

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

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



Agenda

Policy Committee

meeting to be held

Wednesday, April 20th, 2011

at 6:00 pm

Council Chamber, Tom Davies Square

Ordre du jour

réunion du

Comité des politiques

qui aura lieu

mercredi 20^e avril 2011

à 18h 00

dans la Salle du Conseil, Place Tom Davies

POLICY COMMITTEE AGENDA

For the 4th Policy Committee Meeting
to be held on **Wednesday, April 20, 2011**
Council Chamber, Tom Davies Square at 6:00 pm

COUNCILLOR CLAUDE BERTHIAUME, CHAIR

Jacques Barbeau, Vice-Chair

- 4:30 p.m. CLOSED COUNCIL MEETING
COMMITTEE ROOM C-11, TOM DAVIES SQUARE
To deal with: one Personal Matter regarding Identifiable Individuals
- 6:00 p.m. REGULAR COUNCIL MEETING
COUNCIL CHAMBER, TOM DAVIES SQUARE

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

The Council Chamber of Tom Davies Square is accessible to persons with disabilities. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. Persons requiring assistance are requested to contact the City Clerks Office at least 24 hours in advance of the meeting if special arrangements are required. Please call (705) 674-4455, extension 2471. Telecommunications Device for the Deaf (TTY) (705) 688-3919. Copies of Agendas can be viewed at www.greatersudbury.ca/agendas/.

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

COMMUNITY DELEGATIONS

1. The Human League Association Update
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)

- Rod LaRoque, President and Chief Executive Officer
- Paul Brokenshire, General Manager

(The Human League Association have requested to make a presentation to provide an update regarding the programs they deliver to youth in our community and the change of direction they are implementing.)

2. Sudbury Metis Council
(VERBAL PRESENTATION) (FOR INFORMATION ONLY)

- Roger Giroux, President, Sudbury Metis Council

(A presentation outlining the mandate of the Sudbury Metis Council; introduction of Program Co-ordinators; and a discussion involving future partnership and development of relations with the City of Greater Sudbury.)

3. Greater Sudbury Watershed Alliance - By-law Restricting the Use of Fertilizers with Phosphorus
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)

10 - 11

- Lilly Noble, Co-Chair, Greater Sudbury Watershed Alliance

(The Greater Sudbury Watershed Alliance are requesting a by-law to restrict the use of fertilizers with phosphorus to prevent the growth of blue-green algae in the lakes of Greater Sudbury.

A presentation was made to the Lakes Advisory Panel on April 7, 2011 by the Greater Sudbury Watershed Alliance and the Panel recommended that the presentation be made to the Policy Committee.)

PRESENTATIONS

4. Area Rating and Taxation
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)

- Ed Stankiewicz, Manager of Financial Planning & Policy
- Tony Derro, Manager of Taxation

(This presentation will deal with areal rating and taxation policies.)

5. Report dated April 15, 2011 from the Chief Financial Officer/Treasurer regarding 2011 Property Tax Policy.
**(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)
(REPORT TO FOLLOW)**

- Ed Stankiewicz, Manager of Financial Planning & Policy

(This report is prepared for Council to adopt the 2011 Property Tax Policy decision.)

6. Report dated April 7, 2011 from the General Manager of Growth and Development regarding All Terrain Vehicles.

12 - 19

(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)

- Mark H. Simeoni, Manager of Community & Strategic Planning

(This report describes which city roads all terrain vehicles would be permitted to travel on, time of day/year and maximum speed limits.)

CORRESPONDENCE FOR INFORMATION

REFERRED & DEFERRED MATTERS

MANAGERS' REPORTS

7. Report dated April 14, 2011 from the Chief Financial Officer/City Treasurer regarding Request from the City of Kingston to Support Efforts in Seeking an Increase in 'Heads and Beds' Payments.

20 - 23

(RECOMMENDATION PREPARED)

(This report contains a request from the City of Kingston to support efforts in seeking an increase in 'Heads and Beds' payments in lieu of taxes from the Ontario Government.)

MOTIONS

ADDENDUM

CITIZEN PETITIONS

ANNOUNCEMENTS

NOTICES OF MOTION

9:00 P.M. ADJOURNMENT (RECOMMENDATION PREPARED)

(Two-thirds majority required to proceed past 9:00 pm)

Councillor Claude Berthiaume
Chair

Franca Bortolussi
Council Secretary

COMITÉ DES POLITIQUES ORDRE DU JOUR

Pour la 4^e réunion du Comité des politiques
qui aura lieu le **20 avril 2011**
dans la **Salle du Conseil, Place Tom Davies**, à 18h 00

CONSEILLER CLAUDE BERTHIAUME, PRÉSIDENT(E)

Jacques Barbeau, Vice-président(e)

- 16 h 30 RÉUNION A HUIS CLOS
SALLE DE RÉUNION C-11, PLACE TOM DAVIES
une question personnelle au sujet des personnes identifiable
- 18 h RÉUNION ORDINAIRE DU CONSEIL MUNICIPAL
SALLE DU CONSEIL, PLACE TOM DAVIES

VEUILLEZ ÉTEINDRE LES TÉLÉPHONES CELLULAIRES ET LES TÉLÉAVERTISSEURS)

La salle du Conseil de la **Place Tom Davies** est accessible pour les personnes handicapées. Si vous désirez obtenir un appareil auditif, veuillez communiquer avec la greffière municipale, avant la réunion. Les personnes qui prévoient avoir besoin d'aide doivent s'adresser au bureau du greffier municipal au moins 24 heures avant la réunion aux fins de dispositions spéciales. Veuillez composer le 705-674-4455, poste 2471; appareils de télécommunications pour les malentendants (ATS) 705-688-3919. Vous pouvez consulter l'ordre du jour à l'adresse www.greatersudbury.ca/agendas/.

DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES

DÉLÉGATIONS DE LA COMMUNAUTÉ

1. Compte rendu de la Human League Association
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Rod LaRoque, président et chef de la direction
- Paul Brokenshire, directeur général

(La Human League Association a demandé de faire une présentation afin de donner un compte rendu au sujet des programmes qu'elle donne à la jeunesse dans sa communauté et du changement d'orientation qu'elle met en oeuvre.)

2. Conseil Métis de Sudbury
(PRÉSENTATION ORAL) (A TITRE D'INFORMATION)

- Roger Giroux, président, Conseil Métis de Sudbury

(Une présentation donnant un aperçu du mandat du Conseil Métis de Sudbury; présentation des coordonnateurs de programme; et discussion au sujet d'un partenariat futur et de l'établissement de relations avec la Ville du Grand Sudbury.)

3. L'Alliance du Bassin Versant du Grand Sudbury – règlement limitant l'utilisation d'engrais comportant du phosphore
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

10 - 11

- Lilly Noble, coprésidente de L'Alliance du Bassin Versant du Grand Sudbury

(L'Alliance du Bassin Versant du Grand Sudbury demande un règlement limitant l'utilisation d'engrais comportant du phosphore afin de prévenir la croissance d'algues bleu-vert dans les lacs du Grand Sudbury. L'Alliance du Bassin Versant du Grand Sudbury a fait une présentation au Comité consultatif sur les lacs le 7 avril 2011 et le Comité a recommandé de faire cette présentation au Comité des politiques.)

PRÉSENTATIONS ET EXPOSÉS

4. Qualification de secteur
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Ed Stankiewicz, gestionnaire de la Planification et des politiques financières
- Tony Derro, gestionnaire des taxes foncières

5. Rapport de la chef des services financiers / trésorière municipale portant sur Politique sur l'impôt foncier de 2011.
**(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)
(LE RAPPORT SUIVRA)**

- Ed Stankiewicz, gestionnaire de la Planification et des politiques financières

(Ce rapport est rédigé pour le Conseil municipal pour adopter la décision sur la politique en matière d'impôt foncier de 2011.)

6. Rapport du directeur général de la croissance et du développement, daté du 07 avril 2011 portant sur Véhicules tout terrain. **12 - 19**

(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)

- Mark H. Simeoni, gestionnaire de la Planification communautaire et stratégique

(Ce rapport décrit sur quelles routes de la Ville les véhicules tout terrain auraient la permission de se déplacer, à quelle heure de la journée et à quelle époque de l'année, et quelles seraient les vitesses limites maximales.)

CORRESPONDANCE À TITRE DE RENSEIGNEMENTS SEULEMENT

QUESTION RENVOYÉES ET REPORTÉES

RAPPORTS DES GESTIONNAIRES

7. Rapport de la chef des services financiers / trésorière municipale, daté du 14 avril 2011 portant sur Demande de la Ville de Kingston pour soutenir ses efforts afin d'obtenir une augmentation des « têtes pour lits » . **20 - 23**

(RECOMMANDATION PRÉPARÉE)

(Ce rapport contient une demande de la Ville de Kingston pour soutenir les efforts visant à faire augmenter les paiements de « têtes et lits » au lieu d'impôts du gouvernement de l'Ontario.)

MOTIONS

ADDENDA

PÉTITIONS DE CITOYENS

ANNONCES

AVIS DE MOTION

LEVÉE DE LA SÉANCE À 21 H (RECOMMANDATION PRÉPARÉE)

(Une majorité des deux tiers est requise pour poursuivre la réunion après 21h 00.)

Le Conseiller Claude Berthiaume
Présidente

Franca Bortolussi,
Secrétaire du conseil

Request for Decision

Greater Sudbury Watershed Alliance - By-law Restricting the Use of Fertilizers with Phosphorus

Presented To: Policy Committee

Presented: Wednesday, Apr 20, 2011

Report Date Friday, Apr 15, 2011

Type: Community Delegations

Recommendation

For Information Only

Signed By

No signatures or approvals were
recorded for this report.

Phosphorus and Blue-Green Algae

Why We Need to Reduce the Amount of Phosphorus Entering Our Lakes and Rivers, and What Council Can Do

What is Blue-Green Algae? Why Is it a Problem?

- Blue green algae are a type of bacteria. People can get sick from the microcystin toxin they produce if they have direct contact with a blue-green algae bloom, by either intentionally or accidentally swallowing water, by having direct skin contact (as when swimming, wading, or showering), or by breathing airborne droplets containing the toxins, such as during boating or waterskiing. Microcystin toxin can damage liver cells when ingested. Children are at greater risk than adults of developing serious liver damage should they ingest high levels of microcystins.

- Nuisance blooms of blue-green algae have appeared in many lakes throughout Greater Sudbury in recent years, including Ramsey Lake, Long Lake and McFarlane Lake. It is widely accepted by scientists that high **phosphorus** levels in lakes and rivers contribute to blue-green algae blooms and reduced water quality. **Research has shown 1 pound of phosphorus can grow 700 pounds of blue-green algae.** High concentrations of phosphorus in sediments also feed aquatic plants and the invasive species Eurasian water milfoil and leads to low levels of dissolved oxygen, which harm fish.

- One source of phosphorus is chemical **lawn fertilizer**. When excess fertilizer is applied to lawns, grass is unable to use it all and it is carried by runoff into our waterways. To protect waterways, Manitoba and many states in the U.S. have restrictions on fertilizers with phosphorus. By spring, 4,500 residents in the Ramsey Lake watershed will be asked to stop using lawn fertilizers containing phosphorus according to the Clean Water Act regulation. All the lakes of Greater Sudbury should be afforded this same protection.

The Value of Our Lakes

- With 330 lakes, the City of Greater Sudbury contains more lakes than any other municipality in Canada. Swimming, fishing and boating are classic features of a Sudbury summer.

- Thousands of Greater Sudbury residents use area lakes as drinking water sources. Ramsey Lake is a principle drinking water source for 60,000+ residents.

If we continue to provide ample phosphorus for blue-green algae to grow in our lakes, we can expect the following to occur:

1. Swimming, boating, and fishing curtailed. Decline in tourism and quality of life for Sudburians.
2. Increased cost to taxpayers for extra cleaning and/or replacement of water filters and water testing.
3. Ramsey Lake lost as a municipal water supply.
4. Lakefront property values decline, resulting in diminishing property tax revenues.

Seven Year Average Spring Phosphorus Levels in the Lakes of Greater Sudbury

(Lake Water Quality Program, micrograms per L)

Fairbank Lake	4.8
Black Lake	5.6
Long Lake	7.8*
Richard Lake	9.0
St. Charles Lake	11.0
Ramsey Lake	11.1*
McFarlane Lake	11.3*
Lake Nepahwin	11.3
Whitewater Lake	14.9
McCharles Lake	28.0*
Simon Lake	35.1*
Bethel Lake	36.9
Minnow Lake	41.9

Junction Creek - many readings over 100

A high level of protection against aesthetic deterioration in our lakes is provided by a total phosphorus concentration of 10 µg/L or less. (MOE guidelines) Lakes with an average above 10 are in bold.

*have had algae problems

What Can Council Do? Enact a Bylaw Restricting Lawn Fertilizers with Phosphorus. How A Bylaw Would Work:

- Prohibit the display and use of lawn fertilizers containing phosphorus. Phosphorus-free fertilizers cost the same as other fertilizers and are readily available in local hardware stores.

- Manitoba, Minnesota, Maine, New York, Florida, Wisconsin and New Jersey have bylaws restricting phosphorus use, which affect 60 million people. So far, no municipality in Ontario has this restriction. **Greater Sudbury has the opportunity to LEAD on this important issue.**

- After 2 years, Minnesota's bylaw reduced phosphorus lawn fertilizer use by 82% and 97% of consumers support the law.

- Some newly seeded lawns, or sod may need phosphorus. A soil test can determine this and phosphorus can be purchased, if deemed necessary.

- This simple, common sense bylaw doesn't result in any increased cost for consumers, retailers or taxpayers.

We need to reduce the amount of phosphorus reaching our waterways. Together we can do it.

The Greater Sudbury Watershed Alliance is an independent, grassroots partnership of lake, river and creek stewardship committees, lawn care professionals and concerned individuals working together on watershed issues in the City of Greater Sudbury. For more information, contact us at 691-5538, email us at sudburywatershed@live.ca or see our website <https://sites.google.com/site/sudburywatershed/>.

Request for Decision

All Terrain Vehicles

Presented To:	Policy Committee
Presented:	Wednesday, Apr 20, 2011
Report Date	Thursday, Apr 07, 2011
Type:	Presentations

Recommendation

WHEREAS City Council received the constellation report;

AND WHEREAS one of the recommendations called for the development of a comprehensive by-law to govern the use of ATV's within the City of Greater Sudbury;

AND WHEREAS Council appointed an All Terrain Vehicle Advisory Panel whose mandate was to identify a road network to allow all terrain vehicles on,

THEREFORE BE IT RESOLVED that Option ____ identified in the attached staff report be approved.

Background

In January of 2007, Council received the Constellation City report. One of the 35 recommendations called for the development of a comprehensive by-law to govern the use of All Terrain Vehicles (ATV's) within the City of Greater Sudbury. The Community Solutions Team also set out a number of objectives related to the development of an ATV by-law, they were as follows;

- The by-law should be flexible enough to reflect differences between communities within the city.
- The by-law should respect the principles of community safety and environmental protection.
- The by-law should discourage unauthorized use of private property.
- The by-law should consider and facilitate potential tourism development.

In October of 2007 Council created an All Terrain Vehicle Advisory Panel, for a term ending November 30, 2010. In the Fall of 2008 the Panel held 7 public consultation meetings throughout the Greater City. The meetings attracted approximately 225 people. In addition feedback was provided via the City's website and an additional 120 people provided feedback online. In all of the 272 respondents completing the questionnaire (both in person and online) 84% indicated that they were in support of the use of public roads by ATV's.

What Can the City Regulate?

Signed By

Report Prepared By

Mark Simeoni
Manager of Community and Strategic Planning
Digitally Signed Apr 7, 11

Division Review

Paul Baskcomb
Director of Planning Services
Digitally Signed Apr 7, 11

Recommended by the Department

Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Apr 7, 11

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Apr 7, 11

The City's authority to regulate ATV use on area roadways comes from the Province of Ontario through the provisions of the Highway Traffic Act. Under the Act an ATV is considered a motor vehicle. The Act works in such a way so as to prohibit ATV use on local roads unless there is a by-law in effect that authorizes the roads they are permitted on. The proposed routes are shown as Option 1 & 2 in Appendices 1 & 2

Times of Day/Year

The City may pass a By-law which regulates the time of day and the times of year when an ATV may be used.

Public Consultation - Open Houses

The members of the ATV panel finalized their preferred routing map, which is appended hereto as Appendix 1. This map is identified as Option 1. Staff for the City reviewed Option 1 and developed a response to it, known as Option 2, and attached hereto as Appendix 2.

Starting March 8, 2011, 4 public open houses were held to let the public consider the two routing options that have been developed. These open houses were held on:

March 8, 2011, Garson Arena, 4:30 p.m. to 8:00 p.m. (approximately 175 - 200 attendees)

March 10, 2011, Howard Armstrong Centre, 4:30 p.m. to 8:00 p.m. (approximately 200 attendees)

March 21, 2011, Lionel E. Lalonde Centre, 4:30 p.m. to 8:00 p.m. (approximately 175 attendees)

April 4, 2011, Tom Davies Arena, Lively, 4:30 p.m. to 8:00 p.m. (approximately 175 attendees)

In addition to the open houses the events were posted on the City's Facebook page. Advertisements were also placed in the Northern Life and le Voyageur newspapers.

Issues Raised During Public Consultation

During the public process a number of issues emerged that should be considered in the context of approving an ATV by-law, these include but are not limited to:

1. Increased Maintenance and other Costs.

Under the Highway Traffic Act, ATV's are required to ride as far to the right as possible within the road right of way. With this in mind they will, for the most part be driven along the gravel shoulder of the road network. Due to the nature of the vehicle it is anticipated that there will be increased unbudgeted maintenance costs associated with the use of the shoulders for ATV travel.

There will also be a need to place signs throughout the City identifying where ATV use is and is not permitted. It has been estimated that the total costs of signs will range between \$30,000. and \$45,000. This number will be determined once an option is selected. In addition in cases where ATV's cross private driveways, within the road right of way, there will be damage to the driveways. Homeowners are responsible for the maintenance of their driveway. With this in mind there is the potential for private land owners to incur costs keeping their driveways in good repair.

2. Enforcement – Increased Vehicles On Area Roadways

Police Services have identified an increased need for resources to properly police the use of ATV's on area roadways. It needs to be stated that by permitting ATV's on area roadways, Council is introducing a new class of motor vehicles onto area roads. The roads will have to accommodate ATV's along with cyclists, cars, trucks, construction equipment, and pedestrians, etc.

As a result of more vehicles on the road we anticipate an increase in road issues.

Along with these issues there will be associated costs. These costs may include, but not limited to, such things as education initiatives associated with ATV use, enforcement, potential for new equipment, increased number of complaints and associated responses to these.

3. Trespassing- Nuisance

Many members of the public have expressed concerns with respect to the potential to see an increase in trespass issues associated with the increased use of ATV's. We have heard very clearly throughout the public consultation process that some ATV users are currently trespassing across private lands without the permission of the landowner.

The issue of nuisance was also something that many people have raised throughout the public consultation process. We have heard that all over the greater City there are numerous incidents of people driving on roads at high rates of speed, acts of "stunt driving" and generally unsafe driving habits on area roadways and private property. From the perspective of the persons who are experiencing these issues there are related issues of frustration with Police Services. For those who have shared these experiences with us, they are of the view that the Police are either unwilling or unable to resolve these issues.

These issues were conveyed to staff and members of the Panel at every public open house and from every area of the City.

4. Increased Tourism Potential

Tourism operators in Sudbury have come out in support of the opportunity to permit ATV's on area roadways. Clearly they see an opportunity for an increase in business and also to further develop Sudbury as a destination for ATV users from all over Ontario and beyond.

With respect to the two options presented to the public, Option 1 was favored from this perspective. This is due to the fact that Option 1 provides routing options that allow travel east/west and north/south across and through the City of Sudbury. This then allows people travelling on ATV's coming from places outside of Sudbury the opportunity to come to Sudbury and spend time and money in the City.

5. "Love of the Sport"

Clearly there is a strong core of people in Greater Sudbury who enjoy ATV use and are excited to see the opportunity to develop this pastime. Throughout this process the overwhelming majority of people who interacted with us were very much supporters of permitting ATV use on area roadways.

We heard loud and clear that it is part of the Northern Ontario lifestyle and "it was about time Sudbury caught up to the rest of the North".

6. Legal Use Reduces Illegal Use

We have heard that under the current scenario, where ATV use is not permitted on area roadways, some riders will ride quicker on roadways in order to access a trail. Many have shared this view with us throughout the process. In other words the only reason that they choose to ride illegally on area roads at a

high rate of speed is so that they will “not get caught”. The rationale presented is at best confusing.

Although we acknowledge that this point has been raised, we see no reason to rationalize the support for the legalization of an activity based on illegal activity.

7. No Formalized Trails or Trail Organizations

Unlike the Sudbury Trail Plan, which is the formalized route for snow machine users within the City, there are no formalized ATV associations or trails developed within the City.

We have heard of the potential of increased tourism and we have also heard of instances of trespassing. It makes sense that any increased access to area roadways will result in an increased desire for access to area trails.

Many of those who have shared their views with us have spoken of the need for an association and a trail network similar to that of the snow machine trail network.

It should be noted however that there is a vocal minority who oppose the notion of having to pay fees, similar to that of snow machines, to access a formalized trail system.

Options

Option 1 (Appendix 1)

The members of the ATV panel finalized their preferred routing map, which is appended hereto as Appendix 1. This map is identified as Option 1. Staff for the City reviewed Option 1 and developed a response to it, known as Option 2, and attached hereto as Appendix 2. Option 1 sees ATV's allowed on approximately 1367 km of public roads and prohibited on approximately 716 km of public roads.

From the perspective of the Panel, Option 1 provides a continuous travel opportunity across the CGS (north, south, east, west). This travel opportunity is seen as both a tourism advantage as well as one for local residents as they access local trails, while avoiding major thoroughfares.

Option 1 responds to, and reflects the work of the former ATV Panel to date.

The ATV panel advises that a similar approach is used in other jurisdictions.

From the Open Houses we heard loud and clear that the majority of people who have interacted with the process preferred Option 1.

From the perspective of staff, we have heard a number of concerns. Police Services had identified the fact that they have limited resources and that this option would make their job more difficult to perform. They have stated that they are under resourced now and that the additional responsibilities of having to police an ATV By-law would put added pressure on Police Services.

Infrastructure Services has noted that along with increased access to area roadways comes additional unbudgeted maintenance cost. This figure varies and has been estimated to be in the range of \$150,000. - \$200,000.

Legal Services has indicated that it would be preferable to install signs across the City indicating on which

roads ATV's can or cannot be used. Depending on the option selected the number of signs required is estimated to range between 100 - 150. The cost of these signs has been estimated to be between \$30,000 - \$45,000. This is an unbudgeted amount. The Legal Services Department recommends the use of signs to provide greater certainty to the ATV user as to where legally they can operate their machines. The signs would also assist in court in terms of prosecuting individuals who operate ATV's on roads where they are not permitted. Without signs it is doubtful that a prosecution would be successful in court.

City staff from Tourism are not opposed to the use of ATV's on area roadways as they feel there is potential to enhance tourism development within the City.

City staff from Risk Management have identified concerns with respect to both options. In their opinion as roads have not been designed specifically to accommodate ATV use, there is an increased risk of municipal liability. This liability could be for an ATV that is involved in an accident due to interaction with an unmaintained roadway or shoulder of a roadway. In addition the municipality may be exposed to liability where a car pulls over onto the shoulder and is involved in an accident due to the deteriorated condition of the shoulder as a result of ATV use.

This liability also extends to third party situations where an ATV is involved in an incident and the City is named in a lawsuit.

Option 1 does not address concerns of area residents of trespassing and nuisance and the potential for increased accidents on area roadways.

Option 2 (Appendix 2)

Option 2 is the option that has been developed by City staff in response to Option 1. Generally speaking, Option 2 contemplates a routing system that sees roads on the periphery of Sudbury open to ATV's and most roads in the core areas restricted. Option 2 sees ATV's allowed on approximately 750 km of public roads and prohibited on approximately 1342 km of public roads.

This option does provide road access in close proximity to the Crown lands that exist within the City, where off road ATV use would be permitted.

Option 2 does not provide a continuous routing system across CGS, making it less attractive from both a tourism and local resident perspective. In this regard many local ATV users would have to trailer from their residences to access Crown lands or trails that they have permission to ride on.

Option 2 does not address concerns of area residents of trespassing and nuisance.

Option 2 would require less signs and maintenance and therefore would be the lesser cost option between Options 1 and 2.

Option 3 - Status Quo

A third option that exists is to "do nothing" and keep the status quo which is to not allow ATV access to area roadways.

This option was supported by a minority of members of the public throughout the public consultation process. This option is opposed by members of the former ATV Panel and the majority of members of the

public who interacted with the public consultation process.

Discussion

Council has to balance the desire to open up area roads and the potential for tourism with the concerns of safety, cost and issues of trespassing and nuisance.

Our experience throughout the public process was that ATV users attended these events in great numbers. We did hear from those opposed however it is acknowledged that this was the minority of those who attended the open houses.

With two distinct and separate views of the same issue, it is difficult to recommend one option over another.

With this in mind, we have put forward the option to consider this on a two year trial basis. This allows Council and the community to revisit this issue based on facts rather than the opinion of what might occur. Should Council select Option 1 or 2 we feel that they should consider doing so on a trial basis.

It is acknowledged that staff from Infrastructure Services are opposed to ATV use on area roadways. They do however not oppose allowing ATV use on gravel roads. Generally speaking these roads are on the periphery of the city. Members of the ATV Panel reject this option as it does not provide a continuous route through the city (north to south and east to west). In their view a continuous route provides access to fuel and restaurants and is better from a tourism perspective. It is also acknowledged that Police Services have concerns regarding their ability to police ATV use on area roadways. Legal Services has also commented on the fact that prosecuting individuals who violate any ATV bylaw will have its challenges.

If ATV trails are to develop in Sudbury and if a tourism potential exists then it is felt that access to area roadways should be considered on a trial basis.

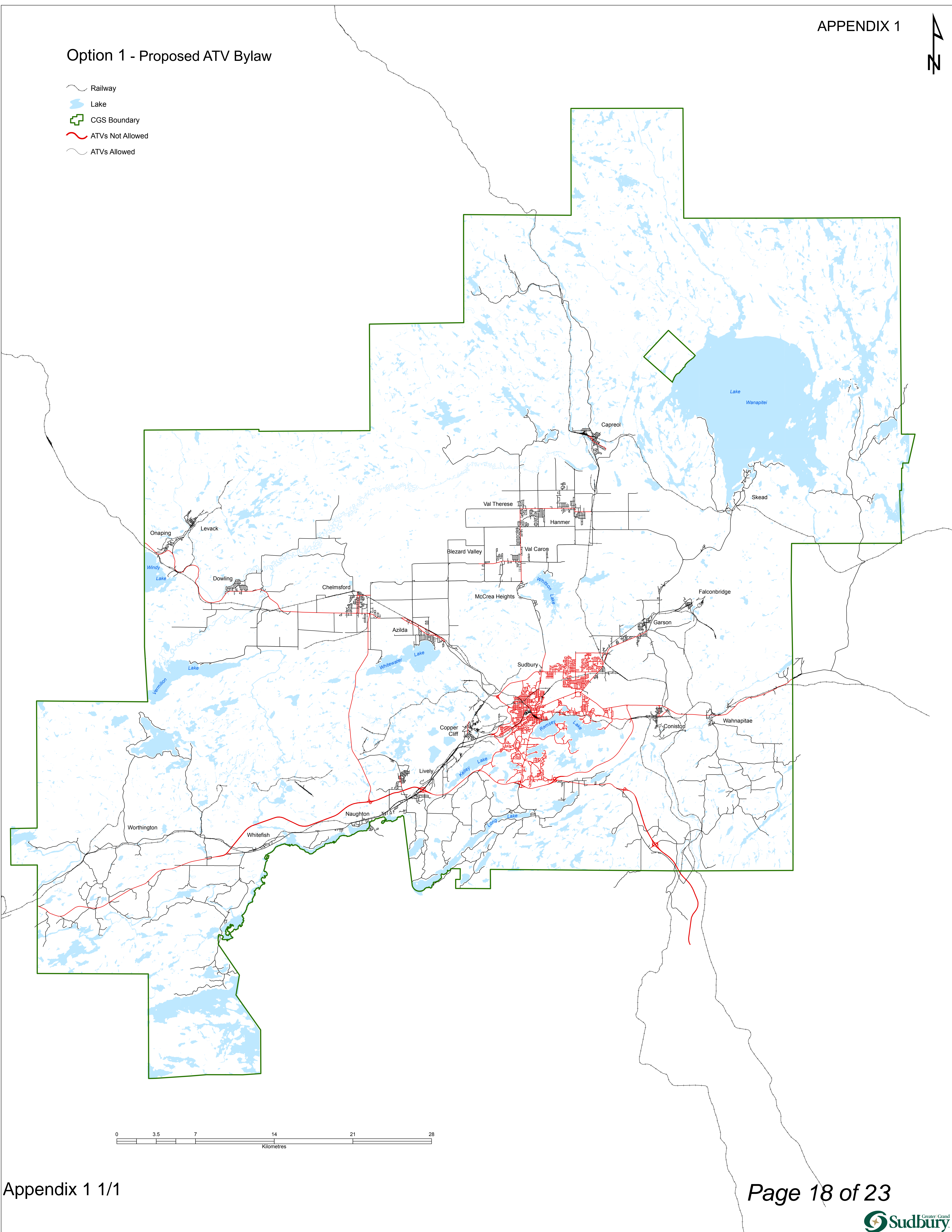
Having regard to all the input we feel that a two year trial period on roads identified in Options 1 and 2 can go forward. In that time frame policing issues can be monitored, as well as any progress towards the development of a trail network and an ATV association. Ultimately we feel that the use of area roadways should be tied into obtaining access to a local/Provincial trail network. Essentially, the road network should become how one gets to an approved ATV trail.

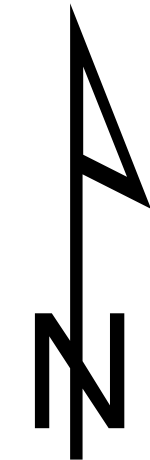
Council can revisit this issue in two years to consider any further changes.



Option 1 - Proposed ATV Bylaw

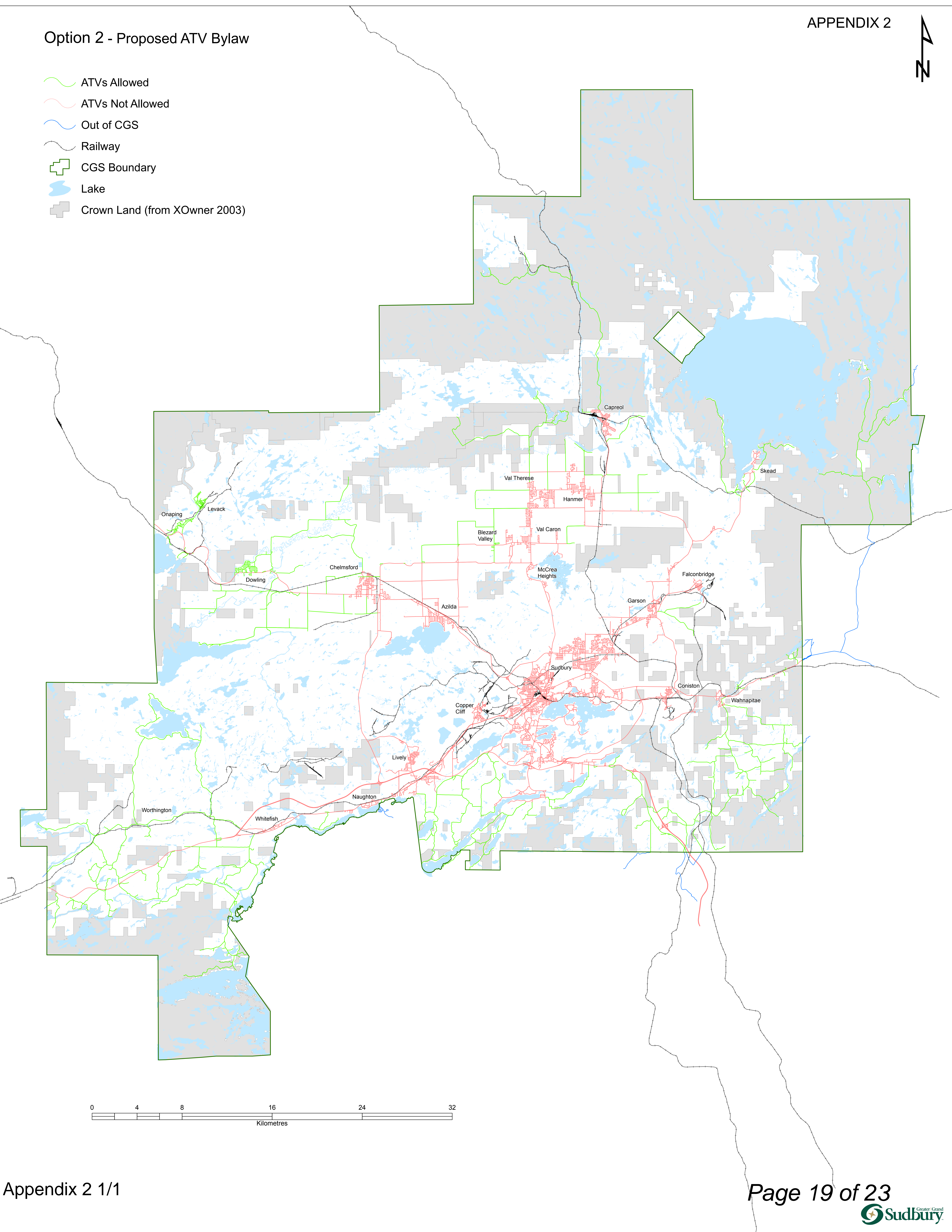
- Railway
- Lake
- CGS Boundary
- ATVs Not Allowed
- ATVs Allowed





Option 2 - Proposed ATV Bylaw

- ATVs Allowed
- ATVs Not Allowed
- Out of CGS
- Railway
- CGS Boundary
- Lake
- Crown Land (from XOwner 2003)



Request for Decision

Request from the City of Kingston to Support Efforts in Seeking an Increase in 'Heads and Beds' Payments

Presented To:	Policy Committee
Presented:	Wednesday, Apr 20, 2011
Report Date	Thursday, Apr 14, 2011
Type:	Managers' Reports

Recommendation

Whereas Ontario municipalities with post secondary institutions and hospitals receive transfer payments from the Provincial government in lieu of property taxes and;

Whereas the payments are transferred to the municipalities based on the number of heads (students) in post secondary institutions and the number of beds in their local hospitals, (also known as the "heads and beds" payment in lieu of taxes) and;

Whereas the current amount of \$75.00 per head/bed has not been increased since 1987 when it was adjusted from \$50.00 and;

Whereas it is our position that the current "heads and beds" rate does not reflect a fair compensation for providing the local resources necessary to support these provincial services and;

Whereas this rate, if indexed to inflation, would be approximately \$135.00 per head/bed;

Therefore, be it resolved that the City of Greater Sudbury request that the provincial government of Ontario increase the "heads and beds" levy to at least the current rate of inflation and build in an automatic annual adjustment for inflation for future years; and further that a copy of this resolution be forwarded to the Honorable Dwight Duncan, Minister of Finance, the Honorable Rick Bartolucci, Minister of Municipal Affairs and Housing and the City of Kingston.

Background

Payments in lieu of taxes are payments made to Ontario municipalities by the Federal and Provincial governments for the properties they own. Payments in lieu of taxes are an acknowledgment by these levels of government, that they or their employees are benefiting from municipal services and infrastructure. Examples of Federal and Provincial properties include the Taxation Centre on Notre Dame Avenue and the Northern Development and Mines building on Cedar Street.

Payments in lieu of taxes on these buildings are based on their current value assessment, however, some

Signed By

Report Prepared By

Tony Derro
Manager of Taxation
Digitally Signed Apr 14, 11

Recommended by the Department

Lorella Hayes
Chief Financial Officer/City Treasurer
Digitally Signed Apr 15, 11

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Apr 15, 11

payments in lieu of taxes are based on enrollment and occupation. These include universities, community colleges, hospitals and correctional facilities. Payments in lieu of taxes of this nature are called "heads and beds".

The current "heads and beds" rate is \$75.00 and this amount has remained unchanged since 1987. The City of Greater Sudbury's "heads and beds" payment in lieu of taxes for 2010 was \$983,000.00.

Recently, efforts have been made by a number of municipalities through the Association of Municipalities of Ontario to seek an increase in the "heads and beds" category of payments in lieu of taxes. The City of Kingston, is requesting City Council's support in joining a number of Ontario municipalities in petitioning the Ontario government to increase the "heads and beds" funding. A copy of a letter from Mayor Mark Gerretsen of the City of Kingston is appended to this report as Schedule A.

Summary

It is recommended that City Council support the City of Kingston in its endeavour to seek an increase in the "Heads and Beds" payments in lieu of taxes from the Ontario Government. If the Province increases the rate to \$135.00 it could generate an additional \$800,000 for the City of Greater Sudbury.



Office of the Mayor

RECEIVED MAR 25 2011

March 17, 2011

Mayor Marianne Matichuk
City of Greater Sudbury
Tom Davies Square
Box 5000, Station A
Greater Sudbury, ON P3A 5P3

*MARIANNE:
Congrats on your
recent victory!
Looking forward
to meeting you
soon. Mark.*

Dear Mayor ~~Matichuk~~, *MARIANNE:*

Since 2007 the City of Kingston has been making efforts to increase the "Heads and Beds" levy that municipalities receive in lieu of property taxes for provincial institutions such as universities and hospitals. The current amount of \$75 per head/bed has not been increased since 1987 when it was adjusted from \$50.

This matter has been discussed by the AMO at recent pre-budget discussions with the province. Kingston submitted a letter to the Standing Committee on Finance and Economic Affairs in January of this year, asking that the province meet with Kingston and other municipalities to consider an adjustment to this rate. As I discussed with my colleagues at a recent Large Urban Mayors Caucus of Ontario (LUMCO) meeting, the Heads and Beds levy will continue to be a key issue for Kingston.

To date, we have received positive support from over 30 municipalities across the province on this important issue. There is a shared understanding among municipalities that the current Heads and Beds rate does not reflect a fair compensation for providing the local resources necessary to support these provincial services. If indexed to inflation, based on our calculations, this amount would be approximately \$135 per head/bed. As per data taken from the 2009 Financial Information Return (FIR), the **City of Greater Sudbury** received an annual transfer of **\$ 929,250** for the Heads and Beds payment. If the rate was indexed to inflation this amount would be approximately **\$1,672,650**, which is an increase of **\$ 743,400** to your municipal revenues.

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LETTER TO: Mayor Marianne Matichuk
March 17, 2011
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I had the opportunity to speak with Premier McGuinty during his recent visit to Kingston on the topic of Heads and Beds, which I hope served to open the door to future discussions. The City of Kingston has requested a delegation during the AMO conference in August of this year to further address this issue. With your support our collective municipal voice will be heard by the provincial government.

If you have already joined our effort through a motion of support – thank you! If not, please consider asking your council to adopt the attached motion and return it to us. We would like all Ontario municipalities that have post-secondary institutions and hospitals to unite on the matter of Heads and Beds. If you are planning to attend the AMO conference in August and would like to join our delegation, please contact me directly. Your attendance and support would be invaluable.

Sincerely,



Mark Gerretsen,
Mayor

MG/gc

cc: John Bolognone, City Clerk

