



Location: Tom Davies Square -
Council Chamber

Commencement: 4:32 PM

Adjournment: 10:09 PM

Minutes

**For the City Council Meeting held
Tuesday, September 24, 2019**

His Worship, Mayor Brian Bigger, In the Chair

Present	Councillors Signoretti, McCausland, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Leduc, Mayor Bigger
City Officials	Ed Archer, Chief Administrative Officer; Eric Labelle, City Solicitor and Clerk; Ron Foster, Auditor General; Melissa Zanette, Chief of Staff
Closed Session	<p>The following resolution was presented:</p> <p>CC2019-280 Leduc/Kirwan: THAT the City of Greater Sudbury move to Closed Session to deal with one (1) Personal Matter (Identifiable Individual(s)) regarding a performance review in accordance with the Municipal Act, 2001, s. 239(2)(b).</p> <p>CARRIED</p> <p>Council moved into closed session at 4:33 p.m.</p>
Recess	At 5:06 p.m. Council recessed.
Reconvene	At 6:05 p.m., Council commenced the Open Session in the Council Chamber.

His Worship, Mayor Brian Bigger, In the Chair

Present	Councillors Signoretti, Vagnini, Montpellier, McCausland, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Leduc, Landry-Altmann, Mayor Bigger
City Officials	<p>Ed Archer, Chief Administrative Officer; Kevin Fowke, General Manager of Corporate Services; Tony Cecutti, General Manager of Growth and Infrastructure; Ed Stankiewicz, Executive Director of Finance, Assets and Fleet; Steve Jacques, General Manager of Community Development; Joanne Kelly, Director of Human Resources and Organizational Development; Ian Wood, Executive Director of Strategic Initiatives; Ron Foster, Auditor General; Melissa Zanette, Chief of Staff; Kelly Gravelle, Deputy City Solicitor; Marie Litalien, Acting Director of Communications & Community Engagements; Jason Ferrigan, Director of Planning Services; Eric Labelle, City Solicitor and Clerk; Lisa Locken, Clerk's Services Assistant; Julie Lalonde, Clerk's Services Assistant;</p> <p>Robert Swayze, Integrity Commissioner</p>

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Matters Arising from the Closed Session

Deputy Mayor Sizer, as Chair of the Closed Session, reported that Council met in Closed Session to deal with one (1) Personal Matters (Identifiable Individual(s)) regarding a performance review in accordance with the Municipal Act, 2001, s. 239(2)(b). No direction or resolutions emanated from this meeting.

Matters Arising from Planning Committee

September 9, 2019

Councillor Cormier, as Chair of the Planning Committee, reported on the matters arising from the Planning Committee meeting of September 9, 2019.

Rules of Procedure

Councillor Montpellier requested that Planning Committee resolution PL2019-110 be pulled and dealt with separately.

The following resolution was presented:

CC2019-281 Leduc/Kirwan: THAT the City of Greater Sudbury approves the Planning Committee resolutions PL2019-108 to PL2019-109 and PL2019-112 to PL2019-113 inclusive from the meeting of September 9, 2019.

The following are the Planning Committee resolutions:

Alexander Dumas – Application for Zoning By-Law Amendment, 1663 Kingsway, Sudbury

PL2019-108 Sizer/McCausland: THAT the City of Greater Sudbury approves the application by Alexander Dumas to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from "M1-1", Business Industrial to "C2", General Commercial on those lands described as PIN 73573-0015, Parcel 48737, Parts 1, 2, 3 & 5, Plan 53R-1222 in Lot 12, Concession 4, Township of Neelon, as outlined in the report entitled "Alexander Dumas" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019.
CARRIED

Hautamaki Estates Limited - Application for rezoning in order to permit "C2", General Commercial uses on vacant lands designated Mixed Use Commercial, Countryside Drive, Sudbury

PL2019-109 McCausland/Sizer: THAT the City of Greater Sudbury approves the application by Hautamaki Estates Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from "FD", Future Development to "C2(Special)", General Commercial Special on lands described as Part of PIN 73475-1268 in Lot 6, Concession 5, Township of Broder, as outlined in the report entitled "Hautamaki Estates Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019, subject to the following conditions:

a) The prior to the adoption of the amending by-law, the owner shall address the following conditions:

- i) Provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law;
- ii) Obtain easements across PIN 73475-1258 for access and servicing; or alternatively, PIN 73475-1258 is transferred to the City and consolidated with PIN 73475-0154, being the Countryside Drive right-of-way;

b) That relief for zero lot frontage be provided if easements are granted in lieu of the transfer of PIN 73475-1258 to the City;

c) That the amending by-law includes the following site-specific provision:

- i) No loading spaces and a minimum easterly interior side yard setback of 2.5 metres shall be permitted for a veterinary clinic;

d) Conditional approval shall lapse on September 24, 2021 unless Condition a) above has been met or an extension has been granted by Council.

CARRIED

Dalron - Application to extend Draft Plan of Subdivision Approval for Hidden Valley, Valley East

PL2019-112 Sizer/McCausland: THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands known as Parcel 448 SES, and Parcel 2884 and deemed Plan M-1130 excluding Lot 94 and part of Lot 81 and includes deemed Plan M-1131 and deemed Plan M 1132, excluding part of Lot 20, Lot 7, Concession 5, Township of Blezard, Val Caron, File 780-7/04003, as outlined in the report entitled "Dalron Construction" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019 upon the payment of the processing fee of \$2,852.75 as follows:

a) By replacing Condition #10 with the following:

"10. That this draft approval shall lapse on August 25, 2022."

b) By replacing Condition #40 with the following:

"40. The owner shall construct Street A and Anton Avenue to an urban collector standard complete with on-road bicycle lanes and a sidewalk along the west and east sides, respectively and shall construct Hidden Valley Drive to an urban collector standard complete with on-road bicycle lanes and a sidewalk along the south side. On-street parking shall be restricted on both sides of Street A, Anton Avenue and Hidden Valley Drive. Collector streets are to be designed with traffic calming measures to reduce operating speeds to the satisfaction of the General Manager of Growth and Infrastructure."

c) By updating Condition #47 by deleting the words 'Growth and Development'.

d) By adding a new Condition #57:

"The owner requires permission from Conservation Sudbury for any development in a Regulated Area."

CARRIED

Maxime Rivard - Request to amend Planning Committee Resolution PL2018-18 pertaining to Rezoning File 751-6/17-22, 1124 Gordon Avenue, Sudbury

PL2019-113 Sizer/McCausland: THAT Planning Committee Resolution PL2018-18 pertaining to Rezoning File 751-6/17-22 as outlined in the report entitled "Maxime Rivard" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019 be amended as follows:

a) That Clause ii) of Paragraph a) be deleted and replaced with the following:

"Install an opaque fence with a minimum height of 1.8 metres along the southerly interior side lot line from the front building line of the existing garage to the rear building line of the existing dwelling to the satisfaction of the Director of Planning Services."

b) That Clause ii) of Paragraph b) be deleted and replaced with the following:

"An opaque fence with a minimum height of 1.8 metres shall be required along the southerly interior side lot line from the rear building line to the easterly limit of the outdoor parking area."

c) That in accordance with Subsection 34(17) of the Planning Act, no further notice is to be given with respect to the change to the proposed by-law.

CARRIED

PL2019-110 was dealt with separately.

Teen Challenge Canada Inc. – Application for Zoning By-law Amendment in order to allow for a special needs facility accommodating a maximum of sixteen individuals, 1823 Vermilion Lake Road, Dowling (PL2019-110)

The following resolution was presented:

CC2019-282 (PL2019-110) Sizer/McCausland: THAT the City of Greater Sudbury approves the application by Teen Challenge Canada Inc. to amend By-law 2010-100Z by changing the zoning classification on the subject lands from "C7", Resort Commercial to "C7(S)", Resort Commercial Special on those lands described as PIN 73367-0543, Part of Parcel 6425, Lot 3, Concession 6, Township of Fairbank, as outlined in the report entitled "Teen Challenge Canada Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law:

- a) The owner shall apply for a building permit for a change of use to the satisfaction of the Chief Building Official; and,
 - b) That the shipping containers located on the subject lands be removed to the satisfaction of the Chief Building Official and the Director of Planning Services.
2. That the amending zoning by-law contain the following site-specific provisions:
- a) That in addition to those uses permitted in the parent "C7" Zone, a special needs facility be added as a permitted use; and,
 - b) That the special needs facility be limited to a maximum occupancy of sixteen individuals and necessary employees to provide support services.
 - c) That a 1.5m opaque fence be installed on the front and interior side lot lines to the satisfaction of the Director of Planning Services.
3. That conditional approval shall lapse on September 24, 2021 unless Condition #1 above has been met or an extension has been granted by Council.
- CARRIED**

Presentations

CAO Performance - Quarterly Report

Report dated September 11, 2019 from the Chief Administrative Officer regarding CAO Performance - Quarterly Report.

Ed Archer, Chief Administrative Officer, provided an electronic presentation regarding the CAO Performance - Quarterly Report for information only.

Managers' Reports

R-1 . Core Service Review Phase 1

Report dated September 11, 2019 from the Chief Administrative Officer regarding Core Service Review Phase 1.

The following resolution was presented:

CC2019-283 Kirwan/Leduc: THAT the City of Greater Sudbury delegates the Chief Administrative Officer authority to execute a contract in a form acceptable to the City Solicitor with the highest scoring proponent of Request for Proposals Contract CPS19-194, Consulting Services - Core Services Review (CSR) that includes the following services as the subjects of the in-depth review described in the Terms of Reference:

- a) Arenas
- b) Parks
- c) Recreation Programming
- d) Assets and Facilities Management
- e) Roads Operations and Maintenance
- f) Community Grants (including grants provided by Economic Development)
- g) Long Term Care

AND THAT funding for the work described in Motion #1 be provided by the Tax Rate Stabilization Reserve in contemplation of reimbursement from the Province of Ontario's Audit and Accountability Fund, as outlined in the report entitled "Core Service Review Phase 1" from the Chief Administrative Officer, presented at City Council on September 24, 2019.

Rules of Procedure

Councillor Vagnini presented the following amendment:

CC2019-283-A1 Vagnini/Signoretti: THAT the resolution be amended to include the following paragraph:

AND THAT the Auditor General work in concert with the Chief Administrative Officer throughout the Core Review process with a view to providing a report to the Audit Committee.

Rules of Procedure

Councillor McIntosh presented a friendly amendment to include that the report return "to City Council at the end of the process".

The friendly amendment was accepted by Councillor Vagnini.

The amendment with the inclusion of the friendly amendment was presented:

CC2019-283-A1 Vagnini/Signoretti: THAT the resolution be amended to include the following paragraph:

AND THAT the Auditor General work in concert with the Chief Administrative Officer throughout the Core Review process with a view to providing a report to City Council at the end of the process.

CARRIED

Rules of Procedure

Councillor Vagnini requested a Simultaneous Written Recorded Vote.

YEAS: Councillors Signoretti, Vagnini, Montpellier, McCausland, Kirwan, Lapierre, Jakubo, McIntosh, Cormier, Leduc, Landry-Altmann, Mayor Bigger

NAYS: Councillor Sizer

CARRIED

The resolution as amended was presented:

CC2019-283 Kirwan/Leduc: THAT the City of Greater Sudbury delegates the Chief Administrative Officer authority to execute a contract in a form acceptable to the City Solicitor with the highest scoring proponent of Request for Proposals Contract CPS19-194, Consulting Services - Core Services Review (CSR) that includes the following services as the subjects of the in-depth review described in the Terms of Reference:

- a) Arenas
- b) Parks
- c) Recreation Programming
- d) Assets and Facilities Management
- e) Roads Operations and Maintenance
- f) Community Grants (including grants provided by Economic Development)
- g) Long Term Care

AND THAT funding for the work described in Motion #1 be provided by the Tax Rate Stabilization Reserve in contemplation of reimbursement from the Province of Ontario's Audit and Accountability Fund, as outlined in the report entitled "Core Service Review Phase 1" from the Chief Administrative Officer, presented at City Council on September 24, 2019.

AND THAT the Auditor General work in concert with the Chief Administrative Officer throughout the Core Review process with a view to providing a report to City Council at the end of the process.

CARRIED

R-2 . Sudbury District Zoning Order

Report dated September 5, 2019 from the General Manager of Growth and Infrastructure regarding Sudbury District Zoning Order.

The following resolution was presented:

CC2019-284 Leduc/Kirwan: THAT the City of Greater Sudbury endorses the report entitled "Sudbury District Zoning Order" from the General Manager of Growth and Infrastructure, presented at the City Council Meeting on September 24, 2019 and forwards the report to the Ministry of Municipal Affairs and Housing as the City's response to the provincial proposal to revoke the Sudbury District Zoning Order.

CARRIED

R-3 . Municipal Capital Facility Designation - Sudbury Winter Tennis Club

Report dated September 6, 2017 from the General Manager of Corporate Services regarding Municipal Capital Facility Designation - Northern Water Sports Centre.

The following resolution was presented:

CC2019-285 Kirwan/Leduc: THAT the City of Greater Sudbury directs staff to prepare a by-law pursuant to Section 110 of the Municipal Act providing authority to:

- (a) Enter into a municipal capital facility agreement with Sudbury Winter Tennis Club, a tenant at the City owned property at 0 Cypress Street, for the purposes of providing a municipal capital facility related to the provision of cultural, recreational or tourist purposes; and
- (b) Exempt the leased premises from taxation for municipal and school purposes, which tax exemption is to be effective from the latest of (i) the date the municipal capital facility agreement is signed and (ii) the date the tax exemption by-law is enacted;

AND FURTHER THAT the City Clerk be directed to give written notice of the by-law to the Minister of Finance, the Municipal Property Assessment Corporation, the Rainbow District School Board, Conseil scolaire public du Grand Nord de l'Ontario, Sudbury Catholic District School Board, Conseil scolaire catholique du Nouvel-Ontario;

AND THAT a grant to the Sudbury Winter Tennis Club to offset the property tax arrears in the approximate amount of \$61,000 be approved, and be funded from the Tax Rate Stabilization Reserve, all as outlined in the report entitled "Municipal Capital Facility Designation - Sudbury Winter Tennis Club" from the General Manager of Corporate Services, presented at City Council on September 24, 2019.

CARRIED

R-4 . Code of Conduct Report

Report dated September 11, 2019 from the Integrity Commissioner regarding Code of Conduct Report.

Motion for Deferral

Councillor Kirwan presented the following resolution:

CC2019-286 Leduc/Kirwan: WHEREAS By-Law 2019-16, the Code of Conduct for Members of Council and Local Boards and Complaint Protocol (the "Code") was approved by City Council on February 19, 2019;

AND WHEREAS Section 21 (7) of the "Code" states, "If the Integrity Commissioner has decided to commence an investigation (except where otherwise required by the Public Inquiries Act, 2009, if applicable), the Integrity Commissioner shall provide a copy of the Complaint or Application and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days.";

AND WHEREAS Section 21 (7) of the "Code" also states, "A Complainant or an Applicant may request that their Complaint or Application remain anonymous and, if approved by the Integrity Commissioner, their name will not be released.";

AND WHEREAS the Integrity Commissioner has not provided Councillor Kirwan with copies and supporting evidence of eight (8) of the nine "Code" complaints referenced in his Report to Council;

THEREFORE BE IT RESOLVED that the Report from the Integrity Commissioner, dated September 3, 2019, on the matter of Code of Conduct Complaints against Councillor Robert Kirwan, be deferred until the third Council meeting following confirmation by Councillor Kirwan that he is in receipt of electronic copies of the eight missing complaints and supporting evidence, including date of the individual complaint, date received by the Integrity Commissioner, the current disposition of the complaint by the Integrity Commissioner, and any other pertinent information that may be available. Further, let it be at the discretion of the Integrity Commissioner to release the names of the complainants who have requested anonymity.

DEFEATED

The following resolution was presented:

CC2019-287 Sizer/Lapierre: THAT the City of Greater Sudbury reprimands Councillor Robert Kirwan in accordance with the report from the Integrity Commissioner, presented at the City Council meeting on September 24, 2019.

CARRIED

Resolution to proceed past 9:05 p.m.

Kirwan/Leduc: THAT this meeting proceeds past the hour of 9:05 p.m.

CARRIED BY TWO-THIRDS MAJORITY

Referred & Deferred Matters

R-5 . GSU Shareholder Declaration Recommendation

Report dated September 11, 2019 from the General Manager of Corporate Services regarding GSU Shareholder Declaration Recommendation.

The following resolution was presented:

CC2019-288 Kirwan/Leduc: THAT the City of Greater Sudbury directs the General Manager of Corporate Services to present a by-law adopting the revised shareholder declaration in Appendix C, with section 4.1.1. being in accordance with Option 1, as outlined in the report entitled "GSU Shareholder Declaration Recommendation", from the General Manager of Corporate Services, presented at the City Council meeting on September 24, 2019.

(Option 1: That the Board continue to be comprised of five (5) individuals which includes three (3) City directors and two (2) independent directors.)

DEFEATED

Councillor Landry-Altman departed at 10:09 p.m.

Resolution to proceed past 10:05 p.m.

Leduc/Kirwan: THAT this meeting proceeds past the hour of 10:05 p.m.

DEFEATED

By-Laws

CC2019-288 Leduc/Kirwan: THAT the City of Greater Sudbury read and pass By-law 2019-152 to and including By-law 2019-158.

CARRIED

The following are the By-laws:

2019-152

A By-law of the City of Greater Sudbury to Confirm the Proceedings of Council at its Meeting of September 24th, 2019

2019-153

A By-law of the City of Greater Sudbury to Amend By-law 2014-1 being a By-law of the City of Greater Sudbury Governing Procurement Policies and Procedures

(This by-law implements housekeeping changes to correct minor typographical errors, lists the Greater Sudbury Housing Corporation for the application of the by-law and adds content to align with the trade agreements and Construction Act, R.S.O. 1990 c. C.30.)

2019-154

A By-law of the City of Greater Sudbury to Amend By-law 2016-16F being a By-law of the City of Greater Sudbury Respecting the Payment of Expenses for Members of Council and Municipal Employees of the City of Greater Sudbury

City Council Resolution #CC2019-228

(This by-law updates the by-law with respect to reimbursement of expenses for alcohol as a business hospitality expense.)

2019-155

A By-law of the City of Greater Sudbury to Close Part of the Unopened Lane South of Vermillion Lake Road in Chelmsford, Described as Part of PIN 73367-0378(LT), being Part 1 on Plan 53R-21211

Planning Committee Resolution #PL2019-10

(This by-law closes an unopened laneway to make the lands available for sale.)

2019-156

A By-law of the City of Greater Sudbury to Authorize the Sale of Part of the Closed Lane South of Vermillion Lake Road in Chelmsford, Described as Part of PIN 73367-0378(LT), being Part 1 on Plan 53R-21211, to Roger Brosseau and Linda Brosseau

Planning Committee Resolution #PL2019-65

(This by-law authorizes the sale of part of a closed lane allowance to an abutting land owner and delegates authority to sign all documents necessary to effect the sale.)

2019-157Z

A By-law of the City of Greater Sudbury to Amend By-law 2010-100Z Being the Comprehensive Zoning By-law for the City of Greater Sudbury
Planning Committee Resolution #PL2019-59
(This by-law rezones a portion of the subject lands to "RS", Rural Shoreline in order to facilitate a lot boundary re-alignment between two abutting rural properties - Gayl Lalande, Red Deer Lake Road North, Wahnapiatae.)

2019-158

A By-law of the City of Greater Sudbury to Delegate Certain Authority to the Chief Administrative Office Regarding the Lease between the City of Greater Sudbury as Landlord and the Place des Arts as Tenant, of Property on Larch Street, Sudbury
Refer to CC2019-277
(This by-law authorizes the CAO to provide the City's consent to Place des Arts du Grand Sudbury mortgaging its lease from the City of vacant land on Larch Street to provide security for a loan by the Caisse Populaire Voyageurs Inc. to Place des Arts to assist with the construction costs of the new multi-use facility being constructed on the leased land.)

Adjournment

Automatic Adjournment at 10:09 p.m.

The following items were not addressed at the meeting:

R-5 Continuation of GSU Shareholder Declaration Recommendation

Members' Motions

- M-1 . **Roads Construction And Maintenance Review**
- M-2 . **Downtown Sudbury Board of Management By-Law Amendment**
- M-3 . **Request For Review Of Municipal Road 80 And Notre-Dame Avenue In Hanmer**

Addendum

Civic Petitions

Question Period

Mayor Brian Bigger, Chair

Eric Labelle, City Solicitor and Clerk