THE TWENTY-SIXTH MEETING OF THE COUNCIL
OF THE CITY OF GREATER SUDBURY

Committee Room C-11
Tom Davies Square

Wednesday, October 12, 2011
Commencement: 4:03 p.m.

DEPUTY MAYOR JOSCLYNE LANDRY-ALTMANN, IN THE
CHAIR

Present
Councillors Cimino; Barbeau; Berthiaume; Dutrisac; Rivest;
Kilgour; Belli; Craig; Caldarelli; Kett; Mayor Matichuk.

City Officials
Caroline Hallsworth, Executive Director Administrative
Services/City Clerk

Declarations of
Pecuniary Interest
None declared.

Closed Meeting
2011-426: THAT the Council of the City of Greater Sudbury move
to Closed Meeting to deal with one Personal Matter regarding an
Identifiable Individual in accordance with the Municipal Act, 2001,
s.239(2).

CARRIED

Recess
At 5:36 p.m., Council recessed.

Reconvene
At 6:00 p.m., Council commenced the regular meeting in the
Council Chamber.

Chair
HER WORSHIP MAYOR MARIANNE MATICHUK, IN THE
CHAIR

Present
Councillors Cimino; Barbeau; Berthiaume; Dutrisac; Rivest;
Kilgour; Belli; Craig; Caldarelli; Kett; Landry-Altmann

City Officials
Doug Nadorozny, Chief Administrative Officer; Greg Clausen,
General Manager of Infrastructure Services; Real Carré, Acting
General Manager of Community Development; Bill Lautenbach,
General Manager of Growth & Development; Tim Beadman, Chief
of Emergency Services; Marc Leduc, Fire Chief; Frank Elsner,
Chief of Police; Caroline Hallsworth, Executive Director,
Administrative Services/City Clerk; Danielle Braney, Director of
Asset Services; Ian Wood, Acting Director of Economic
Development; Eliza Bennett, Manager of Communications and
French Language Services; Paddy Buchanan, Acting Chief
Financial Officer/Treasurer; Jamie Canapini, City Solicitor; Jason
Ferrigan, Senior Planner; Ron Norton, Drainage Engineer; Carly
City Officials (cont’d)  Gasparini, Policy Intern; Christine Hogarth, Chief of Staff, Mayor’s Office; Jason Nelson, Audio-Visual Operator; Liz Collin, Council Secretary

News Media  Big Daddy; CBC Radio; EastLink News; EZ Rock; KICX; Le Voyageur; MCTV; Northern Life; Radio Canada; Sudbury Star

Declarations of Pecuniary Interest  Councillor Rivest declared a conflict regarding Item R-1, Municipal Drain Maintenance Review, as he owns property that has a municipal drain.

PRESENTATIONS

Item 1  Market Square and the School of Architecture Project

Report dated October 6, 2011 was received from the General Manager of Growth and Development regarding Market Square and the School of Architecture Project.

Jason Ferrigan, Senior Planner, gave an electronic presentation regarding Market Square and the School of Architecture Project. He stated that Market Square is a community attraction that creates jobs, helps revitalize the downtown and has an approximate $2M economic impact on the City. He advised that when built the School of Architecture construction project will cost approximately $35M, the school will have an enrolment of 400 students, with 40 faculty, it will bring new life and intensity to the downtown and will have an approximate $15M economic impact on the City. He reviewed Laurentian University’s proposal, including the purchase of the property for fair market value, a $2M contribution to Market Square, Design Team to work with vendors and review the options to share the site. He stated that, to move forward with the project, Council needs to, in principle, approve the sale for fair market value, create a working group or panel and open Energy Court as a parking lot. He informed Council that the project will bring an estimated $38M in new construction; $15M in annual economic activity; $30,000 annual payment in lieu of tax; revitalize one or more downtown sites; and bring renewed and new life and activity to the downtown.

The following resolution was presented:

Belli-Kilgour: THAT Council of the City of Greater Sudbury approve in principle the sale of all or part of Market Square (85 Elm Street) to Laurentian University for the School of Architecture project, provided that:

1. All or part of the site is sold for its fair market value;
2. Laurentian University contribute up to an additional $2 million towards the relocation of Market Square;
PRESENTATIONS (CONT'D)

Item 1
Market Square and the School of Architecture Project

3. That the funds from the sale of the site and Laurentian University's additional contribution be transferred to committed within Capital Financing Reserve Fund - General for the sole purpose of relocating Market Square;

4. A 26-metre wide right-of-way for the extension of Larch Street west across the CP main line to Lorne Street is protected, as part of the transfer of all or part of the site;

5. The School of Architecture Project be subject to the City's Site Plan Approval; and

6. The transfer of all or part of the site can be completed, in accordance with the conditions outlined in the report dated October 6, 2011 by December 14, 2011.

AND THAT Council of the City of Greater Sudbury further directs staff to:

1. Prepare and present a report to Council on November 9, 2011 outlining a process to initiate an "ad hoc" working group with representatives from Laurentian University, the School of Architecture Steering Committee, Councillors, city staff, indoor and outdoor vendor representatives, farmers, downtown organizations and two interested citizens. The report will include a terms of reference for the working group including direction to explore how the market can “co-locate” on the site or be relocated, and direction to make recommendations on various other matters such as governance, with a final report back to Council by March 2012; and,

2. Make the municipal parking lot commonly known as Energy Court open to the public on a fee basis beginning in September 2012. Parking fees shall be charged in accordance with the City’s schedule of parking fees, as amended from time to time.

Friendly Amendment

With the consent of the Mover, the following friendly amendment was made: to add the words “Begin immediately the engagement of the Stakeholders and” to the beginning of the first paragraph in the Staff direction.
Main Motion
(as amended)

The following resolution as amended was presented:

2011-427 Belli-Kilgour: THAT Council of the City of Greater Sudbury approve in principle the sale of all or part of Market Square (85 Elm Street) to Laurentian University for the School of Architecture project, provided that:

1. All or part of the site is sold for its fair market value;

2. Laurentian University contribute up to an additional $2 million towards the relocation of Market Square;

3. That the funds from the sale of the site and Laurentian University’s additional contribution be transferred to committed within Capital Financing Reserve Fund - General for the sole purpose of relocating Market Square;

4. A 26-metre wide right-of-way for the extension of Larch Street west across the CP main line to Lorne Street is protected, as part of the transfer of all or part of the site;

5. The School of Architecture Project be subject to the City’s Site Plan Approval; and

6. The transfer of all or part of the site can be completed, in accordance with the conditions outlined in the report dated October 6, 2011 by December 14, 2011.

AND THAT Council of the City of Greater Sudbury further directs staff to:

1. Begin immediately the engagement of the Stakeholders and prepare and present a report to Council on November 9, 2011 outlining a process to initiate an "ad hoc" working group with representatives from Laurentian University, the School of Architecture Steering Committee, Councillors, city staff, indoor and outdoor vendor representatives, farmers, downtown organizations and two interested citizens. The report will include a terms of reference for the working group including direction to explore how the market can “co-locate” on the site or be relocated, and direction to make recommendations on various other matters such as governance, with a final report back to Council by March 2012; and,
PRESENTATIONS (CONT’D)

Main Motion (as amended) (cont’d)

2. Make the municipal parking lot commonly known as Energy Court open to the public on a fee basis beginning in September 2012. Parking fees shall be charged in accordance with the City’s schedule of parking fees, as amended from time to time.

RECORDED VOTE:

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CARRIED

MATTERS ARISING FROM THE “CLOSED MEETING”

Rise and Report

Deputy Mayor Landry-Altmann, as Chair of the Closed Meeting, reported that Council met to deal with one Personal Matter regarding an Identifiable Individual in accordance with the Municipal Act, 2001, s.239(2) and that no resolutions emanated therefrom.

CONSENT AGENDA

Consent Agenda

The following motion was presented to adopt the items contained in the Consent Agenda:

2011-428 Kett-Berthiaume: THAT Consent Agenda Items C-1 to C-4 and C-6 inclusive be adopted and Item C-7 be received.

CARRIED

MINUTES

Item C-1 Report No. 23 City Council September 28, 2011


CARRIED
CONSENT AGENDA (CONT’D)

MINUTES (CONT’D)

Item C-2
Report No. 24
Special City Council
October 3, 2011


Item C-3
Report No. 25
City Council
October 3, 2011

Report No. 25, City Council Minutes of October 3, 2011 was distributed to Council Members at the meeting.


Item C-4
Report No. 16
Planning Committee
October 4, 2011

2011-432 Kett-Caldarelli: THAT Report No. 16, Planning Committee Minutes of October 4, 2011 be adopted. CARRIED

Item C-5
Report No. 10
Audit Committee
October 5, 2011

Report No. 15, Finance Committee Minutes of October 5, 2011 was distributed to Council Members at the meeting.

SEE BELOW

Item C-6
Report No. 15
Finance Committee
October 5, 2011


Item C-7
TOC
September 22, 2011

2011-434 Kilgour-Dutrisac: THAT the Tender Opening Committee Minutes of September 22, 2011 be received. CARRIED

Item C-5
Report No. 10
Audit Committee
October 5, 2011

Report No. 10, Audit Committee Minutes of October 5, 2011 was distributed to Council Members at the meeting.

The following motion was presented:

REGULAR AGENDA

MANAGERS’ REPORTS

Item R-1
Municipal Drain Maintenance Review

Report dated October 6, 2011 was received from the General Manager of Infrastructure Services regarding Municipal Drain Maintenance Review.

The following motion was presented:

2011-436 Kilgour-Dutrisac: THAT the Council of the City of Greater Sudbury approve the recommendations as outlined in the report dated October 6, 2011 from the General Manager of Infrastructure Services;

AND THAT Council accept Option 2; the financial responsibility for maintaining all City municipal drains created under the Drainage Act from January 1, 2011 forward;

AND THAT the 2012 Operating Budget for Municipal Drain Maintenance be increased from $96,000 to $196,000;

AND THAT the increase in the Municipal Drain Maintenance Budget of $100,000 be offset by reducing the contribution to the Agricultural Drains Reserve Fund by the same amount;

AND THAT the City proceed with billing the benefiting property owners.

DEFEATED

The following motion was presented:

2011-437 Kilgour-Dutrisac: THAT the Council of the City of Greater Sudbury approve the recommendations as outlined in the report dated October 6, 2011 from the General Manager of Infrastructure Services;

AND THAT Council accept Option 3; the financial responsibility for maintaining all City municipal drains created under the Drainage Act from January 1, 2006 forward;

AND THAT the 2012 Operating Budget for Municipal Drain Maintenance be increased from $96,000 to $196,000;

AND THAT the increase in the Municipal Drain Maintenance Budget of $100,000 be offset by reducing the contribution to the Agricultural Drains Reserve Fund by the same amount.

CARRIED
Conflict of 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.

BY-LAWS

THE FOLLOWING BY-LAWS WERE READ AND PASSED:

2011-212

A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING OF OCTOBER 12, 2011

2011-213

A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE CITY OF GREATER SUDBURY TO ENTER A SERVICE MANAGER ADMINISTRATION AGREEMENT WITH HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING REGARDING AFFORDABLE HOUSING FUNDING, AND TO ENTER RELATED AGREEMENTS AND DOCUMENTS TO IMPLEMENT THE ADMINISTRATION AGREEMENT

City Council Resolution #2011-417

(This By-law delegates to the Manager of Housing Services to sign as required, agreements with the Ministry of Municipal Affairs and Housing, with the land owner completing the approved affordable housing project, and all necessary related documents, and to make decisions and sign supporting documents as necessary to implement use of the affordable housing funding.)

2011-214

A BY-LAW OF THE CITY OF GREATER SUDBURY TO CLOSE AN UNOPENED PORTION OF HOROBIN STREET, SUDBURY DESCRIBED AS PART OF PIN 73586-1262 BEING PARTS 1 TO 4 ON PLAN 53R-19608

Planning Committee Recommendation #2008-247

2011-215

A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2010-1, BEING A BY-LAW TO REGULATE TRAFFIC AND PARKING ON ROADS IN THE CITY OF GREATER SUDBURY

(This by-law updates Schedule D of the Traffic and Parking By-law to correct an error.)
BY-LAWS (CONT’D)

2011-216 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE GRANTS FROM THE HEALTHY INITIATIVE FUND MADE IN 2011


(This By-law reflects recent staffing changes.)

2011-218 A BY-LAW OF THE CITY OF GREATER SUDBURY TO REGULATE ROAD OCCUPANCY INCLUDING ROAD CUTS, TEMPORARY CLOSURES AND SIDEWALK CAFES

Policy Committee Recommendation #2011-28

2011-219 A BY-LAW OF THE CITY OF GREATER SUDBURY TO REGULATE THE FOULING, OBSTRUCTION, USE AND CARE OF ROADS

Policy Committee Recommendation #2011-28

2011-220 A BY-LAW OF THE CITY OF GREATER SUDBURY TO REGULATE THE USE OF PRIVATE ENTRANCES

Policy Committee Recommendation #2011-28

2011-221 A BY-LAW OF THE CITY OF GREATER SUDBURY TO DESIGNATE AN AREA OF THE CITY OF GREATER SUDBURY AS A COMMUNITY IMPROVEMENT PROJECT AREA.

Planning Committee Recommendation #2011-176

(This By-law designates the area referenced in the Greater Sudbury Brownfield Strategy and Community Improvement Plan as a Community Improvement Project Area in accordance with subsection 28(2) of the Planning Act, R.S.O. 1990, c. P.13.)

2011-222 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT THE GREATER SUDBURY BROWNFIELD STRATEGY AND COMMUNITY IMPROVEMENT PLAN.

Planning Committee Recommendation #2011-176

(This By-law adopts the Greater Sudbury Brownfield Strategy and Community Improvement Plan as it applies to the Community Improvement Project Area designated in By-law 2011-123.)
BY-LAWS (CONT’D)

2011-223 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE WRITE-OFF OF PROPERTY TAX ARREARS FOR 344 ELGIN STREET, SUDBURY

City Council Resolution #2011-395

2011-224 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE TO CARRIE KROPF AND JAMES KROPF OF VACANT LAND ON OAK AVENUE, CONISTON, BEING PIN 73560-0731

Planning Committee Recommendation #2011-192

2011-225 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2010-220 BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONTINUE PARTS OF THE CITY OF GREATER SUDBURY AS A SITE PLAN CONTROL AREA

Planning Committee Recommendation #2011-180

(This by-law amends the Site Plan Control By-law by removing the requirement for site plan control for telecommunications towers.)

2011-226P A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT PLAN AMENDMENT NO. 27 TO THE OFFICIAL PLAN FOR THE CITY OF GREATER SUDBURY

Planning Committee Recommendation #2011-183

(The proposed amendment is a site specific amendment to provide an exception to Section 5.2.2 of the City of Greater Sudbury Official Plan to provide an exception to Section 5.2.2 in order to permit the creation of a lot having less than 2 ha (5 acres) in lot area and less than 90 m (295 ft) of lot frontage onto a public road - 477856 Ontario Inc., 4463 Municipal Road 35, Azilda.)

2011-227Z A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2010-100Z BEING THE COMPREHENSIVE ZONING BY-LAW FOR CITY OF GREATER SUDBURY

Planning Committee Recommendation #2011-184

(This by-law rezones the subject property to “RU(62)”, Rural Special in order to permit the severance of a 0.20 ha (0.49 aces) lot having 32 m (104.99 ft) of public road frontage onto Municipal Road 35 - 477856 Ontario Inc., 4463 Municipal Road 35, Azilda)
A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND
BY-LAW 2010-100Z BEING THE COMPREHENSIVE ZONING
BY-LAW FOR CITY OF GREATER SUDBURY

Planning Committee Recommendation #2011-185
(This by-law modifies existing “C2(39)”, General Commercial Special
zoning in order to permit a restaurant with a maximum seating capacity
of 20 persons, which shall include a take-out restaurant - 1662227
Ontario Limited, 450 Notre Dame Avenue, Sudbury)

This By-law was pulled as it is a duplicate of By-law 2011-211Z
passed at the City Council Meeting of September 28, 2011.

Read & Passed

2011-438: THAT By-law 2011-212 to and including By-law 2011-
227Z be read and passed.

CARRIED

MOTIONS

The following motion was presented by Councillor Berthiaume:

Berthiaume-Kilgour: WHEREAS Council of the City of Greater
Sudbury wants to maintain the public trust and confidence in the
financial integrity of the municipality;

AND WHEREAS the Audit Report submitted to the Audit
Committee on October 5, 2011 raised many concerns about the
administration of Transit Services;

THEREFORE BE IT RESOLVED THAT the Greater Sudbury
Transit Services – Transit Kiosk and Café Contract Management
matter be referred to the Chief of the Greater Sudbury Police
Service for referral to the Ontario Provincial Police for
investigation.

The Chief of Police stated he was approached by the Chief
Administrative Officer to review the matter. He advised a forensic
audit has been completed and the OPP have been contacted.

In response to a question, the City Solicitor stated the motion is
redundant however to give an explanation, Council could waive
Solicitor-Client Privilege or move into closed.
MOTIONS (CONT’D)

Procedural Motion

With the concurrence of Council, Solicitor-Client privilege was waived so as to receive information from the City Solicitor regarding the motion presented by Councillor Berthiaume.

The City Solicitor stated that Council had instructed staff to contact Greater Sudbury Police Services to initiate an investigation regarding the handling of cash and missing funds. A forensic accountant was retained and provided with all information regarding the cash handling. He stated a report is expected by Friday, October 14, 2011. He informed Council that the Chief of Police will be meeting with the OPP and the Crown’s Office to discuss with them the results of their investigation.

The Chief of Police stated an investigation has been conducted to review the sequence of events leading to the funds going missing. He described how a forensic audit works. He stated that Council can not initiate the request to the OPP as the OPP has to be invited by the local police service. He stated the OPP has been contacted by Greater Sudbury Police Services and invited to look into the matter.

Rules of Procedure

Councillor Berthiaume, as the originator of the Motion, withdrew the motion.

NOTICES OF MOTION

Councillor Cimino

The following Notice of Motion was presented by Councillor Cimino:

WHEREAS Council of the City of Greater Sudbury always strives to ensure good stewardship of taxpayer dollars;

AND WHEREAS an enhanced and established contract management framework within the Corporation of the City of Greater Sudbury would be beneficial in this regard;

AND WHEREAS there is a need in a corporation the size of City of Greater Sudbury for a dedicated and focused contract management and oversight function;

AND WHEREAS there may exist Full-time Equivalent (FTE) capacity within the current corporate wide budget;
NOTICES OF MOTION (CONT’D)

THEREFORE LET IS BE RESOLVED that staff be directed to develop, by the end of the current budget process, a contract management framework that would oversee and manage all contract obligations by third party entities who provide goods/services to any City of Greater Sudbury Departments. Staff is further directed to create the contract management body within current budget approvals.

Council noted that the above motion will be dealt with at an upcoming Council meeting.

Adjournment

2011-438 Kilgour-Belli: THAT this meeting does now adjourn. Time: 8:41 p.m.

CARRIED