



OPERATIONS COMMITTEE AGENDA

Operations Committee Meeting
Monday, June 17, 2013
Tom Davies Square

COUNCILLOR JACQUES BARBEAU, CHAIR

Claude Berthiaume, Vice-Chair

4:00 p.m. OPERATIONS COMMITTEE MEETING
COMMITTEE ROOM C-11

Council and Committee Meetings are accessible. For more information regarding accessibility, please call 3-1-1 or email clerks@greatersudbury.ca.

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

PRESENTATIONS

1. Report dated June 12, 2013 from the General Manager of Infrastructure Services regarding Update on Construction Projects - Roads and Water Wastewater Capital Program Update. **5 - 7**
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)
 - Peter Chiesa, Manager of Project Engineering

(This report provides an update on the status of the 2013 and 2014 capital budget program relating to sewer, water, and roads capital projects.)
2. Transportation Master Plan Update
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)
 - David Shelsted, Director of Roads & Transportation Services

(This presentation will provide an update on the status of the Transportation Master Plan as well as an overview of information to be provided at the Public Information Centre meeting scheduled for June 19, 2013.)
3. Report dated June 5, 2013 from the General Manager of Growth and Development regarding Options for Taxi Regulation - Response to Airport Contract Award. **8 - 27**
(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)
 - Darlene Barker, Manager of Compliance and Enforcement

(This report provides options for Council's consideration to amend the by-law regulating taxis as a result of the Sudbury Airport ground transportation contract award.)

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.)

CORRESPONDENCE FOR INFORMATION ONLY

- C-1. Report dated June 3, 2013 from the General Manager of Infrastructure Services regarding Winter Control Operations Update - April 2013. **28 - 29**
(RECOMMENDATION PREPARED)

(This report provides the Committee with a financial update on winter operations up to April 30, 2013.)

REGULAR AGENDA

MANAGERS' REPORTS

- R-1. Report dated June 5, 2013 from the General Manager of Growth and Development regarding Draft Idling Control By-law. **30 - 55**

(RECOMMENDATION PREPARED)

(Report on the consultation with local stakeholders undertaken in advance of Council's consideration of an Idling Control By-law that would restrict vehicle idling in the City to a period of two minutes unless an exemption applies. The draft by-law will be presented as well.)

- R-2. Report dated June 12, 2013 from the General Manager of Infrastructure Services regarding Locates Service Provider Report. **56 - 86**

(RECOMMENDATION PREPARED)

(This report recommends authorization to procure a Locates Service Provider (LSP) on an interim.)

ADDENDUM

CIVIC PETITIONS

QUESTION PERIOD AND ANNOUNCEMENTS

NOTICES OF MOTION

ADJOURNMENT

BRIGITTE SOBUSH, DEPUTY CITY CLERK

FRANCA BORTOLUSSI, COUNCIL ASSISTANT

For Information Only

Update on Construction Projects - Roads and Water Wastewater Capital Program Update

Presented To: Operations Committee

Presented: Monday, Jun 17, 2013

Report Date: Wednesday, Jun 12, 2013

Type: Presentations

Recommendation

For information only.

Summary

The Engineering Services Division has been preparing construction drawings and construction specifications for twenty-seven projects. These projects were identified in the 2013 Capital Budget along with budget amounts in the various operating accounts.

As of May 31, 2013, sixteen (16) contracts have been awarded and are presently in progress; three (3) contracts are presently out for tender; four projects will be tendered between June and July; and, four projects will be carried over into 2014. See chart below.

2013 Budget	Awarded	Out for Tender	To be Tendered	Tender 2014
27	16	3	4	4

Signed By

Report Prepared By

Peter Chiesa
Manager of Project Engineering
Digitally Signed Jun 12, 13

Division Review

Kevin Shaw
Director of Engineering Services
Digitally Signed Jun 12, 13

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure Services
Digitally Signed Jun 12, 13

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jun 12, 13

Projects to be Tendered in 2014

Four projects have been identified as carryovers to 2014. The carryovers were necessary and are explained in detail below:

Jean Street: Watermain Improvements - Frood Road to Eva Street

This project involves the replacement of the existing watermain along with the water services from the new watermain to lot line.

This project was identified in the 2013 Capital Water Budget and the survey for the preparation of base plans was immediately ordered. The survey was completed in the early spring of 2013 and preliminary plans were prepared. Due to the workload in the Section, the design work has just commenced. The design work and a tender package would not be available until late in the year.

This project will be tendered in early 2014.

Charette Street: Watermain and Sanitary Sewer Improvements - Lift Station to Fitzgerald Street

The project involves the placement of sheet piles in order to provide a safe trench in the unstable soil conditions that were identified in the geotechnical report.

Initial cost estimates were high and alternatives were examined to reduce the cost of the project. The sheet piling required for the contract is a special order with a delivery time of six to eight weeks and is very expensive.

Alternatives are presently being examined to reduce the cost of the project.

This project will be tendered in early 2014.

Kingsway: Asphalt Treatment and Underground Rehabilitation - 900m West of Bancroft to Bancroft

Work at this location involves concrete curb replacement and rehabilitation of the existing asphalt (including resurfacing). In addition, sanitary sewer and watermain rehabilitation work has been identified. The underground work will be performed this summer during the evening hours.

With the work presently being performed at the Lasalle/Notre Dame intersection and to avoid additional traffic congestion, the replacement of the concrete curb and rehabilitation of the existing asphalt will be postponed until the 2014 construction season. Residents are presently using the Kingsway as an alternate road due to the construction at the Lasalle/Notre Dame intersection. Once the majority of the work at the Lasalle/Notre Dame intersection is near completion, then this location will be tendered.

Walter and William - Bridge Rehabilitation

The design had been completed for this location; however, in order to perform the work, contractor's equipment would have to utilize private property. Agreements are being established with the property owners to temporarily use private property as a staging area for equipment. One property owner does not reside in town and formalizing an agreement will take some time. In addition to obtaining agreements, there is a Ministry of Natural Resources restriction that no work can be performed in the channel after August 31. This restriction is to protect fish habitat. For the above mentioned reasons, this project would not be completed before the August 31 deadline. This project will be tendered in early 2014.

Projects Over Two Construction Seasons

There will be a total of two projects that will commence in 2013 and be completed by the end of the summer of 2014. These two projects are Regent/Bouchard/Southview and Loach's Road.

The Regent/Bouchard/Southview project will involve replacing the existing watermain with a new watermain on Regent Street between Bouchard and Martindale Road, on Bouchard between Regent and Southview, and on Southview between Bouchard and the east leg of Cranbrook. Regent Street shall have all the concrete curb replaced and the existing asphalt rehabilitated and widened for bicycle laneways. Minor improvements shall occur on Bouchard and Southview. Due to the complexity and volume of work involved, the contract completion will be late summer of 2014 with the final lift of asphalt in 2015.

The Loach's Road project will have the existing watermain and sanitary sewer replaced along with all services to lot line. Roadwork will include replacing concrete curb and rehabilitation of the asphalt surface. Included with the Loach's Road project will be Windle Drive between Loach's Road and Millwood. During the design stage, it was determined that there was an extensive amount of rock than initially anticipated. Alternatives for the proposed new watermain were examined to reduce the cost and a location was finalized. This delayed the tendering of the contract. With the extensive amount of construction and the late tendering, this project will be complete by the end of the summer of 2014.

Financial Overview

The total of all projects is approximately \$48,281,000 with approximately \$6,770,000 to be tendered in 2014. This represents approximately 86% of the available funds being spent in 2013. The four carryover projects will be the first contracts tendered in early January 2014.

Goals and Objectives

The primary goal and objective of the Project Engineering Section is to have the majority of all work tendered in the first four months of a calendar year. This allows staff and local contractors to successfully coordinate and plan for the construction season. With an early tendering process, it is anticipated that the City of Greater Sudbury will receive favourable contract prices. With proper planning and a firm committed list of future projects, our goal and objective should be achievable.

The 2013 Capital Budget identified three extraordinarily large projects namely: Lasalle/Notre Dame Intersection, Regent/Bouchard/Southview Upgrading and Garson Coniston Road Upgrading. The magnitude of these three projects required more resources and coordinations and resulted in a tender schedule beyond the planned April objective. All three large projects will be tendered this year. The draft list of projects for 2014 does not indicate projects of similar magnitude or complexity. All construction projects contemplated for 2014 are on a schedule that anticipates a tender period in the first four months of next year.

Request for Decision

Options for Taxi Regulation - Response to Airport Contract Award

Presented To: Operations Committee

Presented: Monday, Jun 17, 2013

Report Date: Wednesday, Jun 05, 2013

Type: Presentations

Recommendation

That the City of Greater Sudbury direct staff to conduct consultation with the taxi industry and the public and report on a new comprehensive Taxi, Limo and Shuttle Transportation By-law regulating taxi transportation services pursuant to one class of license explained by Option 3 in the report dated June 5, 2013 from the General Manager of Growth and Development.

Background

An information report heard by Operations Committee on February 4, 2013 summarizes the current taxi licensing program and introduces the initiative by the Greater Sudbury Airport Community Development Corporation (SACDC) to procure contracted Ground Transportation Services (taxi and shuttle services) to and from the Greater Sudbury Airport. The report also explains the procurement process, milestone dates and suggests that there may be requests for amendments to the taxi by-law to facilitate the contracted services and respond to requests from the industry. (See attachment 1 to this report)

Staff have received unsolicited comments and concerns from some of the affected taxi owners and drivers, but have not fully consulted with all stakeholders as indicated in previous reports. The Committee received the report for information and directed staff to “conduct a review of the Taxi, Limousine and Shuttle By-law related to the taxi licenses as a result of the airport contract award.” The minutes of the committee meeting were approved by Council during its meeting of February 26, 2013. (See attachment 2 to this report)

Airport Ground Transportation Award

The procurement of taxi and shuttle services at the Greater Sudbury Airport is complete. The SACDC Board unanimously approved the award of the Ground Transportation Contract to Sudbury Cab Corporation. The Greater Sudbury Airport will be working closely with Sudbury Cab to transition to the new service, targeting a July implementation date.

Signed By

Report Prepared By

Darlene Barker
Manager of Compliance and
Enforcement
Digitally Signed Jun 5, 13

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Jun 5, 13

Recommended by the Department

Bill Lautenbach
General Manager of Growth and
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Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
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The contracted service will have exclusive rights to pick up fares at the airport and will be licensed pursuant to the Taxi By-law, 2008-180, through the issuance of Shuttle Licenses, Zone 2A Taxi Licenses and Taxi Drivers' Licenses.

The Sudbury Airport has taken on responsibility to ensure that the current taxi owners are notified of the implementation date. There are 11 Zone 2A taxi owners and drivers that will discontinue the use of their taxi for service at the airport as a result, but may continue to operate in the areas outside the old former City of Sudbury. All other licensed taxi owners and drivers may be affected indirectly due to the loss of service they provide customers picking up at the airport on a pre-arranged basis.

Current Taxi Licensing By-law Review – Taxicab Licenses based on Zones

The current Taxi Licensing By-law sets out 3 classes of taxicab licenses. The class of licenses considers the imposition of conditions regulating taxicabs within the City of Greater Sudbury to specific geographical areas. These areas were recognized prior to amalgamation as the former old City of Sudbury (Zone 1) and outlying municipalities (Zone 2), separated further into a category of license that authorizes serving customers at the airport, on demand (Zone 2A). The regulations for each of the classes mimic those prior to amalgamation, on the basis of "localized" consumer protection. The adoption of the classes of taxi licenses in the current by-law was intended to ensure that residents and visitors within the outlying areas of the City of Greater Sudbury continue to have a level of taxicab service available to them which is timely and available from sources outside of the downtown core of the new City, and is intended to protect this broader public interest.

The following table demonstrates the number of current licenses issued in each zone and the difference in regulations amongst the three classes of licenses.

Table 1 – Review of Taxicab Licenses per Zone and Regulations

Class of Taxi	Zone 1	Zone 2	Zone 2A	Shuttles
Area of Operation	Pickup in Former City and other areas if the fare terminates in Former City Pickup at the Airport	Pickup in areas outside Former City and other areas if fare terminates outside Former City Pick up at Airport for prearranged fares only	Pickup in areas outside Former City and other areas if the fare terminates outside old Former City Pickup at the Airport	To and from Airport
2012 Issuance (April)	92 + 8 Accessible	10	16	2
2013 Issuance (May)	91 + 8 Accessible	14	13	2
Restrictions on Number of Taxicab Licenses	(1 taxicabs per 1000 residents as per formula)	None	None	None
Age of Taxicabs	Vehicles must be no older than 7 yrs / accessible 10 yrs	No restrictions	Vehicles must be no older than 7 yrs	None
Insurance	\$2 million	\$1 million	\$1 million	\$1 million
Availability	1 taxi – 8 hours in 24 >1 taxi - 24 hrs/7 days a week	Reasonable service	Reasonable service	Reasonable service
Minimum Annual Safety Inspections	2	1	2	2
Annual License Renewal Fee	\$200	\$100	\$200	\$100

Report Options

Summary

In consideration of the Airport Ground Transportation Contract Award and the effect that this award will have on the current licensed taxicabs the following options are included in this report for Council's consideration.

Option 1 is to keep the taxi classes and their regulations at status quo. This option will result in the direct decline of the business of the owners and drivers employed by the Class 2A licensed taxicabs and indirectly to all other taxicab owners and drivers due to the contracting of ground transportation services at the airport. It is for this reason, that this option is not recommended.

Option 2 is explained in the report as the conversion of the effected Zone 2A taxi license to a Zone 1 license. This option provides compensation in kind to the loss of business due to the contracting of ground

transportation services at the airport for the 2A taxi owners and drivers. It does not address the effect this may have on the remaining taxicab businesses. Although it is not the recommended option in this report, it may be feasible to consider as an interim measure until a full review of the by-law can be undertaken.

Option 3 is the recommended option in this report. This option anticipates a full review of the by-law and public consultation with all stakeholders towards a new by-law; regulating all taxis and amalgamating the zones for services pursuant to one class of taxi license. The amalgamation of the zones in the taxi by-law intends to provide a fair, consistent safe taxi service to all citizens regardless of geographical location.

Current Airport Taxi Service

To date there are thirteen (13) Zone 2A taxicabs operating at the airport. These are the only taxis that are authorized by the airport and pursuant to the by-law to wait in the queue to take passengers from the airport on demand to all destinations. Other licensed taxi cabs may pre-arrange the pick-up of customers from the airport as long as the service was ordered in advance and the destination is according to zone under which they are licensed for. The fares for these services are regulated in the by-law. In addition there are two (2) shuttles operating at the airport pursuant to a shuttle license according to the by-law. Shuttles are designed to carry seven or more passengers, providing on demand service from the airport with each passenger or group of passengers charged separately for the service. The fee for shuttles is not regulated pursuant to the by-law.

Option 1 – Status Quo

The contracted transportation service at the airport is expected to be implemented in early July this year. Two (2) of the thirteen (13) taxicab licenses are currently issued to Sudbury Cab, the contract award, leaving eleven (11) of the licensed taxicabs remaining. The contracted company did not procure or hire any of the taxis or drivers currently servicing the airport for inclusion in their company. The outstanding eleven (11) licensed cabs will no longer be permitted to pick up customers at the airport, either on demand or as a prearranged service. Although the taxicab owners currently licensed to service the airport contend this is the major source of their business, they may continue their business to service the rural areas of the City with less regulations effectively under a Zone 2 license. The taxicab owners currently licensed to service the airport perceive this result as having a negative impact on their livelihood and that of the drivers they may employ. It is for this reason, the status quo option is not recommended. If Council directed staff to implement this option, amendments to the by-law would be required to address the exclusive rights of the contracted service to pick up fares at the airport.

Option 2 - Conversion of Current Zone 2A Taxi Licenses to Zone 1 Taxi Licenses

The conversion of the current Zone 2A Taxi licenses to Zone 1 may be perceived as an acceptable form of compensation in kind for the loss of business that is expected to be experienced by the current Zone 2A owners and drivers. Approximately one half of the total population of Greater Sudbury lives in the old former City of Sudbury boundaries; the area of the taxi business seen as more lucrative for the Zone 1 license than any other part of the amalgamated City. In addition, because of the restriction on the numbers of Zone 1 licenses there is an additional value to the license. The by-law provides that a transfer of a Zone 1 license is permitted with the sale of the vehicle. The transfer of a license is similar to the sale of a business which includes customers and is seen by some as an investment. The conversion of the 2A license to a Zone 1 “value added” license may be seen by the current Zone 1 owners as being unfair and lowering the value of their license.

Implementing this option may result in additional service to the downtown area. It has been identified that additional service is required during the early morning hours during the weekend in the downtown to

facilitate the movement of people during closing times of liquor licensed establishments. Additional Zone 1 licenses will aid in this endeavor.

Although there are benefits seen to this option, there are challenges that must be identified. One of the larger established Zone 1 taxicab owners have expressed their disapproval of this option. They advise that additional taxicabs operating in the downtown will water down their business. This option does not contemplate any compensation for the Zone 1 and 2 licensed taxi owner who may see a decline in their business resulting from not continuing the pick up of customers at the airport on a prearranged basis, due to the exclusive rights of the contractor servicing the airport.

In restricting the Zone 1 licenses the by-law sets out a method of calculating the number of taxicab licenses required to service the former city area (Zone 1) and the method of issuing additional licenses. Currently the calculations show that the number of licenses issued is greater than the number required as per the formula shown in Table 2, below. Approving this option will see the number of Zone 1 licenses increased by 15 taxis over the established required limit. The by-law also sets out a method for issuing additional licenses through an established waiting list for a Zone 1 license. The conversion of the licenses is not compliant with the method of issuing additional licenses in the by-law and those currently on the waiting list may feel they have been treated unfairly.

The table below shows the number of number of taxis that operate and serve the public in the areas outside the former city. Zone 2A licenses when not servicing patrons arriving at the airport also provide service to the public in the areas outside the former city. Implementing this option will see a decrease in the number of taxis that can service the outlying areas of Greater Sudbury. Staff has heard complaints in the past about the lack of taxi service in the areas outside the former city and decreasing the number of licenses that are permitted to operate in this area may add to the problem.

Table 2

Class	Current Licenses	Proposed in Option 2	Maximum Number as Calculated in By-law
Zone 1	91 (approved in 2006)	102	87
Zone 2A	13	2 – 5 as per contract with Airport	No Restrictions
Zone 2	14	14	
Total Zone 2 and 2A	27	16-19	

Although conversion of the Zone 2A licenses to Zone 1 licenses is not the recommended option in this report for the aforementioned reasons, it may be considered as an interim measure until a full review of the by-law and consultation with all the stakeholders and the public is undertaken. If Council directed staff to implement this option, amendments to the by-law are required facilitate this option.

Option 3 - Merge All Classes of Licenses into One – Repeal and Replace Taxi, Limousine and Shuttle Transportation By-law 2008-180

This is the recommended option in this report and will require additional time and resources for staff to consult with the taxi industry, the general public and compare by-laws and experiences with other municipalities.

The purpose of separate classes of licenses set out in the current by-law addressed the transition of taxi regulation from the former city and area municipalities at the time of amalgamation. Table 1 in this report describes the different standards required for those taxicabs licensed outside the former City in comparison to those licensed to operate within the former City limits.

Experience and feedback from the public has identified that the purpose of establishing the zones to ensure taxi service for the public in areas outside of the former city currently is not addressing its intended purpose. The decision to contract airport transportation service was based on, in part, the lack of response to service airport patrons and staff have heard the same complaints of lack of taxi service from residents in the areas outside the former City.

As Greater Sudbury has matured since amalgamation, merging the licenses resulting in one standard of taxicab and level of service is expected to provide a fair and safe level of service to all residents and visitors regardless of geographical location. This Option, if selected, will require a review to address the differences in the regulation of taxicabs, such as the insurance requirements, response time and availability, age of taxicabs, requirements and numbers of taxis, accessible taxis and service standards, fees for licenses and transferability, in addition to other regulations that have been brought to staffs attention, such as regulations for taxi drivers and requirements to obtain a licence.

Conclusion

Following the contract award of the Greater Sudbury Airport Ground Transportation Services, this report advises of concerns heard by taxi owners servicing patrons at the Greater Sudbury Airport and provides 3 Options for direction by Council to address those concerns. The recommended option by staff is to conduct a full review of the by-law, including consultation with the taxi industry and the public and comparison with by-laws in other municipalities with the result of having a new comprehensive Taxi, Limousine and Shuttle Transportation By-law regulating one class of taxi license to service all areas of Greater Sudbury. The intent of one class of licence with consistent standards and services is to ensure fair business opportunities for the taxi industry and a safe, consumer protected service for the residents and visitors of Greater Sudbury, regardless of geographic area.

For Information Only

Airport Ground Transportation RFP - Status Report

Presented To: Operations Committee

Presented: Monday, Feb 04, 2013

Report Date Friday, Jan 25, 2013

Type: Managers' Reports

Recommendation

That Council receive this report for information.

Background

On May 22, 2012, Council received a report for information entitled "Airport Ground Transportation and Taxi Licensing By-law". The report provided a brief description of the current taxi licensing program and the resolution of the Board of Directors of the Greater Sudbury Airport Community Development Corporation (SACDC) to "obtain the necessary approvals from the City Council to amend the Taxi By-law to facilitate the tender of ground transportation services at the Greater Sudbury Airport." (See attachment to this report)

This report is amended from the report on the same subject that was deferred from the December 3, 2012 Operation Committee agenda due to time constraints, attached to this report. The report remains essentially the same except administrative housekeeping amendments that were required to include the role of Supplies and Services in the process and to adjust the anticipated milestone dates.

Greater Sudbury Airport Ground Transportation Services Request for Proposal (RFP) - Update

Staff from Greater Sudbury Airport, Growth and Development, Legal Department and Supplies and Services have met to discuss the RFP document, the consultation process with the stakeholders in the taxi industry and by-law amendments that may be required to aid in the implementation of contracted transportation services at the Airport.

The RFP document is expected to be released to the public on January 24, 2013. A notice will be sent to licensed taxi and shuttle owners advising of the Request for Proposal (RFP) release and information meeting. The meeting will be mandatory for all proponents and has been scheduled for February 12, 2013, at 9:00 am, in room C-11 at Tom Davies Square.

Signed By

Report Prepared By

Darlene Barker
Manager of Compliance and
Enforcement
Digitally Signed Jan 25, 13

Division Review

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Director of Building Services/Chief
Building Official
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Recommended by the Department

Bill Lautenbach
General Manager of Growth and
Development
Digitally Signed Jan 28, 13

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
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The RFP will have a target closing date of February 27, 2013. The table included in this report provides a summary of the process engaged in by staff from Supplies and Services, The Airport and Growth and Development with targeted milestone dates. Although staff are confident that these dates are realistic, they are targets and may have to be adjusted to allow for any contingencies in the process.

Event	Timelines	Description
Release of RFP – through Supplies and Services Section	January 24, 2013	
Mandatory information meeting with potential proponents	February 12, 2013	To be held by Staff.
Closing date of RFP	February 27, 2013	
Evaluation and Contract Award	March - April 2013	Recommendations made to SACDC for contract award
Contract Awarded	April - May 2013	Conditional upon compliance with By-law requirements
Transition Period	April thru June, 2013	Airport and Legal to work directly with contractor to finalize details of the contract.
Ground Transportation Services in place by contractor	July 2013	Airport staff will review services provided by the awarded contractor
Review of Taxi, Limousine and Shuttle Services as a Result of Contract Award	July thru Sept 2013	Review and respond to any questions or concerns from the taxi industry. Final report to Council with any recommended by-law amendments if required.

Anticipated By-law Amendments

The successful service provider of this contract will be expected to comply with the current provisions in place for taxi and shuttle services found in the by-law that licenses and regulates these businesses. This will ensure that the standards in the by-law for health, safety and consumer protection are upheld and consistent with the current industry.

The Airport may approve the successful proponent to provide transportation services and implement those services without any amendments to the current by-law; however, there may be requests from the taxi industry and the Airport for changes to the by-law as a result. Staff will be communicating with the taxi and shuttle industry during the process and present a report that contains options for Council's consideration, if required, upon completion of the contract award.

Staff anticipates a request for amendments to the by-law for a more predictable and efficient method of calculating taxi and shuttle fares between the Airport and destinations within the Greater City. There have been complaints in the past of the high cost of taxi rates to and from the Airport and the method by which they are calculated. Staff sees this RFP process as an opportunity to review the rates and propose a new method of calculation which will benefit the taxi industry and the travelling public.

The report introducing this subject on May 22, 2012, indicated that contracting ground transportation services at the GSA may have an impact on the current taxi and shuttle operators at the airport. Staff will be better able to determine what this impact is as this process unfolds. Communication with the industry during this process and a review of the impact on the current licensees is essential prior to recommending any changes to the by-law. If concerns by the taxi industry remain outstanding during the final review stage of this process, a report will be forthcoming to Council with recommendations addressing those concerns.

Conclusion

Staff has worked co-operatively to prepare and present an RFP for contracted ground transportation services at the Greater Sudbury Airport which is anticipated to be released on January 24, 2013. Staff will continue to follow the process outlined in the table in this report to its conclusion of contract award and review. Growth and Development staff will conduct a review of the issues and comments received from the industry during the process and if necessary present options for Council's consideration which will uphold the intent of the by-law, fairness to the stakeholders of the industry and benefit to the travelling public.

For Information Only

Airport Ground Transportation and Taxi Licensing By-law

Presented To: Finance and Administration Committee
Presented: Tuesday, May 22, 2012
Report Date: Tuesday, May 08, 2012
Type: Correspondence for Information Only

Recommendation

For Information Only

Current Taxi By-law Provisions

The City of Greater Sudbury Taxi By-law, 2008-180 as amended, regulates licenses and governs taxi, limousine and shuttle transportation for the purposes of health, safety and consumer protection. It provides for 3 classes of taxi licenses which restrict certain classes of taxicabs to certain geographic areas of the City. Part of the reason for this restriction was due to amalgamation. The effect of the system prior to amalgamation was that taxicab licenses within the former City of Sudbury were granted a monopoly to operate within the former City boundaries and were limited in number, while each of the outlying, rural municipalities had their own taxicabs with similar geographic restrictions on their areas of operations. The restrictions to the classes of licenses as follows is to ensure that residents and visitors within the outlying areas of the City of Greater Sudbury continue to have a level of taxicab service available to them which is timely and available from sources outside of the downtown core of the City. The following table shows the differences in the classes of taxi licenses.

Signed By

Report Prepared By

Darlene Barker
Manager of Compliance and Enforcement
Digitally Signed May 8, 12

Division Review

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Director of Building Services/Chief Building Official
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Recommended by the Department

Bill Lautenbach
General Manager of Growth and Development
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Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
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Comparitive Chart of Taxicab License Classes

Class of Taxi	Zone 1	Zone 2	Zone 2 + Airport
Area of Operation	Pickup in Former City only – unless fare terminates in Former City Pickup and drop off at the Airport	Pickup in areas outside Former City only – unless the fare terminates outside Former City Cannot pick up at Airport	Pickup in areas outside Former City only – unless the fare terminates outside Former City Pickup and drop off at the Airport
Restrictions on Number of Taxicab Licenses	92 + 8 Accessible Taxi (1 taxicabs per 1000 residents as per formula)	No restrictions	No restrictions
Number of Current Licenses (April 2012)	92 + 7 Accessible Taxi	10 + 1 Accessible Taxi	16
Age of Taxicabs	Vehicles must be no older than 7 years	No restrictions	Vehicles must be no older than 7 years
Insurance	\$2 million	\$1 million	\$1 million
Availability	24 hrs/7 days a week	Unregulated	Unregulated
Minimum Annual Safety Inspections	2	1	2
Annual Licence Renewal Fee	\$200	\$100	\$200

Airport Ground Transportation

On June 13, 2011, the Greater Sudbury Airport (GSA) conducted a meeting with all the Zone 2 + Airport Taxi owners to introduce a "Code of Conduct" that was to be implemented to address the long list of known issues and challenges associated with the taxi and shuttle services being provided at the airport. The list included poor dress code and inadequate personal hygiene, intense competition for business which caused personal conflict and unsafe operating practices, inconsistency of operating hours and a host of other problems. Staff worked with the GSA closely in developing a Code of Conduct that clearly establishes the guidelines and procedures to be followed by the taxi operators, ensuring that the rules were consistent with the regulations currently established in the Taxi By-law and other relevant legislation.

The Code of Conduct was implemented by GSA in August, 2011, and all taxicab owners and drivers were required to sign an agreement and be approved to operate at the airport, pursuant to the Code of Conduct. As of April, 2012, 11 licensed taxi and shuttle companies and 40 licensed taxi drivers are authorized to wait in the queue to pick up fares at the airport.

On May 1, 2012, the Sudbury Airport community Development Corporation (SACDC) heard a report from the CEO of the Greater Sudbury Airport, identifying the shortfalls of the goals the Code of Conduct intended to reach; attached as Appendix 1. The report identifies the most significant problem still remains since implementing the Code; the unpredictability of taxi and shuttle operating hours which results in taxi shortages and/or no taxi services at all. The report also identifies that the Code of Conduct has not removed the competition between drivers which exposes customers to unsafe and unethical operating practices.

The Board of Directors of the SACDC passed a resolution on May 1, 2012 to direct the CEO of GSA "to obtain the necessary approvals from the City Council to amend the Taxi By-law to facilitate the tender of ground transportation services at the Greater Sudbury Airport." The resolution is also attached to this report as Appendix 2.

Conclusion

Although it was deemed that tendering ground transportation services at the GSA was the best option, it is understood that moving forward with the process involves a number of other important considerations, including the impact that this could potentially have on the livelihood of the current taxi and shuttle operators at the airport.

Staff is dedicated to continue to work with the Greater Sudbury Airport during the full tender process in consultation with the Taxi and Shuttle owners and drivers to ensure this transition is viable and successful for all involved. Consultation with the City's legal department is underway, and options will be investigated to facilitate the current affected taxi and shuttle licenses with the least impact as possible.

Once the tender document has been prepared and staff has a more fulsome review of the ground transportation requirements needed to service the GSA and has had an opportunity to review comparative models in other municipalities with the similar services, staff will be returning to Council with a comprehensive report. This report will include recommendations to amend the Taxi By-law to facilitate the tender of ground transportation services at the Greater Sudbury Airport while mitigating negative effects this may have on the current taxi and shuttle operators.

Background:

In August 2011 the Board was briefed on a joint initiative with the City to implement a "Code of Conduct" to improve ground transportation at the Greater Sudbury Airport. This initiative was seen as a last attempt to address major deficiencies in the present system.

The Board was made aware of a long list of issues and challenges associated with the present taxi and shuttle services. This list included poor dress code and inadequate personal hygiene, intense competition for business which caused personal conflict and unsafe operating practices, inconsistency of operating hours and a host of other problems.

The Board was further advised that the purpose of implementing the Code of Conduct system was to establish operating guidelines to improve ground transportation customer services. Operators failing to meet the standards set out in the policy would receive demerit points and would stand to lose their operating privileges at the GSA when their demerit points accumulated to certain levels (refer to attached policy).

While certain objectives of Code of Conduct were achieved the new system has fallen short of its overall goals. The most significant problem remains the unpredictability of taxi and shuttle operating hours. The operators (drivers) themselves determine when they will provide services and the hours they will work. This current system results in taxi shortages and/or no taxi services at all on many occasions during the week which creates a significant inconvenience, and on occasion, leaves customers stranded at the airport. As our business grows we have found the number of occasions when taxis aren't available is becoming more prevalent and customer complaints have escalated. Most shortages occur at the absolute worst times, late in the evening or on the weekends, and frustrated customers have directed their rage and discontentment towards the GSA. Consistent exposure to this shortcoming does irreparable damage to our reputation and negativity becomes deeply rooted in the minds of the traveling public.

The other most notable shortfall of the Code of Conduct system is that it does not remove the competition between drivers. Conflict between drivers has not diminished and continues to expose customers to unsafe and unethical operating practices.

Tender Service

On Monday March 26th, 2012, the various players from the City of Greater Sudbury and the GSA met to search for a permanent solution to the ground transportation debacle. In addition to City and Airport staff, Leah Miller from our Board also participated in the meeting.

Consensus was reached amongst the participants and a strong recommendation was put forth to tender the service. It was felt that tendering the service to one company would remove competition and provide the GSA the necessary contractual controls to ensure the highest and best standards in the industry.

While tendering was deemed to be the best option, it was well understood that moving forward with this process involved a number of other important considerations. The most notable was the fact that tendering the service could potentially impact the livelihood of the current operators at the airport. In addition, City Council would be required to approve amendments to the existing taxi By-Law.

From a strategic perspective, buy-in from all stakeholders was seen as a critical first step in the process. To this end, the first priority was identified as obtaining support from the City Senior Management Team (SMT), as well as, the SACDC Board of Directors. In addition, support will be solicited from various other stakeholders who have a vested interest in seeing ground transportation services improved at the GSA, which include the Chamber of Commerce, GSDC, Tourism and other businesses.

Once the support is in place a comprehensive report will be brought forth to City Council for approval. It is anticipated that before City Council deliberates the virtues of tendering airport ground transportation in an open camera public meeting, they would have had the benefit of being fully apprised of the issues at play and the reasons for the recommendations to amend the By-law.

In closing, as noted above, there is a considerable amount of work to do to achieve our goal of enhancing taxi and shuttle services. It will require open and honest dialogue with a number of stakeholders and the community in general. As we move forward through each stage in this process we will keep the Board apprised of our progress and of any issues that require the attention of the Board.

In light of the above, a resolution has been prepared for Board consideration.

52



RESOLUTION OF THE BOARD OF DIRECTORS

OF

SUDBURY AIRPORT COMMUNITY DEVELOPMENT CORPORATION

(Hereinafter referred to as "the Corporation")

RESOLUTION #2012-426

WHEREAS the Greater Sudbury Airport is a gateway to the City of Greater Sudbury and represents on many occasions an opportunity to provide that first positive impression of our community;

AND WHEREAS the Greater Sudbury Airport strives to achieve the highest service standards on ground transportation;

AND WHEREAS the current ground transportation system has serious shortcomings which have undermined the Greater Sudbury Airport's efforts to implement a system with acceptable customer service standards;

NOW THEREFORE BE IT RESOLVED THAT the Board of the SACDC directs the CEO to obtain the necessary approvals from City Council to amend the Taxi By-law to facilitate the tender of ground transportation services at the Greater Sudbury Airport.

DATED: May 1, 2012

THE UNDERSIGNED, being an Officer of the Corporation, hereby signs the foregoing Resolution # 2012-426 pursuant to the provisions of the Corporations Act (Ontario).

Claude Lacroix, Chair

For Information Only

Airport Ground Transportation Tender - Status Report

Presented To: Operations Committee

Presented: Monday, Dec 03, 2012

Report Date: Wednesday, Nov 21, 2012

Type: Correspondence for Information Only

Recommendation

For Information Only

Background

On May 22, 2012, Council received a report for information entitled "Airport Ground Transportation and Taxi Licensing By-law". The report provided a brief description of the current taxi licensing program and the resolution of the Board of Directors of the Greater Sudbury Airport Community Development Corporation (SACDC) to "obtain the necessary approvals from the City Council to amend the Taxi By-law to facilitate the tender of ground transportation services at the Greater Sudbury Airport." (See attachment to this report)

Greater Sudbury Airport Ground Transportation Services Tender - Update

Staff from Greater Sudbury Airport, Growth and Development and Legal Departments has met to discuss the tender document, the consultation process with the stakeholders in the taxi industry and by-law amendments that may be required to aid in the implementation of contracted transportation services at the Airport.

The tender document is expected to be released to the public on November 30, 2012. A letter will be sent to all licensed taxi and shuttle owners advising of the Request for Proposal (RFP) release and information meeting. The meeting will be mandatory for all bidders and is expected to be scheduled for no later than December 7, 2012. The meeting will be held by the Greater Sudbury Airport and Growth and Development Staff will be in attendance to answer questions. This will be part of the consultation process described in the previous report.

The RFP will have a target closing date of January 18, 2013, and is expected to be awarded before March 29, 2013. A report will be forthcoming to Council before March 8, 2013 with recommendations for proposed

Signed By

Report Prepared By

Darlene Barker
Manager of Compliance and Enforcement
Digitally Signed Nov 21, 12

Division Review

Guido Mazza
Director of Building Services/Chief Building Official
Digitally Signed Nov 21, 12

Recommended by the Department

Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Nov 21, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Nov 21, 12

by-law amendments essential to awarding the contract. The table included in this report provides a summary of the targeted milestone dates. Although staff are confident that these dates are realistic, they are targets and may have to be adjusted to allow for any contingencies in the process.

Event	To be Completed Before	Description
Release of RFP – through City Supplies and Services Dept.	November 30, 2012	Staff will send Information letter and invite to public meeting to all current licensed taxi and shuttle owners.
Information meeting with taxi industry and potential bidders	December 7, 2012	To be held at the Airport by Staff. Consultation with Taxi Industry
Closing date of RFP	January 18, 2013	
Evaluation and Contract Award	February 1, 2013	Recommendations made to SADC for contract award
Report to Council	March 8, 2013	Report to Council will recommend any requested by-law amendments, if necessary for contract award.
Contract Awarded	March 29, 2013	Conditional upon any required by-law amendments being enacted.
Transition Period	April thru June, 2013	Airport to work directly with contractor to finalize details of the contract. Staff will monitor and respond to any inquiries or requests from Taxi Industry and Council.
Ground Transportation Services in place by contractor	July 8, 2013	Review of services provided and respond to any question or concerns from the taxi industry. Final report to Council if required.

Anticipated By-law Amendments

The successful service provider of this contract will be expected to comply with the current provisions in place for taxi and shuttle services found in by-law that licenses and regulates these businesses. This will ensure that the standards in the by-law for health, safety and consumer protection are upheld and consistent with the current industry.

The Airport may approve the successful proponent to provide transportation services and implement those services without any amendments to the current by-law; however, there may be requests from the taxi industry and the Airport for changes to the by-law as a result. Staff will be using the process of this RFP to consult with both groups to determine what is desired, and present a report that contains options for Council's consideration.

Staff anticipates a request for amendments to the by-law for a more predictable and efficient method of calculating taxi and shuttle fares between the airport and destinations within the Greater City. There have been complaints in the past of the high cost of taxi rates to and from the airport and the method by which they are calculated. Staff sees this RFP process as an opportunity to review the rates and propose a new method of calculation which will benefit the taxi industry and the travelling public.

The report introducing this subject on May 22, 2012, indicated that contracting ground transportation services at the GSA may have an impact on the current taxi and shuttle operators at the airport. Staff will be

better able to determine what this impact is as this process unfolds. Consultation with the industry during this process and a review of the impact on the current licensees is essential prior to recommending any changes to the by-law. An update of this item will be included in the March report. If concerns by the taxi industry remain outstanding during the final review stage of this process, an additional report will be forthcoming to Council with recommendations addressing those concerns.

Conclusion

Staff has worked co-operatively to prepare and present an RFP for contracted ground transportation services at the Greater Sudbury Airport which is anticipated to be released at the end of November. Staff is prepared to follow this process and update Council with reports and options for potential amendments to the by-law addressing potential concerns from both the Greater Sudbury Airport and the current taxi and shuttle industry. These reports will provide a comprehensive review of the issues and comments received from the consultation process along with options for Council's consideration while at the same time upholding the intent of the by-law, fairness to the stakeholders of the industry and benefit the travelling public.

REGULAR AGENDA

MANAGERS' REPORTS

Item R-1
User Fees By-law and
Parking and Traffic
By-law Amendment to
Facilitate Parking
Enforcement Initiative

Report dated January 21, 2013 was received from the General Manager of Growth & Development regarding User Fees By-law and Parking and Traffic By-law Amendment to Facilitate Parking Enforcement Initiative.

The following recommendation was presented:

OP2013-03 Berthiaume/Caldarelli: THAT the City of Greater Sudbury approve the amendment to the Traffic and Parking By-law, 2010-01 as amended, to include all municipal pay parking lots, other than attendant parking lots, as parking meter zones;

AND THAT the necessary housekeeping changes be made to the language of the by-law to reflect these changes;

AND THAT the User Fee By-law, 2012-240F as amended, be amended to replace schedule G&D-D to remove all references to fees and charges related to parking lots other than the attended lots.

CARRIED

Item R-2
Airport Ground
Transportation RFP –
Status Report

Report dated January 25, 2013 was received from the General Manager of Growth & Development regarding Airport Ground Transportation RFP – Status Report for information only.

The following recommendations were presented:

OP2013-04 Caldarelli/Berthiaume: THAT the City of Greater Sudbury receive the report dated January 25, 2013 from the General Manager of Growth & Development regarding Airport Ground Transportation RFP – Status Report for information only.

CARRIED

OP2013-05 Caldarelli/Berthiaume: THAT the City of Greater Sudbury direct staff to conduct a review of the Taxi, Limousine and Shuttle By-law related to the taxi licenses as a result of the airport contract award.

CARRIED

QUESTION PERIOD

Winter Controls

Councillor Barbeau asked for an update on winter controls operations.

Operations Committee 2013-02-04 (2)

For Information Only

Winter Control Operations Update - April 2013

Presented To:	Operations Committee
Presented:	Monday, Jun 17, 2013
Report Date	Monday, Jun 03, 2013
Type:	Correspondence for Information Only

Recommendation

For Information Only

Background

This report provides the projected financial results of the 2013 winter roads operations up to and including April 2013. The projected result for the month of April is a \$140,000 under expenditure as shown in Table 1. For the first four months of 2013 the result is \$1.1 Million over expenditure. Certain estimates were necessary to account for outstanding invoices.

Signed By

Report Prepared By

Shawn Turner
Manager of Financial & Support Services
Digitally Signed Jun 3, 13

Division Review

David Shelsted
Director of Roads & Transportation Services
Digitally Signed Jun 3, 13

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure Services
Digitally Signed Jun 4, 13

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jun 4, 13

Table 1							
2013 Winter Control Summary							
April 30, 2013							
	Annual	April			2013 YTD		
	Budget	Budget	Actual	Variance	Budget	Actual	Variance
Administration & Supervision	2,147,679	348,302	330,555	17,747	1,422,809	1,429,555	(6,746)
Sanding/Salting/Plowing	6,081,302	556,500	412,164	144,336	4,063,710	5,116,227	(1,052,517)
Snow Removal	647,163	2,395	15,484	(13,089)	517,493	817,393	(299,900)
Sidewalk Maintenance	826,050	16,522	37,019	(20,497)	520,410	517,558	2,852
Winter Ditching/Spring Cleanup	1,422,730	505,735	379,998	125,737	1,133,787	951,016	182,771
Miscellaneous Winter Roads	3,930,654	493,097	608,179	(115,082)	2,234,654	2,167,817	66,837
TOTAL	15,055,578	1,922,551	1,783,399	139,152	9,892,863	10,999,566	(1,106,703)

April Winter Control Activities

As shown in Table 2 below, the City received approximately 24 centimetres or 133 percent of the average April snowfall. There were no general callouts (city crews and contractors) during the month of April. The under expenditure for the month is attributed largely to sanding/salting/plowing and winter ditching/spring clean up. This was partially offset by over expenditures in the miscellaneous winter roads category, primarily as a result of pothole patching.

TABLE 2 2013 Snowfall							
	Jan.	Feb.	Mar.	Apr.	Nov.	Dec.	Total
Normal 30 year avg. (cm)	64	50	39	18	32	64	267
2013 Actual (cm)	81	72	20	24			
% of Actual to Normal	127	144	51	133			

Summary

In summary, winter roads operations for April 2013 resulted in an under expenditure of approximately \$140,000. For the first four months of 2013, winter control operations are over budget by approximately \$1.1 Million. As per policy, any annual over expenditure in winter roads operations may be funded from the Roads Winter Control Reserve Fund.

Request for Decision

Draft Idling Control By-law

Presented To: Operations Committee

Presented: Monday, Jun 17, 2013

Report Date: Wednesday, Jun 05, 2013

Type: Managers' Reports

Recommendation

WHEREAS Council has expressed concern about public nuisances and concern for the economic, social and environmental well-being of the municipality, the health, safety and well-being of its citizens, and the protection of persons and property;

AND WHEREAS motor vehicle idling results in the release of atmospheric pollutants and greenhouse gases that are harmful to the environment and to people's health;

BE IT RESOLVED THAT Council selects Option 2 – Preparation of a Revised Draft Idling Control By-law to Council for Enactment with Removal of the Exemption for City Vehicles.

Background

At the August 11, 2010, Policy Committee meeting, representatives of the Coalition for a Livable Sudbury presented the benefits of an idling control by-law for the Greater Sudbury community. Policy Committee agreed that a report in cooperation with the Sudbury & District Health Unit, Coalition for a Livable Sudbury and EarthCare Sudbury be brought back to Council so that this matter can move ahead.

City staff met on several occasions to discuss idling control strategies and issues. City staff also researched what other Ontario municipalities had undertaken in terms of idling control, including approaches to and experiences with enacting a by-law.

City staff held a meeting with representatives of the Coalition for a Liveable Sudbury and the Sudbury & District Health Unit on November 9, 2011, to discuss the proposed options for idling control.

City staff presented options for idling control to the Operations Committee on January 9 and February 13, 2012. City Council passed the following motion on February 14, 2012:

CC2012-36 & OP2012-12: Caldarelli/Kett: WHEREAS the City of Greater Sudbury has expressed concern about public nuisances and concern for the economic, social and environmental well-being of

Signed By

Report Prepared By

Stephen Monet
Manager of Environmental Planning
Initiatives
Digitally Signed Jun 5, 13

Division Review

Paul Baskcomb
Director of Planning Services
Digitally Signed Jun 5, 13

Recommended by the Department

Bill Lautenbach
General Manager of Growth and
Development
Digitally Signed Jun 5, 13

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jun 9, 13

the municipality and the health, safety and well-being of its citizens;

AND WHEREAS motor vehicle idling results in the release of atmospheric pollutants and greenhouse gases that are harmful to the environment and to people's health;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury select Option 2 – preparation of a by-law to control motor vehicle idling, whose coming into force will be preceded by a year-long education campaign on the topic. This by-law will allow a two-minute idling period.

City staff presented the results of the year-long education campaign on idling at the April 15, 2013 Operations Committee meeting. At that meeting, the Committee members directed staff to proceed with stakeholder consultation on the Idling Control By-law, the results of which would be presented at the June 17th Operations Committee meeting.

Negative Effects of Vehicle Idling

Vehicle engines produce a number of undesirable air emissions when in operation. Tailpipes emit criteria air contaminants, such as volatile organic compounds (VOCs), carbon monoxide (CO), and oxides of nitrogen (NOx) that contribute to air pollution and have detrimental health effects on people and the environment. A recent report by Toronto's Medical Officer of Health states that there is clear evidence that air pollution from vehicles adversely affects human health. Air pollution from vehicles is associated with a broad range of respiratory and cardiovascular effects, cancer, and hormonal and reproductive effects. Groups that are especially at risk from vehicle-related air pollution include children, fetuses, pregnant women, and the elderly. Vehicle operation also releases carbon dioxide (CO₂) – the principal greenhouse gas that contributes to climate change.

Research indicates that Canadian motorists idle their vehicles an average of 6 to 8 minutes a day. Idling a vehicle's engine not only contributes to smog and climate change, but also wastes fossil fuels, which, of course, are non-renewable. Natural Resources Canada (NRCAN) estimates that if Canadian motorists avoided idling for just three minutes a day, over the year they would collectively save 630 million litres of fuel, and \$756 million in fuel costs (assuming a fuel cost of \$1.20/L). These savings translate into a reduction of 1.4 million tonnes of CO₂, equivalent to taking 320,000 cars off the road for the entire year.

As expected, increases in idling time results in increases in fuel use and CO₂ emissions. In tests conducted by NRCAN using three vehicles driven over a simulated urban driving cycle in -18°C conditions, idling for 5 minutes resulted in a 7 to 14 percent increase in fuel use (and concurrent CO₂ emissions), while idling for 10 minutes resulted in 12 to 19 percent increases in fuel use.

A report produced for NRCAN in 2003 found that idling for over 10 seconds uses more fuel and produces more CO₂ compared to restarting a vehicle's engine. As more of a guideline that balances factors such as fuel savings, overall emissions and potential component wear on the starter and battery, NRCAN recommends 60 seconds as a reasonable idling period, after which you should turn the engine off. By limiting idling to 60 seconds when a vehicle is stopped, money saved on fuel should more than offset any potential increase in maintenance costs from wear and tear on a vehicle's starter and battery. The operator therefore not only saves money but there are also benefits to people's health and the environment.

City of Greater Sudbury - Idling Control Initiatives

Operations

In 2008, City of Greater Sudbury's Council approved an idling control policy to reduce unnecessary idling of municipal vehicles. The policy requires drivers to limit vehicle idling to a maximum of three minutes, under

most circumstances and with certain exemptions, including exemptions for transit vehicles on stopover or layovers and for operators idling for the purposes of getting warm.

Over the past few years, the City's Fleet Services and Transit Services have also initiated a number of actions that will contribute to decreased idling time of the City fleet. Various driver training modules designed to reduce fuel use and cut emissions have been used to train City staff. The City has worked with the Fleet Challenge Ontario program as well as NRCAN's FleetSmart initiative.

Various other actions aimed at reducing fuel use and idling have also been undertaken by Fleet Services. Engine pre-heat systems and auxiliary cab heaters have been installed in about 50 vehicles so far allowing the inside of these vehicles to stay warm without the need for idling the vehicle. LED signal and traffic control lighting is now required on new vehicles purchased by the City. The low energy use of these lights allows the vehicle to be turned off for extended periods without the risk of discharging the battery.

Fleet Services initiated a pilot project to monitor a number of measures of vehicle use patterns, including idling. On-board information systems have been installed on a handful of vehicles and, based on the early results of this pilot project, a decision will likely be made to deploy this technology throughout the City fleet. Vehicle data are tracked wirelessly and made available directly to the Fleet Manager. Idling time is one of the measures that can be tracked and discussed with Supervisors.

Community Outreach

The City of Greater Sudbury's EarthCare Sudbury Program has been involved in local idling research and campaigns since its inception in 2000. EarthCare Sudbury has prepared and published a number of articles in the local media on the topic of vehicle idling.

In 2001, EarthCare Sudbury, with funding from Natural Resources Canada, undertook a project aimed at understanding idling behaviour among residents and the success of strategies to reduce idling. As part of a larger initiative to reduce engine idling in the City of Greater Sudbury, this project targeted 49 schools throughout the city as well as a large number of locations where residents are apt to idle. There were several project objectives:

- To reduce engine idling by parents, school bus drivers and the general public;
- To increase awareness of the importance of reducing greenhouse gas and smog-related emissions from individual actions, such as engine idling; and
- To develop knowledge and expertise in encouraging a whole community to change their behaviour regarding vehicle idling.

An intervention strategy was developed and applied in an attempt to modify idling behavior among school bus drivers and parents dropping kids off at the schools. Intervention components included posting metal 'Idle Free Zone' signs on the school property, engaging drivers on the topic of vehicle idling, and handing out idling information cards and vehicle stickers. The intervention strategy reduced both the frequency and duration of idling.

Through the EarthCare Sudbury Program, hundreds of 'Idle Free Zone' signs have been posted at various commercial, municipal and institutional sites, in addition to those posted at schools. In addition, a CTV EarthCare Minute ad dealing with idling control was prepared and aired in 2009, 2010, 2011, and 2012. Two special 15-second idling control ads were run during January and February 2013 on CTV.

The following activities were undertaken as part of the year-long education campaign on idling control:

January – March 2012

- Interviews with Stephen Monet for Northern Life, Radio Canada, CBC Radio, Eastlink News, KFM

Radio.

- Extensive community discussion through local newspapers and media coverage about idling control by-law including 19 online articles (news, letters to the editor and opinion letters).
- Public Service Announcement on approving the development and implementation of a by-law to limit vehicle idling in Greater Sudbury.
- Discussion of idle control campaigns and bylaws with the Clean Air Partnership and the municipalities of Burlington and Mississauga.
- Distribution of 16 'Idle-free Zone' signs to local businesses.

April – June 2012

- Purchase of four twelve-foot idling banners for display, one displayed in the underground parking of Tom Davies Square.
- Idling workshop at the Learning for a Sustainable Future EcoLeague Forum: 37 Grade 7/8 students attended from 21 schools.
- Letter sent to all school boards to inform of banners, workshop, school campaign options and other material.
- EarthCare Sudbury Newsletter with idling message.
- EarthCare Sudbury Newsletter article about EarthCare Sudbury partners with idling policies (Itech and Manitoulin Transport).
- Distribution of diesel and fleet idling information packages to appropriate EarthCare Sudbury Partners.
- Mail distribution of idling pamphlets to 1100 businesses.
- Production of new corrugated plastic Idle-Free Zone signs for businesses.
- Distribution of the following Idle-Free Zone signs: 34 small metal signs, 3 large metal signs, 5 plastic signs, 58 English decals and 25 French decals.

July – September 2012

- Purchase of 1000 windshield scrapers with idling control message.
- Letter sent to all school boards to inform of banners, workshop, school campaign options and other material.
- EarthCare Sudbury Green Vehicle Show with Eric Bertrand, Manager of Fleet Services. Over 200 people visited throughout the day and 30 people attended the noontime presentations of three invited speakers. Over 430 pieces of information were distributed. Included information on idling control and technology.
- Meeting with local driving schools to discuss potential SmartDriver training (includes idling control techniques).
- Meeting with several local businesses with fleets to discuss potential FleetSmart workshops (includes idling control techniques).
- Distribution of idling information and promotional items to the public and local organizations: over 40 keychains, 150 ice scrapers, 70 decals, dozens of fuel efficiency pamphlets that mention idling control.
- Distribution of 15 Idle-free Zone signs to local businesses.

October – December 2012

- Development and broadcasting of three CTV EarthCare Minutes on idling control.
- Distribution of Idling Campaign in a Box to schools and youth centres.
- Posting of five idling control messages on City's Facebook and Twitter in November and December.
- Confirmation of banner usage for one school and taxation centre in 2013.

- Distribution of 300 'idling control' windshield scrapers to Community Action Networks (CANs) and other local organizations.
- Partnership with Evans Home Building for distribution of 200 'idling control' windshield scrapers during the Santa Claus Parade.
- Distribution of 100 'idling control' key chains to general public.
- Distribution of 32 Idle-free Zone signs to local businesses.

January – March 2013

- Purchase of 2000 'idling control' windshield scrapers and 2000 children's idling control activity booklets.
- Distribution of 1950 'idling control' windshield scrapers to the libraries, Sudbury & District Health Unit and community recreation centres/pools.
- Broadcasting of two CTV 15-second ads on idling control.
- St. Pierre School requested idling material: 6 signs, 200 stickers, 20 'idling control' windshield scrapers and pamphlets.
- Distribution of 200 children's idling activity booklets through schools, Home Show, libraries (more to distribute for April).
- Idling booth set up at the Sudbury and District Health Unit for three weeks with scrapers, banner, information pamphlets, activity booklets.

Existing Idling Control By-laws in Ontario

The Ontario Municipal Act empowers municipalities to regulate and to pass by-laws respecting the following matters:

- Economic, social and environmental well-being of the municipality.
- Health, safety and well-being of persons.
- Protection of persons and properties.

In addition, a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

In Ontario, regulation of idling is achieved either through anti-idling provisions in existing by-laws, such as for noise or parking, or through stand-alone idling control by-laws. The latter is judged preferable since control is sought for reasons of air pollution. Several Ontario municipalities that have enacted stand-alone idling control by-laws, including Burlington, Guelph, Hamilton, London, Markham, Oshawa, Ottawa, Toronto and Windsor, among others. There are a number of matters that the by-laws are required to address, including permitted idling time, exemptions and enforcement.

Permitted Idling Time

Most Ontario by-laws permit idling for 2, 3 or 5 minutes. Burlington is the first municipality in Ontario to have a 1 minute idling limit. It was reduced in 2009 from its initial 3 minute limit. Other municipalities have expressed intentions to move to a 1 minute idling limit.

A report prepared for NRCAN in 2005 by the Clean Air Partnership proposed a model idling control by-law with a 1 minute idling limit. As mentioned previously, NRCAN proposes a 1 minute limit as a reasonable idling period based on factors such as fuel savings, overall emissions and potential component wear on the starter and battery. Also, the shorter the idling limit the more efficient and cost-effective the enforcement.

In the idling control by-laws, longer idling limits are set for transit vehicles while at a layover or stopover location.

Exemptions

All idling control by-laws in Ontario list exemptions, which include various emergency situations or involve emergency vehicles engaged in an operational activity. Other exemptions include vehicles being serviced, vehicles involved in parades, armoured vehicles while someone is on duty inside the vehicle, or a motor vehicle carrying a passenger where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range.

Temperature

Some by-laws also include exemptions relating to outside temperature, while others don't. Municipalities that choose to include a temperature-related exemption for idling have settled on outside temperatures lower than 5oC and higher 27oC. It should be noted that a problem with this exemption experienced in other municipalities is that staff have received complaints of unnecessary idling but were powerless to act due to the temperature being outside of the limits.

Several Ontario municipalities have chosen to remove temperature exemptions altogether. The Highway Traffic Act, for example, requires that a vehicle's windows afford the driver clear view to the front, side and rear. A driver can idle a vehicle to maintain clear view conditions, but would initially be expected to scrape windows rather than relying solely on the defrost/defog function in their vehicles.

Drive-throughs

Drive-throughs are convenient features associated with certain commercial establishments. At times, however, drive-throughs can lead to idling as vehicles queue up along the drive-through lane waiting for particular goods or services.

In Ontario, the trend is to include drive-throughs in the list of exemptions in idling control by-laws if these features are permitted through land-use planning.

Enforcement

Idling control by-laws in Ontario are enforced on a complaints basis or as officers come across idling vehicles while conducting their normal work duties.

In Ontario, municipalities with idling control by-laws have preceded enforcement with education. Even during enforcement, education is seen as the preferred approach. Verbal warnings and a brochure that explains the benefits of not idling vehicles reinforces the message that 'idling gets you nowhere'. Charges for most idling control by-laws are laid under Part I of the Provincial Offences Act. In this instance, officers must obtain information from the driver before issuing a ticket. Drivers are not obliged to provide any information to the by-law officers. This has lead a few municipalities (e.g., Burlington, Peterborough and Orillia) to develop their by-law so as to make idling a Part II offence under the Provincial Offences Act. All parking offences are issued Part II tickets and the licence plate number is used as a means to identify the owner of a vehicle who then becomes ultimately responsible for paying the ticket. Enforcement of the idling control by-law is, therefore, made simpler and more efficient for the officers, who only now need to record vehicle licence plate numbers on the tickets and affix the ticket to the windshield.

Proposed City of Greater Sudbury Idling Control By-law

The proposed City of Greater Sudbury Idling Control By-law (see Appendix A), which is scheduled to come into effect on September 1, 2013, would prohibit the idling of a motor vehicle for more than two (2) minutes. The following is a list of exemptions to the by-law:

- a) a vehicle subject to the City's Idling Control Policy;
- b) an emergency vehicle while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle;
- c) a vehicle assisting in an emergency;
- d) a vehicle transporting a person where a medical doctor certifies in writing that the person being transported requires the temperature or humidity to be maintained within a certain range;
- e) when the ambient outside Temperature is more than 27 degrees Celsius or less than 5 degrees Celsius;
- f) a vehicle that remains motionless due to emergency, a traffic control sign, a traffic control signal, weather conditions, traffic congestion or mechanical difficulties which do not allow the vehicle to be put safely into motion;
- g) a vehicle engaged in a parade authorized by the City or engaged in a police or other event authorized by the City or police;
- h) a vehicle which is being repaired or serviced;
- i) a vehicle which is idling for the purpose of conducting a circle check inspection or similar routine daily inspection for safety purposes where such inspections require the engine or transmission to be running;
- j) a vehicle that is required to idle to assist in the provision of services or repairs to another vehicle;
- k) a vehicle from which passengers are in the act of disembarking or embarking;
- l) an armoured vehicle where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
- m) a vehicle engaged in a normal farm practice;
- n) a vehicle halted in compliance with the directions of a police officer;
- o) a vehicle idling to comply with the requirements of the Highway Traffic Act in order for windows to be in a condition to afford the driver a clear view;
- p) a vehicle idling in a drive-through lane; or
- q) a vehicle containing or associated with equipment that must be powered by the vehicle engine or transmission to make the equipment function, including, an assisted mobility device, a waste compactor, lift platform or concrete mixer, while the function is being performed that requires operation of that equipment.

The By-law's prohibition of idling for periods longer than two (2) minutes does not apply 1) on properties owned by the federal or provincial government or 2) to taxicabs or shuttles prior to and including August 31, 2014.

Stakeholder Consultation

City staff prepared a mail-out containing the draft by-law for review and comment which was sent to 95 stakeholders in Greater Sudbury, including car dealerships, construction companies, school bus fleet operators, taxi cab companies, delivery companies, landscaping and lawn care companies, heating and cooling services, businesses that deliver perishable and non-perishable goods as part of their services, energy service companies, armoured vehicle companies, towing and trucking companies, mining companies, Greater Sudbury Chamber of Commerce, and Coalition for a Liveable Sudbury. Letters were

mailed in mid-April with feedback requested by May 10th.

Feedback was received from five stakeholders: a landscaping company, a business that delivers perishable goods as part of its services, a construction company, a convenience store, and Coalition for a Liveable Sudbury.

Feedback received includes the following points:

1. The draft Idling Control By-law is in keeping with the company's philosophy.
2. Mentions that railway crossing is not exempt.
3. Would prefer a 1 minute idling limit but understand the use of 2 minutes as starting point.
4. Exemption for construction/road building equipment.
5. Suggest moving the lower temperature limit to 0oC rather than 5oC.
6. Consider shortening and simplifying the list of exemptions.
7. Remove all exemptions except emergency vehicles.
8. Does not agree that the bylaw officer needs the authority to inspect documents as part of enforcement.
9. Extend the education component for another year.
10. Some perishable goods require vehicle to be warmed in winter before the goods can be loaded and transported.

City staff have reviewed and considered all of the input received and offer the following comment for Council's consideration:

Point 1 is for Council's information.

Points 2, 3, 5, 6 and 7 - These points all suggest for Council's consideration, changes to the draft by-law. Point 3 requests a change to the permitted idling time. With respect to point 2, under the current draft, vehicles would not be permitted to idle at railway crossings. With respect to point 5, road-building machines are exempt in so far as the machines have equipment associated with the machines which require the vehicle to run in order to operate when performing a function. Otherwise, the machines would be subject to the idling control limit. With respect to points 6 and 7, staff will reduce the number of exemptions as directed by Council.

Points 4 and 10 are addressed in section 5(q) of the Draft Idling Control By-law. This exemption permits idling of a vehicle to make equipment function while that function is being performed (e.g., concrete mixer).

Point 8 refers to section 8(2)(b) of the draft by-law. The power of a by-law enforcement officer to require and inspect documents is integral to his/her ability to properly conduct enforcement of the by-law. City staff believe this to be a standard by-law enforcement power and is a reasonable authority for enforcement of a by-law such as the draft Idling Control By-law.

With respect to point 9, City staff plan to continue education and outreach on idling control once the by-law comes into force and effect. There are currently plans to continue education and outreach until the end of 2013, and then continue on a less frequent basis in 2014 and beyond, as funding permits.

Idling Control Options

Option 1 – Presentation of the Draft Idling Control By-law to Council for Enactment containing an Exemption for City Vehicles

The Idling Control By-law be presented to Council for enactment in its current form containing the exemption for City vehicles as enacted in the City's Idling Control Policy.

Pros

- No changes to City operations and procedures.

Cons

- The Idling Control Policy which applies to City vehicles generally contains a 3 minute idling limit which is different than the 2 minute idling limit in the draft By-law.

Option 2 – Preparation of a Revised Draft Idling Control By-law to Council for Enactment with Removal of the Exemption for City Vehicles

The draft By-law would be brought to Council for enactment with provisions to repeal the City's Idling Control Policy that was adopted by By-law 2008-195, and make City vehicles subject to the Idling Control By-law.

Many of the exemptions contained in the Idling Control Policy are similar to those contained in the draft By-law. For example, the Idling Control Policy contains exemption for emergency vehicles, mobile workshops, vehicles remaining motionless due to traffic conditions, vehicles receiving service, a temperature-related exemption and idling to defrost.

Unlike the Idling Control Policy, the proposed By-law does not contain exemptions for transit vehicles on layover or stopover or for vehicles idling for the purpose of persons warming up or drying off at worksites.

If Council were to select Option 2, staff recommends adding an exemption to the draft by-law, similar to the one in the Idling Control Policy, to permit transit vehicles on layover or stopover to idle for up to 15 minutes.

Pros

- Idling Control By-law applies to City and non-City vehicles equally.

Cons

- City operations and procedures would need to adapt to the Idling Control By-law.

Recommendation

WHEREAS Council has expressed concern about public nuisances and concern for the economic, social and environmental well-being of the municipality and the health, safety and well-being of its citizens, and the protection of persons and property;

AND WHEREAS motor vehicle idling results in the release of atmospheric pollutants and greenhouse gases that are harmful to the environment and to people's health,

BE IT RESOLVED THAT Council selects Option 2 – Preparation of a Revised Draft Idling Control By-law to Council for Enactment with Removal of the Exemption for City Vehicles.

BY-LAW 2013-xx

**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO CONTROL VEHICLE IDLING**

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that a municipal power be exercised by by-law;

AND WHEREAS paragraphs, 5, 6 and 8 of section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, grant municipalities the authority to pass by-laws respecting the the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 128(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, grants municipalities the authority to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS section 428(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, states that where a by-law provides that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under that Act, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent.

AND WHEREAS section 100.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes municipalities in respect of land not owned or occupied by the municipality to

DRAFT A-FOR PUBLIC CONSULTATION

regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land;

AND WHEREAS subsection 425(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes municipalities to pass by-laws providing that any person who contravenes a municipal by-law passed under that Act be guilty of an offence;

AND WHEREAS subsection 429(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality may establish a system of fines for offences under a by-law passed under that Act;

AND WHEREAS Council for the City of Greater Sudbury desires to support the reduction of atmospheric pollutants and greenhouse gases that are harmful to the environment and the health of persons in the City of Greater Sudbury;

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

Interpretation

Definitions

1. (1) In this by-law:
 - a. “By-law Enforcement Officer” means a member of any police service with jurisdiction in the City or any person appointed by Council for the enforcement of by-laws, including this by-law;
 - b. “City” means the municipal corporation of the City of Greater Sudbury or the geographic area, as the context requires;
 - c. “Council” means the municipal council of the City of Greater Sudbury;

- d. "Drive-Through Lane" means an area of land that is used exclusively for the passage of Vehicles occupied by one or more natural persons who are waiting to be provided with goods, materials or services;
- e. "Emergency" means a situation requiring police, fire, ambulance or military response;
- f. "General Manager" means the General Manager of Growth and Development and includes his or her delegate;
- g. "Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- h. "Idle" means the Parking or Stopping of a Vehicle while the engine is running and "Idling" has a corresponding meaning;
- i. "Idling Control Policy" means the policy adopted by Council by By-law 2008-195, A By-law of the City of Greater Sudbury to Adopt an Idling Control Policy, and any successor policy or by-law;
- j. "Limousine" means a means a motor vehicle, as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 hired by unit of time for the transportation exclusively of one natural person or group of natural persons with one charge only being collected or made for the time hired;
- k. "Municipal Property" means real property or premises owned by the City or any of the City's local boards or municipal corporations;
- l. "Normal Farm Practice" means a practice that:

- i. is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or
- ii. makes use of innovative technology in a manner consistent with proper advanced farm management practices;
- m. “Park” means the standing of a vehicle, whether occupied or not, and “Parking” or “Parked” has the corresponding meaning;
- n. “Person” includes any natural person, firm, partnership, association, corporation, company or organization of any kind;
- o. “Private Property” means real property or premises owned by Persons, other than property owned or occupied by other levels of government and Municipal Property;
- p. “Shuttle” means a motor vehicle, as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, having a seating capacity of seven natural persons or more, inclusive of the driver, providing transportation on demand to individuals or groups on a shared, multiple destination basis, and with separate charges being collected or made to each individual or group of individuals and such motor vehicles include, but are not limited to, those providing transportation to and from Greater Sudbury Airport and excludes such vehicles operated by municipal, provincial or federal governments or their agencies;
- q. “Stop” means the halting of a vehicle, whether occupied or not and “Stopped” or “Stopping” have the corresponding meaning;

- r. “Taxicab” means a motor vehicle, as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, having a seating capacity of not more than nine natural persons, inclusive of the driver, hired for one specific trip for the transportation exclusively of one natural person or group of natural persons, containing a taximeter and with one fare or charge only being collected or made for the trip, and includes an accessible taxicab;
- s. “Temperature” means the temperature as determined by Environment Canada for the City of Greater Sudbury;
- t. “Traffic Control Sign” means a sign prescribed by the *Highway Traffic Act*, including a stop sign and a yield sign and signs used on highways for construction purposes;
- u. “Traffic Control Device” means a coloured lens mounted on a frame and commonly referred to as a signal head used for the purpose of controlling traffic but does not include railway crossing signal devices; and
- v. “Vehicle” means a vehicle that has a motor as a source of power , including but not limited to an automobile, motorcycle, motorized snow vehicle, a motor-assisted bicycle, farm tractor, a self-propelled implement of husbandry, a road-building machine as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8, but does not include an airplane, train, street car or other motor vehicle running only upon rails.

Use of the Word “include”

- 2. (1) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them.

Application

3. (1) This by-law applies in the City of Greater Sudbury on a Highway, on Private Property or on Municipal Property.

Prohibition

4. (1) No Person shall cause, allow or permit a Vehicle to Idle continuously for more than two (2) minutes.

Exemptions

5. (1) Section 4(1) does not apply to Persons causing, allowing or permitting the following Vehicles to Idle:
- a) a Vehicle subject to the Idling Control Policy;
 - b) an Emergency Vehicle while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the Vehicle;
 - c) a Vehicle assisting in an Emergency;
 - d) a Vehicle transporting a natural person where a medical doctor certifies in writing that the natural person being transported requires the Temperature or humidity to be maintained within a certain range;
 - e) a Vehicle with one or more natural persons inside the Vehicle when the ambient outside Temperature is more than 27 degrees Celsius or less than 5 degrees Celsius;
 - f) a Vehicle that remains motionless due to Emergency, a Traffic Control Sign, a Traffic Control Signal, weather conditions, traffic congestion or mechanical difficulties which do not allow the Vehicle to be put safely into motion;

- g) a Vehicle engaged in a parade authorized by the City or engaged in a police or other event authorized by the City or police;
- h) a Vehicle which is being repaired or serviced;
- i) a Vehicle which is Idling for the purpose of conducting a circle check inspection or similar routine daily inspection for safety purposes where such inspections require the engine or transmission to be running;
- j) a Vehicle that is required to Idle to assist in the provision of services or repairs to another Vehicle;
- k) a Vehicle from which passengers are in the act of disembarking or embarking;
- l) an Armoured Vehicle where a natural person remains inside the Vehicle while guarding the contents of the Vehicle or while the Vehicle is being loaded or unloaded;
- m) a Vehicle engaged in a Normal Farm Practice;
- n) a Vehicle halted in compliance with the directions of a police officer;
- o) a Vehicle Idling to comply with the requirements of the *Highway Traffic Act* in order for windows to be in a condition to afford the driver a clear view;
- p) a Vehicle Idling in a Drive-Through Lane; or
- q) a Vehicle containing or associated with equipment that must be powered by the Vehicle engine or transmission to make the equipment function, including but not limited to, an assisted mobility device, a waste compactor, lift platform or concrete mixer, while the function is being performed that requires operation of that equipment, and does not include a Taxicab, Shuttle or Limousine.

6. (1) Section 4(1) does not apply to a Person causing, allowing or permitting a Taxicab or Shuttle to Idle prior to and including August 31, 2014.

Administration & Enforcement

Administration

7. (1) This by-law shall be administered by the General Manager who is also delegated the authority to make all decisions required of the General Manager under this by-law and to perform all administrative functions identified herein and those incidental to and necessary for the due administration of this by-law.
- (2) The General Manager may delegate, in writing, the performance of any one or more of his or her functions under this By-law to one or more natural persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation.

Enforcement

8. (1) This By-law may be enforced by a By-law Enforcement Officer.
- (2) Without limiting subsection (1), for the purpose of conducting an inspection to determine whether a Person is complying with this By-law, a By-law Enforcement Officer may:
- (a) enter onto lands at a reasonable time;
 - (b) require the production for inspection of documents or things relevant to the inspection;
 - (c) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

(d) require information from any Person concerning a matter related to the inspection; and

(e) take photographs.

9. (1) No Person shall hinder or obstruct, or attempt to hinder or obstruct, a By-law Enforcement Officer exercising a power or performing a duty under this By-law.

10. (1) No Person required to produce documents, things or information by a By-law Enforcement Officer shall fail to respond forthwith.

Offence

11. (1) Any Person, including an owner of a Vehicle even though the owner is not the Person causing, permitting or allowing the Vehicle to Idle at the time, who contravenes any of the provisions of this By-law is guilty of an offence and is liable:

(a) on a first conviction to a fine of not more than \$2,000; and

(b) on a subsequent conviction to a fine of not more than \$5,000.

(2) Any director or officer of a corporation who knowingly concurs in a contravention as provided for in (1) is guilty of an offence and liable to a fine, upon conviction.

Continuation of Offence

12. (1) Where a Person has been convicted of an offence under this By-law, the City may, in addition to any other penalty imposed on the Person convicted, seek an order from the Ontario Court (Provincial Division) or any court of competent jurisdiction, prohibiting the continuation of the offence or doing of any act or thing by the Person convicted directed towards the continuation of the offence.

13. (1) An offence and subsequent conviction under this By-law pursuant to the *Provincial Offences Act* or the *Municipal Act, 2001*, shall not be deemed in any way to preclude the City from issuing a separate legal proceeding to recover charges, costs and expenses incurred by the City and which may be recovered in a court of competent jurisdiction.

Voluntary Payment

14. (1) A Person in receipt of a summons, certificate of offence or certificate of parking infraction for a contravention of a provision of this by-law who does not wish to dispute the charge may pay the City, within seven (7) days of the time of the offence, the amount shown on the summons or certificate of parking infraction.

(2) Payments provided for in (1) shall be made payable to the City of Greater Sudbury.

(3) A payment provided for in (1) shall be made:

(i) at Tom Davies Square, 200 Brady Street, Sudbury, Ontario or at such other locations as the City Treasurer may authorize in writing; or

(ii) by mail to City of Greater Sudbury, PO Box 5000, Stn A, 200 Brady Street, Sudbury, Ontario, P3A 5W5, Attention: City Treasurer.

(4) The City Treasurer, or his or her delegate, shall accept payments made in accordance with (1).

(5) If a payment is not made in accordance with subsections (1) through (3) of this by-law, a proceeding will be commenced in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

Severability / Conflict

15.(1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or *ultra vires*, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of Persons or the environmental well-being of the municipality shall prevail.

Effective Date

16.(1) This By-law shall come into force on September 1, 2013.

Short Title

17.(1) This By-law shall be known as the “Idling Control By-law”.

APPENDIX A

DRAFT A-FOR PUBLIC CONSULTATION

READ AND PASSED IN OPEN COUNCIL this xxth day of xx, 2013.

_____ Mayor

_____ Clerk

DRAFT

BY-LAW 2008-195

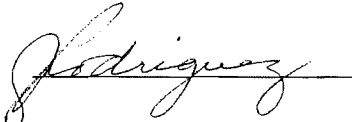

**A BY-LAW OF THE CITY OF GREATER SUDBURY TO
ADOPT AN IDLING CONTROL POLICY**

WHEREAS the Council of the City of Greater Sudbury wishes to adopt an Idling Control Policy;

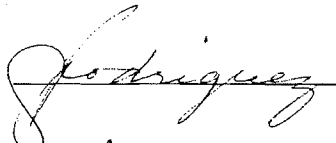

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. The Idling Control Policy attached hereto as Schedule "A" and forming part of this By-law is hereby adopted.
2. This By-law shall come into force and take effect immediately upon the final passing of same.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 13th day of August, 2008.

 Mayor
 Clerk

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN
COUNCIL** this 13th day of August, 2008.

 Mayor
 Clerk

SCHEDULE "A"
to By-law 2008-195
of the City of Greater Sudbury

Page 1 of 4

Purpose

The City of Greater Sudbury is already acknowledged as a leader in environmental restoration. The municipality has an opportunity to again take a leadership role by protecting air quality through reduced vehicle idling, thereby setting an example for private motorists throughout the community. In addition to environmental benefits, a reduction in unnecessary vehicle idling will result in significant cost savings for the municipality.

Background

National Context:

Natural Resources Canada (NRCan) has identified a series of actions that Canadians can take to reduce greenhouse gas emissions. One action is to reduce the duration and frequency of vehicle idling.

Unnecessary idling produces carbon dioxide emissions (CO²) that contribute to climate change, smog and health problems, is a waste of fuel and money, and results in engine component wear

NRCan estimates that if every driver of a light-duty vehicle in Canada avoided idling for just five minutes every day for a year, more than two million tonnes of CO² would be prevented from entering the atmosphere each year. This is equivalent to removing over 350,000 cars from the road for one year.

Local Context:

The City of Greater Sudbury has been working with the Fleet Challenge Ontario Program, a not-for-profit program of the Canadian Energy Efficiency Alliance.

The Fleet Challenge Ontario Program is designed to help municipal fleet managers cut emissions and operational costs by applying fleet management tools and techniques shared through E3 (Energy Environment Excellence) Fleet Reviews, information sessions and a Best Practices manual.

This spring, the City of Greater Sudbury took part in an optional E3 Fleet Rating, which uses a point-based rating system checklist for rating fleet management practices and energy and emissions performance.

SCHEDULE "A"
to By-law 2008-195
of the City of Greater Sudbury

Page 2 of 4

Among the recommendations of the E3 Fleet Review is the initiation of an idling reduction program. Fleet Challenge Ontario estimates that the average municipal vehicle idles between 60 and 65 per cent of the time.

In 2007, the City of Greater Sudbury had an expenditure of \$4.5 million for gas and diesel fuel to operate the municipal fleet, including police, fire, ambulance, infrastructure services and various other divisions.

Since December 2007, fuel costs have risen at an alarming rate. Reducing unnecessary vehicle idling will achieve significant savings.

Idling Control Policy for City Vehicles

Diesel-fueled vehicles:

Operators of diesel-fueled vehicles will be allowed to idle the engine for up to five minutes during the initial shift warm-up and at subsequent times when the vehicle is being restarted after a prolonged shut down period. Extended idle time is necessary for diesel-fueled engines to allow proper circulation and cooling of engine oil and other fluids. After the warm-up period, no operator shall idle the engine of a diesel-fueled vehicle that is stopped for more than three minutes.

Gasoline-fueled vehicles:

No operator shall idle the engine of a gasoline-fueled vehicle that is stopped for more than three minute.

Alternative-fueled vehicles:

Vehicles powered with alternative fuels should operate in accordance with the provisions of the previous section on Gasoline-fueled Vehicles. Alternative fuels include propane and compressed natural gas.

Transit buses:

Transit buses shall be turned off as soon as possible upon arrival at the transit terminal. The bus should be restarted only when it is ready to depart.

Off-Road vehicles and equipment:

Off-road vehicles and equipment shall not be left idling unless absolutely required for operations and/or safety.

Exceptions:

The following vehicles and situations will be exempt from this policy to limit vehicle idling to a maximum of three minutes:

1. emergency vehicles, emergency boats, off-road vehicles and equipment while engaged in operational activities, including training and client transfer,
2. vehicles assisting in emergency response and/or activities,

SCHEDULE "A"
to By-law 2008-195
of the City of Greater Sudbury

Page 3 of 4

3. mobile workshop where engine power is necessary for electrical or pressure generation, tool use, hoist or winch use, lift gate or boom operation, and/or similar applications,
4. vehicles with power take-off containing work equipment that must be powered by the vehicle engine,
5. transit vehicles in layover or stopover, defined as a stopping point along a transit route or at a transit vehicle terminal, for a maximum of 15 minutes to allow transit vehicles to adjust to service schedules,
6. vehicles that remain motionless because of an emergency or traffic conditions, including but not limited to congestion, traffic control signals, weather conditions or mechanical difficulties,
7. vehicles undergoing service or inspection,
8. extreme cold weather or heat alerts where idling may be necessary for the well-being of the operator and/or passengers,
9. idling to defrost, defog or deice vehicle windows provided a scraper is used prior to starting the engine. Idling must end once fog, frost or ice conditions have been eliminated, and
10. operators may idle vehicles for up to 15 minutes for the purpose of getting warm and/or dry if indoor accommodations are not available at the work site. To reduce the possibility of carbon monoxide accumulation in the cab, windows must remain partially open for safe ventilation.

Purchase and use of idle-reducing equipment

All attempts shall be made to purchase equipment that will eliminate the need for excessive vehicle idling. Appropriate purchases may include, but are not limited to, auxiliary power units, auxiliary batteries, LED lighting and automatic shutdown devices where necessary.

Training and Communications

This policy and the reasons for it will be communicated to all operators during driver orientation and training sessions, as well as through periodic communications in crew meetings and staff bulletins.

Signs will be posted in municipal yards and other locations frequented by municipal vehicles. Decals will be provided for windshields of municipal vehicles.

Supervisors will ensure that employees who operate a city vehicle or off-road vehicles and equipment are made aware of the idling control policy.

Supervisors/foremen in their respective department/division/section will be responsible for the adherence and enforcement of the idling policy. Violations of the policy will be documented as to the vehicle operator, vehicle number, location, date and time, weather conditions and circumstances of the violation. The vehicle operator will be informed of the violation by the supervisor at the time of the infraction.

SCHEDULE "A"
to By-law 2008-195
of the City of Greater Sudbury

Page 4 of 4

Discipline will be in accordance with respective department's/division's/section's policies and/or collective bargaining agreements.

Monitoring

Periodic evaluations will be conducted, which will include the participation of operators, to monitor the effectiveness of the policy. Results will be communicated to operators and the policy may be amended from time to time if needed.

Request for Decision

Locates Service Provider Report

Presented To: Operations Committee

Presented: Monday, Jun 17, 2013

Report Date: Wednesday, Jun 12, 2013

Type: Managers' Reports

Recommendation

That the City of Greater Sudbury authorize staff to retain the current Locates Services Provider providing this service to the Northern Ontario Region of the Locates Alliance Consortium until the contract expires at the end of 2013.

Finance Implications

The unbudgeted estimated operating costs range from \$189,000 to \$243,000 and will be absorbed into the 2013 operating budget. If there is a deficit at year end in either Water and Wastewater or Roads, it will be funded from the Water and Waste Water Capital Financing Reserve Funds and Roads Capital Financing Reserve Fund respectively.

The one time outlay of \$10,000 to join the LAC will also be funded from the operating budget.

For 2014, the associated annual costs will be reflected in the operating budget based on the 2013 expenditures.

Signed By

Report Prepared By

Nick Benkovich
Director of Water/Wastewater Services
Digitally Signed Jun 12, 13

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure
Services
Digitally Signed Jun 12, 13

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jun 12, 13

Background

At its meeting of Tuesday April 23, 2013, City of Greater Sudbury Council approved Operations Committee resolution OP2013-14.

Underground Infrastructure Notification System Act

"OP2013-14 Kett/Berthiaume: THAT the City of Greater Sudbury authorize staff to proceed with Option 3 (Outsource and Join the Locates Alliance Consortium) to meet current service level deficiencies and the new legislated requirements for locate services during the spring of 2013 in order to be able to meet expected construction season peaks in 2013;

AND THAT the City of Greater Sudbury join the Locate Alliance Consortium (LAC);

AND THAT locate services be outsourced to an external service provider to meet the City of

Greater Sudbury infrastructure locate obligations through a competitive acquisition process that fully complies with the purchasing bylaw;

AND THAT Staff be authorized to draw any deficit from the respective reserve funds."

Following authorization from Council to proceed with this initiative, staff began working to implement the recommendations to come into effect during the 2013 construction season using the cooperative purchasing provisions in Section 23-(1) of the current CGS Purchasing Bylaw 2006-270. Unfortunately the provisions contained in Section 23(1) require all members engaged in a cooperative acquisition must be only government agencies or public authorities.

Despite the fact that the current Locates Services Provider (QX) was competitively acquired, given that the Locates Alliance Consortium (LAC) membership includes both private and public sector entities these cooperative purchasing provisions in Bylaw 2006-270 could not be met.

This report requests authorization to sole source to QX Locates, who is the current locates services provider (LSP) for the Northern Ontario Region area of the LAC until the current tender expires at the end of December 2013. At that time the City of Greater Sudbury will competitively acquire a LSP in coordination with other LAC members from our region.

This will permit the City of Greater Sudbury to achieve more timely locates services to our community stakeholders during the remainder of the 2013 construction season as was envisioned in the original report.

Presented To:	Operations Committee
Presented:	Tuesday, Apr 02, 2013
Report Date	Friday, Mar 08, 2013
Type:	Managers' Reports

Request for Decision

Underground Infrastructure Notification System Act

Recommendation

That the City of Greater Sudbury authorize staff to proceed with Option 3 (Outsource and Join the Locates Alliance Consortium) to meet current service level deficiencies and the new legislated requirements for locate services during the spring of 2013 in order to be able to meet expected construction season peaks in 2013; and

That the City of Greater Sudbury join the Locate Alliance Consortium (LAC); and

That locate services be outsourced to an external service provider to meet the City of Greater Sudbury infrastructure locate obligations through a competitive acquisition process that fully complies with the purchasing bylaw; and

That Staff be authorized to draw any deficit from the respective reserve funds.

Signed By

Report Prepared By

Nick Benkovich
Director of Water/Wastewater Services
Digitally Signed Mar 8, 13

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure Services
Digitally Signed Mar 8, 13

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Mar 11, 13

Finance Implications

Under Option 3, the unbudgeted estimated operating costs ranges from \$189,000 to \$243,000 and will be absorbed into the 2013 operating budget, if possible. If there is a deficit at year end in either Water and Wastewater or Roads, it will be funded from the Water and Waste Water Capital Financing Reserve Funds and Roads Capital Financing Reserve Fund respectively.

The one-time outlay of \$10,000 to join the LAC will also be funded from the operating budget.

For 2014, the associated annual costs will be reflected in the operating budget.

Background

It is standard business practice when excavation is to take place to locate underground infrastructure to prevent damage or avoid injuries from potential contact with the underground infrastructure. As part of its operations, CGS is required to provide locates to anyone excavating where CGS infrastructure is in place. The City's underground infrastructure that must be located before excavation proceeds are water and sanitary sewer lines, storm sewers and the underground infrastructure for traffic lights. Currently the City

does not provide locate services for storm sewers or underground infrastructure for traffic lights.

Historically, locate requests to CGS have been processed and provided by internal staff resources. Recently, as demands have increased for both locates and core W/WW work functions, locate service standards have suffered prompting an increasing number of concerns being expressed by local excavators whose schedules and projects have been delayed while locates are being processed.

The building inadequacy of the present locate processes coupled with imminent legislation that prescribes new service standards requires prompt implementation of an improved way for CGS to provide locates to excavators.

The new system must not only provide value for money, bring CGS standards into line with local excavators' expectations and industry norms but also set the stage to smoothly transition into compliance with looming legislated standards.

Existing Legislation

Presently there are three existing pieces of Ontario legislation that define requirements for locating infrastructure prior to excavating:

- Occupational Health & Safety Act, Construction Projects Regulation 22/04:
Requires that an employer shall ensure the services in the area of the excavation are located and marked;
- Technical Standards and Safety Act, Oil and Gas Pipeline Systems Regulation 210/01:
Requires that no person shall excavate without first ascertaining from the license holder the location of the pipelines;
- Electricity Act, 1998:
Requires that prior to excavating an excavator shall ascertain from the distributor the location of any distribution line that the excavation may interfere with.

New Provincial Legislation

The *Ontario Underground Infrastructure Notification System Act, 2012* was passed by the Ontario Legislature in June 2012 and came into effect via a phased implementation schedule that began June 19 2012. The new requirements are scheduled to come into effect for all owners of underground infrastructure except municipalities in June 2013 and for municipalities in June of 2014.

Requirements of the Act

Of particular significance to CGS, this new legislation prescribes the response time to locate requests as set out below.

- Emergency Locate Requests:
Defined as a loss of an essential service by a utility and an excavator work crew is either on site or has been dispatched, or there is an imminent safety hazard requiring a locate response within two hours. Such requests are to be forwarded to the member utility by Ontario 1 Call within fifteen (15) minutes.
- Priority Locate Requests:
Defined as an emergent situation that requires a locate request to be completed within five business days. Such requests are to be forwarded to the member utility within twelve (12) hours.
- Standard Locate Requests:
Defined as planned work where a locate request is required within five (5) business days and forwarded to the member utility within twenty-four (24) hours.

The legislation also requires locates for storm sewers and traffic light underground infrastructure. The City does not currently meet the prescribed response times and does not locate storm sewers or traffic light underground infrastructure. CGS will be unable to meet these requirements as the business function is currently structured.

Ontario 1 Call

The new legislation also creates Ontario 1 Call that is a statutory, not-for-profit corporation that will operate a call centre where inbound calls will be excavators requesting excavations and outbound calls to member utilities and municipalities to arrange the requested locate. Every municipality in Ontario who owns or operates underground infrastructure will be required to become a member of Ontario 1 Call. At the present time it has not been clearly established as to whether municipalities will be required to pay a membership fee.

Impact on CGS

CGS must become a member of Ontario 1 Call by June of 2014. Members of Ontario 1 Call are required to meet the service standards for providing locates to excavators within prescribed times as above. The number of locate requests is variable in nature and is expected to change by season with the peak season for expected locate requests from May until November of each year. The following graph shows CGS's locate request statistics and it is projected that there will be 5,400 locate requests in 2013. The increase in the projection is due to increased education activity about completing locates before excavating by regulatory authorities. In addition, other municipalities have informed CGS that upon becoming members of Ontario 1 Call, their locate requests increased by about 30%.

Options To Meet New Legislated Requirements

As previously mentioned, CGS currently has difficulty meeting the demands for locate services and does not have the resources to meet the new legislated requirements. In developing a strategy to provide improved locate services and consistently comply with these new requirements, staff considered three possible options. In evaluating these options consideration was given to factors such as costs, sustainability, impact on core work and consistency of compliance with legislated requirements. A summary of options is presented below:

1. Continue to perform locates with City staff

CGS locate requests are received and processed by CGS dispatchers and relayed to field staff. The field work portion of the locates are currently performed by certified operators from Water and Wastewater Services and Construction Services staff. None of the staff who currently provide locates do this as their sole function and when demand for locates is high other core work of these functions is left undone.

The 2013 projection for locate requests is 5,400 most of which will occur in the peak period of May to November. For this number of locates, it is anticipated that CGS will require 6 temporary employees for seven months. The labour, training and administrative support costs would be approximately \$275,000. In addition, these employees would require a vehicle and the cost of leasing these vehicles for the temporary period would be approximately \$42,000. Other equipment such as locating equipment, computers and software is required at an estimated annual charge of approximately \$7,500. In addition, CGS will be required to purchase software that allows the City to communicate with Ontario 1 Call at a cost of \$50,000. The total cost of this option is \$324,500 in annual operating costs and a onetime cost for the software to communicate with Ontario 1 Call of \$50,000.

This strategy would reduce the burden on dispatchers and free up two existing certified operators from Water and Wastewater Services in the peak season who currently perform locates to work on other core programs. As a result there are no potential savings. In the non-peak periods, the existing certified operators from Water and Wastewater Services would perform locates.

Since this option proposes temporary employees, it is of note that staff attempted to recruit two utility locators on a limited basis during 2012 and was unable to find successful applicants. Given that locates may be requested on a 24 / 7 basis and the significant seasonal variability in the number of locate requests, recruitment of suitably qualified staff on an ongoing basis will likely be difficult and this could compromise the City's ability to comply with the legislated requirements and thereby detract staff from their core work programs. Even if qualified staff could be recruited, barriers in the Collective Bargain Agreement (CBA) require that premium rates be paid for locates provided outside normal dayshift hours and any work on weekends.

2. Outsource to External Service Provider

Due to the mandated service standard and unpredictability of the volume of locate requests from day to day, contracting the work to an external locate provider has advantages. Such companies are subject matter experts who are better set up to manage variable or unpredictable locate work flows.

Outsourcing would also reduce CGS costs by eliminating the requirement for the City to purchase software to communicate with Ontario 1 Call as this relationship will be managed by the successful bidder. Based on the projected volume of locate requests for 2013 of 5,400 and an estimated average cost of \$35 to \$50 per locate (provided by another utility based on their experience) the expected cost to outsource the locate function is between \$189,000 and \$270,000. The actual cost of a locate will not be known until CGS undertakes a procurement process.

3. Outsource and Join the Locates Alliance Consortium (LAC)

The Locate Alliance Consortium (LAC) is a group of utility owners who work together to create best practices and find ways to provide the best value for money through synergies. A LAC exists in several regions in Ontario, and Sudbury falls within the Northern Ontario region. All LAC members outsource their work to a contractor (through competitive processes) who is willing to abide by the terms and conditions developed by the LAC.

One of the key terms of a LAC is that of a tiered pricing structure wherein the cost of a locate to an individual utility is reduced when other utilities are located at the same time. To illustrate (based on experience of another utility), where the average cost for a single locate in Option 2 above for outsourcing is \$35 to \$50, in this option where two or more utilities are located at the same time by the same service provider the average cost of each locate is approximately \$35 to \$45. Based on the anticipated 5,400 locate requests for 2013 and assuming an average price per locate of \$35 to \$45 the cost to the City would be in a range of \$189,000 to \$243,000.

There is a onetime cost related to belonging to LAC of approximately \$10,000.

Financial Impact

Option 1 has unbudgeted estimated operating costs of \$324,500, and if possible, will be absorbed into the 2013 operating budget. If there is a deficit at year end in Water and Wastewater and Roads Services, it will be funded from the Water and Waste Water Capital Financing Reserve Funds and Roads Capital Financing Reserve Fund respectively.

The initial one-time outlay for software of \$50,000 will be funded proportionately from the Water and Wastewater Capital Financing Reserve Funds and Roads Capital Financing Reserve Fund.

Option 2 has unbudgeted estimated operating costs ranging from \$189,000 to \$270,000, and if possible, will be absorbed into the 2013 operating budget. If there is a deficit at year end in Water and Wastewater and Roads Services, it will be funded from the Water and Waste Water Capital Financing Reserve Funds and Roads Capital Financing Reserve Fund respectively.

Option 3 has unbudgeted estimated operating costs ranging from \$189,000 to \$243,000, and if possible, will be absorbed into the 2013 operating budget. If there is a deficit at year end in Water and Wastewater and Roads Services, it will be funded from the Water and Waste Water Capital Financing Reserve Funds and Roads Capital Financing Reserve Fund respectively.

The initial one-time outlay of \$10,000 will be funded proportionately from the Water and Wastewater Capital Financing Reserve Funds and Roads Capital Financing Reserve Fund.

The service delivery method will be evaluated during the course of 2013 and for 2014, the associated annual costs will be reflected in the operating budget.

Recommendations

Following analysis of the various options to meet the new requirements staff recommends the following:

1. Move forward in a proactive manner by implementing a solution to meet current service level deficiencies and the new legislated requirements for locate services during the spring of 2013 in order to be able to meet expected construction season peaks in 2013;
2. Join the Locate Alliance Consortium (LAC);

The LAC provides a time proven framework developed in the private sector for utility owners to provide best value for money, collaborate on best practices, and hold locate providers accountable for the quality of their work as a team. The LAC has a well developed QA / QC program and reports on key performance indicators to effectively manage the locate service providers (LSP's).

There are also mechanisms in place for LAC members to take advantage of lower rates from locate providers by having one locate provider perform several locates while they are already onsite. The analysis of the three options above demonstrates that the option where the municipality joins LAC and outsources locate services results in the option providing the greatest value for money to CGS.

3. Outsource to an external service provider to meet CGS infrastructure locate obligations through a competitive acquisition process that fully complies with the purchasing bylaw.

The CGS locate requirements impact on both Water and Wastewater Services and Road Services. Since CGS has not been providing locates for storm sewers and underground traffic light infrastructure, there are no historical records to establish what portion of the cost will apply to Roads and to Water Wastewater. Generally it is anticipated that the split will be approximately 30% to Roads and 70% to Water and Wastewater. Actual costs will be tracked by division and adjusted at year end to reflect the actual costs for Roads and Water and Wastewater. The 2013 budget does not have an allocation for these costs. It is recommended that the required funding for 2013, if possible, will be absorbed into the 2013 operating budget. If there is a deficit at year end, it will be funded from the Water and Waste Water Capital Financing Reserve Funds and Roads Reserve Funds respectively. Annual costs for 2014 will be included in the 2014

operating budget. The initial one-time outlay for software will be funded proportionately from the Water and Wastewater Capital Financing Reserve Funds and Road Capital Financing Reserve Fund.

MEETING OF THE COUNCIL OF THE CITY OF GREATER SUDBURY

Committee Room C-11
Tom Davies Square

Tuesday, April 23, 2013
Commencement: 4:00 p.m.

DEPUTY MAYOR LANDRY-ALTMANN, IN THE CHAIR

Present

Councillors Cimino; Barbeau; Dupuis; Rivest; Belli; Craig; Caldarelli; Kett; Mayor Matichuk

City Officials

Doug Nadorozny, Chief Administrative Officer; Tony Cecutti, General Manager of Infrastructure Services; Bill Lautenbach, General Manager of Growth & Development; Caroline Hallsworth, Executive Director, Administrative Services/City Clerk; Kevin Fowke, Director of Human Resources & Organizational Development; Jamie Canapini, City Solicitor

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Closed Session

CC2013-125 Barbeau/Dupuis: THAT the City of Greater Sudbury Council move to Closed Session to deal with one Labour Relations/Employee Negotiations Matter, one Personal Matter (Identifiable Individual) and one Solicitor-Client Privilege Matter in accordance with the *Municipal Act, 2001*, s.239(2).

CARRIED

Recess

At 6:05 p.m., Council recessed.

Reconvene

At 6:23 p.m., Council commenced the Open Session in the Council Chamber.

HER WORSHIP MAYOR MARIANNE MATICHUK, IN THE CHAIR

Present

Councillors Cimino; Barbeau; Berthiaume; Dupuis; Rivest; Belli; Craig; Caldarelli; Kett; Landry-Altmann (A6:27pm)

City Officials

Doug Nadorozny, Chief Administrative Officer; Tony Cecutti, General Manager of Infrastructure Services; Catherine Matheson, General Manager of Community Development; Bill Lautenbach, General Manager of Growth & Development; Tim Beadman, Chief of Emergency Services; Allan Lekun, Deputy Chief of Police; Caroline Hallsworth, Executive Director, Administrative Services/City Clerk; Kevin Fowke, Director of Human Resources &

City Officials (cont'd)

Organizational Development; Tony Derro, Manager of Taxation; Jamie Canapini, City Solicitor; Eliza Bennett, Manager of Communications & French Language Services; Franca Bortolussi, Council Assistant; Deanna Denis, Audio/Video Operator

MOMENT OF SILENT REFLECTION

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

COMMUNITY DELEGATIONS

Item 1 Northern Water Sports <u>Centre</u>	Thomas Merritt, Board Chair, Northern Water Sports Centre, and Sheila Mendes, Project Manager, Northern Water Sports Centre, made an electronic presentation providing an update on the Northern Water Sports Centre.
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MATTERS ARISING FROM THE CLOSED SESSION

<u>Rise and Report</u>	Deputy Mayor Landry-Altmann, as Chair of the Closed Session, reported that Council met in Closed Session to deal with one Labour Relations/Employee Negotiations Matter, one Personal Matter (Identifiable Individual) and one Solicitor-Client Privilege Matter in accordance with the <i>Municipal Act, 2001</i> , s.239(2) and that, pursuant to Section 239(6), direction was given regarding one item.
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MATTERS ARISING FROM THE OPERATIONS COMMITTEE MEETING

Approval of Operations Committee <u>Recommendations</u>	Councillor Barbeau, as Chair of the Operations Committee, reported on the matters arising from the Operations Committee Meeting of April 2, 2013.
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Recommendation OP2013-07 was pulled and dealt with separately.

The following motion was presented:

CC2013-126 Kett/Dupuis: THAT the City of Greater Sudbury approve Operations Committee Recommendations OP2013-06, OP2013-08 and OP2013-10 to OP2013-15 inclusive from the meeting of April 2, 2013.

CARRIED

The following are the Operations Committee recommendations:

MATTERS ARISING FROM THE OPERATIONS COMMITTEE MEETING (cont'd)

Elm Street – On Street
Parking

OP2013-06 Caldarelli/Landry/Altmann: THAT the City of Greater Sudbury not permit on-street parking on Elm Street between Lorne Street and Paris Street;

AND THAT the City's Transportation Study Report review the need and timing for the Ste. Anne Road extension and other road network improvements to reduce traffic volumes on Elm Street, in accordance with the report dated March 6, 2013 from the General Manager of Infrastructure Services.

DEFEATED

Recommendation OP2013-07 was pulled and dealt with separately. See page 4 & 5.

OP2013-08 Caldarelli/Kett: THAT the City of Greater Sudbury direct staff to provide a report to the Operations Committee regarding the method and rates for parking during the trial period and details of the trial.

CARRIED

Winter Control
Operations Update –
2012

OP2013-10 Berthiaume/Kett: THAT the City of Greater Sudbury receive the report dated March 7, 2013 from the General Manager of Infrastructure Services regarding Winter Control Operations Update – 2012 for information only.

CARRIED

Winter Control
Operations Update –
January 2013

OP2013-11 Berthiaume/Kett: THAT the City of Greater Sudbury receive the report dated March 7, 2013 from the General Manager of Infrastructure Services regarding Winter Control Operations Update – January 2013 for information only.

CARRIED

Downtown Streetlight
Partnership

OP2013-12 Kett/Berthiaume: THAT the City of Greater Sudbury receive the report dated March 6, 2013 from the General Manager of Infrastructure Services regarding Downtown Streetlight Partnership for information only.

CARRIED

Handi Transit Issues

OP2013-13 Kett/Berthiaume: THAT the City of Greater Sudbury receive the report dated March 7, 2013 from the General Manager of Infrastructure Services regarding Hindi Transit Issues for information only.

CARRIED

Underground
Infrastructure
Notification System Act

OP2013-14 Kett/Berthiaume: THAT the City of Greater Sudbury authorize staff to proceed with Option 3 (Outsource and Join the Locates Alliance Consortium) to meet current service level

MATTERS ARISING FROM THE OPERATIONS COMMITTEE MEETING (cont'd)

Underground
Infrastructure
Notification System Act
(cont'd)

deficiencies and the new legislated requirements for locate services during the spring of 2013 in order to be able to meet expected construction season peaks in 2013;

AND THAT the City of Greater Sudbury join the Locate Alliance Consortium (LAC);

AND THAT locate services be outsourced to an external service provider to meet the City of Greater Sudbury infrastructure locate obligations through a competitive acquisition process that fully complies with the purchasing bylaw;

AND THAT Staff be authorized to draw any deficit from the respective reserve funds.

CARRIED

Valley East
Wastewater Treatment
Plant - Dechlorination
Project: Full Plant Trial

OP2013-15 Kett/Berthiaume: THAT the City of Greater Sudbury accept the report dated March 8, 2013 from the General Manager of Infrastructure Services regarding the Valley East Wastewater Treatment Plant - Dechlorination Project: Full Plant Trial;

AND THAT the City of Greater Sudbury approve the continuation of the full plant trial, including consulting engineering services to be provided by AECOM, for Paracetic Acid as an effluent disinfectant to meet Environment Canada regulations for the elimination of toxic effluent from the Valley East Wastewater Treatment Plant in accordance with the said report.

CARRIED

Elm Street – On Street
Parking

Councillor Berthiaume requested that Recommendation OP2013-07 be pulled and dealt with separately.

The following recommendation was presented:

CC2013-127 Kett/Caldarelli: THAT the City of Greater Sudbury permit on-street parking on Elm Street between Elgin Street and Lisgar Street for a trial period of two (2) years with a review after one (1) year. Parking is permitted on the south side between 9:00 a.m. and 3:30 p.m.;

AND THAT weekend and overnight parking be permitted between 6:00 p.m. and 7:30 a.m. for a 4-hour maximum.

MATTERS ARISING FROM THE OPERATIONS COMMITTEE MEETING (cont'd)

Elm Street – On Street
Parking (cont'd)

RECORDED VOTE:

YEAS

Barbeau
Dupuis
Belli
Craig
Caldarelli
Kett
Landry-Altmann
Mayor Matichuk

NAYS

Cimino
Berthiaume
Rivest

CARRIED

MATTERS ARISING FROM THE PLANNING COMMITTEE MEETING

Approval of
Planning Committee
Recommendations

Councillor Kilgour, as Chair of the Planning Committee, reported on the matters arising from the Planning Committee Meeting of April 8, 2013.

Planning Committee Recommendation PL2013-54 was pulled and dealt with separately.

The following motion was presented:

CC2013-128 Dupuis/Kett: THAT the City of Greater Sudbury approve Planning Committee Recommendations PL2013-53, PL2013-56 and PL2013-57 from the meeting of April 8, 2013.

CARRIED

The following are the Planning Committee recommendations:

Energy Court, Sudbury
- City of Greater
Sudbury

PL2013-53 Craig/Belli: THAT the City of Greater Sudbury approve the application by the City of Greater Sudbury to amend the Zoning By-law 2010-100Z with respect to lands described as Part of PIN 73585-1049, Parts 37 & 43, Plan 53R-14343, Lot 6, Concession 3, Township of McKim in order to permit a retail store in accordance with Section 39 of the Planning Act for a temporary period of one (1) year.

CARRIED

Countryside Drive,
Sudbury - Pagnutti
Developments

See pages 6 to 8.

MATTERS ARISING FROM THE PLANNING COMMITTEE MEETING (cont'd)

Consent Applications
B14/2013 to B16/2013,
77 Montee Genereux,
Chelmsford – Donna
Thibodeau

PL2013-56 Belli/Craig: THAT the City of Greater Sudbury permit Consent Applications B0014/2013, B0015/2013 and B0016/2013 on those lands described as PIN 73347-0890, Parcel 992, Part of Lot 11, Concession 2, Township of Rayside to proceed by way of the consent process.

CARRIED

Draft Plan of
Condominium,
Woodland Street,
Sudbury – 2174113
Ontario Limited

PL2013-57 Belli/Craig: That the City of Greater Sudbury Council's delegated official be directed to issue the draft approval for the subject condominium following Council's approval and subject to the following conditions:

1. That this approval applies to the draft plan of condominium of PIN 73579-0335, Parcel 23833 A S.E.S., Lot 1, Concession 3, Township of McKim, as shown on a plan prepared by D.S. Dorland, O.L.S. and dated December 18, 2012.
2. That the final Condominium Plan be integrated with the City of Greater Sudbury Control Network. Final plan coordinate listings and an AutoCAD simple line file of the resultant parcel fabric (with coordinated points labelled) are to be provided to this office as part of this requirement. Also, the final plan must be provided in AutoCAD.dwg format.
3. That prior to the signing of the final plan, Planning Services Division is to be advised by the City Solicitor that the cash payment in lieu of 5% parkland dedication has been satisfied in accordance with Section 51.1(3) of the Planning Act.
4. That prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
5. If final approval is not granted within three years of the date of draft approval, the draft approval shall lapse in accordance with Section 51(32) of the Planning Act, unless an extension is granted by Council pursuant to Section 51(33) of the Planning Act.
6. That such easements as may be required for access, utility or drainage purposes shall be granted to the appropriate parties.

CARRIED

Countryside Drive,
Sudbury - Pagnutti
Developments

Councillor Belli requested that Planning Committee Recommendation OP2013-07 be pulled and dealt with separately.

Planning Committee Recommendation OP2013-07 read:

MATTERS ARISING FROM THE PLANNING COMMITTEE MEETING (cont'd)

Countryside Drive,
Sudbury - Pagnutti
Developments (cont'd)

Belli/Craig: THAT the City of Greater Sudbury approve the application by Pagnutti Developments to amend Zoning By-law 2010-100Z by changing the zoning classification from "FD", Future Development to "HC2(S)", Holding General Commercial Special on those lands described as Part of PIN 73475-1448, Part 1, Plan 53R-19206 in Lot 6, Concession 5, Township of Broder, subject to the following conditions:

- a. That the amending by-law indicates the following site-specific conditions:
 - i) The only permitted uses shall be offices and related accessory uses;
 - ii) The maximum building height shall be two (2) storeys;
 - iii) The minimum setback along the southeasterly lot line where it abuts Parts 2 to 10, Plan 53R-19206 and Lots 15 to 17, Plan 53M-1238 shall be 15 metres;
 - iv) A buffer comprising existing natural vegetation with a minimum depth of 8 metres shall be provided along the southeasterly lot line where it abuts Parts 2 to 10, Plan 53R-19206 and Lots 15 to 17, Plan 53M-1238, excluding any clearance required to address servicing and drainage.
- b. That an "H", Holding designation be included in the amending by-law, which provides that no development may take place on the lands until such time as the General Manager of Infrastructure Services has advised that municipal sanitary sewer services are adequate to service the development.
- c. That prior to the issuance of a building permit, the owner shall enter into a Site Plan Control Agreement with the City, which amongst other matters shall address the following:
 - i) The owner shall construct a 1.5 metre wide concrete sidewalk across the entire frontage of the property and will cost-share with the City to complete the sidewalk connection to the existing sidewalk on the residential section of Countryside Drive.

Amendment

The following amendment to the motion was presented:

Belli/Kett: THAT the City of Greater Sudbury amend Planning Committee Recommendation PL2013-54 by deleting Paragraph b. That an "H", Holding designation be included in the amending by-law, which provides that no development may take place on the lands until such time as the General Manager of Infrastructure

MATTERS ARISING FROM THE PLANNING COMMITTEE MEETING (cont'd)

Countryside Drive,
Sudbury - Pagnutti
Developments (cont'd)

Services has advised that municipal sanitary sewer services are adequate to service the development and by removing the 'H - Holding' from "HC2(S)", Holding General Commercial Special references in the resolution.

CARRIED

Main Motion
(as amended)

The main motion as amended was presented:

CC2013-129 Belli/Craig: THAT the City of Greater Sudbury approve the application by Pagnutti Developments to amend Zoning By-law 2010-100Z by changing the zoning classification from "FD", Future Development to "C2(S)", General Commercial Special on those lands described as Part of PIN 73475-1448, Part 1, Plan 53R-19206 in Lot 6, Concession 5, Township of Broder, subject to the following conditions:

- a. That the amending by-law indicates the following site-specific conditions:
 - i) The only permitted uses shall be offices and related accessory uses;
 - ii) The maximum building height shall be two (2) storeys;
 - iii) The minimum setback along the southeasterly lot line where it abuts Parts 2 to 10, Plan 53R-19206 and Lots 15 to 17, Plan 53M-1238 shall be 15 metres;
 - iv) A buffer comprising existing natural vegetation with a minimum depth of 8 metres shall be provided along the southeasterly lot line where it abuts Parts 2 to 10, Plan 53R-19206 and Lots 15 to 17, Plan 53M-1238, excluding any clearance required to address servicing and drainage.
- b. That prior to the issuance of a building permit, the owner shall enter into a Site Plan Control Agreement with the City, which amongst other matters shall address the following:
 - i) The owner shall construct a 1.5 metre wide concrete sidewalk across the entire frontage of the property and will cost-share with the City to complete the sidewalk connection to the existing sidewalk on the residential section of Countryside Drive.

CARRIED

MATTERS ARISING FROM THE FINANCE AND ADMINISTRATION COMMITTEE MEETING

Approval of Finance and Administration Committee Recommendations

Councillor Kett, as Chair of the Finance and Administration Committee, reported on the matters arising from the Finance and Administration Committee Meeting of April 16, 2013.

The following motion was presented:

CC2013-130 Kett/Dupuis: THAT the City of Greater Sudbury approve Finance and Administration Committee Recommendations FA2013-12 to FA2013-15 inclusive and FA2013-17 to FA2013-20 inclusive from the meeting of April 16, 2013.

CARRIED

The following are the Finance and Administration Committee recommendations:

Appointment of Vice- Chair – Finance and Administration Committee

FA2013-12 Craig/Cimino: THAT the City of Greater Sudbury appoint Councillor Frances Caldarelli as Vice-Chair of the Finance and Administration Committee for the term ending November 30, 2014.

CARRIED

2013 Property Tax Policy

FA2013-13 Cimino/Caldarelli: WHEREAS as a result of the property reassessment in 2013 which phases in assessment increases over four years, there continues to be inter-class shifting of tax burdens;

AND WHEREAS the Ministry of Finance allows municipalities to set new tax ratios to mitigate the impact of tax shifts relative to the reassessment;

THEREFORE BE IT RESOLVED THAT THE CITY OF GREATER SUDBURY approve new revenue neutral tax ratios as calculated in the Online Property Tax Analysis System (OPTA) for the Multi-Residential, Commercial, Industrial and Pipeline property classes as follows:

Multi-Residential - 2.277450;
Commercial - 2.214876;
Industrial – 3.180053;
Large Industrial - 3.604419;
Pipeline – 2.096034;

AND THAT the necessary by-law be passed.

CARRIED

MATTERS ARISING FROM THE FINANCE AND ADMINISTRATION COMMITTEE MEETING
(cont'd)

2013 Property Tax
Policy (cont'd)

FA2013-14 Caldarelli/Cimino: WHEREAS the City of Greater Sudbury continues the practice of having as many properties as possible pay their fair share of property taxes based on the Current Value Assessment (CVA);

AND WHEREAS the Province of Ontario has provided tax tools to achieve this outcome;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury use these tools to the maximum, resulting in more properties paying true CVA taxes, and the tools are as follows:

- a) Implement a 10% tax increase cap rather than the mandatory 5% minimum cap,
- b) Implement a minimum annual increase of 5% of CVA level taxes for capped properties,
- c) Move capped and clawed back properties within \$250 of CVA taxes directly to CVA taxes;
- d) eliminate properties that were at Current Value Assessment in 2012 from the capping exercise;
- e) eliminate properties that crossed between capping and clawback in 2013 from the capping exercise;

AND THAT the necessary bylaw be passed.

CARRIED

FA2013-15 Barbeau/Landry-Altmann: WHEREAS the Province of Ontario under Bill 140 has a maximum tax increase policy (capping) for business properties (Multi-Residential, Commercial and Industrial);

AND WHEREAS the City of Greater Sudbury, through past practice, has funded this cap on taxes by clawing back from properties realizing reduced taxation;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury adopt the following clawback percentages, as calculated by the Online Property Taxation Analysis (OPTA) System:

Multi-Residential – 16.2496%;
Commercial – 46.4519%;
Industrial – 29.1869%;

AND THAT the necessary bylaw be passed.

CARRIED

MATTERS ARISING FROM THE FINANCE AND ADMINISTRATION COMMITTEE MEETING
(cont'd)

Development Charges
– Treasurer's Annual
Statement

FA2013-17 Barbeau/Landry-Altmann: THAT the City of Greater Sudbury receive the report dated April 8, 2013 from the Chief Financial Officer/Treasurer regarding Development Charges – Treasurer's Annual Statement for information only.

CARRIED

Information Report on
Taxes Receivable

FA2013-18 Landry-Altmann/Barbeau: THAT the City of Greater Sudbury receive the report dated April 9, 2013 from the Chief Financial Officer/Treasurer regarding Information Report on Taxes Receivable for information only.

CARRIED

Section 391 Charges –
Update of Existing
Projects

FA2013-19 Barbeau/Landry-Altmann: THAT the City of Greater Sudbury receive the report dated April 8, 2013 from the Chief Financial Officer/Treasurer regarding Section 391 Charges – Update of Existing Projects for information only.

CARRIED

Proposed Revisions to
Purchasing By-law
2006-270

FA2013-20 Barbeau/Landry-Altmann: WHEREAS Section 270(1) of the *Municipal Act, 2001* imposes upon municipalities the obligation to adopt policies with respect to the procurement of Goods, Services and Construction;

AND WHEREAS the City of Greater Sudbury's Purchasing By-law establishes the authority and sets out the methods by which Goods, Services or Construction will be purchased and disposed of for the purposes of the City;

THEREFORE BE IT RESOLVED THAT staff prepares an amended purchasing by-law for Council approval, in accordance with the report dated April 10, 2013 from the Chief Financial Officer/Treasurer subject to the feedback received through consultation with the Sudbury Construction Association and the Sudbury Chamber of Commerce and consultation with the Auditor General.

CARRIED

CONSENT AGENDA

The following motion was presented:

CC2013-131 Kett/Dupuis: THAT the City of Greater Sudbury adopt Consent Agenda Items C-1 to C-4 inclusive and approve Items C-5 to C-7 inclusive.

CARRIED

CONSENT AGENDA (cont'd)

The following are the Consent Agenda Items:

MINUTES

Item C-1
Operating Committee
April 2, 2013

CC2013-132 Dupuis/Kett: THAT the City of Greater Sudbury adopt the Operating Committee Minutes of April 2, 2013.

CARRIED

Item C-2
City Council
April 9, 2013

CC2013-133 Barbeau/Dupuis: THAT the City of Greater Sudbury adopt the City Council Minutes of April 9, 2013.

CARRIED

Item C-3
Finance and
Administration
Committee
April 16, 2013

CC2013-134 Dupuis/Barbeau: THAT the City of Greater Sudbury adopt the Finance and Administration Committee Minutes of April 16, 2013.

CARRIED

Item C-4
Planning Committee
April 8, 2013

CC2013-135 Barbeau/Dupuis: THAT the City of Greater Sudbury adopt the Planning Committee Minutes of April 8, 2013.

CARRIED

TENDERS AND REQUESTS FOR PROPOSALS

Item C-5
Contract ISD12-18
Tender for Winter
Operations Snow
Plowing Services

Report dated April 11, 2013 from the General Manager of Infrastructure Services regarding Contract ISD12-18 Tender for Winter Operations Snow Plowing Services.

CC2013-136 Dupuis/Barbeau: THAT the City of Greater Sudbury award Contract ISD 12-18 Tender for Winter Operations Snow Plowing Services Part "A" to Pioneer Construction Inc. in the amount of \$2,200,000 plus HST and Part "B" to R. M. Belanger Limited in the amount of \$3,187,500 plus HST;

AND THAT the 2014 Operating Budget be adjusted accordingly.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-6
Healthy Community
Initiative Fund Requests
for Approval

Report dated April 9, 2013 from the Chief Financial Officer/Treasurer regarding Healthy Community Initiative Fund Requests for Approval.

CC2013-137 Barbeau/Caldarelli: THAT City of Greater Sudbury approval be granted for the Healthy Community Initiative Fund donations identified for:

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-6
Healthy Community
Initiative Fund Requests
for Approval (cont'd)

Ward 11 - Grant and donation to Adamsdale Public School for the creation of a rain garden at Adamsdale Public School, up to the sum of \$1,000.00;

Ward 12 - Grant and donation to Nickel District Conservation Authority for the Fast-Flow Water Safety Program and its poster/video contest, up to the sum of \$5,000;

AND THAT the appropriate by-law be presented.

CARRIED

Item C-7
Request for Noise
By-law Exemption -
Construction
LaSalle/Notre Dame
Intersection

Report dated April 11, 2013 from the Executive Director, Administrative Services/City Clerk regarding Request for Noise By-law Exemption - Construction LaSalle/Notre Dame Intersection.

CC2013-138 Dupuis/Barbeau: THAT the City of Greater Sudbury has no objection to the granting of an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to Infrastructure Services to allow construction operations at the LaSalle/Notre Dame intersection;

AND THAT exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) be granted from May 1, 2013 to December 15, 2013 with the condition that the exemption may be withdrawn at any time should serious complaints arise.

CARRIED

REGULAR AGENDA

MANAGERS' REPORTS

Item R-1
Northern Water Sports
Centre Lease
Agreement

Report dated April 17, 2013 from the General Manager of Community Development regarding Northern Water Sports Centre Lease Agreement.

The following motion was presented:

CC2013-139 Caldarelli/Barbeau: WHEREAS the Council of the City of Greater Sudbury passed resolution 2007-272 resolving that: "the City of Greater Sudbury supports in principle the expansion of the Canoe/Rowing Club, Northern Aquatic Centre at Bell Grove, as a four-season facility, training centre and host for national and international sanctioned events and that funding of the City's portion be referred to the 2008 budget process and

MANAGERS' REPORTS (cont'd)

Item R-1
Northern Water Sports
Centre Lease
Agreement (cont'd)

whereas through the budget process the City has funded \$250,000 in 2008 and put in reserve from 2009 budget a further \$250,000 for this project";

AND WHEREAS presentations were made to Council on April 29th, 2009 outlining the original design and construction estimate of approximately \$6M (including all soft costs, contingencies and construction) and a follow up presentation occurred Sept. 11, 2011 presenting revised design details and a revised construction estimate of \$7M;

AND WHEREAS currently the project has been scaled down to the meet the forecasted fundraising of \$4.6M and includes all soft costs, construction costs and a contingency of 10%;

AND WHEREAS the major capital funding partners have committed \$4.2M, as follows: City of Greater Sudbury (\$516K), FedNor (\$1.14M), Northern Ontario Heritage Fund Corporation (NOHFC) (\$1.055M), Xstrata Nickel (\$1M) and community fundraising and Northern Water Sports Centre (NWSC) partners (\$491K), with \$400K left to be fundraised;

AND WHEREAS the NWSC has secured the majority (91%) of the required capital funding to develop a water sports facility, to be constructed on municipal land adjacent to the Municipal boat launch with the City as the owner of the building;

AND WHEREAS the construction is scheduled to commence in summer 2013.

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury authorize the establishment of a Lease Agreement between the City of Greater Sudbury and the NWSC, for a period of 5 years with an option to renew for 3 additional 5-year terms, with the City of Greater Sudbury maintaining ownership of the building;

AND THAT the City of Greater Sudbury manage the NWSC's capital account with a \$4.2M budget (less the expenses already incurred) to cover all hard and soft costs including a 10% contingency with separate pricing built into the tender documents to enable the project to realize the estimated \$4.6M in capital if they should receive a favourable tender or should they reach their additional fundraising goal of \$400,000;

MANAGERS' REPORTS (cont'd)

Item R-1
Northern Water Sports
Centre Lease
Agreement (cont'd)

AND THAT the 2014 operating budget include an allowance for the annual building maintenance and operations for any costs exceeding the 2008 estimate of \$30,000;

AND FURTHER THAT a By-law be presented authorizing the execution of the required documents.

CARRIED

Item R-2
Travel Expenses for
Former Employee

Report dated April 17, 2013 from the Chief Financial Officer/ Treasurer regarding Travel Expenses for Former Employee.

The following motion was presented:

Belli/Rivest: THAT the City of Greater Sudbury authorize the reimbursement of travel expenses, in the estimated amount of \$2,300 for Carolyn Jodouin to attend the Association of Local Government Auditors Annual Conference in Nashville, Tennessee.

Friendly Amendment

With the consent of the Mover, the following friendly amendment was made: change 'estimated amount of \$2,300' to 'in the amount of up to \$2,300'.

Main Motion
(as amended)

CC2013-140 Belli/Rivest: THAT the City of Greater Sudbury authorize the reimbursement of travel expenses, in the amount of up to \$2,300 for Carolyn Jodouin to attend the Association of Local Government Auditors Annual Conference in Nashville, Tennessee.

DEFEATED

BY-LAWS

Read & Passed

The following motion was presented:

CC2013-141 Barbeau/Caldarelli: THAT the City of Greater Sudbury read and pass By-law 2013-92 to and including By-law 2013-107Z.

CARRIED

The following are the By-laws:

2013-92

A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING OF APRIL 23RD, 2013

BY-LAWS (cont'd)

- 2013-93 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND
BY-LAW 2012-242 BEING A BY-LAW TO SUBMIT CERTAIN
QUESTIONS TO THE ELECTORS IN THE 2014 MUNICIPAL
ELECTION
- (By-Law 2012-242 to submit questions to the electors regarding store
hours has been ordered to be amended following a hearing on the
questions which was held earlier this year.)
- Report dated April 17, 2013 from the Executive Director,
Administrative Services/City Clerk regarding By-Law to Amend
By-Law 2012-242 to Submit Questions to the Electors.
- 2013-94 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND
BY-LAW 2006-277A, A BY-LAW TO DESIGNATE CERTAIN
LANDS AS THE DOWNTOWN SUDBURY COMMUNITY
IMPROVEMENT PLAN AND TO AMEND BY-LAW 2007-32A A
BY-LAW TO ADOPT THE DOWNTOWN SUDBURY
COMMUNITY IMPROVEMENT PLAN
- Planning Committee Recommendation #PL2013-46
- 2013-95 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND
BY-LAW 2003-67A, A BY-LAW TO DESIGNATE CERTAIN
LANDS AS THE METRO CENTRE COMMUNITY
IMPROVEMENT PLAN AND TO AMEND BY-LAW 2003-68A A
BY-LAW TO ADOPT THE METRO CENTRE COMMUNITY
IMPROVEMENT PLAN
- Planning Committee Recommendation #PL2013-46
- 2013-96 A BY-LAW OF THE CITY OF GREATER SUDBURY TO
AUTHORIZE A GRANT FROM THE HEALTHY COMMUNITY
INITIATIVE FUND FOR WARD 11 AND WARD 12
- (This By-law authorizes a grant to the Adamsdale Public School for the
creation of a rain garden at Adamsdale Public School in Ward 11 and a
donation to Nickel District Conservation Authority for the Fast-Flow
Water Safety program and its poster / video contest in Ward 12. These
grants will be funded through Ward 11 and Ward 12 Healthy Community
Initiative Fund as Community Event expenses.)
- Refer to Item C-6
- 2013-97 A BY-LAW OF THE CITY OF GREATER SUDBURY TO
AUTHORIZE A GRANT BY WAY OF LEASE WITH THE
NORTHERN WATER SPORTS CENTRE

BY-LAWS (cont'd)

- 2013-97 (cont'd) (This By-law authorizes the Director of Asset Services to execute a lease.)
- Refer to Item R-1
- 2013-98 A BY-LAW OF THE CITY OF GREATER SUDBURY TO LEVY A SPECIAL CHARGE UPON PERSONS IN THE FLOUR MILL IMPROVEMENT AREA ASSESSED FOR COMMERCIAL AND INDUSTRIAL TAXES TO PROVIDE FOR THE PURPOSES OF THE BOARD OF MANAGEMENT OF THE FLOUR MILL IMPROVEMENT AREA FOR THE YEAR 2013
- (This By-law implements the levy necessary to support the approved Business Improvement Area's budget.)
- Report dated April 12, 2013 from the Chief Financial Officer / Treasurer regarding 2013 Tax Rates - Flour Mill Improvement Areas.
- 2013-99 A BY-LAW OF THE CITY OF GREATER SUDBURY TO LEVY A SPECIAL CHARGE UPON PERSONS IN THE CENTRAL BUSINESS DISTRICT IMPROVEMENT AREA ASSESSED FOR COMMERCIAL AND INDUSTRIAL TAXES TO PROVIDE FOR THE PURPOSES OF THE DOWNTOWN SUDBURY BOARD OF MANAGEMENT FOR THE YEAR 2013
- (This By-law implements the levy necessary to support the approved Business Improvement Area's budget.)
- 2013-100 A BY-LAW OF THE CITY OF GREATER SUDBURY TO LEVY THE RATES OF TAXATION FOR CITY PURPOSES AND SET DUE DATES FOR THE YEAR 2013
- (This report requests that the By-law that sets out the 2013 municipal tax rates for the City of Greater Sudbury be enacted.)
- Report dated April 16, 2013 from the Chief Financial Officer / Treasurer regarding 2013 Tax Rates.
- 2013-101 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT THE PROVINCIAL TOOLS FOR 2013 PROPERTY TAX POLICY
- Finance and Administration Committee Recommendation #FA2013-14
- 2013-102 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ESTABLISH 'CLAWBACK' PERCENTAGES FOR THE 2013 TAXATION YEAR FOR THE COMMERCIAL, INDUSTRIAL, AND MULTI-RESIDENTIAL PROPERTY TAX CLASSES
- Finance and Administration Committee Recommendation #FA2013-15

City Council

2013-04-23

(17)

BY-LAWS (cont'd)

2013-103 A BY-LAW OF THE CITY OF GREATER SUDBURY TO SET TAX RATIOS FOR THE YEAR 2013

Finance and Administration Committee Recommendation #FA2013-13

2013-104Z 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 #PL2013-29

(This by-law rezones the subject lands to "C2(96)", General Commercial Special in order to facilitate the development of a three-unit multiple dwelling on the southerly portion of the lands described as Parts 1 and 2, Plan 53R-19999 and provides a reduced lot area for the northerly portion of the lands described as Parts 3 and 4, Plan 53R-19999 - Michel Nault & Jo-Anne Bradley, 63 Notre Dame Avenue West, Azilda)

2013-105Z 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 #PL2013-53

(This by-law does not rezone the subject property. Pursuant to Section 39 of the Planning Act, Council has approved a temporary use by-law in order to permit a retail store for a period on one (1) year - City of Greater Sudbury, Energy Court, Sudbury)

2013-106Z 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 #2011-21

(This by-law rezones the subject property to "I(39)", Institutional Special in order to permit a dog training facility in a former church - Tammy St. Louis, 26 Garson-Coniston Road, Garson)

2013-107Z 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 #PL2012-238

(This by-law rezones the subject property to "R2-2", Low Density Residential Two and to "R2-2(19)", Low Density Residential Two Special in order to facilitate the development of two semi-detached dwellings fronting Fourth Avenue. The southerly lot requires site-specific relief to recognize a reduced minimum lot frontage for a semi-detached dwelling - Lifestyle Homes Inc., 68 Fourth Avenue, Sudbury)

City Council 2013-04-23

(18)

MOTIONS

Item R-3 Ontario College of Trades Licensing Fee Structure

The following motion was presented by Councillor Rivest:

CC2013-142 Rivest/Belli: WHEREAS the Ontario government passed the Ontario College of Trades and Apprenticeship Act, 2009 to establish the College of Trades – a regulatory body that will help modernize the province's apprenticeship and skilled trades system, which, as of 2013, is now fully operational;

AND WHEREAS the Ontario College of Trades is to be funded on the basis of its own revenues, which are to come from membership fees;

AND WHEREAS the City of Greater Sudbury employs trades people for which it may be required to pay membership fees to the Ontario College of Trades;

THEREFORE BE IT RESOLVED THAT City of Greater Sudbury Council direct staff to provide a report which will identify the annual financial impact, if any, the new licensing fee structure for trades people will have to the City.

CARRIED

Item R-4 Rayside Balfour City of Lakes Family Health Team Ministry Funding

The following motion was presented by Councillor Berthiaume:

Berthiaume/Craig: WHEREAS in April of 2005, the Ministry of Health and Long Term Care announced that the City of Lakes Family Health Team's expression of interest for the City of Greater Sudbury had been approved;

AND WHEREAS Valley East, Rayside Balfour, Pioneer Manor and Walden sites reflect the city's commitment to enhancing the delivery of primary care to those areas most affected by the shortage of family medicine practitioners;

AND WHEREAS Rayside Balfour and its neighbouring communities have 5 practicing family physicians, but based on their population and the benchmark of 1380 people per physician there is a need for 10.5 family physicians in that community;

AND WHEREAS the Family Health Team model of delivering primary health care is popular among new physicians and is likely to be more successful in attracting physicians to these areas;

AND WHEREAS the Valley East, Walden and Pioneer Manor hub are now all fully operational;

MOTIONS (cont'd)

Item R-4
Rayside Balfour City of
Lakes Family Health
Team Ministry Funding
(cont'd)

AND WHEREAS building renovations to establish the Rayside Balfour Family Health Team is estimated at \$1.3 million, to be shared 50/50 between the Ministry of Health and Long Term Care and the City of Greater Sudbury;

AND WHEREAS in the 2013 Capital Budget, Council approved their 50% contribution in the sum of \$650,000 for the Rayside Balfour Family Health Team site requirements;

AND WHEREAS approval of the Ministry of Health and Long Term Care's capital funding contribution has yet to be granted;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury Council urge the Minister of Health and Long Term Care to allocate the Ministry's capital funding contribution for the Rayside Balfour City of Lakes Family Health Team in order that the project can proceed, and in order that the physicians be recruited to work from that site.

Friendly Amendment

Councillor Berthiaume, as the mover of the motion, requested the following friendly amendment be included at the end of the motion: AND THAT a copy of this resolution be forwarded to Rick Bartolucci, MPP Sudbury, and France G  linas, MPP Nickel Belt.

Main Motion (as amended)

CC2013-143 Berthiaume/Craig: WHEREAS in April of 2005, the Ministry of Health and Long Term Care announced that the City of Lakes Family Health Team's expression of interest for the City of Greater Sudbury had been approved;

AND WHEREAS Valley East, Rayside Balfour, Pioneer Manor and Walden sites reflect the city's commitment to enhancing the delivery of primary care to those areas most affected by the shortage of family medicine practitioners;

AND WHEREAS Rayside Balfour and its neighbouring communities have 5 practicing family physicians, but based on their population and the benchmark of 1380 people per physician there is a need for 10.5 family physicians in that community;

AND WHEREAS the Family Health Team model of delivering primary health care is popular among new physicians and is likely to be more successful in attracting physicians to these areas;

AND WHEREAS the Valley East, Walden and Pioneer Manor hub are now all fully operational;

MOTIONS (cont'd)

Item R-4
Rayside Balfour City of
Lakes Family Health
Team Ministry Funding
(cont'd)

AND WHEREAS building renovations to establish the Rayside Balfour Family Health Team is estimated at \$1.3 million, to be shared 50/50 between the Ministry of Health and Long Term Care and the City of Greater Sudbury;

AND WHEREAS in the 2013 Capital Budget, Council approved their 50% contribution in the sum of \$650,000 for the Rayside Balfour Family Health Team site requirements;

AND WHEREAS approval of the Ministry of Health and Long Term Care's capital funding contribution has yet to be granted;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury Council urge the Minister of Health and Long Term Care to allocate the Ministry's capital funding contribution for the Rayside Balfour City of Lakes Family Health Team in order that the project can proceed, and in order that the physicians be recruited to work from that site;

AND THAT a copy of this resolution be forwarded to Rick Bartolucci, MPP Sudbury, and France Gélinas, MPP Nickel Belt.

RECORDED VOTE:

YEAS

NAYS

Cimino
Barbeau
Berthiaume
Dupuis
Rivest
Belli
Craig
Caldarelli
Kett
Landry-Altmann
Mayor Matichuk

CARRIED UNANIMOUSLY

Councillor Dupuis requested that Council invite David Courtemanche from the Family Health Team to make a presentation to Council.

CARRIED

QUESTION PERIOD

Pot Hole Repairs

Councillor Cimino asked for an explanation as to why cold patch pot hole repairs are done now and when hot patch repairs, being the permanent solution, will be done.

The General Manager of Infrastructure Services indicated that cold patch repairs are done now because of the sub grade conditions of the ground (i.e. frozen ground, slush, water) and the mix plants not yet being open. Permanent hot patch repairs will be done when ground conditions permit and the mix plants are open.

Subdivision Sidewalks

Councillor Dupuis asked about the status of a petition he submitted last December regarding a subdivision in Valley East wherein the residents did not want sidewalks.

The General Manager of Growth & Development indicated he will look into the matter and advise the Councillor.

Construction at Lasalle/ Notre Dame Intersection

Councillor Dupuis asked what is being done to alleviate long line-ups when construction begins at the Lasalle/Notre Dame intersection.

The Director of Roads & Transportation Services indicated that several things are being done to mitigate congestion including: traffic staging plans, intersection work to be done at night and on Sundays, incentive clauses in contracts, meeting with Vale regarding use of Turner Avenue and weekly traffic update for the public.

Councillor Rivest asked if staff can look at keeping the intersection open between 6:00 a.m. and 9:00 a.m.

Robert Street Drainage

Councillor Rivest asked if staff can look into the Robert Street drainage as there have been problems for a few years.

Speed Limit at former St. Joseph's Health Centre Location

Councillor Caldarelli asked if additional enforcement can be provided in the area of the former St. Joseph's Health Centre as she is receiving many complaints regarding speeding and also if an increase in the 40 km/h speed limit at that location can be reviewed.

Attlee Street Traffic Calming

Councillor Kett asked about the status of the Attlee Street traffic calming project.

The General Manager of Infrastructure Services indicated that the work could not be completed last season; however, as soon as the weather is favourable, the contractors will be on site.

NOTICES OF MOTION

Sub Watershed Studies

The following Notice of Motion was presented by Councillor Kett:

WHEREAS there is concern and uncertainty about the cumulative effects of stormwater on our area lakes;

AND WHEREAS the impact of any proposed development near area lakes must be properly quantified and addressed in the light of the other proposed developments in a watershed and not considered as individual developments as presently occurs;

AND WHEREAS this type of development must be considered as one of many contributors to phosphorus, salt and pollution in a watershed;

AND WHEREAS sub watershed studies are required in order to make an informed decision on any development application within a watershed;

THEREFORE BE IT RESOLVED THAT the necessary sub watershed studies be included in council's priorities and that staff be directed to immediately begin these studies and to prepare the necessary budget options for the 2014 budget.

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

Adjournment

Rivest/Belli: THAT this meeting does now adjourn. Time: 8:42 p.m.

CARRIED

Mayor Marianne Matichuk, Chair

Caroline Hallsworth, Executive Director,
Administrative Services/City Clerk