingsway, we invited bids for this upcoming project under two options.

Option A: Conventional construction, Monday to Friday. A maximum allotment of 80 working days, plus 8 days (10%) for rain, were specified, for a total of 88 working days. With a start date of July 05, 2004, this project would be completed by November 07, 2004.

Option B: Accelerated construction, up to and including 24/7. Bidders were invited to submit a completion schedule under this option, and for every day that they finished before their targeted completion date, they would receive a daily \$3,000 bonus. For every day after the targeted completion date, they would pay a daily penalty of \$3,000.

The following bids were received under both options. It is important to note that the bid prices under Option B are exclusive of the bonus/penalty provisions. Thus if a bidder finishes earlier than the targeted completion date, the price under Option B increases. If a bidder finishes later than the targeted completion date, the price decreases by \$3,000 per day.

<u>BIDDER</u>	<u>OPTION A</u> (Conventional)	<u>OPTION B</u> (24/7)	<u>COMPLETION DATE</u>
<u>Teranorth</u>	\$2,555,734.92		November 07, 2004
		\$3,065,385.62	October 23, 2004
<u>Pioneer Construction</u>	\$2,882,224.22		November 07, 2004
		\$3,139,972.52	October 12, 2004
<u>Belanger Construction</u>	\$2,910,813.02		November 07, 2004
		\$3,626,021.35	November 02, 2004
<u>Interpaving Limited</u>	\$3,119,697.30		November 07, 2004
		\$3,584,676.44	November 02, 2004

Date: June 16, 2004

The low bid under Option A from Teranorth is within budget, and under the City's Purchasing By-law, staff can award the contract. We will do so to Teranorth under Option A. If Council wants the earliest completion date of October 12, 2004 under Option B, the bid would go to Pioneer Construction at a premium cost of \$585,000, plus or minus bonus, for an earlier three week completion timetable. Another alternative is to award the contract to the next earliest price bidder, Teranorth, for a two week advantage at a cost of \$510,000 plus or minus bonus.

Clearly, there are serious cost implications to working nights and weekends. These occur as a result of overtime and shift bonus premiums, not just for the primary contractor, but also for sub-contractors and suppliers such as truckers, asphalt plants, ready-mix concrete plants, gas, hydro, cable, telephone utilities, etc... There is also the additional direct costs to the City of inspecting and supervising the works during off hours; these cost have not been included. Finally, there is the public inconvenience due to the nighttime noise, in the immediate vicinity of the project site.

We hope that this exercise has demonstrated that City projects, as currently specified and tendered, yield the best value for money, and that off-hour construction is not a viable option, notwithstanding traffic disruptions.

Request for Decision City Council

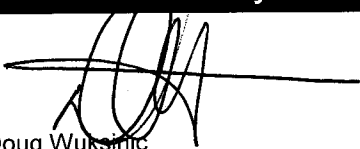


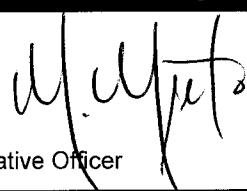
Type of Decision									
Meeting Date	Thursday, June 24, 2004				Report Date	Friday, June 18, 2004			
Decision Requested		Yes	☒	No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title
AMENDMENT TO BY-LAW 2004-160 REGULATE OPEN AIR BURNING

Policy Implication + Budget Impact	
☐	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<u>Policy Implication</u> By-law 2004-160 appears in the agenda for third reading. First and second reading was received at the Council meeting of 2004-06-10.	
<u>Budget Impact</u> None	
☒	Background Attached

Recommendation
<u>FOR INFORMATION ONLY</u>
☐ Recommendation Continued

Recommended by the General Manager
 Doug Wuksinic General Manager of Corporate Services

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

Date: 2004-06-18

Report Prepared By



Corrie-Jo Caporale
Council Secretary

Division Review

Background:

A revised copy of By-law 2004-160, which appears on the Council Agenda of 2004-06-24 under *Referred and Deferred Matters*, is attached for your convenience.

The revision can be found on *Page 10, Part 4 (Prohibitions - Specific Types of Permitted Fires), Section 15 (a) (Fire in a Cooking Device)* of the By-law :

"Fire in a Cooking Device

15. No person shall set or maintain a fire in a cooking device unless he or she ensures all of the following conditions are met:

- (a) the cooking device:**
 - (i) is not located on a balcony;**
 - (ii) is located at least 1 metre from any structure; and**
 - (iii) is in good working order; No person shall set or maintain"**

BY-LAW 2004-160

**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO REGULATE OPEN AIR BURNING**

WHEREAS Subsection 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, allows the council of a municipality to pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS Section 130 of the *Municipal Act, 2001*, S.O. 2001, c. 25, allows the municipality to regulated matters related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS the regulation of open air burning is important for the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS the Council of the City of Greater Sudbury deems it advisable to enact such a By-law;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

PART 1 - INTERPRETATION

Definitions

1. In this Bylaw:

“balcony” means a platform projecting from a wall of a multiple dwelling, surrounded by a railing or balustrade;

“brush fire” means a fire set for the purposes of burning brush, grass, vegetation or leaf type material only;

“burn permit” means a burn permit which is issued in accordance with this By-law, authorizing a brush fire or a crop residue fire;

“burn barrel” means a steel container similar in construction to a 45 gallon drum and with a volume no greater than that of 45 gallon drum;

“By-law Enforcement Officer” means a person duly appointed by the Council of the City of Greater Sudbury to enforce City By-laws;

“campfire” means a fire intended for and used for the purposes of recreation, cooking or warmth only and for no other purpose;

“City” means the City of Greater Sudbury;

“cooking device” means a non-combustible device designed for and used for the cooking of food and fuelled only by commercial charcoal, compressed gas or wood;

“crop fire” means a fire set for the purpose of burning agricultural crop residue or similar vegetation, only;

“dwelling unit” means a suite of one or more inter-connected habitable rooms which:

- (i) is occupied and used in common by one or more persons as a single, distinct and self-contained housekeeping establishment; and
- (ii) contains cooking and toilet facilities for the exclusive common use of the occupants thereof;

“fire” means a fire in the open air, whether or not the fire is contained within a device or appliance;

“Fire Chief” means the Fire Chief of the City of Greater Sudbury and includes his or her duly authorized designate;

“multiple dwelling” means a building containing two or more dwelling units, with or without non-residential uses in the same building, and includes any such dwelling

wherein furnished dwelling unit accommodation is provided on a weekly or monthly basis, but does not include a row dwelling;

“property” includes a building or structure or part of a building or structure, and includes the lands appurtenant thereto and all mobile homes, mobile buildings or mobile structures and vacant land;

“registered owner” includes the person who is shown as owner of a property in the records of the Land Registry Office, a trustee acting on behalf of the registered owner, the estate trustee of a registered owner, a person with a leasehold interest in the land and an authorized representative of a corporate registered owner; and

“row dwelling” means a building which contains two or more dwelling units divided vertically from each other by common walls, which extend at least one story above finished grade and having private independent entrances to each dwelling unit directly from a yard.

Short Title

2. This By-law shall be known as the “Open Air Burning By-law”.

PART 2 - APPLICATION

Application

3. This by-law applies within the geographic limits of the City of Greater Sudbury.

Non-application

4. This By-law does not apply to a person who sets a fire:
 - (a) in an incinerator operated in accordance with the Certificate of Approval issued pursuant to the *Environmental Protection Act*, R.S.O. 1990, c. E.19 and regulations thereunder; or

- (b) in a device which has been installed outside of a building which meets each of the following conditions:
 - (i) the device is designed for and used as a source of heat or power for the building or is designed for and used for a purpose ancillary to a manufacturing process,
 - (ii) the device is certified for use for a purpose described in paragraph 4(b)(i) by a recognized agency mandated in part for that purpose;
 - (iii) the certification of the device is produced upon request by a By-law Enforcement Officer or the Fire Chief; and
 - (iv) the device is in good working order.

Effect of Other Legislation

5. Nothing in this By-law shall be deemed to authorize any fire, burning or other act which is in contravention of the *Environmental Protection Act*, the *Forest Fires Protection Act*, R.S.O. 1990, c. F.24, the *Fire Protection and Prevention Act*, 1997, or other federal or provincial statute, or any regulation made thereunder. In the event of any conflict between the provisions of this By-law and any of the said Acts or Regulations, the provisions of the said Act or Acts or the Regulations thereunder shall govern. In the event of any conflict between the provisions of this By-law and any other municipal by-law, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Prohibition - Setting Fires

6. Except as provided in Section 4 no person shall set a fire in the City unless the fire is a training or demonstration fire in accordance with Section 7 or a permitted fire in accordance with this By-law.

Training or Demonstration Fire

7.-(1) For the purpose of this By-law, a training or demonstration fire is a fire which is set in the City for the purpose of demonstrating fire fighting equipment or as a training exercise.

(2) The Fire Chief is authorized to give written consent for the setting of a demonstration or training fire. The Fire Chief shall set out in his or her written consent:

- (a) the particulars of the fire which is to be set;
- (b) the location at which the fire can be set;
- (c) the size of the fire which is to be set;
- (d) the day and time at which the fire is authorized to be set;
- (e) the person authorized to set the fire;
- (f) the requirement that the fire be set in the presence of such members of the City's fire services and such equipment as may be reasonably necessary to be able to control and extinguish the demonstration or training fire; and
- (g) any restrictions, regulations or conditions to which the consent is subject.

(3) No person shall set a demonstration or training fire unless all of the following conditions are met:

- (a) the person has the prior written consent of the Fire Chief to set the demonstration or training fire;
- (b) the fire is set and maintained in accordance with the written consent of the Fire Chief; and
- (c) the person does not leave the site of the demonstration or training fire until the fire is fully extinguished.

Permitted Fires

8. For the purposes of this By-law, a permitted fire is a fire:
- (a) set in a burn barrel and otherwise in accordance with Section 13;
 - (b) is a campfire and otherwise in accordance with Section 14;
 - (c) set in a cooking device and otherwise in accordance with Section 15;
 - (d) set in a chiminea and otherwise in accordance with Section 16;
 - (e) set in a portable device and otherwise in accordance with Section 17; or
 - (f) is a brush fire, authorized by a burn permit and otherwise in accordance with Section 18; or
 - (g) is a crop residue fire, authorized by a burn permit and otherwise in accordance with Section 19.

PART 3 - GENERAL PROHIBITIONS - PERMITTED FIRES

Consent of Registered Owner

- 9.- (1) No person shall set or maintain a permitted fire on any property in the City unless:
- (a) the person setting or maintaining the fire is the registered owner of the property on which the fire is set;
 - (b) at least one registered owner of the property or his or her authorized designate is present at the site of the fire from the time fire is set until the fire is fully extinguished; or
 - (c) the person setting or maintaining the fire has the written consent of at least one registered owner of the property on which the fire is set, to the setting of a fire of that type on the property.

(2) No person shall authorize or permit a person to set or maintain a fire on his or her property unless such person is a responsible person and has the ability to control the fire and prevent its spread.

(3) No person, having the written consent of a registered owner to setting a permitted fire on the property of the registered owner, shall fail to:

- (a) keep the written consent at the location of the fire; or
- (b) produce the written consent upon request by a By-law Enforcement Officer or the Fire Chief.

Person in Charge

10.-(1) No person having started a permitted fire, and, if the person who started the permitted fire is not present, no person in charge of a fire, shall fail to take all necessary steps to control the fire, prevent its spread and fully extinguish the fire before leaving the site.

(2) No person, having set a permitted fire, or being left in charge of a permitted fire shall leave another person in charge of the fire unless such person is a responsible person, able to control the fire and comply with the requirements of this By-law.

Prohibited Materials for Burning

11. No person shall burn or permit to be burned in a permitted fire in the City any:

- (a) kitchen garbage;
- (b) construction material;
- (c) materials made of or containing rubber;
- (d) plastic;
- (e) tar; or
- (f) wet material.

Prohibited Conditions

12. No person shall set or maintain a permitted fire in the City in a location or in conditions likely to cause or result in:

- (a) a decrease in visibility on any highway or roadway from smoke;
- (b) inconvenience or irritation to others from smoke or fumes;
- (c) the spread of the fire due to grass or other vegetation, proximity of any combustible material or other reason;
- (d) a spread of fire through adjacent grass, brush, forested area; or
- (e) the endangerment of his or her own property or the endangerment of property of any other person.

PART 4 - PROHIBITIONS - SPECIFIC TYPES OF PERMITTED FIRES

Fire in a Burn Barrel

13. No person shall set a fire in a burn barrel unless such person ensures all of the following conditions are met:

- (a) the burn barrel:
 - (i) is in good condition;
 - (ii) is situated securely on level ground;
 - (iii) is located at least 3 metres from any building or structure; and
 - (iv) is located at least 5 metres from any forest or woodland;
- (b) all openings in the burn barrel are entirely covered by metal wire mesh with grid openings of not more than 12mm in diameter;
- (c) the person burns only grass, leaves, brush, wood or wood by-products in the burn barrel; and

- (d) the person sets and maintains the fire in the burn barrel only during the time falling between one half hour before sunset and one half hour after sunrise of the next following day, unless such person has the prior written consent of the Fire Chief to set or maintain the fire in the burn barrel during any other time.

Campfire

14. No person shall set or maintain a campfire unless the person ensures all of the following conditions are met:

- (a) the campfire fire is contained within an area completely surrounded by a non-combustible barrier of metal, masonry, ceramic or stone or is contained within a pit in the ground;
- (b) the diameter of the campfire area in paragraph 14(a) does not exceed 66 centimetres;
- (c) the campfire is located at least:
 - (i) 3 metres from any structure; and
 - (ii) 5 metres from any forest or woodland;
- (d) the material burned in the campfire is in a single pile that is less than 66 centimetres in height;
- (e) the person tending the campfire has tools or water adequate to contain the fire within the campfire area; and
- (f) in the case of a campfire set in a location other than in an approved campsite, the person sets and maintains the campfire only during the time falling between one half hour before sunset and one half hour after sunrise of the next following day. For the purposes of this paragraph, an approved campsite is a provincial park, or a tourist camp or trailer

camp which has been duly licenced by the City of Greater Sudbury.

Fire in a Cooking Device

15. No person shall set or maintain a fire in a cooking device unless he or she ensures all of the following conditions are met:

- (a) the cooking device:
 - (i) is not located on a balcony;
 - (ii) is located at least 1 metre from any structure; and
 - (iii) is in good working order;
- (b) the fire in the cooking device is no larger than reasonably necessary to cook the food;
- (c) the fire is contained within the cooking device; and
- (d) the person burns only commercial charcoal, compressed gas or wood in the cooking device, as is appropriate for that cooking device.

Fire in a Chiminea

16. No person shall set a fire in a chiminea unless he or she ensures all of the following conditions are met:

- (a) the chiminea:
 - (i) is not located on a balcony;
 - (ii) is not located on any combustible surface;
 - (iii) is in good working order; and
 - (a) is located at least 3 metres from any structure;
- (b) all openings in the chiminea are completely covered by metal wire mesh with grid openings no larger than 12 millimetres in diameter;
- (c) the fire is confined to the chiminea; and

- (d) the person burns only clean dry wood or charcoal in the chiminea.

Heating during Construction

17. No person may set or maintain a fire in a portable appliance during a construction or maintenance process unless he or she ensures the following conditions are met:

- (a) the portable appliance is designed for the heating of a material during a construction or maintenance process;
- (b) the portable appliance is used only for the heating of a material during a construction or maintenance process;
- (c) the portable appliance is used in accordance with manufacturer's instructions; and
- (d) the portable appliance is in good working order.

Brush Fire - Permit

18. -(1) No person shall set or maintain a brush fire without a valid burn permit issued in accordance with this bylaw.

(2) No person holding a valid burn permit for a brush fire, shall set or maintain a brush fire unless he or she ensures:

- (a) the fire is set and maintained at a distance of no less than 30 metres or such greater distance as may be specified in the burn permit, from:
 - (i) the nearest building or other combustible structure; and
 - (ii) any overhead wires;
- (b) the materials to be burned in the fire do not exceed 2 metres in length, 2 metres in width and 2 metres in height;
- (c) the fire is not set or maintained except during the time between one half hour before sunset and one half hour after sunrise of the next following day; 160

- (d) he or she has the necessary means immediately available at the site of the fire to permit him or her to:
 - (i) extinguish the fire;
 - (ii) to limit its spread; and
 - (iii) if necessary, to summon the City fire department; and
- (e) the fire is compliant with all conditions and restrictions imposed by the burn permit or imposed as a result of a Fire Prevention inspection conducted by the Fire Chief.

Crop Residue Fire - Permit

19.-(1) No person shall set or maintain a crop residue fire without a valid burn permit issued in accordance with this By-law.

(2) No person holding a valid burn permit for a crop residue fire, shall set or maintain a crop residue fire unless he or she ensures each of the following conditions is met:

- (a) the total burn area does not exceed one hectare for the total burn area;
- (b) the flaming edge of the fire does not exceed 30 metres at any time;
- (c) the fire is not set or maintained except during the time between one half hour before sunset and one half hour after sunrise of the next following date;
- (d) the person setting the fire has the necessary means immediately available at the site of the fire to permit him or her:
 - (i) to extinguish the fire;
 - (ii) limit its spread; and
 - (iii) if necessary, summon the City fire department.

- (e) the fire is compliant with all conditions and restrictions imposed by the burn permit or imposed as a result of a Fire Prevention inspection conducted by the Fire Chief.

PART 5- BURN PERMITS

Issuer of Permits

20. The Fire Chief is authorized to issue burn permits for brush fires and for crop residue fires.

Application for Burn Permit

21.-(1)Any person in the City who wishes to obtain a burn permit for a brush fire or a crop residue fire shall apply in writing to the Fire Chief three full working days prior to the day or earliest day on which the applicant wishes to set the fire. For the purposes of this Section 'working day' shall mean a day that City offices at Tom Davies Square are open for business.

(2) The applicant for a burn permit shall submit an application in the form established by the Fire Chief from time to time, and signed by the applicant.

(3) The applicant for a burn permit shall provide in full at the time the application is submitted, all of the information and such other documentation or materials as may be requested on the application form.

Issuing a Burn Permit

22.-(1) The Fire Chief shall review the application for a burn permit and the documentation or materials filed with the application, and shall:

- (a) approve the application and issue the burn permit to the applicant;
- (b) conditionally approve the application subject to such restrictions, regulations or conditions as the Fire Chief in his or her sole discretion

considers advisable; or

(c) refuse to approve the application.

(2) Where the Fire Chief refuses an application for a burn permit, he or she shall advise the applicant in writing that the application has been refused. The written notice shall be served personally or mailed by prepaid mail to the applicant at the address shown on the application.

(3) Before issuing a burn permit, the Fire Chief shall record on the face of the burn permit:

- (a) the name of the applicant authorized to set the fire;
- (b) the expiry date of the burn permit;
- (c) any restrictions on the hours during which the fire may be set or maintained;
- (d) the municipal address of the property at which the fire may be set and if there is no municipal address for the property, a description for the purposes of identifying the property at which the fire may be set;
- (e) whether the fire authorized by the burn permit is a brush fire or a crop residue fire;
- (f) the restrictions, regulations or conditions to which that burn permit is subject; and
- (g) a statement that the burn permit is conditional upon compliance with the terms set out in the burn permit, this By-law, and applicable legislation.

(4) The Fire Chief shall issue a burn permit by signing it and releasing it to the applicant.

Burn Permit

23.-(1) Any burn permit issued under this By-law is personal to the permit holder, and shall not be transferred or assigned.

(2) No person shall enjoy a vested right in the continuance of any burn permit.

(3) A burn permit remains the property of the City at all times.

(4) A burn permit shall be valid only for the period of time for which it was issued and shall expire on the date or in the manner specified in the burn permit.

Permit Holder

24.-(1) No person holding a burn permit shall set or maintain a fire under the authority of the burn permit, except in accordance with the terms and conditions of burn permit and this By-law.

(2) The holder of a burn permit shall keep the burn permit at the site of the fire authorized by the burn permit.

(3) The holder of the burn permit shall produce the burn permit for examination upon request by the Fire Chief or a By-law Enforcement Officer.

Revocation of Permit

25.-(1) The Fire Chief may, at any time, in his or her sole discretion, revoke any burn permit if he or she reasonably believes that:

- (a) any of the information in the application or supporting documentation or materials is not accurate;
- (b) a term or condition of the burn permit is not being observed;
- (c) the fire will not be or is not being conducted in a fashion which observes all reasonable safety precautions or is otherwise a risk to person or property; or
- (d) there are any other grounds to terminate the burn permit which the Fire

Chief in his or her sole discretion considers sufficient in the circumstances.

(2) Every burn permit shall be automatically revoked without further action by the Fire Chief in the event that:

- (a) a restricted fire zone is declared under the *Forest Fire Prevention Act* which affects the City; or
- (b) the Fire Chief declares a fire ban in the City or the part of the City to which the burn permit applies, pursuant to the *Fire Protection and Prevention Act, 1997*.

(3) Any person who holds a burn permit which has been revoked, shall surrender the same to the Fire Chief or a By-law Enforcement Officer upon request.

PART 6 - ENFORCEMENT AND RECOVERY OF COSTS

Enforcement - Limitation

26. No person shall obstruct, hinder or in any way interfere with any person designated to enforce this By-law.

Right of Entry

27. Upon producing proper identification, a By-law Enforcement Officer or the Fire Chief may, at all reasonable times enter upon and inspect any property to determine if there is a contravention of this By-law and to enforce or carry into effect the By-law.

Extinguishing any Fire

28-(1) The Fire Chief may direct a person to extinguish any fire where, in his or her opinion, there is a contravention of this By-law.

- (2) Where the action taken by such person in extinguishing any such fire pursuant to

28(1) is, in the opinion of the Fire Chief not adequate, the Fire Chief may take such action as he or she considers necessary to control and extinguish the fire.

Cost of Action re Fire

29-(1) Any costs and expenses of any action by the City with respect to controlling or extinguishing a fire that is caused by or results from the conduct of a person acting contrary to this By-law or is caused by or results from a person disobeying or refusing or neglecting to carry out any of the provisions of this By-law, are payable by that person to the City on the date specified in the request for payment and if not paid on the date specified, such costs and expenses together with costs of collection, including legal fees and disbursements, are recoverable as a debt due to the City by any remedy or procedure available to the City by law, and may be recovered in a like manner as taxes.

(2) In the event that the City has paid or is liable to pay the Crown in right of Ontario, represented by the Minister of Natural Resources or any other body for costs and expenses incurred by that body for controlling or extinguishing a fire that is caused by or results from the conduct of a person acting contrary to this By-law or that is caused by or results from a person disobeying or refusing or neglecting to carry out, any of the provisions of this By-law, such cost and expenses are payable by that person to the City on the date specified in the request for payment and if not paid, such costs and expenses together with costs of collection, including legal fees and disbursements are recoverable as a debt due to the City by any remedy or procedure available to the City by law, and may be recovered in a like manner as taxes.

Civil Action

30. Nothing in this By-law affects or shall be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire.

Offence

31. Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended or any successor legislation thereto.

Administration

32. The Fire Chief shall be responsible for the administration of this By-law and persons who are employed or appointed as By-law Enforcement Officers and the Fire Chief are all deemed appointed and entitled to enforce the provisions of this By-law.

Severability

33. Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

Repeal

34. By-law 2001-115 is hereby repealed.

Effective

35. This By-law shall come into effect and take force immediately upon final passage.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 10th day of June, 2004.

_____ Mayor

_____ Clerk

Request for Decision City Council



Type of Decision

Meeting Date	June 24, 2004				Report Date	June 16, 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of	☒	Open		Closed

Report Title

Economic Development Capital Envelope Funding Request - 2004 Tourism Development Plan

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

Whereas tourism development is one of five engines of growth identified in Coming of Age in the 21st Century - An Economic Development Strategic Plan for Greater Sudbury 2015, and

Whereas the Greater Sudbury Development Corporation has approved support for the 2004 Tourism Development Plan,

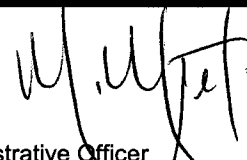
Therefore, be it resolved that the Council of the City of Greater Sudbury support the plan with a contribution of \$147,000 from the 2004 Economic Development Capital Envelope.

Recommendation Continued

Recommended by the General Manager


Doug Nadorozny
General Manager of Economic Development and Planning Services

Recommended by the C.A.O.


Mark Mieto
Chief Administrative Officer

Report Prepared By

Rob Skelly
Manager of Tourism, Programs and Partnerships

Division Review

Rob Skelly
Manager of Tourism, Programs and Partnerships

At its meeting on June 9, 2004, the GSDC Board of Directors approved support for the 2004 Tourism Development Plan. The tourism engine is one in which the GSDC has taken the lead role on behalf of the community. This plan had been presented to the CED Committee and to the Board on two occasions, and direction has now been given to proceed, subject to approval of City Council.

Background

On February 28, 2003, the CED Committee reviewed and approved a staff plan to develop a proposal for a tourism strategic analysis project using an assessment tool called Premier Ranked Destinations Workbook, developed by the Ontario Ministry of Tourism.

In June 2003, the GSDC adopted *Coming of Age in the 21st Century - An Economic Development Strategic Plan for Greater Sudbury 2015, (COA21C)*. Developing Sudbury into "one of Ontario's top four destinations," was identified as one of five engines of growth in the plan. COA21C identified the need to establish an Engine # 3 Task Force to move this engine forward and established three short term goals for the task force:

- educating Sudburians about the assets in Sudbury
- assist in educating front line tourism and hospitality workers on their role as ambassadors for the city
- obtaining the funding and human resource support of GSDC for the Premier-ranked Tourism Destination process

Since the adoption of COA21C, the Engine # 3 Task Force has met several times and adopted a broad approach to address the diverse but complimentary aspects of the challenges presented in moving forward. Staff, in consultation with the task force, as well as provincial and federal agency representatives, has developed a comprehensive plan to meet the short term goals identified, as well as initiating a development process to meet the city and industry's needs in the longer term. This plan consists of six program areas, separated into the two main divisions of marketing and product. These main divisions are the same as those used by Ontario Tourism, the Canadian Tourism Commission, and many destination marketing organizations across Canada.

Please see the attached summary sheet, GSDC 2004 Tourism Development Plan (Revised June 16, 2004)

The 2004 Tourism Development Plan is year one of a three year proposal to move forward on the task of building Sudbury into one of the top four destinations in Ontario. The plan is divided into 3 program areas related to marketing - Regular Partnership, Ontario's North, and Enhanced Marketing, and 3 program areas related to product - Strategic Analysis and Planning, Market Development, and Community Capacity Building. Taken together, these six programs will continue to deliver the marketing that is required, while building the product and capacity necessary to launch Sudbury towards its goal.

Regular Partnership - This program markets Sudbury in our primary markets of Northeastern Ontario, Northwestern Quebec, and Southern Ontario. It is supported by industry partners through their cash contributions, which total \$85,000 each year, to the Sudburytourism.ca partnership. This program is assessed on an annual basis and tuned to ensure that it is being delivered in an efficient, effective manner. For example, increases in web use mean that we are able to reduce the size of our print ads and increase their frequency to encourage more people to use our web site.

Ontario's North - Sudbury, Timmins, North Bay, Sault Ste Marie and Thunder Bay are the major players in this

partnership, along with the six major attractions in the North, such as Science North. Our relatively modest \$30,000 contribution is matched by the other cities, then levered by a Provincial program that promotes urban experiences in Northern Ontario, including group and bus tours, meetings and conventions, and leisure packages. This is an ongoing program which has been in place for over 10 years.

Enhanced Marketing - The 2004 Tourism Development Plan proposes to build on the successes of the 2003 Dynamic Earth Launch Program and the Tourism Recovery Program, and to put in place additional resources to maximize our returns.

There is an ongoing need to augment our regular marketing program by leveraging funding from provincial and federal partners. In 2003, special programs extended the reach of our regular programming and created significant results in a challenging year. The 2004 plan will concentrate on areas that proved beneficial, including a wide-circulation newspaper insert, as well as key radio and newspaper advertising.

Shoulder and off-season programs will be developed, including March Break, fall shopping, and a new partnership with Cinefest to market the festival outside of Northern Ontario.

Strategic Analysis and Planning - This program will see the implementation of the Premier-Ranked Tourism Destination Process, as described to the CED Committee in February, 2003. Applications to Federal programs have been made for the bulk of the funding required. The Ontario Ministry of Tourism has committed to support this program with staff facilitation, extensive software and support resources, and a cash contribution. In addition, staff from MNM and FedNor are committed to working in facilitation roles for this and other programs.

Market Development - This program will respond to, and build upon, the work underway with Ontario Tourism's Secondary Cities Project. In late 2002, Ontario Tourism assigned a market development consultant to work with Sudbury Tourism to identify opportunities to develop new markets and products to expand Sudbury's tourism offerings. In June of 2003, the consultant delivered a preliminary report that identified three key areas of opportunity for market development: Geology, Francophone, and Outdoor.

Ontario Tourism is committed to continue to assist in the market development process and is looking for a commitment from the GSDC to move forward as well. Brainstorming sessions have taken place with key individuals in these three sectors and support is strong to move forward. For 2004, in the Outdoor product area, Partners in EcoAdventure Tourism, PEAT, is moving forward with a proposal to develop a menu of day adventures that can be marketed to visitors to provide brief experiences that will help to increase length of stay.

Community Capacity Building - This program will address the need, identified in COA21C, to educate Sudburians about the importance of tourism to our community and to assist front line workers in the direct and indirect local tourism industry to understand the importance of their role as tourism ambassadors. This program will involve a number of public relations initiatives and communications campaigns. Staff anticipates wide support from local media and industry groups in terms of participation and in-kind media. Support from a Federal program to hire an Intern is the recommended strategy for this program.

The total expenditures and funding for the 2004 plan are summarized below.

Gross Expenditures	\$915,248
Funding:	
Industry Partners	\$100,770
Federal programs	\$180,218
Provincial programs	\$105,000
Current Tourism Budget	\$382,260
Economic Development Capital	\$147,000

Conclusion:

2003 brought unprecedented challenges for the tourism industry worldwide and particularly in Ontario. 2004 will also be a year of both challenge and opportunity for Sudbury Tourism.

At the same time, the interest and support of funding partner agencies has never been higher. COA21C has convinced them that the city is solidly committed to a tourism development strategy and they have indicated a willingness to assist in moving to the next level.

The capital allocation of \$147,000 is provided by the 2004 Economic Development Capital Envelope. The envelope started the year with a balance of \$6,796 from the 2003 Economic Development Capital Envelope, plus an approved contribution of \$813,890, totalling \$820,686. Year to date project approvals left a balance of \$314,191. The recommendation in this report is for \$147,000 leaving a balance of \$167,191 in the 2004 Economic Development Capital Envelope.

GSDC 2004 Tourism Development Plan (Revised June 16, 2004)

MARKETING

PRODUCT

Program	Regular Partnership	Ontario's North	Enhanced Marketing	Strategic Analysis and Planning	Market Development	Community Capacity Building	Totals
Status	Existing	Existing	New	New	New	New	
Timing	Ongoing	Ongoing	Year 1 of 3	to Oct 31/05	Year 1 of 3	1 Year Project	
Key Activities/ Budget	Intern/Student wages \$ 9,370 Summer Leisure \$ 120,230 Winter Leisure \$ 17,530 Group Tour \$ 9,100 MC&S \$ 54,680 Welcome Centres \$ 104,320 Event Support \$ 87,210 Program Support \$ 38,190	Summer Leisure \$ 5,000 Group Tour \$ 15,000 MC&S \$ 10,000	Marketing Summer & Shoulder \$ 100,000	Premier-ranked Tourism Destination Project 1 Coordinator Position \$ 59,060 4 staff positions \$ 106,488 Equipment & office \$ 38,770 Report translation, production & printing \$ 19,500	Market Development Consultant \$ 20,000 Marketing \$ 30,000	Youth Intern Position \$ 34,300 Wages & Benefits \$ 3,000 Equipment & Office \$ 1,500 Travel \$ 2,000 Mtg/Workshops \$ 30,000	
Gross Expenditure	\$ 440,630	\$ 30,000	\$ 100,000	Gross Expenditure \$ 223,818	\$ 50,000	\$ 70,800	\$ 915,248
Funding:				Funding:			
Industry Partners	\$ 85,770			Industry Partners \$ 150,118		\$ 15,000	\$ 100,770
Federal programs	\$ 2,600			Federal programs \$ 150,118		\$ 27,500	\$ 180,218
Provincial programs			\$ 50,000	Provincial programs \$ 20,000	\$ 35,000		\$ 105,000
Current Tourism Budget	\$ 352,260	\$30,000	\$ 50,000	Current Tourism Budget			\$ 382,260
Econ. Dev. Capital		\$ 30,000	\$ 100,000	Econ. Dev. Capital \$ 53,700	\$ 15,000	\$ 28,300	\$ 147,000
TOTAL	\$ 440,630	\$ 30,000	\$ 100,000	\$ 223,818	\$ 50,000	\$ 70,800	\$ 915,248
NOTES	> Sudbury contribution buys in to program worth \$762,000 in 04/05 > 3 year project > Direct sales, visitor services & lead follow up position, Year 2 > Year 1 Mktg Activities > Shoulder season plan includes Cinefest, shopping, March Break > S. Ont & NW Quebec insert > Place map > Radio						> outcome is strategic analysis of industry including gaps, opportunities for investment and development > Establish foundation for development of strategic plan
	2004 Current Tourism Budget \$ 382,260						> Identifies and supports partnerships, packages and themes > Coordinates meetings of groups focused on specific areas of market development, Outdoor in 2004 > Francophone, Geology Year 2 > Includes work with PEAT, supported by F support from Ont. Tourism
	> Develop program to increase awareness of community and front line staff > Build sustainable partnerships with industry, media, chamber etc. > Develop plan for engaging ongoing community involvement						

Minutes

City Council	2004-06-10
Planning Committee	2004-06-15
Priorities Committee {TABLED}	2004-06-23
Sudbury Metro Centre Board of Directors	2004-05-10
Tender Opening Committee	2004-06-08
Tender Opening Committee	2004-06-15

THE THIRTEENTH MEETING OF THE COUNCIL OF THE CITY OF GREATER SUDBURY

C-11
Tom Davies Square

Thursday, June 10, 2004
Commencement: 6:16 p.m.

DEPUTY MAYOR DUPUIS, IN THE CHAIR

Present

Councillors Bradley; Caldarelli; Craig; Gainer; Gasparini; Kett; Reynolds (A6:20 p.m.); Rivest; Mayor Courtemanche

City Officials

M. Mieto, Chief Administrative Officer; B. Lautenbach, Acting General Manager of Economic Development & Planning Services; C. Matheson, General Manager of Health & Social Services; D. Wuksinic, General Manager of Corporate Services; A. Stephen, General Manager of Emergency Services; H. Salter, Deputy City Solicitor; P. Thomson, Director of Human Resources; J. Kelly, Coordinator of Human Resources; T. Mowry, City Clerk; CJ Caporale, Council Secretary

Declarations of Pecuniary Interest

None declared.

"In Camera"

2004-283 Bradley-Caldarelli: That we move "In Camera" to deal with a Personnel Matter in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

Recess

At 7:00 p.m., Council recessed.

Reconvene

At 7:06 p.m., Council moved to the Council Chamber to continue the regular meeting.

Chair

HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR

Present

Councillors Bradley; Caldarelli (D10:10 p.m.); Callaghan; Craig; Dupuis; Gainer; Gasparini; Kett; Reynolds; Rivest

City Officials

M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; B. Lautenbach, Acting General Manager of Economic Development & Planning Services; C. Matheson, General Manager of Health & Social Services; D. Wuksinic, General Manager of Corporate Services; A. Stephen, General Manager of Emergency Services; H. Salter, Deputy City Solicitor; Insp. Toffoli, Greater Sudbury Police Services; B. Mangiardi, Director of

C.C. 2004-06-10 (13th)

(1)

City Officials
(continued)

Information Technology; N. Charette, 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; K. Bowschar-Lische, Planning Committee Secretary; CJ Caporale, Council Secretary

C.U.P.E.

D. Burke, CUPE National Representative; W. MacKinnon, President, CUPE Local 4705

News Media

Sudbury Star; MCTV; CIGM; Channel 10 News; Le Voyageur

Declarations of
Pecuniary Interest

Councillor Rivest declared a conflict of interest regarding Item R-2 (Planning Recommendation 2004-108; OCL Custom Crushing & Quarrying Ltd.) as his family is involved in the sand and gravel business.

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report

Deputy Mayor Dupuis, as Chair of the Committee of the Whole, reported Council met to deal with a Personnel Matter falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f) and no resolutions emanated therefrom.

MATTERS ARISING FROM THE PRIORITIES COMMITTEE

Rise and Report

Councillor Kett, Chair of the Priorities Committee, reported that Priorities Committee met on 2004-06-09 and directed that Item 6 of the Priorities Agenda - Municipal Alcohol Policy Review and the accompanied recommendation be dealt with at the City Council meeting of 2004-06-10.

Municipal Alcohol
Policy Review

Report dated 2004-06-02 from the General Manager of Citizen & Leisure Services regarding Municipal Alcohol Policy Review was received.

The following recommendation was presented:

Dupuis: THAT Council adopt Option _____ with regards to the amending of the Municipal Alcohol Policy and direct that the requisite changes to the Municipal Alcohol Policy By-law be drafted for presentation at the Council meeting of June 24, 2004.

A discussion ensued where the Members of Council agreed that Option #2 would be the best choice. Councillor Bradley raised the issue that the number of bartenders/servers and monitors was too high and suggested that they be lowered.

Amendment to
Resolution

Councillor Bradley requested the following amendment to the foregoing motion:

2004-284 Bradley-Kett: AND THAT the Municipal Alcohol Policy's staff to participant ratios be amended as follows:

<u>PARTICIPANTS</u>	<u>BARTENDERS</u>	<u>MONITORS</u>
0-75	1	1
76-150	1	1
151-225	2	2
226-300	2	2
300+	3	3

CARRIED

Main Motion
(as amended)

The following resolution was presented:

2004-285 Gasparini-Rivest: THAT Council adopt Option #2 with regards to the amending of the Municipal Alcohol Policy and direct that the requisite changes to the Municipal Alcohol Policy By-law be drafted for presentation at the Council meeting of June 24, 2004;

AND THAT the Municipal Alcohol Policy's staff to participant ratios be amended as follows:

<u>PARTICIPANTS</u>	<u>BARTENDERS</u>	<u>MONITORS</u>
0-75	1	1
76-150	1	1
151-225	2	2
226-300	2	2
300+	3	3

CARRIED

MATTERS ARISING FROM THE PLANNING COMMITTEE

Rise and Report

Councillor Reynolds, Vice-Chair of the Planning Committee, reported that the Planning Committee met on 2004-06-01 and there were no items requiring Council approval.

PART I
CONSENT AGENDA

Consent Agenda

With the concurrence of Council, Councillor Callaghan requested that Item C-14 (Recommendations from the Technical Steering Committee - May 2004) be pulled and dealt with separately.

C.C. 2004-06-10 (13th)

(3)

Consent Agenda
(continued)

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

2004-286 Dupuis-Bradley: THAT Items C-1 to C-13 inclusive, contained in Part I, Consent Agenda, be adopted, with the exception of Item C-14 (Recommendations from the Technical Steering Committee - May 2004), as otherwise dealt with.

CARRIED

MINUTES

Item C-1
Report No. 12
City Council
2004-05-27

2004-287 Dupuis-Bradley: THAT Report No. 12, City Council Minutes of 2004-05-27 be adopted.

CARRIED

Item C-2
Report No. 11
Planning Committee
2004-06-01

2004-288 Bradley-Dupuis: THAT Report No. 11, Planning Committee Minutes of 2004-06-01 be adopted.

CARRIED

Item C-3
Report No. 10
Priorities Committee
2004-06-09

2004-289 Dupuis-Bradley: THAT Report No. 10, Priorities Committee Minutes of 2004-06-09 be adopted.

CARRIED

Item C-4
NDCA
2004-05-19

2004-290 Bradley-Dupuis: THAT the Report of the Nickel District Conservation Authority, Minutes of 2004-05-19 be received.

CARRIED

Item C-5
TOC
2004-05-25

2004-291 Dupuis-Bradley: THAT the Report of the Tender Opening Committee, Minutes of 2004-05-25 be received.

CARRIED

Item C-6
TOC
2004-06-01

2004-292 Bradley-Gasparini: THAT the Report of the Tender Opening Committee, Minutes of 2004-06-01 be received.

CARRIED

Item C-7
Report No. 5
SDHU
2004-05-20

2004-293 Dupuis-Bradley: THAT Report No. 5, Sudbury & District Board of Health, Minutes of 2004-05-20 be received.

CARRIED

Item C-8
Report No. 3
CGS Public Library
2004-04-22

2004-294 Bradley-Dupuis: THAT Report No. 3, City of Greater Sudbury Public Library Board, Minutes of 2004-04-22 be received.

CARRIED

C.C. 2004-06-10 (13th)

(4)

Item C-9
Greater Sudbury
Police Services Board
2004-04-19

2004-295 Bradley-Dupuis: THAT the Report of the Greater Sudbury Police Services Board, Minutes of 2004-04-19 be received.

CARRIED

Item C-10
GSHC
2004-04-27

2004-296 Bradley-Dupuis: THAT the Report of the Greater Sudbury Housing Corporation, Minutes of 2004-04-27 be received.

CARRIED

Item C-11
Accessibility Advisory
Committee
2004-06-01

2004-297 Dupuis-Bradley: THAT the Report of the Accessibility Advisory Committee, Minutes of 2004-06-01 be received.

CARRIED

TENDERS

Item C-12
Central Laser Printing/
Copier Systems

Report dated 2004-06-02 from the General Manager of Corporate Services regarding Replacement of Central Laser Printing/Copier Systems was received.

The following resolution was presented:

2004-298 Bradley-Gasparini: THAT the City purchase a Xerox DP120 central laser printing system from Xerox Canada at a cost of \$144,000. This is to be funded from the approved 2004 Corporate Services Capital Envelope.

CARRIED

Item C-13
Local/Long Distance
Phone Services

Report dated 2004-06-02 from the General Manager of Corporate Services recommends that Bell Canada be the Vendor for the Supply of Local and Long Distance Phone Services for the City of Greater Sudbury and Greater Sudbury Police Services was received.

The following resolution was presented:

2004-299 Bradley-Dupuis: THAT Bell Canada be awarded the contract to supply local and long distance phone services for the next three (3) years with an option for years four (4) and five (5);

AND THAT the Director of Information Technology be authorized to enter into this contract with Bell Canada, all in accordance with the Purchasing By-law as approved by Council.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-14
Technical Steering
Committee -
Recommendations

Report dated 2004-06-02, with attachments, from the General Manager of Public Works regarding Recommendations from the Technical Steering Committee - May 2004 was received.

The following resolution was presented:

Bradley-Dupuis: THAT Council approve enhancing the Non-profit Reuse Rebate by \$18,000, with funding to be provided under Option # _____, as outlined in the report by the General Manager of Public Works, dated June 2, 2004;

AND THAT Council approve the new flat rate tipping fees, as outlined in the report by the General Manager of Public Works, dated June 2, 2004.

The General Manager of Public Works advised Council that the Waste Diversion Ontario (WDO) funding was received and therefore they are recommending Council to implement Option 2.

Amendment to
Resolution

Councillor Rivest requested the following amendment to the foregoing motion:

2004-300 Rivest-Reynolds: AND FURTHER THAT Council approve a flat rate of \$5 for a 3/4 ton truck or trailer where the capacity of garbage is six (6) bags or less.

CARRIED

Main Motion
(as amended)

The following resolution was presented:

2004-301 Bradley-Dupuis: THAT Council approve enhancing the Non-profit Reuse Rebate by \$18,000, with funding to be provided under Option #2, as outlined in the report by the General Manager of Public Works, dated June 2, 2004;

AND THAT Council approve the new flat rate tipping fees, as outlined in the report by the General Manager of Public Works, dated June 2, 2004.

AND FURTHER THAT Council approve a flat rate of \$5 for a 3/4 ton truck or trailer where the capacity of garbage is six (6) bags or less.

CARRIED

TELEPHONE POLLS

Item C-15
Contract 2003-20
Bancroft Drive
Reconstruction

Report dated 2004-06-04, with attachments, from the General Manager of Corporate Services regarding Telephone Poll - Contract 2003-20 - Bancroft Drive Reconstruction was received for information only.

In accordance with Article 31 of the Procedure By-law, a Telephone/E-mail Poll of Members of Council was conducted on 2004-05-31, with the following motion:

2004-302: THAT the General Manager of Public Works be directed to instruct TeraNorth, the Contractor responsible for the construction work currently underway at the Kingsway and Bancroft Drive, to work on Sundays to expedite completion of the project;

AND THAT the estimated additional cost of \$50,000 for Contract 2003-20 be funded by a contribution from the Capital Financing Reserve Fund - Roads.

RESULTS OF TELEPHONE/E-MAIL VOTE:

YEAS

Berthiaume
Callaghan

NAYS

Bradley
Caldarelli
Craig
Dupuis
Gainer
Reynolds
Thompson

DEFEATED

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with a matter, not on the Agenda, at this time.

PRESENTATIONS

By-law 2004-160
Open Air Burning

The General Manager of Emergency Services gave an electronic presentation regarding By-law 2004-160 (A by-law of the City of Greater Sudbury to regulate open air burning). Mr. Stephen stated that in order to comply with the new legislation, "a by-law is required to be passed to establish and incorporate standards in protecting the health, safety and welfare of the general public, and to set out the approval process for all open air burning". He gave an overall history of the former municipality by-laws, general requirements for burn permits, prohibited materials & conditions for burning, and liability for fire services.

C.C. 2004-06-10 (13th)

(7)

Change of Chair

At 8:40 p.m., His Worship Mayor David Courtemanche vacated the Chair.

DEPUTY MAYOR CRAIG, IN THE CHAIR

By-law 2004-160
Open Air Burning
(continued)

Councillor Kett suggested that the Burn Permit Application be made available on the City's web page for the general public to access. The General Manager of Emergency Services advised Council that he would look into this possibility.

BY-LAWS

THE FOLLOWING BY-LAW APPEARS FOR A THIRD AND FINAL READING:

2004-138 3RD A BY-LAW OF THE CITY OF GREATER SUDBURY
TO CLOSE PARCEL 24113 SUDBURY EAST
SECTION

Planning Committee Recommendation 2003-23

(In 2003 the Council declared surplus and authorized the sale of the water tower at 560 Falconbridge Road. The entranceway to this property was taken by the former City of Sudbury as a public road, and thus needs to be closed before the property can be disposed of. This By-law has been advertised as required and no comments were received.)

THE FOLLOWING BY-LAWS APPEAR FOR THREE READINGS:

2004-158A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO CONFIRM THE PROCEEDING OF COUNCIL AT
ITS MEETING OF JUNE 10, 2004

2004-159Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 83-300, THE
COMPREHENSIVE ZONING BY-LAW FOR THE
FORMER TOWN OF ONAPING FALLS AND
FORMER CITY OF VALLEY EAST

Planning Committee Recommendation 2004-33

(This by-law rezones the subject property to Seasonal Residential to permit the creation of three lots for seasonal residential use. The three proposed lots were given conditional approval by the City Consent Official on January 12, 2004, under Consent Applications B142/2003 to B144/2003, subject to the lots being rezoned for seasonal residential use. - Denis Lambert, Vermillion River, Township of Dowling.)

2004-160 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO REGULATE OPEN AIR BURNING

Report dated 2004-06-04 from the General Manager
of Emergency Services regarding To Regulate Open
Air Burning within the City of Greater Sudbury.

(To prescribe the procedures and the times during which
fires may be set in the open air, and the precautions to be
observed by persons setting out fires.)

2004-161 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 2003-2 TO ESTABLISH
NOTIFICATION PROCEDURES TO THE PUBLIC
ON MATTERS UNDER THE *MUNICIPAL ACT, 2001*

(This By-law amends the Notification By-law to establish a
procedure to notify the public for fee increases as required
by the Municipal Act, 2001. The notice is similar to other
notice provisions existing in the By-law.)

2004-162 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE A GRANT TO SCIENCE NORTH
FOR FIREWORKS

Council Resolution 2004- 272

2004-163 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 2003-295 TO DELEGATE
SPECIFIC AUTHORITY TO CITY OFFICIALS TO
CARRY ON CERTAIN MATTERS ON BEHALF OF
THE CITY OF GREATER SUDBURY

(This By-law authorizes the City Treasurer to execute minor
amendments to the agreements for various banking
services, and authorizes the Property Negotiator/Appraiser
to execute various ancillary documents required to
complete real estate transactions.)

2004-164 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND PROCEDURE BY-LAW 2002-202

Council Resolution 2004-278 Multi-year budgeting

(Notice of this By-law was given and no comments were
received. This By-law must be passed before Council can
deal with Managers' Report Item R-6 - Appointment of
Chair, Finance Committee.)

2004-165P 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO ADOPT AMENDMENT NUMBER 237 OF THE
OFFICIAL PLAN FOR THE SUDBURY PLANNING
AREA

Planning Committee Recommendation 2004-126

(Colleen Frost, 2962 Vern Drive, Blezard Valley)

2004-166F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 2004-150F, A BY-LAW TO
ESTABLISH MISCELLANEOUS USER FEES FOR
CERTAIN SERVICES PROVIDED BY THE CITY OF
GREATER SUDBURY

Report dated 2004-06-02 from the General Manager
of Citizen & Leisure Services regarding Citizen and
Leisure Services User Fees.

The General Manager of Citizen & Leisure Services
tabled a revised report at the meeting.

(This by-law updates a number of user fees to reflect
increased costs of provision of that particular service.)

2004-167F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE THE PAYMENT OF GRANTS TO
THE CANADIAN MENTAL HEALTH ASSOCIATION,
THE SALVATION ARMY AND L'ASSOCIATION DES
JEUNES DE LA RUE

(This By-law authorizes various grants approved by Council
as part of the budget process.)

2004-168A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE A PURCHASE OF SERVICE
AGREEMENT WITH DOCTOR B. NOEL DE TILLY

(This By-law authorizes an agreement to retain Dr. B. Noel
de Tilly to provide a family medicine practice in the turnkey
medical offices at 44 First Avenue, in Coniston.)

2004-169P 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO ADOPT OFFICIAL PLAN AMENDMENT
NUMBER 238 FOR THE SUDBURY PLANNING
AREA

Planning Committee Recommendation 2004-123

(Sudbury Regional Credit Union Limited, 205 Douglas
Street, Sudbury.)

2004-170 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO REGULATE THE OPERATION OF
ALL-TERRAIN VEHICLES ON CERTAIN
HIGHWAYS FOR A TEMPORARY PERIOD

Priorities Committee 2004-06-09

2004-171 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE AN APPLICATION FOR
APPROVAL TO EXPROPRIATE PARCEL 19338
SUDBURY EAST SECTION FROM LE CONSEIL
SCOLAIRE CATHOLIQUE DU NOUVEL-ONTARIO

Planning Committee Recommendation 2004-118

2004-172 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.)

2004-173 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE THE SALE OF PARCEL 53486
S.E.S., BEING PART 17 ON PLAN 53R-16329 TO
NOR-TECH POWER & CONTROLS

Planning Committee Recommendation 2004-119

2004-174Z 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 Recommendation 2004-210

(This by-law does not change the zoning of the subject
property. This by-law permits the use of the subject
property for the parking of taxi cabs for a maximum
temporary period of three years. - Serbian Church of St.
Peter and Paul, Bloor Street, Sudbury)

1ST & 2ND Reading

2004-303 Bradley-Gasparini: THAT By-law 2004-158A to and
including By-law 2004-174Z be read a first and second time.

CARRIED

3RD Reading

2004-304 Gasparini-Bradley: THAT By-law 2004-138, By-law 2004-158A, By-law 2004-159Z and By-law 2004-161 to and including By-law 2004-174Z be read a third time and passed, with the exception of By-law 2004-160, as otherwise dealt with.

CARRIED

3RD Reading
By-law 2004-160

2004-305 Kett-Reynolds: THAT By-law 2004-160 be read a third time and passed.

DEFERRED

By-law 2004-160
Open Air Burning

At Councillor Kett's request, By-law 2004-160 was pulled for third reading and deferred to the next Regular Council meeting of 2004-06-24.

Change of Chair

At 9:10 p.m., Deputy Mayor Craig vacated the Chair.

HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR

PART II
REGULAR AGENDA

REFERRED AND DEFERRED MATTERS

Item R-1
OMERS Outsourcing

The following resolution was presented:

WHEREAS all Ontario municipal employees are contributors to the OMERS Pension Fund, and rely on this fund to finance their retirement;

AND WHEREAS Ontario municipalities have a duty and responsibility to speak out when they have concerns over Board oversight and investment practices by the Board and management of OMERS;

AND WHEREAS the Toronto *Globe & Mail* in a series of newspaper articles has raised serious questions and concerns regarding the investment and management practices of OMERS;

AND WHEREAS the OMERS (Ontario Municipal Employee Retirement System) outsourcing deal with Borealis Capital Corporation, involving nearly one third of its assets, has become an expensive and unnecessary escapade and has cost the plan almost \$100,000,000 in the past 12 months alone, in management fees and buyouts;

AND WHEREAS this deal ended up enriching a few investors and managers at the expense of 340,000 active and retired workers who are members of (OMERS);

C.C. 2004-06-10 (13th)

(12)

Item R-1
OMERS Outsourcing
(continued)

AND WHEREAS the Toronto *Globe and Mail* in a newspaper article dated Monday, May 3, 2004 stated: "That the entire management of \$9-billion in assets was transferred to a third-party without board approval raises questions about the oversight of the pension fund, some sources say";

AND WHEREAS it is questionable that a large pension plan such as OMERS would benefit by paying to have its own assets managed by someone else;

AND WHEREAS there are also concerns that three new companies created by OMERS -- Borealis Infrastructure Corp., Oxford Properties Group, and OMERS' private equity group -- will run into the same problems that plagued the pension fund when it set up OMERS Realty Corp. in 1990 as a separate business;

AND WHEREAS Section 2 of the Public Inquiries Act provides that: "Whenever the Lieutenant Governor in Council considers it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein or that the Lieutenant Governor in Council declares to be a matter of public concern and the inquiry is not regulated by any special law, the Lieutenant Governor in Council may, by commission, appoint one or more persons to conduct the inquiry."

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury hereby petitions the Province of Ontario to establish a Commission under the *Public Inquiries Act* (R.S.O. 1990, Chapter P.41) into the pension fund investment practices of OMERS, specifically the handling of the Borealis arrangement and that the mandate of the Commission include recommendations on ways to make the pension fund more accountable to its members and the taxpayer;

AND FURTHER THAT copies of this motion be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable John Gerretsen, Minister of Municipal Affairs and Housing and Minister responsible for the administration of the *Ontario Municipal Employees Retirement System Act*, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, Ms. Shelly Martel, M.P.P. (Nickel Belt), Mr. Frederick Biro, Chair, Board of Directors of OMERS, Mr. Colin McNairn, Chair, Financial Services Commission of Ontario, the Municipal Retirees Organization Ontario;

AND FURTHER THAT this motion be forwarded to the Federation of Northern Ontario Municipalities (FONOM) and the Association of Municipalities of Ontario (AMO) for endorsement.

Motion to Withdraw

With the consent of the majority of members present, Council agreed to withdraw the foregoing motion.

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with a motion, not on the Agenda, at this time.

Item R-1
OMERS Outsourcing
(continued)

The following resolution was presented:

Kett-Bradley: WHEREAS the Ontario Government has indicated that it is interested in devolving OMERS because it has no employees in the Plan, and makes no contributions;

AND WHEREAS OMERS is unique among the major Ontario public sector pension plans in that those who pay for the Plan do not have control over key sponsor functions such as plan design, benefit changes and Board appointments;

AND WHEREAS other Ontario pension funds such as the Ontario Teachers' Pension Plan Board, the Hospitals of Ontario Pension Plan and the OPSEU Pension Trust have achieved success as independent corporations or trusts;

AND WHEREAS the conclusions of numerous studies from as early as 1986 have concluded that OMERS should no longer remain an agency of the Provincial Government;

AND WHEREAS the OMERS March 2002 report to the Minister of Municipal Affairs and Housing, prepared following an extensive consultation process with Plan stakeholders over an 18 month period, identifies key areas of consensus such as support for a two-tier governance structure with equal employee and employer representation on both the Sponsors' Committee, and the Plan Administration Board;

AND WHEREAS replacing the government as the Plan sponsor would give a jointly governed OMERS the final authority on all Plan discussions;

AND WHEREAS the current legislation under which the Plan is governed limits OMERS' ability to manage effectively and does not allow sufficient flexibility for OMERS to implement changes or improvements;

NOW THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury supports the basic principles behind the March 2002 OMERS Report on Governance and encourages the Provincial Government to continue to solicit the input and involvement of the Board and Plan sponsors, and the resultant benefits provided by a new viable framework of governance, so as to ensure that the interests of the active and retired members, the employers and the tax payers of Ontario are protected and that the future of the OMERS Plan will be secure;

Item R-1
OMERS Outsourcing
(continued)

AND FURTHER THAT The Council of the City of Greater Sudbury encourage the Provincial Government to draft the required detailed legislation that will set out a new governance framework which would result in OMERS' autonomy;

AND FURTHER THAT copies of this motion be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable John Gerretsen, Minister of Municipal Affairs and Housing and Minister responsible for the administration of the *Ontario Municipal Employees Retirement System Act*, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, Ms. Shelly Martel, M.P.P. (Nickel Belt), Mr. Frederick Biro, Chair, Board of Directors of OMERS, Mr. Colin McNairn, Chair, Financial Services Commission of Ontario, the Municipal Retirees Organization Ontario;

AND FURTHER THAT this motion be forwarded to the Federation of Northern Ontario Municipalities (FONOM) and the Association of Municipalities of Ontario (AMO) for endorsement.

Friendly Amendment

With the concurrence of the mover, Councillor Dupuis requested that the foregoing motion be amended to include CUPE and all OMERS sponsors in the distribution list.

Main Motion
(as amended)

2004-306 Kett-Bradley: WHEREAS the Ontario Government has indicated that it is interested in devolving OMERS because it has no employees in the Plan, and makes no contributions;

AND WHEREAS OMERS is unique among the major Ontario public sector pension plans in that those who pay for the Plan do not have control over key sponsor functions such as plan design, benefit changes and Board appointments;

AND WHEREAS other Ontario pension funds such as the Ontario Teachers' Pension Plan Board, the Hospitals of Ontario Pension Plan and the OPSEU Pension Trust have achieved success as independent corporations or trusts;

AND WHEREAS the conclusions of numerous studies from as early as 1986 have concluded that OMERS should no longer remain an agency of the Provincial Government;

AND WHEREAS the OMERS March 2002 report to the Minister of Municipal Affairs and Housing, prepared following an extensive consultation process with Plan stakeholders over an 18 month period, identifies key areas of consensus such as support for a two-tier governance structure with equal employee and employer representation on both the Sponsors' Committee, and the Plan Administration Board;

AND WHEREAS replacing the government as the Plan sponsor would give a jointly governed OMERS the final authority on all Plan discussions;

AND WHEREAS the current legislation under which the Plan is governed limits OMERS' ability to manage effectively and does not allow sufficient flexibility for OMERS to implement changes or improvements;

NOW THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury supports the basic principles behind the March 2002 OMERS Report on Governance and encourages the Provincial Government to continue to solicit the input and involvement of the Board and Plan sponsors, and the resultant benefits provided by a new viable framework of governance, so as to ensure that the interests of the active and retired members, the employers and the tax payers of Ontario are protected and that the future of the OMERS Plan will be secure;

AND FURTHER THAT The Council of the City of Greater Sudbury encourage the Provincial Government to draft the required detailed legislation that will set out a new governance framework which would result in OMERS' autonomy;

AND FURTHER THAT copies of this motion be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable John Gerretsen, Minister of Municipal Affairs and Housing and Minister responsible for the administration of the *Ontario Municipal Employees Retirement System Act*, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, Ms. Shelly Martel, M.P.P. (Nickel Belt), Mr. Frederick Biro, Chair, Board of Directors of OMERS, Mr. Colin McNairn, Chair, Financial Services Commission of Ontario, the Municipal Retirees Organization Ontario, CUPE and all OMERS Sponsors;

AND FURTHER THAT this motion be forwarded to the Federation of Northern Ontario Municipalities (FONOM) and the Association of Municipalities of Ontario (AMO) for endorsement.

RECORDED VOTE:

YEAS

Bradley
Caldarelli
Dupuis
Gainer
Gasparini
Kett
Reynolds

NAYS

Callaghan
Craig
Rivest
Mayor Courtemanche

CARRIED

Item R-2
Planning Committee
Recommendation
2004-108 (OCL
Custom Crushing)

The following resolution was presented:

2004-307 Gasparini-Bradley: That the application by OCL Custom Crushing & Quarrying Ltd. 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 51141 SES, being Part 1, Plan 53R-15615, Part of Parcel 5202 SES and Part of Parcel 2678 SES, in Lots 9 and 10, Concession 4, Capreol Township from "RU", Rural to "M5-Special", Extractive Industrial Special be approved subject to the following:

- a) That the amending by-law require a minimum 150m setback from the nearest residential dwelling for any pit excavation.
- b) That the applicant provide the Development Services Section with a registered survey plan of the subject property to enable the preparation of an amending by-law.
- c) That prior to the passing of an amending by-law the applicant agree to undertake the necessary entrance improvements to the satisfaction of the General Manager of Public Works.
- d) That prior to the passing of an amending by-law, all requirements of the General Manager of Public Works with respect to the protection of the neighbouring municipal wells shall be satisfied.

RECORDED VOTE:

YEAS

Bradley
Craig
Dupuis
Gainer
Gasparini
Kett
Reynolds
Mayor Courtemanche

NAYS

Caldarelli
Callaghan

CARRIED

Declaration of
Pecuniary Interest

Councillor Rivest, having declared a conflict of interest in the foregoing matter, did not take part in the discussion, vote on any matter or try to influence the vote in respect thereof.

C.C. 2004-06-10 (13th)

(17)

Proceed Past
10:00 p.m.

2004-308 Rivest-Gasparini: THAT we proceed past the hour of
10:00 p.m.

CARRIED

MANAGERS' REPORTS

Item R-3
Operational Grants -
Community Centres

Report dated 2004-06-02 from the General Manager of Citizen & Leisure Services regarding Operational Grants for Community Centres was received.

The following resolution was presented:

2004-309 Caldarelli-Gasparini: THAT Council adopt Option C as the funding model for the Skead Community Centre, the Carol Richard Park Community Association, the Wahnapiatae Community Centre, the Beaver Lake Community Centre and the Penage Road Community Centre all of which are in receipt of municipal operating grants.

CARRIED

Item R-4
Transition Funding

Report dated 2004-06-04, with attachments, from the General Manager of Corporate Services regarding Report to Province Regarding Transition Funding was received.

The following resolution was presented:

2004-310 Gasparini-Caldarelli: THAT the Transition Financial Assistance Report appended hereto, detailing transition gross expenditures of \$28.4 million to December 31, 2003 be approved and forwarded to the Province, in accordance with the agreement between the City of Greater Sudbury and the Ministry, as authorized by By-law 2001-93A;

AND THAT the Province be advised that this is the final report to be forwarded per the agreement with the Province;

AND THAT the Province be further advised that all savings realized as a result of restructuring have been directed to other restructuring costs and to reduce the levy impact, both of which are of benefit to the municipal taxpayers;

AND THAT the Province be further advised that this report forms part of an open Council Agenda and is therefore a public document.

CARRIED

Item R-5
AMO - Request for
Nominations -
Councillor Craig

Report dated 2004-06-04, with attachments, from the General Manager of Corporate Services regarding AMO - Request for Nominations - Councillor Craig Regional & Single Tier Caucus Directors was received.

The following resolution was presented:

2004-311 Dupuis-Caldarelli: THAT the Council of the City of Greater Sudbury endorses the nomination of Councillor Doug Craig as a Director on the Regional & Single Tier Caucus of the Association of Municipalities of Ontario for the term 2004-2005.

CARRIED

Item R-6
Appointment of Chair
Finance Committee

Report dated 2004-06-04 from the General Manager of Corporate Services regarding Appointment of Chair, Finance Committee - Term Ending 2006-11-30 was received.

Manner of Voting

Voting by paper ballots was requested by Councillor Bradley.

Item R-6
Appointment of Chair
Finance Committee
(continued)

Councillors Gainor and Rivest were nominated by Council for the appointment of Chair of the Finance Committee.

The Chair declared nominations closed.

Following a vote by paper ballot, the following resolution was presented:

2004-312 Dupuis-Caldarelli: THAT Council accepts the resignation of Councillor Callaghan as Chair, Finance Committee effective May 13, 2004;

AND THAT **Councillor Gainer** be appointed as Chair of the Finance Committee of Council for the term ending November 30, 2006, or until such time as his/her successor is appointed.

CARRIED

Item R-6
Appointment of
Vice-Chair
Finance Committee

As Councillor Gainer, the current Vice-Chair, Finance Committee, was elected as Chair, Finance Committee, it was deemed by Council necessary to hold an election.

Manner of Voting

Voting by paper ballots was requested by Councillor Bradley.

Item R-6
Appointment of
Vice-Chair
Finance Committee
(continued)

Councillors Caldarelli, Rivest and Kett were nominated by Council for the appointment of Vice-Chair of the Finance Committee.

Councillor Kett **withdrew** his name for the appointment of Vice-Chair of the Finance Committee.

C.C. 2004-06-10 (13th)

(19)

Item R-6
Appointment of
Vice-Chair
Finance Committee
(continued)

The Chair declared nominations closed.

Following a vote by paper ballot, the following resolution was presented:

2004-313 Dupuis-Bradley: THAT **Councillor Caldarelli** be appointed as Vice-Chair of the Finance Committee of Council for the term ending November 30, 2006, or until such time as his/her successor is appointed.

CARRIED

MOTIONS

Item R-7
Definition of
"Northern Ontario"

The following resolution was presented:

2004-314 Courtemanche-Caldarelli: WHEREAS past Ontario Governments have funded initiatives such as the Northern Ontario Heritage Fund and the Northern Transportation Program in order to promote economic growth and community infrastructure to meet the unique needs of the residents of Northern Ontario;

AND WHEREAS in 2000, the Ontario Government decided to add the District Municipality of Muskoka in its definition of Northern Ontario and thereby made Muskoka eligible for grants through the Northern Ontario Heritage Fund and Northern Transportation Program;

AND WHEREAS a Report prepared for the Northern Ontario Local Training and Adjustment Boards, dated April, 2002, stated that the inclusion of the District Municipality of Muskoka was "problematic in that the socio-economic characteristics of the Muskoka District Municipality differ from that of the other Districts in Northern Ontario";

AND WHEREAS the Provincial Liberal Government in its 2004 Budget document, which included "A Plan to Promote Northern Prosperity" stated:

"Finally, a concentrated effort and a clear focus are needed to overcome the special challenges facing Northern Ontario. As a result, we propose to return the definition of Northern Ontario, for the purposes of government policy and program delivery, to what it was before September 2000. The ministries of Northern Development and Mines and of Municipal Affairs and Housing will work with other affected ministries to implement this change in the fall of 2004";

Item R-7
Definition of
"Northern Ontario"
(continued)

AND WHEREAS the Northern Ontario Mayors' Coalition, in its 2003 brief entitled: "A New Vision for Northern Ontario: Embracing the Future", stated that the "people of Northern Ontario deserve to share the prosperity that Ontario has enjoyed for the last decade" and set out specific proposals to achieve that end;

AND WHEREAS, as a first step, it is necessary that the definition of what constitutes "Northern Ontario" be clearly established once and for all time;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury petitions the Government of Ontario to amend Section 1 of the *Representation Act, 1996* by adding the following definition:

"Northern Ontario" means the Territorial Districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Timiskaming and Thunder Bay."

AND THAT copies of this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, the Honourable John Gerretsen, Minister of Municipal Affairs and Housing, the Honourable David Ramsay, Minister of Natural Resources, Ms. Shelly Martel, M.P.P. (Nickel Belt), and to the Federation of Northern Ontario Municipalities (FONOM), the Thunder Bay District Municipal League and all Municipal Associations in Northern Ontario for endorsement.

RECORDED VOTE:

YEAS

NAYS

Bradley
Callaghan
Craig
Dupuis
Gainer
Gasparini
Kett
Reynolds
Rivest
Mayor Courtemanche

CARRIED

Item R-8
Public Input Meeting
Store Closing Hours

The following resolution was presented:

Bradley-Caldarelli: BE IT RESOLVED THAT in accordance with Article 37 of Procedure By-law 2002-202, a Public Input Meeting be held on Thursday, June 17th, 2004 for the purpose of receiving public comment on the issue of store closing hours in the City of Greater Sudbury;

AND FURTHER THAT the Clerk be directed to provide Public Notice of this meeting in accordance with Council Policy.

Friendly Amendment

Councillor Bradley, the mover of the foregoing motion, requested that the date of the Public Input Meeting be changed to Monday, June 21, 2004.

Main Motion
(as amended)

2004-315 Bradley-Caldarelli: BE IT RESOLVED THAT in accordance with Article 37 of Procedure By-law 2002-202, a Public Input Meeting be held on Monday, June 21st, 2004 for the purpose of receiving public comment on the issue of store closing hours in the City of Greater Sudbury;

AND FURTHER THAT the Clerk be directed to provide Public Notice of this meeting in accordance with Council Policy.

CARRIED

Addendum

The following resolution was presented:

2004-316 Caldarelli-Dupuis: THAT the Addendum to the Agenda be dealt with at this time.

CARRIED

Declarations of
Pecuniary Interest

None declared.

BY-LAWS

2004-175Z 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 2004-124

(This By-law rezones the subject property to a revised Mixed Light Industrial/Service Commercial Special zoning to allow professional offices to occupy 100% of the existing building on site. This By-law requires a minimum of 22 parking spaces when the building is occupied by professional offices. - Sudbury Regional Credit Union Limited, 205 Douglas Street, Sudbury.)

1ST & 2ND Reading

2004-317 Caldarelli-Dupuis: THAT By-law 2004-175Z be read a first and second time.

CARRIED

3RD Reading

2004-318 Gasparini-Rivest: THAT By-law 2004-175Z be read a third time and passed.

CARRIED

QUESTION PERIOD

Sewer Capacity

Councillor Bradley stated that the number of building permits for Azilda is limited to thirty-six (36) because of the currently allocated sewer capacity. With the concurrence of Council, Councillor Bradley requested that the General Manager of Public Works submit a report on the status of the sewer capacity for the Azilda area.

Road Construction
Kingsway

Councillor Callaghan asked the General Manager of Public Works for an update on the Kingsway road construction. Mr. Belisle advised Council that the work is progressing and will commence on June 21, 2004 as scheduled.

Councillor Callaghan stated that it was important to discuss how timelines for construction is handled and how they are to be dealt with.

Senior Summer
Games

Councillor Callaghan advised Council that a letter dated 2004-06-03 from the Sudbury Senior Games Committee was tabled. He asked that each Ward contribute \$200 from their Community Improvement Fund to assist in sending the Gold Medal Winners of the Summer Senior Games, to Actifest, which is to be held in St. Catharines, Ontario.

Adjournment

2004-319 Rivest-Gasparini: THAT this meeting does now adjourn. Time: 10:50 p.m.

CARRIED

Mayor

City Clerk

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

**Committee Room C-11
Tom Davies Square**

**Tuesday, June 15th, 2004
Commencement: 6:25 p.m.
Adjournment: 10:40 p.m.**

COUNCILLOR REYNOLDS PRESIDING

Present Councillors Bradley (A:6:30 p.m.), Caldarelli, Dupuis, Thompson

Staff D. Braney, Property Negotiator / Appraiser; G. Clausen, Director of Engineering Services; Angie Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2004-133:**

Thompson-Caldarelli: That we move "In Camera" to deal with property matters in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

Recess At 7:00 p.m., the Planning Committee recessed.

Reconvene At 7:15 p.m., the Planning Committee reconvened in the **Council Chambers** for the regular meeting.

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, Reynolds

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; G. Clausen, Director of Engineering Services; G. Mazza, Chief Building Official; A. Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary; M. Burtch, Licensing & Assessment Clerk

News Media Sudbury Star

Declarations of Pecuniary Interest None declared

MATTERS ARISING FROM THE "IN CAMERA" SESSION

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

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

Grant of Space
- 31 Sturgeon St.
Dowling

The following recommendation was presented:

Recommendation #2004-134:

Caldarelli-Thompson: That the Property Negotiator/Appraiser be authorized to execute a Lease Agreement between the City of Greater Sudbury and the Onaping Falls Lions Inc. for the occupation of the former Dowling Public Library on Sturgeon Street; and

That City Council pass an appropriately worded by-law authorizing the grant of space.

CARRIED

Sale of Part of
Parcel 23501"A"
Lockerby Mine
Access Road,
Fairbanks Twp.

The following recommendation was presented:

Recommendation #2004-135:

Caldarelli-Thompson: WHEREAS by Resolution 2002-39, the property owned by the City, legally described as part of Parcel 23501"A" S.W.S., lying east of Lockerby Mine Access Road was declared surplus to the City's need and offered for sale to the abutting owners pursuant to the procedures governing the disposal of limited marketability property as established by by-law.

AND WHEREAS an offer to purchase was received from Eric Breton and accepted by By-law 2003-52.

AND WHEREAS a survey has disclosed that a portion of the land is encumbered by a third party's seasonal dwelling.

IT IS RECOMMENDED that the lands on which the camp is situated be transferred to Yvette Leroux for the sum of \$500 per acre and that By-law 2003-52 be amended accordingly to revise the description of the lands to be transferred to Eric Breton and the sale price for the lands.

AND THAT the Property Negotiator/Appraiser be authorized to execute on behalf of the City all required documents to complete the transfers.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC.

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

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Report dated June 7th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a temporary use rezoning application in order to permit the display for retail sale one (1) portable model manufactured home, Falconbridge Road/Municipal Road #86, Garson - 630411 Ontario Inc.

Letter dated June 15th, 2004, from Councillor Ted Callaghan, Ward 4, in opposition to the above application was distributed to Committee Members at the meeting.

The Director of Development Services advised that staff were recommending approval of a one year temporary period instead of a three year temporary period as requested by the applicant. This would provide area residents and city staff with an opportunity to evaluate the operation and impact of this model home retail display. He stated that upon completion of the one year temporary period, the owner could apply for a further two year temporary use by-law. Staff are recommending that the fee for such a rezoning application be only the fee required for the statutory public notice.

Joanne Caouette, agent for the applicant, was present. She indicated that the model home retail display area is not really a retail area and would be used in the same way a model home is used - for display purposes only. There would be specific times when it would be open and would be by appointment only. It will not generate a heavy amount of traffic, maybe an additional 10 cars per week. People will view the home, order one and have it delivered. The portable home is mainly for people whose home has burnt down or for people who live in smaller rural communities such as Massey, as there is only a six week turn around time. With respect to the portable toilet, it is not necessary and was suggested by the City. She stated that in a recent newspaper article residents indicated that they do not want the portable toilet stating that it attracted mosquitoes. She pointed out that special trucks are used to deliver and remove the portable homes. These trucks don't require a huge area to turn around and will be on the subject property for approximately three hours. She will not be moving the portable home often, possibly once a year, at it costs \$5,400 for each move. She indicated that they will be grading the lot so it will be presentable. With respect to the trees on the lot, she advised in order to eliminate the drainage problem, the trees will have to go because the ground needs to be raised so it is higher at the back than at the front. She believes this home will not hurt the subdivision. The home is well built and considered an upgrade. She said that she is only a representative in the area for the model home but people could deal directly with the company. She did look at alternate locations for the proposed development but these locations were not suitable. She owns the proposed property in Garson, it has good visibility from Falconbridge Highway. There will not be sewer and water available to the subject property until Phase 4 of the subdivision is completed.

Councillor Thompson, Ward Councillor, advised that he has spoken to some of the area residents who asked if it would be possible to place the model home on a foundation, hook it up to sewer and water and use it as a model home and sales office. The home could be sold and another model home erected in the same fashion. He indicated that he was trying a solution which would be palatable for everyone involved.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Ms. Caouette responded that this would be possible but is not what they would like to do.

Brent MacDonald, 101 Oakdale Street, Cedar Green Subdivision, was present in opposition to the application. He stated that he was present tonight with his friends, neighbours and children who chose to build and live in this subdivision because it is a quiet family oriented community. The existing development plan for the area was put in place 10 years ago. This proposal will have a detrimental impact on families, children and property values. There will be an ongoing nuisance with noise, dirt, negative visual impact and foul odour from raw human waste from the portable toilet. It will also bring wildlife and mosquitoes that carry the deadly West-Nile Virus. There will be vandalism and increased traffic to their quiet neighbourhood that will endanger children's lives. There will be a constant state of perpetual building and demolition on that parcel of land. Large tractor trailers will enter their quiet neighbourhood in pairs, assembling and removing the modular homes. He said that they have already experienced them cutting through undeveloped land to access the current building site. It will attract customers at all hours of the day. There is already an illegally constructed model home at the east end of Ashgrove Street. This home is the one that is to be moved to the amended area, put there without a permit. The builder never approached the residents of Cedar Green regarding the proposal. He submitted a Petition signed by over 100 Cedar Green residents opposing the application. He stated that the natural treed area which makes up the 30 meter by 30 meter display area will be destroyed. Spring flooding has already occurred to 97, 93 and 87 Oakdale in this area because the developer altered the proposed area two years ago. This area should be completed under the current plan for proper streets, sewers and drainage ways. 100% of the material and labour for these modular homes is from out of province cutting out our skilled trades people. We have already experienced a large out-migration of youth and this will only further the problem. He also provided photos of the area which were circulated to Committee Members at the meeting. He stated that a one-year trial period is not acceptable and once this plan is approved, it will be too late to reverse the damage caused. The residents of Cedar Green subdivision are suspicious of Lifestyle Homes due to the devious place of the illegal modular home and the sudden appearance of this proposal. He suggested a counter proposal such as placing the modular home on retail property their partner companies already occupy.

Lisa Doucet, 200 Cedar Green Drive, was present in favour of the application. She indicated that she has lived at the end of a cul-de-sac for 3 years. She stated that she has not noticed any difference in traffic since Lifestyle Homes has been in the area. She has seen them clean up after they have completed their work. Since she moved to the area, she has witnessed great development in the area. She advised that there are other residents in favour of the application who could not be present this evening.

Ron McDonald questioned how far Ms. Doucet lives from the proposed site.

Ms. Doucet replied that she lives in the subdivision and can see the model home from her home.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Carol Clark, 93 Oakdale, was present in opposition to the application. She said that she along with her mother own 89 and 93 Oakdale. She advised that in the past, the subject site had a pump house on it that was destroyed by vandals. She has lived in the house since 1997. For five years they had no flooding. Later a sandbar was put in, the water had no where to go which caused flooding to her property. She indicated that her mother planned to retire here and questioned why she could not retire in peace. They purchased property in this area because it was residential and they don't have the money to buy somewhere else. With respect to the trees on the subject property, she indicated that they stop the snow from coming onto her property and she does not have as much shovelling to do. Also if the trees are removed, she will be looking at people visiting the model home.

The Director of Engineering Services advised that as part of the application, staff will ensure that whatever the developer does in this area will not compound the existing flooding problem. He stated that he will also have the Technical Services Section review the history and background of this area.

Wendy Huard, 60 Ashgrove, was present in favour of the application. She stated that Joanne Caouette built her home to quality standards. She said that she can see the model home from her house and it is definitely not an eyesore. Mr. MacDonald and his wife visited her home and scared her by telling her and the neighbours that this property will be rezoned commercial. She met with Ms. Caouette who explained the proposal which was totally different from what Mr. and Mrs. MacDonald were saying. Mr. Macdonald did not discuss his concerns with Ms. Caouette, instead he spoke to all the neighbours with assumptions. She is quite disturbed that this reputable builder is being made to look bad. She stated that Mr. MacDonald said the debris is coming from Lifestyle Homes, but she has never seen any debris left by Lifestyle Homes but has seen debris left behind by Dalron Construction. With respect to heavy traffic, this traffic is coming off Falconbridge Highway to the subject property and will not be going into the subdivision. She lives in an area which is being developed and expects dust. Many people ask her questions about her home and Lifestyle Builders and she tells them that Ms. Caouette is an good builder who builds homes that have quality and workmanship.

Paul Deschene, 65 Oakdale Street, was present in opposition to the application. He said that he has lived in the area since 1992. He could not understand why Phase 4 could not be started before the other Phases. He suggested that the model home be placed on Ashgrove on a foundation and connected to services. He recently purchased a business in Espanola and has chosen to reside on Oakdale and travel daily to Espanola. If this development proceeds he will not stay in this area.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Nancy Darling, 66 Ashgrove, was present in favour of the application. She resides beside the model home. She advised that Joanne Caouette built her home and that she is an impeccable business lady. She invited the Committee to look at the homes built by Lifestyle Homes and to look at the details. She indicated that she called Ms. Caouette regarding this model home and Ms. Caouette advised that she intends to continue building the same style of homes that she is currently building and that she was a dealer for the Shampoo Company who produce model homes. She indicated that the subdivision will invite new people to the area with the new Nickel Rim mine site. She pointed out that they don't have a lot of dust or noise in the area and are living in a construction zone.

Nancy MacDonald, 101 Oakdale, was present in opposition to the application. She indicated that she is not disputing the fact that the applicant builds nice homes. She advised that there are ladies present this evening who know Ms. Caouette, but Ms. Caouette did not come to her residence or speak to her and this is not an appropriate way to run a business. She submitted a letter which was sent to her by Ms. Caouette stating that the model homes are suitable for rural areas but she will build them in the area.

Joe Barry, who lives directly across the Highway from the site, was present in opposition to the application. He indicated that the builder is not putting basements and services on the subject property, because if she does she will have to do that for the houses across the highway. He is concerned as he will get extra traffic from Falconbridge Road.

Recess The Planning Committee recessed at 8:50 p.m.

Reconvene The Planning Committee reconvened at 9:00 p.m.

Joanne Caouette advised that Ruttan owns property on the right hand side of the site where the sandbar was constructed. They are the ones who called the City telling them to stay off their property. Phase 4 cannot be changed to Phase 1 since the sewer and water is on Racicot Street. She sent a letter to the area residents to apologize. This is the first time she has applied for a rezoning so was unsure of the process. She indicated that dust and dirt will not be a problem after the sod has been put in. She has asked Shampoo Homes to provide the model homes unfinished. They will have no fixtures or kitchens in order that they can be finished by local people. With respect to children playing and the model home being dangerous, she will ensure that all precautions are taken to ensure their safety. She does not think the house will increase traffic because it is located outside the subdivision. The portable homes area is ideal for smaller rural communities, such as Manitoulin Island, but it was not their intent to put them in the subdivision, but if someone wants this unit they will not say they cannot go into the subdivision. She advised that the 1,400 square foot prefab home on Racicot Street was sold last week for approximately \$190,000.00 so these portable homes will not decrease property values.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Denise Wilton, an employee of Joanne Caouette, was present in favour of the application. She explained that she co-authored the application. She spoke with Planning Services and asked to walk her step-by-step as to what each department and the community would require. She was led to believe that they should not contact the community until such time as the rezoning went forward. They found out about the public hearing at the same time as the rest of the neighbourhood.

Councillor Thompson, Ward Councillor, indicated that he has no doubt that Lifestyle Homes is an excellent builder and is very impressed by the construction of the homes. He met with Ms. Caouette who is very professional. He believes that this is a very smart business move but he is not comfortable with the location. He has spoken with Councillor Callaghan regarding this application. The residents can take comfort in the fact that the recommendation is for a temporary period of one year as opposed to three years which was requested by the applicant. He hopes that it does work out and knows that Lifestyle Homes will make it so.

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:

Bradley-Dupuis: That the application by 630411 Ontario Inc., the owner of Part of Parcel 9984 S.E.S. in Lot 8, Concession 1, Township of Garson, to permit a model, manufactured home retail sale display area for a maximum temporary period of one (1) year, pursuant to Section 39 of The Planning Act be approved subject to the following conditions:

1. That the amending by-law establish a retail display area shall only be permitted on the 30 metre by 30 metre portion of the subject lands which is situated at the extreme southwesterly limit of Parcel 9984 S.E.S.
2. Prior to the passage of an amending by-law, the owner shall undertake to provide a parking area and a loading area for model homes on Parcel 9984 S.E.S. to the satisfaction of the General Manager of Public Works.
3. The amending by-law shall establish that a model home parking area and a loading area for model homes shall be maintained on Parcel 9984 S.E.S. to the satisfaction of the General Manager of Public Works.
4. The amending by-law shall establish that a building permit must be obtained from the Building Services Division before any model manufactured home may placed on the lands subject to this amendment.
5. The amending by-law establish that the following unlit business identification signs will be permitted:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

- one ground sign not exceeding 1.5m² per sign face or 3m² in total, located not closer than 3m to any street line or any interior lot line abutting a residential zone;
 - not more than two wall signs (portable banners) each not exceeding 2.8m² per sign face.
6. That upon completion of the one year temporary period the owner may apply for a further two year temporary use by-law extension. The fee for such a rezoning application shall be only that fee required for the statutory public notice. When evaluating such an 'extension' application, Council shall have regard to the impacts of this use on the surrounding neighbourhood and the municipal infrastructure.

The following amendment to the recommendation was presented:

Recommendation #2004-136:

Reynolds-Caldarelli: That the following conditions be added:

7. That portable toilets not be installed in the model home on this site.
8. That the model home on the site include attractive skirting to the satisfaction of the Chief Building Official.
9. That landscaping be undertaken to standards that exist in the area.
10. That professional and appealing signage be installed.

CONCURRING MEMBERS: Councillors Caldarelli, Dupuis, Reynolds

NON-CONCURRING MEMBERS: Councillors Bradley, Thompson

CARRIED

The main motion as amended was presented:

Recommendation #2004-137:

Bradley-Dupuis: That the application by 630411 Ontario Inc., the owner of Part of Parcel 9984 S.E.S. in Lot 8, Concession 1, Township of Garson, to permit a model, manufactured home retail sale display area for a maximum temporary period of one (1) year, pursuant to Section 39 of The Planning Act be approved subject to the following conditions:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Recommendation #2004-137 (cont'd):

1. That the amending by-law establish a retail display area shall only be permitted on the 30 metre by 30 metre portion of the subject lands which is situated at the extreme southwesterly limit of Parcel 9984 S.E.S.
2. Prior to the passage of an amending by-law, the owner shall undertake to provide a parking area and a loading area for model homes on Parcel 9984 S.E.S. to the satisfaction of the General Manager of Public Works.
3. The amending by-law shall establish that a model home parking area and a loading area for model homes shall be maintained on Parcel 9984 S.E.S. to the satisfaction of the General Manager of Public Works.
4. The amending by-law shall establish that a building permit must be obtained from the Building Services Division before any model manufactured home may placed on the lands subject to this amendment.
5. The amending by-law establish that the following unlit business identification signs will be permitted:
 - one ground sign not exceeding 1.5m² per sign face or 3m² in total, located not closer than 3m to any street line or any interior lot line abutting a residential zone;
 - not more than two wall signs (portable banners) each not exceeding 2.8m² per sign face.
6. That upon completion of the one year temporary period the owner may apply for a further two year temporary use by-law extension. The fee for such a rezoning application shall be only that fee required for the statutory public notice. When evaluating such an 'extension' application, Council shall have regard to the impacts of this use on the surrounding neighbourhood and the municipal infrastructure.
7. That portable toilets not be installed in the model home on this site.
8. That the model home on the site include attractive skirting to the satisfaction of the Chief Building Official.
9. That landscaping be undertaken to standards that exist in the area.
10. That professional and appealing signage be installed.

CONCURRING MEMBERS: Councillors Caldarelli, Dupuis, Reynolds

NON-CONCURRING MEMBERS: Councillors Bradley, Thompson

CARRIED 

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO RECOGNIZE THE EXISTING NON-CONFORMING STORAGE USE AND ONE ACCESSORY DWELLING, 872 SUEZ DRIVE, HANMER - 862337 ONTARIO INC. (AGENT: J.P. BECHAMP)

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

Report dated June 1st, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application in order to recognize the existing non-conforming storage use and one accessory dwelling, 872 Suez Drive, Hanmer - 862337 Ontario Inc. (Agent: J.P. Bechamp)

Letter dated June 15th, 2004, from Councillor Ted Callaghan, Ward 4, stating that he had not received any calls or written material objecting to this application, was distributed to Committee Members at the meeting.

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

The agent for the applicant, J.P. Bechamp, and the solicitor for the applicant, Andrew M. Little, Weaver, Simmons, were present. Mr. Little expressed his concern regarding engineers inspections being required for all of the buildings since they have already been in existence for 30 years and are still standing. These inspections should be a separate matter as some of the buildings only require painting, etc.

The Chief Building Official advised that this property has had a long history with Building Services. The majority, 95% of the work on the property, was done without a permit. Although many of the buildings have been standing for many years, building inspectors have been in the buildings and indicate they will require some reinforcing. The buildings will be used by the public for storage and we should have regard for the public using these buildings.

The Manager of Development Services indicated that he has met with Mr. Bechamp and explained to him that if a building is torn down then it could be rebuilt but only up to the square footage of the building which was torn down.

No objectors were present.

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

The following recommendation was presented:

Recommendation #2004-138:

Dupuis-Caldarelli: That the application by 862337 Ontario Inc. (Agent: J.P. Bechamp) to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by changing the zoning classification of Part of Parcel 28475 SES in Lot 9, Concession 4, Capreol Township from "RU", to "RU-Special", Rural Special be approved subject to the following:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO RECOGNIZE THE EXISTING NON-CONFORMING STORAGE USE AND ONE ACCESSORY DWELLING, 872 SUEZ DRIVE, HANMER - 862337 ONTARIO INC. (AGENT: J.P. BECHAMP) (cont'd)

Recommendation #2004-138 (cont'd):

1. That prior to the passing of an amending by-law the applicant undertake an inventory and analysis of all buildings on site to address building code, property standards and health unit matters including a structural evaluation and agree to undertake any corrective actions to the satisfaction of the Chief Building Official.
2. That prior to the passing of an amending by-law the applicant enter into a Site Plan Control Agreement with the City, which, among other matters will identify all buildings which are to be retained as well as their areas and setbacks from property boundaries.
3. That prior to the passing of an amending by-law the applicant shall amend the Omega pit license to remove any portion of the subject property that is included in the license area to the satisfaction of the Manager of Development Services.
4. That the applicant provide the Development Services Section with a registered survey plan outlining the lands to be rezoned in order to enable the preparation of an amending by-law.
5. That the only permitted uses shall be a business engaged in the rental of storage space, one accessory dwelling and related accessory uses.
6. That the amending by-law include a provision to prohibit the construction of any new buildings for the storage use.
7. That the amending by-law recognize any building setback deficiencies identified in the Site Plan Control process.
8. That the amending by-law limit outside storage to a maximum of 2 acres, to be located in accordance with the Site Plan Control Agreement.

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

CARRIED

APPLICATION FOR REZONING TO ADD OFFICES AND A MAXIMUM OF TWO DWELLING UNITS TO THE LIST OF USES PERMITTED UNDER THE EXISTING "M1-6" ZONING, 819 HIGHWAY 17 EAST, WAHNAPITAE - WAYNE MOGENSEN

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

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO ADD OFFICES AND A MAXIMUM OF TWO DWELLING UNITS TO THE LIST OF USES PERMITTED UNDER THE EXISTING "M1-6" ZONING, 819 HIGHWAY 17 EAST, WAHNAPITAE - WAYNE MOGENSEN

Report dated June 2nd, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to add offices and a maximum of two dwelling units to the list of uses permitted under the existing "M1-6" zoning, 819 Highway 17 East, Wahnapiatae - Wayne Mogensen.

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

The agent for the applicant, Aaron Savard, 38 Mill Road, Sudbury, and the applicant, Wayne Mogensen, 1172 Rosemarie Avenue, Sudbury, were present. Mr. Savard advised that they retained an engineer and architect and the water meter has been installed which is everything they have been asked to do by staff. There are 2 units already in the building and he understands that there has never been a permit.

Councillor Caldarelli, Ward Councillor, indicated that there are a lot of residential uses in the area and that she is in favour of the application.

No objectors were present.

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

The following recommendation was presented:

Recommendation #2004-139:

Caldarelli-Thompson: That the application by Wayne Mogensen to amend By-law 83-304 being the Zoning By-law for the former Town of Nickel Centre by changing the zoning classification of Parcels 29242 and 25996 SES in Lot 7, Concession 4, Dryden Township from "M1-6", Mixed Light Industrial/Service Commercial Special to a revised "M1-Special", Mixed Light Industrial/Service Commercial Special be approved subject to the following:

1. That prior to the passing of an amending by-law the applicant shall retain a consulting civil engineer with a valid certificate of authorization to prepare an engineering report on the adequacy of the existing water connection line and the existing sewage disposal system and the need to upgrade said facilities to support the revised use of the building. Should there be a need, the engineer shall be retained to design new works, supervise construction of said works and certify the construction to the satisfaction of the General Manager of Public Works.
2. That prior to the passing of an amending by-law the applicant shall install a water meter on the incoming water connection to the satisfaction of the General Manager of Public Works.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO ADD OFFICES AND A MAXIMUM OF TWO DWELLING UNITS TO THE LIST OF USES PERMITTED UNDER THE EXISTING "M1-6" ZONING, 819 HIGHWAY 17 EAST, WAHNAPITAE - WAYNE MOGENSEN (cont'd)

Recommendation #2004-139 (cont'd):

3. That in addition to all other "M1-6" uses, the amending by-law shall permit a maximum of two dwelling units and offices.

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

CARRIED

Recommendation #2004-140:

Caldarelli-Dupuis: That we proceed past the hour of 10:00 p.m.

CARRIED

APPLICATION FOR OFFICIAL PLAN AMENDMENT TO PERMIT THE CREATION OF ONE (1) RESIDENTIAL LOT, 5000 DESMARAIS ROAD, VAL THERESE - ANGELE AND ROMA MIRON

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

Report dated June 7th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an Official Plan Amendment application to permit the creation of one (1) residential lot, 5000 Desmarais Road, Val Therese - Angele and Roma Miron.

Letter received June 15th, 2004, from Beryl Espley, in opposition to the above application was distributed to Committee Members at the meeting.

The Director of Planning Services outlined the application to the Committee. He explained that as the property is designated "Agricultural Reserve" in the Secondary Plan, the property owner would be allowed one severance for each 25 acres of land. In 1978 the lands were comprised of 80 acres and subsequently severed on four occasions. The applicant does not qualify for any further severances. The Ministry of Municipal Affairs and Housing is opposed because the application is an extension of scattered rural development, is in the agricultural reserve and is premature because of the official plan review now underway. He pointed out that a number of requests to amend the agricultural properties have been received and each one the Committee approves creates some momentum for other ones to come forward. They concur with the Ministry of Municipal Affairs and Housing as it relates to the Agricultural Reserve and development outside the settlement boundary and recommend that the application be denied.

PUBLIC HEARINGS (cont'd)

**APPLICATION FOR OFFICIAL PLAN AMENDMENT TO PERMIT THE CREATION OF ONE
(1) RESIDENTIAL LOT, 5000 DESMARAIS ROAD, VAL THERESE - ANGELE AND ROMA
MIRON (cont'd)**

The applicant, Mr. Roma Miron, 5000 Desmarais Road, Val Therese, was present. He realizes the property falls under the agricultural rules and regulations, but he is asking that these rules and regulations be bent. He and his wife can't handle the property because of their age and health problems. He has resided on the subject property for 35 years and raised his family there. The previous lot splits were for his children and he did not make any money from previous applications. He is requesting approval on compassionate grounds. It is a 4 bedroom house and it is too big for himself and his wife. He plans to split the house and barn from the rest of the property and sell it. The remainder of the property will be given to his children. He does not want to build another house. It will be difficult to leave the property, but they will have to go into an apartment or smaller home. In the past he did try to farm the property but that proved unsuccessful.

Councillor Dupuis, Ward Councillor, indicated he knew Mr. Miron tried to farm the subject property which was unsuccessful and very costly. He stated he has not received any phone calls in opposition to the application and supports it.

No objectors were present.

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

The following recommendation was presented:

Recommendation #2004-141:

Dupuis-Caldarelli: That the application by Angele and Roma Miron to amend the Valley East Secondary Plan by introducing a site specific exemption to the "Agricultural Reserve" policies that apply to Parcel 18511 S.E.S. in Lot 6, Concession 3, Township of Hanmer, City of Greater Sudbury to permit the creation of a 1.7 acre residential lot be denied.

CONCURRING MEMBER: Councillor Reynolds

NON-CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

DEFEATED

The following alternate recommendation was presented:

Recommendation #2004-142:

Dupuis-Caldarelli: A. That the application by Angele and Roma Miron to amend the Valley East Secondary Plan by introducing a site specific exemption to the "Agricultural Reserve" policies that apply to Parcel 18511 S.E.S. in Lot 6, Concession 3, Township of Hanmer, City of Greater Sudbury to permit the creation of a 1.7 acre residential lot be approved; and further,

PUBLIC HEARINGS (cont'd)

APPLICATION FOR OFFICIAL PLAN AMENDMENT TO PERMIT THE CREATION OF ONE (1) RESIDENTIAL LOT, 5000 DESMARAIS ROAD, VAL THERESE - ANGELE AND ROMA MIRON (cont'd)

Recommendation #2004-142 (cont'd):

B. That subdivision of the lands described in Recommendation A.) be allowed to proceed by way of the Consent Process.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

NON-CONCURRING MEMBER: Councillor Reynolds

CARRIED

Recess: The Planning Committee recessed at 10:25 p.m.

Reconvene: The Planning Committee reconvened at 10:30 p.m.

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Items C-1 to C-5 contained in Part 1 of the Consent Agenda:

Recommendation #2004-143:

Caldarelli-Thompson: That Items C-1 to C-5 contained in Part 1, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1
Report #5
VETAC Minutes
May 5th, 2004

Recommendation #2004-144:

Thompson-Caldarelli: That Report #5, Vegetation Enhancement Technical Advisory Committee Minutes of May 5th, 2004, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2
Closure of the
Remainder of the
Lane South of Van
Horne Street
Abutting Lots 112 to
Lot 117, Plan 2-S
Sudbury

Report dated June 9th, 2004, was received from the General Manager, Corporate Services regarding Closure of the Remainder of the Lane South of Van Horne Street abutting Lots 112 to 117, Plan 2-S, Sudbury.

Recommendation #2004-145:

Caldarelli-Dupuis: 1. That the City Solicitor take any and all necessary procedures to close the remainder of the land south of Van Horne Street abutting Lots 112 to 117, Plan 2-S, in the City of Greater Sudbury;

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-2

Closure of the
Remainder of the
Lane South of Van
Horne Street
Abutting Lots 112 to
Lot 117, Plan 2-S
Sudbury (cont'd)

Recommendation #2004-145 (cont'd):

2. That the City Clerk publish notice of the proposed highway closure, in accordance with the Notice By-law, being By-law 2003-2;
3. That the said lands be declared surplus upon final passage of the By-law closing the specified lane allowance.

CARRIED

Item C-3

Closure of Frederick
St. South of Van
Horne Street, Abutting
Lots 111 and 112,
Plan 2-S, Sudbury

Report dated June 9th, 2004, was received from the General Manager, Corporate Services regarding closure of Frederick St., South of Van Horne Street, abutting Lots 111 and 112, Plan 2-S, Sudbury.

Recommendation #2004-146:

Caldarelli-Dupuis: 1. That the City Solicitor take any and all necessary productions to close Frederick Street, South of Van Horne Street, being 66' x 120' in size, abutting Lots 111 and 112, Plan 2-S, Lot 5, Concession 3, McKim Township, in the City of Greater Sudbury;

2. That the City Clerk publish notice of the proposed highway closure, in accordance with the Notice By-law 2003-2;
3. That the said lands be declared surplus upon final passage of the By-law closing Frederick Street south of Van Horne Street;
4. That the lands be transferred to The Roman Catholic Episcopal Corporation of the Diocese of Sault Ste. Marie for nominal consideration in accordance with the City's Property By-law, and subject to the following conditions:
 - (a) That the Transferee bear the costs of advertising the proposed closure of the road and of registering this By-law on title to the closed road;
 - (b) That the City reserve or grant any necessary easements for municipal purposes or public utilities at the expense of the Transferee;
 - (c) That the lands be transferred in an "as is" condition;
 - (d) That the Transferee pay any applicable Goods and Services Tax, or, if a GST registrant, deliver appropriate evidence of registration and an undertaking to indemnify the City;

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-3

Closure of Frederick
St. South of Van
Horne St., Abutting
Lots 111 and 112,
Plan 2-S, Sudbury
(cont'd)

Recommendation #2004-146 (cont'd):

- (e) That the Transferee at its cost, provide a reference plan of survey to establish a legal description for the Property, and secure the approval of the City to such plan prior to depositing same at its expense;
- (f) That the Transferee enter into an Agreement with the City of Greater Sudbury for the construction of a driveway over the subject lands to be built to the satisfaction of the General Manager of Public Works.

That the Property Negotiator/Appraiser and Clerk be authorized to execute all required documents to transfer the lands to the owner, The Roman Catholic Episcopal Corporation of the Diocese of Sault Ste. Marie.

CARRIED

Item C-4

Declaration of
Surplus Properties
- Various Locations

Report dated June 9th, 2004, was received from the General Manager, Corporate Services regarding Declaration of Surplus Properties - Various Locations.

Recommendation #2004-147:

Dupuis-Caldarelli: That the City of Greater Sudbury declare surplus and sell the following properties in accordance with the procedures governing the disposal of real property:

- 1) Part of Lot 60, Plan 13-S, Vincent Street, Sudbury;
- 2) Nickel Lake Shore Allowance, Bowell Township

CARRIED

Item C-5

Extension of Draft
Plan of Subdivision
Approval - Dalron
Construction,
Remainder of Parcel
25851 S.E.S., in
Lots 5 & 6, Conc. 1,
Twp. Broder
(Countryside Drive,
Sudbury)

Report dated June 7th, 2004, was received from the General Manager, Economic Development and Planning Services regarding Extension of Draft Plan of Subdivision Approval - Dalron Construction, Remainder of Parcel 25851 S.E.S., in Lots 5 & 6, Concession 1, Township of Broder (Countryside Drive, Sudbury).

Recommendation #2004-148:

Caldarelli-Dupuis: That upon payment of the processing fee of \$1,905.75 prior to the June 28th, 2004 lapsing date, the conditions of draft approval of the plan of subdivision of the Remainder of Parcel 25851 S.E.S. in Lots 5 & 6, Concession 1, Township of Broder, City of Greater Sudbury, File 780-6/88016, be amended as follows:

- a) By deleting Condition # 28. and replacing it with the following:
"28. That this draft approval shall lapse on June 28th, 2006."

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-5

Recommendation #2004-148 (cont'd):

Extension of Draft
Plan of Subdivision
Approval - Dalron
Construction,
Remainder of Parcel
25851 S.E.S., in
Lots 5 & 6, Conc. 1,
Twp. Broder
(Countryside Drive,
Sudbury) (cont'd)

b) Revising Condition # 30. by adding the following information to this condition:

"The soils report shall also include a roadway structure and pavement design with a minimum twenty year life."

CARRIED

MANAGERS' REPORTS

Item R-1

Issues Follow-up
Raised at the Special
Planning Meeting of
May 11, 2004

Report dated June 9th, 2004, was received for direction only from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding issues follow-up raised at the Special Planning Meeting of May 11th, 2004.

The Committee agreed to defer the above-noted matter to their next regular meeting.

Adjournment

Recommendation #2004-149:

Caldarelli-Reynolds: That we do now adjourn.
Time: 10:40 p.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR RUSS THOMPSON PRESIDING

4TH MEETING OF THE BOARD OF DIRECTORS OF SUDBURY METRO CENTRE
Monday, May 10, 2004

A REGULAR MEETING OF THE BOARD HELD AT 8:00 A.M.
J. FIORINO IN THE CHAIR.

PRESENT

B. Conlin, C. Schut, J. Arnold, A. Davey, J. Gasparini, L. Reynolds

REGRETS

M. Palumbo, R. Hirani, G. Robicheau, T. Anselmo

ALSO PRESENT

M. Luoma -Executive Director
C. Salazar -Liaison, City of Greater Sudbury

DECLARATIONS OF CONFLICT

None declared.

PART 1 - CONSENT AGENDA

APPROVAL OF MINUTES

22-04 Arnold - Davey

THAT items C-1 to C-3 of the Consent Agenda, as duplicated and circulated, be hereby accepted.

CARRIED

C-1 3rd Regular Meeting

23-04 Davey - Schut

THAT the minutes of the 3rd Regular Meeting of the Board of Directors of Sudbury Metro Centre, dated April 25th, as duplicated and circulated, be hereby accepted.

CARRIED

C-2 Executive Committee

24-04 Schut - Davey

THAT the minutes of the Executive Committee, dated May 4th, as duplicated and circulated, be hereby accepted.

CARRIED

C-3 Downtown Security Work Group

25-04 Davey - Conlin

THAT the minutes of the Downtown Security Work Group, dated April 28th, as duplicated and circulated, be hereby accepted.

CARRIED

PART 2 - REGULAR AGENDA

REGULAR BUSINESS

R-1 Program/Project Update:

Memo previously circulated providing updates related to Promotion/Marketing; Market Square/Farmers' Market; and Development issues/projects.

The Executive Director further elaborated on the opening weekend of the Farmers' Market, noting that 14 Vendors were in attendance, as well as Sudbury Arts Council (who will be a regular, featuring various local artists on a weekly basis), Older Adult Centre and a free blood pressure clinic through a new health project - Cohrt. In addition, Saturday featured to local musicians and, through a cross promotion - spend \$25 Downtown, bring your receipts to Market Square and receive a free potted mini-rose plant - 50 plants were given out.

Directors were also advised that, further to discussion at the last Board meeting, two (2) additional quotes are being received re upgrading of electrical service and will be presented to the May 25th meeting of the Board. ①

R-2 'Downtown Sudbury Partnership'

Memo, outlining proposal, was previously circulated for discussion (further to Board meeting of April 25th). It was noted that this was discussed by the Executive Committee who is recommending this to the Board.

J. Arnold provided the following update re projects currently being addressed by the DVDC:

1. Facade Improvement Program ...
 - through the 'Community Improvement Plan' work group
 - investigating financial incentives for property owners interested in building renovation/upgrading
2. Streetscape & Design Program
 - ie benches, street lights, garbage receptacles, etc.
 - this would run parallel to the Facade Improvement Program
 - goal is to establish a 'design team' that will develop a design further to a public process that would be carried out over the next month

Directors then discussed the importance of determining roles and responsibilities to ensure there is not overlapping and reflects the mandates of each of the organizations.

Further to discussion, the following resolution was presented:

26-04 Conlin - Davey

THAT the Board of Directors of Sudbury Metro Centre supports the establishment of a 'Downtown Sudbury Partnership' (as distributed and discussed) with the main purpose to:

- ① update and review City (and other) projects within the Downtown core
- ② maintain communication between all key work areas
- ③ ensure that there is no duplication of services/projects

AND FURTHER THAT this Partnership consist of two (2) Board Representatives from each of Sudbury Metro Centre, Greater Sudbury Development Corporation and the Downtown Village Development Corporation;

AND FURTHER THAT the two (2) representatives from Sudbury Metro Centre will be:

- Cindy Schut
- Austin Davey

CARRIED

NEW/OTHER BUSINESS

Directors were reminded that, as part of the Market Business Plan Update, O. Poloni (KPMG) was present to conduct an 'interview'/discussion with the Board.

Directors agreed to adjourn the formal part of the meeting.

NEXT MEETING

TUESDAY ... MAY 25TH ... 6 P.M.

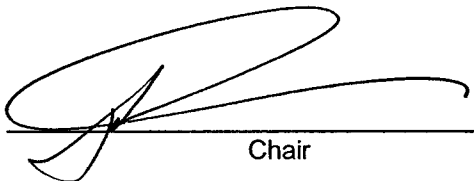
GUEST - POLICE CHIEF IAN DAVIDSON

ADJOURNMENT

27-04 Davey - Conlin

THAT we do now adjourn. Time: 9:10 a.m.

CARRIED


Chair


Executive Director

MINUTES OF THE TENDER OPENING COMMITTEE MEETING

Committee Room C-14
Tom Davies Square
2004-06-08

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

DARRYL MATHÉ, MANAGER OF SUPPLIES & SERVICES, IN THE CHAIR

Present

R. Mensour, Manager of Sudbury Arena; C. Wood, Manager of Operations; D. Rousell, Co-Ordinator of Special Events; M. Hauta, Accountant; K. Lessard, Law Clerk; L. Lesar, Secretary to the Manager of Supplies & Services

Contract CPS04-10 Tender for Rock Salt

Contract CPS04-10, Tender for the Supply & Delivery of Rock Salt, 2004 to 2007 {estimated at a 2004 year unit price of \$85.43, taxes not included; and a 2004 yearly cost of \$1,965,000.00, taxes not included} were received from the following bidders:

The Canadian Salt Co.:

2004 - 2005	\$72.09
2005 - 2006	\$74.59
2006 - 2007	\$77.19

Quantity Discount: n/a

Cargill Deicing Technology:

Notice of No Bid

Sifto Canada Inc.:

2004 - 2005	\$68.15
2005 - 2006	\$70.20
2006 - 2007	\$72.30

Quantity Discount: 2.5%

The foregoing tenders were turned over to the Manager of Operations 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.

T.O.C 2004-06-08 (1)

Contract CLS04-09
RFP for POS

Contract CLS04-09, Proposals for the Supply & Installation of a Point of Sale and Inventory Control System {estimated at a total cost of \$100,000.00} were received from the following bidders:

Retail Systems Group
Sabrepoint Inc.
Ascend Business Solutions
Tesoro Technologies Inc.

A bid deposit in the form of a certified cheque or money order in the amount of \$10,000.00 accompanied each proposal.

The foregoing tenders were turned over to the Sudbury Arena Manager for review and recommendation to the General Manager for Citizen & Leisure Services for a report to City Council.

Adjournment

The meeting adjourned at 2:37 p.m.

Chairman

Secretary

T.O.C. 2004-06-08

MINUTES OF THE TENDER OPENING COMMITTEE MEETING

Committee Room C-14
Tom Davies Square
2004-06-15

Commencement: 2:30 p.m.
Adjournment: 2:45 p.m.

DARRYL MATHÉ, MANAGER OF SUPPLIES & SERVICES, IN THE CHAIR

Present

D. Belisle, General Manager of Public Works; B. Falcioni, Roads and Drainage Engineer; A. Sweetman, Sewer and Water Engineer; E. Sviezikas, Engineering Technician; T. Spears, Chief Field Inspector; M. Hauta, Accountant; K. Lessard, Law Clerk; L. Lesar, Secretary to the Manager of Supplies & Services

Contract PWD04-33
Roof Repairs -
Centennial Arena

Tenders for Contract PWD04-33, Roof Repairs at Centennial Arena, Valley East {estimated at a total cost of \$227,500.00} were received from the following bidders

BIDDER	TOTAL AMOUNT	OPTION 1
Semple Gooder Northern Limited	\$240,182.90	\$11,640.00
Duoro Roofing	\$206,135.50	\$10,738.00

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 Building & Facilities 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.

Contract 2004-17
Tender for Paris St.
Widening & Indian
Rd. Upgrading

Tenders for Contract 2004-17, Paris Street Widening and Indian Road Upgrading {estimated at a total cost of \$2,500,000.00 for Option "A" only} were received from the following bidders:

BIDDER	TOTAL OPTION A	TOTAL OPTION B
Terranorth Construction & Engineering Limited	\$2,555,734.92	\$3,065,385.62
Pioneer Construction Inc.	\$2,882,224.22	\$3,139,972.52
Belanger Construction (1981) Inc.	\$2,910,813.02	\$3,636,079.35
Interpaving Limited	\$3,119,697.30	\$3,584,676.44

TOC 2004-06-15 (1)

Contract 2004-17
(Continued)

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.

Contract 2004-5
Southview Dr. Water-
Main

Tenders for Contract 2004-5, Southview Drive Watermain - Martindale Road to Fernwood Street {estimated at a total cost of \$700,000.00} were received from the following bidders:

BIDDER	TOTAL AMOUNT
Labelle Bros. Excavating	\$952,952.70
Holloway Equipment Rental Ltd.	\$833,294.60
Garson Pipe Contractors Limited	\$625,944.65
Teranorth Construction & Engineering Limited	\$890,567.40
R.M. Belanger Limited	\$901,497.47
Pioneer Construction Inc.	\$831,930.35

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 2:45 p.m.

Chairman

Secretary