

CITY COUNCIL AGENDA

City Council Meeting
Tuesday, September 8, 2020
Tom Davies Square - Council Chamber

MAYOR BRIAN BIGGER, CHAIR

***REVISED**

4:00 p.m. CLOSED SESSION, COMMITTEE ROOM C-12 / ELECTRONIC PARTICIPATION

6:00 p.m. OPEN SESSION, COUNCIL CHAMBER / ELECTRONIC PARTICIPATION

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<https://agendasonline.greatersudbury.ca>.

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ROLL CALL

Resolution to move to Closed Session to deal with one (1) Security of Property item regarding the City's information technology systems and data and one addendum to deal with one (1) Litigation or Potential Litigation / Solicitor-Client Privilege item regarding Kingsway Entertainment Centre in accordance with the *Municipal Act, 2001, s. 239(2)(a), (d) and (f)*
(RESOLUTION PREPARED)

RECESS

MOMENT OF SILENT REFLECTION

ROLL CALL

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

COMMUNITY DELEGATIONS

1. Greater Sudbury Public Library Update
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)

- Michael Bellmore, Chair - Greater Sudbury Public Library

(The Chair of the GSPL Board will provide an update regarding library operations and a look forward to the future of libraries in Greater Sudbury.)

MATTERS ARISING FROM THE CLOSED SESSION

Deputy Mayor Sizer will rise and report on any matters discussed during the Closed Session. Council will then consider any resolution emanating from the Closed Session.

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.)

ADOPTING, APPROVING OR RECEIVING ITEMS IN THE CONSENT AGENDA

(RESOLUTION PREPARED FOR ITEMS C-1 TO C-5)

MINUTES

- C-1. City Council Minutes of July 7, 2020
(RESOLUTION PREPARED - MINUTES ADOPTED)

14 - 34

C-2.	Operations Committee Minutes of August 10, 2020 (RESOLUTION PREPARED - MINUTES ADOPTED)	35 - 38
C-3.	Community Services Committee Minutes of August 10, 2020 (RESOLUTION PREPARED - MINUTES ADOPTED)	39 - 43
C-4.	Planning Committee Minutes of August 10, 2020 (RESOLUTION PREPARED - MINUTES ADOPTED)	44 - 51
C-5.	Special City Council Minutes of August 12, 2020 (RESOLUTION PREPARED - MINUTES ADOPTED)	52 - 54

REGULAR AGENDA

MANAGERS' REPORTS

R-1.	Report dated August 21, 2020 from the Chief Administrative Officer regarding Economic Development Governance. (RESOLUTION PREPARED) (This report provides a recommendation regarding the new Operating Agreement between the City of Greater Sudbury Community Development Corporation, operating as the Greater Sudbury Development Corporation, or GSDC and approval for the GSDC Board members newly appointed to the GSDC Board at their Annual General Meeting held on June 24th, 2020.)	55 - 97
R-2.	COVID-19 Update (FOR INFORMATION ONLY) (REPORT TO FOLLOW) (This report provides an update regarding COVID-19 developments.)	
R-3.	Report dated August 26, 2020 from the General Manager of Growth and Infrastructure regarding Hot In-Place Asphalt Recycling Pilot Project - Construction Contract. (RESOLUTION PREPARED) (This report provides a recommendation regarding the Hot In-Place Recycling Construction Contract award.)	98 - 104

BY-LAWS

Draft by-laws are available for viewing a week prior to the meeting on the City's website at: <https://agendasonline.greatersudbury.ca>. Approved by-laws are publically posted with the meeting agenda on the day after passage.

The following By-Laws will be read and passed:

- 2020-138 A By-law of the City of Greater Sudbury to Confirm the Proceedings of Council at its Special Meetings of August 11th, 2020 and August 12th, 2020 and its Regular Meeting of September 8th, 2020
- 2020-139 A By-law of the City of Greater Sudbury to Amend Chapter 32 of the Municipal Code of the Former City of Sudbury Regarding the Board of Management for the Downtown Sudbury Business Improvement Area
- City Council Resolution #CC2020-177
- (This amending by-law amends the reporting requirements of the Board of Management of Downtown Sudbury Business Improvement Area to allow regular communication through a more formal reporting relationship with the City.)
- 2020-140 A By-law of the City of Greater Sudbury to Amend Chapter 37 of the Municipal Code of the Former City of Sudbury Regarding the Board of Management for the Flour Mill Business Improvement Area
- City Council Resolution #CC2020-177
- (This amending by-law amends the reporting requirements of the Board of Management of the Flour Mill Improvement Area of the City of Greater Sudbury to allow regular communication through a more formal reporting relationship with the City.)
- 2020-141 A By-law of the City of Greater Sudbury to Amend By-law 2017-5 being a By-law of the City of Greater Sudbury Respecting the Delegation of Authority to Various Employees of the City
- (This by-law amends the Delegation By-law to delegate authority to execute Standard Form Agreements related to the Greater Sudbury Primary Healthcare Provider Recruitment and Retention Program.)
- 2020-142 A By-law of the City of Greater Sudbury to Amend By-law 2006-280 being a By-law of the City of Greater Sudbury Dealing with the Collection, Removal, and Disposal of Waste Within the City of Greater Sudbury
- Operations Committee Resolutions #OP2020-15 and #OP2020-16
- (This by-law amends the Waste Management By-law to allow for waste collection under the Additional Support Programs for the Collection of Disposable Diapers and for the Collection of Medical Circumstances Waste.)
- 2020-143 A By-law of the City of Greater Sudbury to Authorize the Sale of Part of Unopened Barbara Street in Sudbury Described as Part of PIN 73498-0585(LT), Part 1, Plan 53R-21363 to Rodney Withers and Ginette Withers
- Planning Committee Resolution #PL2020-34
- (This by-law authorizes the sale of part of an unopened road allowances to an abutting land owner and delegates authority to sign all documents necessary to effect the sale.)

- 2020-144P A By-law of the City of Greater Sudbury to Adopt Official Plan Amendment No. 105 to the Official Plan for the City of Greater Sudbury
- Planning Committee Resolution #PL2020-86
- (This by-law authorizes is a site-specific application to amend the City of Greater Sudbury Official Plan from Mining/Mineral Reserve to Rural.)
- 2020-145Z A By-law of the City of Greater Sudbury to Amend By-law 2010-100Z Being the Comprehensive Zoning By-law for the City of Greater Sudbury
- Planning Committee Resolution #PL2020-18
- (This by-law rezones the subject lands to "R3(71)", Residential Medium Density Special in order to permit a row dwelling containing a maximum of four (4) dwelling units - TJ Herault - 2165 Falconbridge Road, Garson.)
- 2020-146Z A By-law of the City of Greater Sudbury to Amend By-law 2010-100Z Being the Comprehensive Zoning By-law for the City of Greater Sudbury
- Planning Committee Resolution #PL2020-87
- (This by-law makes housekeeping amendments to the City of Greater Sudbury Zoning By-law 2010-100Z to implement framework for Brewpubs and similar uses into the Zoning By-law.)
- 2020-147Z A By-law of the City of Greater Sudbury to Amend By-law 2010-100Z Being the Comprehensive Zoning By-law for the City of Greater Sudbury
- Planning Committee Resolution #PL2018-143
- (This by-law rezones the subject property to "R2-2(43)", Low Density Residential Two Special in order to permit a multiple dwelling with a maximum of three (3) units – Carole Voutier - 66-68 Eva Street, Garson.)

MEMBERS' MOTIONS

M-1. Studying a complete renovation of the Sudbury Community Arena

As Presented by Councillors McCausland and Signoretti:

WHEREAS a local architecture company, 3rd Line Studio, has proposed a plan to renovate the Sudbury Community Arena into a multi-function event centre, and to do so for as little as 60% of the cost of building a new multi-function event centre; and WHEREAS the 3rd Line Studio plan, entitled Project Now, also includes an indoor parking facility which could address an identified parking need in Downtown Sudbury; and

WHEREAS realizing up to 40% savings by renovating the historic Sudbury Community Arena into a multi-function event centre would potentially save up to \$40 million that the city could invest in other community recreation and infrastructure projects; and

WHEREAS it has been proposed that design and engineering work on Project Now could begin immediately and construction could begin quickly without negatively affecting the operations of the Sudbury Wolves and Sudbury Five over a three-year

construction period;

THEREFORE BE IT RESOLVED that City of Greater Sudbury Council instruct the City's Large Projects management team to evaluate the Project Now plan and report back to council in the form of a report focusing on answering three questions:

- 1) Will the Project Now plan result in a multi-function event centre suitable to the city's needs as prescribed in the 2017 PWC report?;
- 2) Are the timelines associated with the Project Now plan feasible?;
- 3) Is the cost structure of the Project Now plan reasonable and accurate based on current information?

And that this evaluation include liaising with the Project Now team, and review of previous staff reports on renovating the Sudbury Community Arena;

And that this report be presented to council at the October 6th, 2020 City Council meeting.

ADDENDUM

CIVIC PETITIONS

QUESTION PERIOD

ADJOURNMENT

CONSEIL MUNICIPAL ORDRE DU JOUR

Réunion du Conseil municipal
8 septembre 2020
Place Tom Davies - Salle du Conseil

MAIRE BRIAN BIGGER, PRÉSIDENT(E)

*REVISER

16 h SÉANCE A HUIS CLOS, SALLE DE RÉUNION C-12 / PARTICIPATION ÉLECTRONIQUE

18 h SÉANCE PUBLIQUE, SALLE DU CONSEIL / PARTICIPATION ÉLECTRONIQUE

Les réunions du Conseil de la Ville du Grand Sudbury et de ses comités sont accessibles et sont diffusés publiquement en ligne et à la télévision en temps réel et elles sont enregistrées pour que le public puisse les regarder sur le site Web de la Ville à l'adresse <https://agendasonline.greatersudbury.ca>.

Sachez que si vous faites une présentation, si vous prenez la parole ou si vous vous présentez sur les lieux d'une réunion pendant qu'elle a lieu, vous, vos commentaires ou votre présentation pourriez être enregistrés et diffusés.

En présentant des renseignements, y compris des renseignements imprimés ou électroniques, au Conseil municipal ou à un de ses comités, vous indiquez que vous avez obtenu le consentement des personnes dont les renseignements personnels sont inclus aux renseignements à communiquer au public

Vos renseignements sont recueillis aux fins de prise de décisions éclairées et de transparence du Conseil municipal en vertu de diverses lois municipales et divers règlements municipaux, et conformément à la *Loi de 2001 sur les municipalités*, à la *Loi sur l'aménagement du territoire*, à la *Loi sur l'accès à l'information municipale et la protection de la vie privée* et au *Règlement de procédure* de la Ville du Grand Sudbury.

Pour obtenir plus de renseignements au sujet de l'accessibilité, de la consignation de vos renseignements personnels ou de la diffusion en continu en direct, veuillez communiquer avec le Bureau de la greffière municipale en composant le 3-1-1 ou en envoyant un courriel à l'adresse clerks@grandsudbury.ca.

APPEL NOMINAL

Résolution de séance à huis clos pour délibérer sur une (1) question de sécurité de biens concernant les systèmes de technologie de l'information et des données de la Ville et d'un ajout pour délibérer sur une (1) question de litige ou de litige possible ou de secret professionnel de l'avocat concernant le District de divertissements du Kingsway conformément aux articles 239(2)(c), (d) et (f) de la *Loi de 2001 sur les municipalités*.

(RÉSOLUTION PRÉPARÉE)

SUSPENSION DE LA SÉANCE

MOMENT DE SILENCE

APPEL NOMINAL

DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES

DÉLÉGATION COMMUNAUTAIRES

1. Compte rendu de la Bibliothèque publique du Grand Sudbury
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)
 - Michael Bellmore, président du conseil d'administration - Bibliothèque publique du Grand Sudbury

(Le président du conseil d'administration de la BPGS donnera un compte rendu concernant le fonctionnement de la bibliothèque ainsi qu'un aperçu de l'avenir des bibliothèques dans le Grand Sudbury.)

QUESTIONS DÉCOULANT DE LA SÉANCE À HUIS CLOS

Maire adjoint Sizer rapportera toutes questions traitées pendant la séance à huis clos. Le Conseil examinera ensuite les résolutions.

Order du jour des résolutions

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

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

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

ADOPTION, APPROBATION OU RÉCEPTION D'ARTICLES DANS L'ORDRE DU JOUR DES CONSENTEMENTS

(RÉSOLUTION PRÉPARÉE POUR LES ARTICLES DE L'ORDRE DU JOUR DES
RÉSOLUTIONS C-1 À C-5)

PROCÈS-VERBAUX

C-1.	Proces Verbal du 7 juillet 2020, Conseil municipal (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	14 - 34
C-2.	Proces Verbal du 10 août 2020 Comité des opérations (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	35 - 38
C-3.	Proces Verbal du 10 août 2020, Comité des services communautaires (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	39 - 43
C-4.	Proces Verbal du 10 août 2020, Comité de planification (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	44 - 51
C-5.	Proces Verbal du 12 août 2020, Réunion extraordinaire du Conseil municipal (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	52 - 54

Ordre du jour régulier

RAPPORTS DES GESTIONNAIRES

R-1.	Rapport Administrateur en chef, daté du 21 août 2020 portant sur Gouvernance en matière de développement économique. (RÉSOLUTION PRÉPARÉE) (Ce rapport donne une recommandation concernant la nouvelle entente de fonctionnement de la Société de développement communautaire de la Ville du Grand Sudbury, fonctionnant sous le nom de la Société de développement du Grand Sudbury, ou la SDGS, et l'approbation concernant les membres du conseil d'administration de la SDGS nouvellement nommés comme membres du conseil d'administration de la SDGS lors de l'assemblée générale annuelle de cette société tenue le 24 juin 2020.)	55 - 97
R-2.	Compte rendu de la COVID-19 (A TITRE D'INFORMATION) (LE RAPPORT SUIVRA) (Ce rapport donne un compte rendu concernant l'évolution de la situation par rapport à la COVID-19.)	
R-3.	Rapport directeur général, Croissance et Infrastructure , daté du 26 août 2020 portant sur Projet pilote de recyclage de l'asphalte sur place à chaud – contrat de construction. (RÉSOLUTION PRÉPARÉE)	98 - 104

(Ce rapport fait une recommandation concernant l'attribution du contrat de construction de recyclage de l'asphalte sur place à chaud.)

RÈGLEMENTS

Les membres du public peuvent consulter les projets de règlement municipal une semaine avant la réunion sur le site Web de la Ville à l'adresse <https://agendasonline.greatersudbury.ca>. Les règlements municipaux approuvés sont affichés publiquement avec l'ordre du jour de la réunion le lendemain de leur adoption.

Les règlements suivants seront lus et adoptés :

- 2020-138 (Règlement de la Ville du Grand Sudbury confirmant les délibérations du Conseil municipal lors de ses réunions extraordinaires tenues le 11 août 2020 et le 12 août 2020, ainsi que de sa réunion ordinaire tenue le 8 septembre 2020)
- 2020-139 Règlement de la Ville du Grand Sudbury modifiant le chapitre 32 du Code municipal de l'ancienne Ville de Sudbury concernant le Conseil de gestion du Secteur d'aménagement commercial du centre-ville de Sudbury
Résolution no CC2020-171 du Conseil municipal
(Ce règlement municipal modificatif modifie les exigences en matière de rapports du Conseil de gestion du Secteur d'aménagement commercial du centre-ville de Sudbury pour permettre la communication régulière par l'entremise d'un lien hiérarchique plus officiel avec la Ville.)
- 2020-140 Règlement de la Ville du Grand Sudbury modifiant le chapitre 37 du Code municipal de l'ancienne Ville de Sudbury concernant le Conseil de gestion du Secteur d'aménagement commercial du Moulin à fleur
Résolution no CC2020-171 du Conseil municipal
(Ce règlement municipal modificatif modifie les exigences en matière de rapports du Conseil de gestion du Secteur d'aménagement commercial du Moulin à fleur pour permettre la communication régulière par l'entremise d'un lien hiérarchique plus officiel avec la Ville.)
- 2020-141 Règlement de la Ville du Grand Sudbury modifiant le règlement municipal 2017-5 étant un règlement de la Ville du Grand Sudbury concernant la délégation de l'autorité à divers employés de la Ville
Résolution no FA2019-23 du Comité des finances et de l'administration
(Ce règlement municipal modifie le règlement municipal sur la délégation de l'autorité pour signer des ententes de libellé type relativement au Programme de recrutement et de maintien en poste des fournisseurs de soins de santé primaires du Grand Sudbury.)

- 2020-142 Règlement de la Ville du Grand Sudbury modifiant le règlement municipal 2006-280 étant un règlement de la Ville du Grand Sudbury portant sur la collecte, l'enlèvement et l'élimination des déchets dans la Ville du Grand Sudbury
- Résolutions no OP2020-15 et no OP2020-16 du Comité des opérations
- (Ce règlement municipal modifie le règlement municipal sur la gestion des déchets pour permettre la collecte des déchets sous l'égide des programmes de soutien additionnel pour la collecte des couches jetables et pour la collecte des déchets dans des circonstances médicales.)
- 2020-143 Règlement de la Ville du Grand Sudbury autorisant la vente d'une partie de la rue Barbara non ouverte à Sudbury désignée comme une partie de la parcelle no 73498-0585(LT), partie 1, plan 53R-21363, à Rodney Withers et Ginette Withers
- Résolution no PL2020-34 du Comité de planification
- (Ce règlement municipal autorise la vente d'une partie d'une réserve routière non ouverte et du terrain vacant attenant aux propriétaires du terrain attenant et délègue l'autorité de signer tous les documents nécessaires à cette vente.)
- 2020-144P Règlement de la Ville du Grand Sudbury adoptant la modification no 105 du Plan officiel de la Ville du Grand Sudbury
- Résolution no PL2020-86 du Comité de planification
- (Ce règlement municipal autorise une demande propre à l'emplacement de modifier le Plan officiel de la Ville du Grand Sudbury d'une zone d'exploitation minière/réserve minérale à zone rurale.)
- 2020-145Z Règlement de la Ville du Grand Sudbury modifiant le règlement municipal 2010-100Z, étant le règlement de zonage général de la Ville du Grand Sudbury
- Résolution no PL2020-18 du Comité de planification
- (Ce règlement municipal rezone les terres en question « R3(71) », zone résidentielle de densité moyenne spéciale, afin de permettre des maisons en rangée comptant un maximum de quatre (4) logements – T. J. Hérault - 2165, chemin Falconbridge, à Garson.)
- 2020-146Z Règlement de la Ville du Grand Sudbury modifiant le règlement municipal 2010-100Z, étant le règlement de zonage général de la Ville du Grand Sudbury
- Résolution no PL2020-87 du Comité de planification
- (Ce règlement municipal apporte des modifications d'ordre administratif au règlement de zonage 2010-100Z de la Ville du Grand Sudbury pour mettre en œuvre un cadre pour Brewpubs et des utilisations semblables dans le règlement municipal de zonage.)

2020-147Z Règlement de la Ville du Grand Sudbury modifiant le règlement municipal 2010-100Z, étant le règlement de zonage général de la Ville du Grand Sudbury

Résolution no PL2018-143 du Comité de planification

(Ce règlement municipal rezone la propriété en question « R2-2(43) », zone résidentielle de faible densité deux spéciale, afin de permettre un immeuble résidentiel comptant un maximum de trois (3) logements – Carole Voutier - 66-68, rue Eva, à Garson.)

MOTIONS DES MEMBRES

M-1. Étude d'une rénovation complète de l'Aréna communautaire de Sudbury

Motion présentée par les conseillers Cormier, McCausland et Signoretti:

ATTENDU QU'UNE société d'architecture locale, appelée 3rd Line Studio, a proposé un plan visant à rénover l'Aréna communautaire de Sudbury pour en faire un centre d'activités polyvalent et à le faire à un coût aussi bas que 60 % du coût de la construction d'un nouveau centre d'activités polyvalent; ATTENDU QUE le plan du 3rd Line Studio, intitulé Project Now [projet maintenant], comprend aussi une installation intérieure de stationnement qui pourrait aborder un besoin de stationnement cerné au centre-ville de Sudbury; ATTENDU QUE la réalisation d'économies pouvant atteindre 40 % en rénovant l'Aréna communautaire de Sudbury existant pour en faire un centre d'activités polyvalent pourrait faire économiser jusqu'à 40 millions de dollars que la Ville pourrait alors investir dans d'autres projets de loisirs et d'infrastructure communautaires; ATTENDU QU'ON a proposé que les travaux de conception et d'ingénierie du Project Now puissent commencer immédiatement et que la construction pourrait débiter rapidement sans nuire aux opérations des Sudbury Wolves et du Sudbury Five pendant une période de construction de trois ans; PAR CONSÉQUENT, IL EST RÉSOLU QUE le Conseil de la Ville du Grand Sudbury demande à l'équipe de gestion des Grands projets de la Ville d'évaluer le plan du Project Now et d'en présenter un rapport au Conseil municipal qui se concentrer sur la réponse aux trois questions suivantes : 1) Le plan du Project Now produira-t-il un centre d'activités polyvalent qui réponde aux besoins de la ville comme le prescrit le rapport de 2017 de la société PWC?; 2) Les délais associés au plan du Project Now sont-ils faisables?; 3) La structure des coûts du plan du Project Now est-elle raisonnable et juste en se fondant sur les renseignements actuels? Et que cette évaluation comprenne la liaison avec l'équipe du Project Now ainsi que l'examen des rapports précédents du personnel sur la rénovation de l'Aréna communautaire de Sudbury; Et que ce rapport soit présenté au Conseil municipal lors de sa réunion prévue pour le 6 octobre 2020. Projet pilote de recyclage de l'asphalte sur place à chaud – contrat de construction (Ce rapport fait une recommandation concernant l'attribution du contrat de construction de recyclage de l'asphalte sur place à chaud.)

ADDENDA

PÉTITIONS CIVIQUES

PÉRIODE DE QUESTIONS

LEVÉE DE LA SÉANCE

Minutes

City Council Minutes of 7/7/20

Location: Tom Davies Square -
Council Chamber /
Electronic
Participation

Commencement: 4:02 PM

Adjournment: 10:32 PM

His Worship, Mayor Brian Bigger, In the Chair

Present Councillors Signoretti [D 5:25 p.m., A 6:04 p.m.], Vagnini [D 4:18 p.m., A 4:22 p.m., D 5:24, A 6:05] , Montpellier, McCausland, Kirwan, Lapierre [A 4:05 p.m.], Jakubo, Sizer, McIntosh, Cormier, Leduc, Landry-Altmann, Mayor Bigger

City Officials Ed Archer, Chief Administrative Officer; Kevin Fowke, General Manager of Corporate Services; Tony Cecutti, General Manager of Growth and Infrastructure Services; Joseph Nicholls, General Manager of Community Safety; Ed Stankiewicz, Executive Director of Finance, Assets and Fleet; Ian Wood, Executive Director of Strategic Initiatives, Communication and Citizen Services; Ron Foster, Auditor General; Melissa Zanette, Chief of Staff; Marie Litalien, Acting Director of Communications and Community Engagements; Kelly Gravelle, Deputy City Solicitor; Joanne Kelly, Director of Human Resources and Organizational Development; David Shelsted, Director of Engineering Services; Tyler Campbell, Director of Social Services; Eleetha Savage, Special Projects Manager; Meredith Armstrong, Acting Director of Economic Development; Stephen Holmes, Roads Engineer; Eric Labelle, City Solicitor and Clerk; Anessa Gravelle, Clerk's Services Assistant; Lisa Locken, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Councillor Lapierre arrived at 4:05 p.m.

Matters Arising from Audit Committee

June 16, 2020

Councillor McIntosh, as Chair of the Audit Committee, reported on the matters arising from the Audit Committee meeting of June 16, 2020.

The following resolution was presented:

CC2020-166 Lapierre/Leduc: THAT the City of Greater Sudbury approves Audit Committee resolutions AC2020-02 to AC2020-04 inclusive from the meeting of June 16, 2020.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

The following are the Audit Committee resolutions:

Cash Controls at the Main Transit Garage

AC2020-02 Jakubo/Signoretti: THAT the City of Greater Sudbury approves the recommendations, as outlined in the report entitled "Cash Controls at the Main Transit Garage", from the Auditor General, presented at the Audit Committee meeting on June 16, 2020.

CARRIED

Cash Controls at the Downtown Transit Terminal

AC2020-03 Kirwan/Signoretti: THAT the City of Greater Sudbury approves the recommendations, as outlined in the report entitled "Cash Controls at the Downtown Transit Terminal", from the Auditor General, presented at the Audit Committee meeting on June 16, 2020.

CARRIED

Cash Controls at the Citizen Service Centre at Tom Davies Square

AC2020-04 Signoretti/Jakubo: THAT the City of Greater Sudbury approves the recommendations, as outlined in the report entitled "Cash Controls at the Citizen Service Centre at Tom Davies Square", from the Auditor General, presented at the Audit Committee meeting on June 16, 2020.

CARRIED

July 6, 2020

Councillor McIntosh, as Chair of the Audit Committee, reported on the matters arising from the Audit Committee meeting of July 6, 2020.

The following resolution was presented:

CC2020-167 McIntosh/Jakubo: THAT the City of Greater Sudbury approves Audit Committee resolution AC2020-06 inclusive from the meeting of July 6, 2020.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

The following is the Audit Committee resolution:

2019 Annual Report Including Consolidated Financial Statements

AC2020-06 Jakubo/Kirwan: THAT the City of Greater Sudbury approves the Consolidated Financial Statements for the City of Greater Sudbury and the City of Greater Sudbury Trust Funds, for the year ended December 31, 2019 as outlined in the report entitled "2019 Annual Report including Consolidated Financial Statements" from the General Manager of Corporate Services, presented at the Audit Committee meeting on July 6, 2020.

CARRIED

Matters Arising from Community Services Committee

June 15, 2020

Councillor Lapierre, as Chair of the Community Services Committee, reported on the matters arising from the Community Services Committee meeting of June 15, 2020.

The following resolution was presented:

CC2020-168 Lapierre/Leduc: THAT the City of Greater Sudbury approves Community Services Committee resolutions CS2020-10 CS2020-11 inclusive from the meeting of June 15, 2020.

Rules of Procedure

A Recorded Vote was held:

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

ABSTAIN: Councillor Sizer

CARRIED

The following are the Community Services Committee resolutions:

Staff Direction - CMHA Off the Street Shelter

CS2020-10 McIntosh/McCausland: THAT the City of Greater Sudbury directs staff to prepare a report regarding the potential use of the second floor of the CMHA Off the Street Shelter as an alternative to the use of hotels to house the City's homeless population during the COVID-19 pandemic;

AND THAT staff include information regarding the impact that a change in scope would have on the Harm Reduction Home funding for the Home for Good Program;

AND THAT the report be brought back to the August 10, 2020 Community Services Committee Meeting.

CARRIED

Staff Direction - Removal of Crossing Guards at Concession Street in Coniston

CS2020-11 McIntosh/Kirwan: THAT the City of Greater Sudbury directs staff to delay the removal of crossing guards from the cross walk at Concession Street in Coniston, until a traffic and speed study had been completed;

AND THAT a report be brought back to the August 10, 2020 Community Service Committee Meeting.

CARRIED

Matters Arising from Finance and Administration Committee

July 7, 2020

Councillor Jakubo, as Chair of the Finance and Administration Committee, reported on the matters arising from the Finance and Administration Committee meeting of July 7, 2020.

The following resolution was presented:

CC2020-169 Jakubo/McIntosh: THAT the City of Greater Sudbury approves Finance and Administration Committee resolutions FA2020-29 to FA2020-33 inclusive from the meeting of July 7, 2020.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

The following are the Finance and Administration Committee resolutions:

Healthy Community Initiative Fund Applications

FA2020-29 McIntosh/Sizer: THAT the City of Greater Sudbury approves the Healthy Community Initiative Fund requests, as outlined in the report entitled "Healthy Community Initiative Fund Applications", from the General Manager of Community Development, presented at the Finance and Administration Committee meeting on July 7, 2020;

AND THAT the City of Greater Sudbury directs staff to prepare a by-law to implement the recommended changes.

CARRIED

2020 CAO Performance Objectives and Quarterly Performance Report

FA2020-30 Lapierre/McCausland: THAT the performance objectives, as outlined in Appendix A of the report entitled "2020 CAO Performance Objectives and Quarterly Performance Report", presented at the City Council meeting on July 7, 2020, be approved and included in the Chief Administrative Officer's 2020 Personal Performance and Development Plan as set out in the CAO's Performance Evaluation Process approved by City Council in Motion CC2017-36.

"Subject to the following amendment:

a) That a twelfth priority project be included to emphasize the value of enterprise-wide, ongoing work related to Council's 2019 Climate Emergency Declaration, including but not limited to:

1. Delivering a Final version of the Community Energy and Emissions Plan (CEEP);
2. Ensuring service restoration plans reflect the principles and directions contemplated by both the Climate Emergency Declaration and the CEEP; and,
3. Producing business cases for consideration as part of the 2021 Budget that advance the CEEP's goals and enable Council to demonstrate its commitment to the work envisioned by the Climate Emergency Declaration."

CARRIED

2020 Property Tax Policy

Resolution #1

FA2020-31 Kirwan/McIntosh: THAT the City of Greater Sudbury approves property tax ratios as outlined in the report entitled "2020 Property Tax Policy", from the General Manager of Corporate Services, presented at the Finance and Administration Committee Meeting on July 7, 2020 as follows:

Multi-Residential -1.966000; Commercial -1.912000; Industrial - 3.726326; Large Industrial - 4.325445; Pipeline - 2.179489; Farm - 0.200000;

AND THAT the necessary Tax Ratio by-law and Tax Rate by-law be prepared.

CARRIED

Resolution #2

FA2020-32 McIntosh/Bigger: THAT the City of Greater Sudbury use capping and clawback tools as follows;

- a) Implement a 10% tax increase cap
- b) Implement a minimum annual increase of 10% of CVA level taxes for capped properties
- c) Move capped and clawed back properties within \$500 of CVA taxes directly to CVA taxes
- d) Eliminate commercial and industrial properties that were at Current Value Assessment in 2019 from the capping exercise
- e) Eliminate commercial and industrial properties that crossed between capping and clawback in 2020 from the capping exercise

AND THAT the necessary by-law be prepared;

AND THAT the following clawback percentages, as calculated by the Online Property Taxation Analysis (OPTA) System, be adopted by the City of Greater Sudbury;

Commercial - 62.4323%; Industrial - 70.8106%;

AND THAT the City of Greater Sudbury approves the recommendations as outlined in the report entitled "2020 Property Tax Policy", from the General Manager of Corporate Services, presented at the Finance and Administration Committee Meeting on July 7, 2020.

CARRIED

MR 80 Finance Options and Capital Budget Update

FA2020-33 Kirwan/Lapierre: THAT the City of Greater Sudbury approves a portion of the Notre Dame Avenue (Hanmer) project from Dominion Drive to Oscar Street be canceled in the amount of \$1,4M as included in the 2020 Capital Budget as part of the Arterials/Collectors road program.

AND THAT the City of Greater Sudbury approve the scope of the MR 80 project from McCrea Heights to Maley Drive be enhanced in the amount of \$1,4M by change order to contract PNG20- 25 and be funded from the Capital Holding Account Reserve, as outlined in the report entitled MR 80 Finance Options and Capital Budget Update, from the General Manager of Growth and Infrastructure, presented at the Finance and Administration meeting on July 7, 2020.

CARRIED

Councillor Vagnini departed at 4:18 p.m.

Matters Arising from Hearing Committee

July 7, 2020

Councillor Signoretti, as Chair of the Hearing Committee, reported on the matters arising from the Hearing Committee meeting of July 7, 2020.

The following resolution was presented:

CC2020-170 Signoretti/Lapierre: THAT the City of Greater Sudbury approves Hearing Committee resolutions HC2020-03 to HC2020-05 inclusive from the meeting of June 17, 2020.

Rules of Procedure

A Recorded Vote was held:

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

The following are the Hearing Committee resolutions:

Tax Adjustment Under Section 357 and 358 of the Municipal Act of Ontario for 0 McFarlane Lake Rd, Sudbury.

HC2020-03 Leduc/Lapierre: THAT the City of Greater Sudbury accepts the decision provided by the Municipal Property Assessment Corporation regarding 0 McFarlane Lake Rd, Sudbury with a legal description of Broder Con 4 Lot 1 PCL 5368;

AND THAT the application by the Estate of Helen Ohla Cotnam, be processed as per the Municipal Property Assessment Corporation's response, as outlined in the report entitled "Tax Adjustment Under Section 357 and 358 of the Municipal Act of Ontario for 0 McFarlane Lake Rd, Sudbury", from the General Manager of Corporate Services, presented at the Hearing Committee meeting on June 17, 2020;

AND THAT the associated interest be cancelled in proportion to the tax adjustments;

AND THAT the Manager of Taxation be directed to adjust the Collector's Roll accordingly;

AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the Municipal Act, 2001 - \$8,279.91.

HC2020-04 Lapierre/Leduc: THAT taxes totaling approximately \$8,279.91 be adjusted under Sections 357 and 358 of the Municipal Act, 2001, of which the City's (municipal) portion is estimated to be \$6,613.74, as outlined in the report entitled "Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the Municipal Act, 2001 - \$8,279.91", from the General Manager of Corporate Services, presented at the Hearing Committee on June 17, 2020;

AND THAT the associated interest be cancelled in proportion to the tax adjustments;

AND THAT the Manager of Taxation be directed to adjust the Collector's Roll accordingly;

AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the Municipal Act, 2001 - \$3,433.63.

HC2020-05 Leduc/Cormier: THAT taxes totaling approximately \$3,433.63 be adjusted under Sections 357 and 358 of the Municipal Act, 2001, of which the City's (municipal) portion is estimated to be \$3,154.58, as outlined in the report entitled "Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the Municipal Act, 2001 - \$3,433.63", from the General Manager of Corporate Services, presented at the Hearing Committee on June 17, 2020;

AND THAT the associated interest be cancelled in proportion to the tax adjustments;

AND THAT the Manager of Taxation be directed to adjust the Collector's Roll accordingly;

AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

Matters Arising from Operations Committee

June 15, 2020.

Councillor McIntosh, as Chair of the Operations Committee, reported on the matters arising from the Operations Committee meeting of June 15, 2020.

No Resolutions emanated from this meeting.

Councillor Vagnini returned at 4:22 p.m.

Matters Arising from Planning Committee

July 6, 2020.

Councillor Cormier, as Chair of the Planning Committee, reported on the matters arising from the Planning Committee meeting of July 6, 2020.

The following resolution was presented:

CC2020-171 Cormier/Landry-Altmann: THAT the City of Greater Sudbury approves Planning Committee resolutions PL2020-76 to PL2020-79 and PL2020-81 to PL2020-83 inclusive from the meeting of July 6, 2020.

Councillor Landry-Altmann requested that Committee resolution PL2020-83 be pulled and dealt with separately.

The following resolution was presented:

CC2020-171 Cormier/Landry-Altmann: THAT the City of Greater Sudbury approves Planning Committee resolutions PL2020-76 to PL2020-79 and PL2020-81 to PL2020-82 inclusive from the meeting of July 6, 2020.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

The following are the Planning Committee resolutions:

Rintala Construction Company Limited & Industrial Holdings (Sudbury) Inc. - Application for rezoning in order to eliminate the split zoning on the subject lands, 234 & 240 Fielding Road, Lively

PL2020-76 McCausland/Kirwan: THAT the City of Greater Sudbury approves the application by Rintala Construction Company Limited & Industrial Holdings (Sudbury) Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from HM5", Extractive Industrial to "M3", Heavy Industrial on lands described as Part of PINs 73372-0231 & 73372-0232, Part of Parts 1 & 2, Plan 53R-19603 in Lot 3, Concession 5, Township of Waters, as outlined in the report entitled "Rintala Construction Company Limited & Industrial Holdings (Sudbury) Inc.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 6, 2020, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the following conditions shall be addressed:

- i) That the applicants provide the Development Approvals Section with a final plan of survey in order to enact the amending by-law;
- ii) That any outstanding requirements related to the site alteration permit for PIN 73372-0232 be addressed to the satisfaction of the Chief Building Official and Conservation Sudbury.

2. Conditional approval shall lapse on July 6, 2022 unless Condition 1 above has been met or an extension has been granted by Council.

CARRIED

1777232 Ontario Inc. - Application for Zoning By-law Amendment in order to facilitate the creation of one new urban residential lot and site-specific development standards for the proposed retained rural lands, 207 Niemi Road, Lively

PL2020-77 Sizer/McCausland: THAT the City of Greater Sudbury approves the application by 1777232 Ontario Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification of the subject lands from "RU", Rural to "R1-5", Low Density Residential One and "RU(S)", Rural Special on those lands described as PIN 73377-0038, Parcel 15561, Lot 8, Concession 5, Township of Waters, as outlined in the report entitled '1777232 Ontario Inc.', from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 6, 2020, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services;
2. That the amending zoning by-law include the following site specific provisions:
 - a. That the north-westerly portion of the lands be rezoned to "R1-5" in order to facilitate the creation of one new urban residential lot at the corner of Niemi Road and Santala Road; and,
 - b. That the remainder of the lands be rezoned to 'RU(Sy)' in order to recognize the future retained lands having a minimum lot area of 0.87 ha (2.15 acres), a minimum lot frontage of 60 m (200 ft) and an exterior side lot line measuring 72 m (236.22 ft) in length; and,
3. That conditional approval shall lapse on July 7, 2022 unless Condition #1 above has been met or an extension has been granted by Council.

CARRIED

Daniel, Frances, and Bernard Bouffard - Application for Official Plan Amendment and Rezoning, 664 & 672 Lasalle and 1167 Northway, Sudbury

Resolution regarding the Official Plan Amendment

PL2020-78 Landry-Altmann/Kirwan: THAT the City of Greater Sudbury approves the application by Daniel, Frances, and Bernard Bouffard, to amend the City of Greater Sudbury Official Plan by changing the official plan designation from Living Area 1 to Mixed Use Commercial on those lands described as PIN 02171-0318 and part of PIN 02171-0225, Parts 2 and 3, Plan SR-1908, except Parts 2, Plan 53R-15979, including Part 1, Plan 53R-15979, Lot 3, Concession 6, Township of McKim, as outlined in the report entitled "Daniel, Frances, and Bernard Bouffard", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 6, 2020,

Should Official Plan Amendment No. 102 (Lasalle Boulevard Corridor Strategy) come into effect prior to the adopting by-law being passed, then the Regional Corridor designation will be applied instead of the Mixed Use Commercial designation.

CARRIED

Resolution regarding the Rezoning:

PL2020-79 Landry-Altmann/McCausland: THAT the City of Greater Sudbury approves the application by Daniel, Frances, and Bernard Bouffard, to amend Zoning By-law 2010-100Z by changing the zoning classification from "C2(62)", General Commercial Special and "RI-S", Low Density Residential One, to a revised "C2(62)", General Commercial Special on those lands described as PINs 02171-0318, 02171-0320, and part of PIN 02171-0225, Parts 2 and 3, Plan

SR-1908, part of Block A, Plan M-246, Except Parts 2 and 3, Plan 53R-15979, including Part 1, Plan 53R-15979, Lot 3, Concession 6, Township of McKim, as outlined in the report entitled "Daniel, Frances, and Bernard Bouffard", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 6, 2020;

AND THAT the amending zoning by-law include the following site-specific provisions:

- i. A total of three (3) residential units shall be permitted in addition to the uses permitted in the "C2(62)" zone;
- ii. That the minimum front and corner side yard along Northway Avenue and Lasalle Boulevard shall be 4.5 m, replacing the current minimum building setback from Lasalle Boulevard of 5.4 m;
- iii. To permit a garage and retaining wall greater than 1 m in height with a setback of 1.2 m from the northerly interior side yard abutting the south lot line of Lot 18, Plan M-383 and 1.2 m from the easterly interior side yard abutting the west lot line of the remainder of Lot 19, Plan M-383;
- iv. To permit a retaining wall greater than 1 m in height with a setback of 0 m along the easterly interior side yard abutting the west lot lines of Lot 17 and 18, Plan M-383;
- v. To permit a refuse enclosure and loading space to within 0.5 m of the westerly lot line;
- vi. To amend the current 2 m minimum northerly interior side yard setback provision to apply explicitly to the south lot line of the remainder of Lot 19, Plan M-383;
- vii. To amend the current parking rate of one space per 23.5 m² of net floor area to apply explicitly to a skate and tool sharpening business, retail stores, offices, personal service shops and service trades; and
- viii. To amend the current planting strip and opaque fence provisions to apply explicitly to certain lot lines instead of referring to certain features.

CARRIED

67 Fourth Avenue, Coniston - Declaration of Surplus Vacant Land and Transfer

PL2020-81 Kirwan/McCausland: THAT the City of Greater Sudbury declares surplus to the City's needs the vacant land at 67 Fourth Avenue, Coniston, legally described as PIN 73560-0436(LT), Lot 131 on Plan M-678, Township of Neelon;

AND THAT the vacant land be transferred to the Coniston Curling Club for nominal consideration, as outlined in the report entitled "67 Fourth Avenue, Coniston - Declaration of Surplus Vacant Land and Transfer", from the General Manager of Corporate Services, presented at the Planning Committee meeting on July 6, 2020;

AND THAT a by-law be presented authorizing the transfer and the execution of the documents required to complete the real estate transaction.

CARRIED

LaSalle Boulevard Corridor Plan and Strategy - Proposed Approach to Zoning By-law Amendment

PL2020-82 Kirwan/Sizer: THAT The City of Greater Sudbury directs staff to prepare a draft amendment to the City's Zoning By-law to implement Official Plan Amendment No 102 and to return to Planning Committee no later than late Q3 with a draft amendment and consultation

strategy, as outlined in the report entitled "LaSalle Boulevard Corridor Plan and Strategy - Proposed Approach to Zoning By-law Amendment" from the General Manager of Growth and Infrastructure, presented at the July 6, 2020 Planning Committee Meeting.

CARRIED

Resolution PL2020-83 was dealt with separately.

Report on the Commercial Parking Standards Study(PL2020-83)

The following resolution was presented:

CC2020-172 (PL2020-83) McCausland/Landry-Altmann: THAT the City of Greater Sudbury directs staff to initiate an amendment to the zoning by-law to incorporate new Commercial Parking Standards no later than the end of Q3, as outlined in the report entitled "Report on the Commercial Parking Standards Study", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 6, 2020.

Motion for Referral

Councillor Landry-Altmann moved to refer this item to a City Council meeting.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

Adopting, Approving or Receiving Items in the Consent Agenda

The following resolution was presented:

CC2020-173 Kirwan/Leduc: THAT the City of Greater Sudbury approves Consent Agenda Item C-1.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

The following is the Consent Agenda item.

Minutes

C-1 **Finance and Administration Committee Minutes of June 2, 2020**

CC2020-174 Kirwan/Leduc: THAT the City of Greater Sudbury adopts the Finance and Administration Committee meeting minutes of June 2, 2020.

CARRIED

Presentations

1 Annual IT Strategic Plan Update to Council

Report dated June 23, 2020 from the General Manager of Corporate Services regarding Annual IT Strategic Plan Update to Council.

Peter Taylor, Director of Information Technology, provided an electronic presentation regarding Annual IT Strategic Plan Update to Council for information only.

2 Hot in Place Asphalt Recycling Pilot Project

Report dated June 22, 2020 from the General Manager of Growth and Infrastructure regarding Hot in Place Asphalt Recycling Pilot Project.

Stephen Holmes, Roads Engineer and Dan Cacciotti, P.Eng., Associate Geotechnical Engineer, Wood Group PLC, provided an electronic presentation regarding Hot in Place Asphalt Recycling Pilot Project.

The following resolution was presented:

CC2020-175 Leduc/McCausland: THAT the City of Greater Sudbury authorizes staff to proceed with the next steps in the implementation of the Hot In-Place Recycling Pilot Project, at proposed locations as identified in the report entitled "Hot In-Place Recycling Pilot Project", from the General Manager of Growth & Infrastructure, presented at the City Council meeting on July 7, 2020, with final locations to be determined by staff subject to tendering results and final geotechnical recommendations, up to the existing remaining budget of \$1,390,000.

AND THAT, staff shall summarize the results of the pilot project and provide recommendations for use of HIR pavement treatment before the end of Q4 2020 for consideration within the budget deliberations for the 2021 budget.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

Rules of Procedure

Mayor Bigger moved that the order of the agenda be altered to deal with R-4, Funding for Federal Lands Initiative next.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

Managers' Reports

R-4 Funding for Federal Lands Initiative

Report dated June 24, 2020 from the General Manager of Community Development regarding Funding for Federal Lands Initiative.

The following resolution was presented:

CC2020-176 Cormier/Landry-Altmann: THAT the City of Greater Sudbury approves the Social Housing Capital Reserve Fund as a funding source of up to \$5.5 Million for the redevelopment of the property on Sparks Street as outlined in the report entitled "Funding for Federal Lands Initiative", from the General Manager of Community Development, presented at the City Council meeting on July 7, 2020;

AND THAT the City of Greater Sudbury directs staff to amend the Greater Sudbury Housing Corporation Municipal Capital Facility By-law 2015-114 to include the property at 1310 Sparks Street.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

R-1 Overview and Recommendations in Relation to the City's Business Improvement Areas

Report dated June 24, 2020 from the General Manager of Corporate Services regarding Overview and Recommendations in Relation to the City's Business Improvement Areas.

The following resolution was presented:

Resolution 1:

CC2020-177 Jakubo/Leduc: THAT the City of Greater Sudbury directs staff to present a by-law to amend By-laws 77-76, as amended, and By-law 83-208, as amended, to require the Board of Management to report annually through a presentation to City Council on the Board of Management's activities, including a detailed review of the activities undertaken by the Board of Management during the previous year as well as a detailed overview of the Board of Management's proposed activities for the coming year, as well as how these activities align with and advance Council's Strategic Priorities and Annual Work Plan, where appropriate and as outlined in the report entitled "Overview and Recommendations in Relation to the City's Business Improvement Areas", from the General Manager of Corporate Services presented at the City Council meeting on June 23, 2020;

AND THAT those BIA activities that require CGS resources to support and implement are identified as part of both BIA reporting and the City's annual budget process.

Rules of Procedure

Councillor Landry-Altmann presented the following amendment:

CC2020-177-A1 Landry-Altmann/Cormier: THAT the resolution be amended to include the words "based on available resources" after the words "to require the Board of Management."

Rules of Procedure

A Recorded Vote was held:

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

NAYS: Councillor Jakubo

CARRIED

The resolution as amended was presented:

CC2020-177 Jakubo/Leduc: THAT the City of Greater Sudbury directs staff to present a by-law to amend By-laws 77-76, as amended, and By-law 83-208, as amended, to require the Board of Management, based on available resources, to report annually through a presentation to City Council on the Board of Management's activities, including a detailed review of the activities undertaken by the Board of Management during the previous year as well as a detailed overview of the Board of Management's proposed activities for the coming year, as well as how these activities align with and advance Council's Strategic Priorities and Annual Work Plan, where appropriate and as outlined in the report entitled "Overview and Recommendations in Relation to the City's Business Improvement Areas", from the General Manager of Corporate Services presented at the City Council meeting on June 23, 2020;

AND THAT those BIA activities that require CGS resources to support and implement are identified as part of both BIA reporting and the City's annual budget process.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

The following resolution was presented:

Resolution 2:

THAT the City of Greater Sudbury directs staff to present a by-law to amend By-laws 77-76, as amended, and By-law 83-208, as amended, to include requirements to govern the operation and activities of the Board of Management similar to those implemented in the City of Peterborough and the City of Toronto and as outlined in the report entitled "Overview and Recommendations in Relation to the City's Business Improvement Areas", from the General Manager of Corporate Services presented at the City Council meeting on June 23, 2020.

Rules of Procedure

Councillor McIntosh presented the following amendment:

CC2020-178-A1 McIntosh/Cormier: That resolution 2 be amended by replacing it with the following:

That the City of Greater Sudbury directs staff to work collaboratively with the Boards of Management to develop a memorandum of understanding which would include requirements to govern the operation and activities of the Boards based on available resources as outlined in the report entitled "Overview and Recommendations in Relation to the City's Business Improvement Areas", from the General Manager of Corporate Services presented at the City

Council meeting on July 7, 2020;

And Further that the Director of Economic Development be authorized to execute the memorandum of understanding on behalf of the City of Greater Sudbury.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillor Signoretti, Vagnini, McCausland, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Landry-Altmann, Mayor Bigger

NAYS: Councillors Montpellier, Leduc

CARRIED

The resolution as amended was presented:

CC2020-178 Jakubo/Leduc: That the City of Greater Sudbury directs staff to work collaboratively with the Boards of Management to develop a memorandum of understanding which would include requirements to govern the operation and activities of the Boards based on available resources as outlined in the report entitled "Overview and Recommendations in Relation to the City's Business Improvement Areas", from the General Manager of Corporate Services presented at the City Council meeting on July 7, 2020;

And Further that the Director of Economic Development be authorized to execute the memorandum of understanding on behalf of the City of Greater Sudbury.

Rules of Procedure

A Recorded Vote was held:

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

NAYS: Councillor Montpellier

CARRIED

Proceed Past 7:02 p.m.

The following resolution was presented:

CC2020-179 Lapierre/Vagnini: THAT this meeting proceeds past the hour of 7:02 p.m.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillor Vagnini, McCausland, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Landry-Altmann, Mayor Bigger

NAYS: Councillors Signoretti, Montpellier, Kirwan, Leduc

CARRIED

R-2 COVID-19 Update

For Information Only.

Councillors' Expense Budget

Report dated June 24, 2020 from the General Manager of Corporate Services regarding Councillors' Expense Budget.

The following resolution was presented:

CC2020-180 Kirwan/McIntosh: THAT the City of Greater Sudbury adopts the recommendations for the use of the Organizational Development Reserve-Committed for Councillors' professional development expenditures, limit spending to the annual budgeted amount in individual Councillors' Office Expense budgets and make improvements in the quarterly reporting of expenses, as outlined in the report entitled "Councillors' Expense Budget", from the General Manager of Corporate Services, presented at the City Council meeting on July 7, 2020;

AND THAT staff be directed to prepare any required updates to By-laws.

Rules of Procedure

Councillor Kirwan presented the following amendment:

CC2020-180-A1 Kirwan/Leduc: THAT the resolution be amended to provide that the Organizational Development Reserve - Committed be increased to a maximum of \$30,000.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors Signoretti, Vagnini, Montpellier, Kirwan, Lapierre, Leduc

NAYS: Councillors McCausland, Jakubo, Sizer, McIntosh, Cormier, Landry-Altmann, Mayor Bigger

DEFEATED

The original resolution was presented:

CC2020-180 Kirwan/McIntosh: THAT the City of Greater Sudbury adopts the recommendations for the use of the Organizational Development Reserve-Committed for Councillors' professional development expenditures, limit spending to the annual budgeted amount in individual Councillors' Office Expense budgets and make improvements in the quarterly reporting of expenses, as outlined in the report entitled "Councillors' Expense Budget", from the General Manager of Corporate Services, presented at the City Council meeting on July 7, 2020;

AND THAT staff be directed to prepare any required updates to By-laws.

A Recorded Vote was held:

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

CARRIED

Resolution to Proceed Past the Hour of 8:02

The following resolution was presented:

CC2020-181 Leduc/Vagnini: THAT this meeting proceeds past the hour of 8:02 p.m.

DEFEATED

By-Laws

The following resolution was presented:

CC2020-182 Vagnini/Lapierre: THAT the City of Greater Sudbury read and pass By-law 2020-108 to and including By-law 2020-119Z.

Rules of Procedure

A Recorded Vote was held:

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

CARRIED

The following are the by-laws:

2020-108 A By-law of the City of Greater Sudbury to Confirm the Proceedings of Council at its Meeting of July 7th, 2020

2020-109 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 2020
(This by-law sets out the 2020 municipal tax rates for the City of Greater Sudbury establishing due dates for final instalments.)

Report dated June 12, 2020 from the General Manager of Corporate Services regarding 2020 Tax Rates.

2020-110 A By-law of the City of Greater Sudbury to Levy a Special Charge upon Properties 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 2020
(This by-law implements the levy necessary to support the approved Business Improvement Area's budget.)

Report dated June 8, 2020 from the General Manager of Corporate Services regarding 2020 Tax Rates - Business Improvement Areas.

- 2020-111 A By-law of the City of Greater Sudbury to Levy a Special Charge upon Properties 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 2020
Refer to By-law 2020-110
(This By-law implements the levy necessary to support the approved Business Improvement Area's budget.)
- 2020-112 A By-law of the City of Greater Sudbury to Adopt the Provincial Tools for 2020 Property Tax Policy
(This by-law adopts tools in accordance with the report presented at the Finance and Administration Committee meeting of July 7th, 2020.)
- 2020-113 A By-Law of the City of Greater Sudbury to Establish 'Clawback' Percentages for the 2020 Taxation Year for the Commercial and Industrial Property Tax Classes
(This by-law establishes clawback percentages in accordance with the report presented at the Finance and Administration Committee meeting of July 7th, 2020.)
- 2020-114 A By-Law of the City of Greater Sudbury to Set Tax Ratios for the Year 2020
(This by-law establishes tax ratios in accordance with the report presented at the Finance and Administration Committee meeting of July 7th, 2020.)
- 2020-115 A By-law of the City of Greater Sudbury to Amend By-law 2020-14 being a By-law of the City of Greater Sudbury to Authorize a Grant to the Nickel District Conservation Authority
(This by-law increases the grant to the Nickel District Conservation Authority for its capital projects from \$250,000 as provided in By-law 2020-14 to \$300,000 as approved in the budget process.)
- 2020-116 A By-law of the City of Greater Sudbury to Authorize the Sale of Vacant Land, part of 107 Edward Avenue, Coniston Described as PIN 73560-1312(LT) being Part 2 on Plan 53R-21252 to Coniston Golf and Country Club Ltd
Planning Committee Resolution #PL2019-150
- 2020-117Z A By-law of the City of Greater Sudbury to Amend By-law 2010-100Z Being the Comprehensive Zoning By-law for the City of Greater Sudbury
Planning Committee Agenda of July 6, 2020
(This by-law rezones the subject lands to "R3(70)", Medium Density Residential Special in order to allow for the development of a four-unit multiple dwelling with site-specific provisions to permit only one driveway, and require a planting strip along the north and west property line while providing relief for a reduced planting strip adjacent to the existing garage - Frank Wendorf, 2708 Bancroft Drive, Sudbury.)
- 2020-118P A By-law of the City of Greater Sudbury to Adopt Official Plan Amendment No. 108 to the Official Plan for the City of Greater Sudbury
Planning Committee Agenda of July 6, 2020
(This by-law makes administrative changes to the Official Plan to implement changes arising from the provisions in Bill 108 with respect to additional residential units.)

2020-119Z A By-law of the City of Greater Sudbury to Amend By-law 2010-100Z Being the Comprehensive Zoning By-law for the City of Greater Sudbury
Planning Committee Agenda of July 6, 2020
(This by-law makes administrative changes to the Zoning By-law to implement changes arising from the provisions in Bill 108 with respect to additional residential units.)

Adjournment

Automatic Adjournment at 8:02 p.m.

The following items were not addressed at the meeting.

Matters Arising from the Closed Session

Members' Motions

Referred & Deferred Matters

R-5 Enhancing Community Broadband Coverage in Greater Sudbury and across Northern Ontario

Correspondence for Information Only

I-1 Community Energy and Emissions Plan Update

I-2 The Junction Projects Information Report

I-3 Emergency Planning for Power Outages and Hydro One

Addendum

Civic Petitions

Question Period

At 8:27 p.m., Council commenced the Open Session in Committee Room C-11 /
Electronic Participation

His Worship, Mayor Brian Bigger, In the Chair

Present Councillors Signoretti [A 8:30 p.m.], McCausland, Kirwan, Lapierre [A 8:30 p.m.],
Jakubo, Sizer, McIntosh, Cormier [A 8:30 p.m.], Leduc, Landry-Altmann [A 8:35 p.m.],
Mayor Bigger

City Officials Ed Archer, Chief Administrative Officer; Kevin Fowke, General Manager of Corporate
Services; Tony Cecutti, General Manager of Growth and Infrastructure Services; Steve
Jacques, General Manager of Community Development; Joseph Nicholls, General
Manager of Community Safety; Ian Wood, Executive Director of Strategic Initiatives,
Communication and Citizen Services; Eric Labelle, City Solicitor and Clerk; Kelly
Gravelle, Deputy City Solicitor; Jason Ferrigan, Director of Planning Services; David
Shelsted, Director of Engineering Services; Ron Foster, Auditor General; Melissa
Zanette, Chief of Staff

Ryan Conlin, Stringer LLP

Outside Counsel
Closed Session

The following resolution was presented:

CC2020-183 Jakubo/Leduc: THAT the City of Greater Sudbury move to Closed
Session to deal with one (1) Personal Matters (Identifiable Individuals)) item regarding
a performance review, one (1) Acquisition or Disposition of Land item regarding
properties on Shaugnessy Street, Sudbury, one (1) Position, Plan or Instructions to be
applied to Negotiations item regarding the Junction Project and one (1) Litigation or
Potential Litigation / Solicitor-Client Privilege item regarding the Occupational Health
and Safety Act in accordance with the Municipal Act, 2001, s. 239(2)(b), (c), (e), (f) an
(k).

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Jakubo, Sizer, McIntosh, Leduc, Mayor
Bigger
CARRIED

Council moved into Closed Session at 8:31 p.m.

Recess

At 10:32 p.m. Council recessed.

Mayor Brian Bigger, Chair

Eric Labelle, City Solicitor and
Clerk

Minutes

Operations Committee Minutes of 8/10/20

Location: Tom Davies Square -
Council Chamber /
Electronic
Participation

Commencement: 9:07 AM

Adjournment: 11:03 AM

Councillor McIntosh, In the Chair

Present Councillors Signoretti, McCausland, Kirwan, McIntosh, Leduc, Landry-Altmann

City Officials David Shelsted, Director of Engineering Services; Randy Halverson, Director of Linear Infrastructure Services; Chantal Mathieu, Director of Environmental Services; Paul Javor, Drainage Engineer; Brittany MacDonald, Operations Engineer; Renee Brownlee, Manager of Collection and Recycling; Danielle Wicklander, Deputy City Clerk; Anessa Gravelle, Clerk's Services Assistant; Lisa Locken, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Managers' Reports

R-1 Contracting In Report - Asphalt Temporary Patching

Report dated July 27, 2020 from the General Manager of Growth and Infrastructure regarding Contracting In Report - Asphalt Temporary Patching.

For Information Only.

R-2 Waste Collection: An Additional Support Program for the Collection of Disposable Diapers

Report dated July 24, 2020 from the General Manager of Growth and Infrastructure regarding Waste Collection: An Additional Support Program for the Collection of Disposable Diapers.

The following resolution was presented:

OP2020-15 Leduc/McCausland: THAT the City of Greater Sudbury approves the weekly collection of children's disposable diapers as outlined in the report entitled "Waste Collection:

An Additional Support Program for the Collection of Disposable Diapers,” from the General Manager of Growth and Infrastructure, presented at the Operations Committee meeting on August 10, 2020.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors Signoretti, McCausland, Kirwan, Landry-Altmann, Leduc, McIntosh
CARRIED

R-3 Waste Collection: An Additional Support Program for the Collection of Medical Circumstances Waste

Report dated July 24, 2020 from the General Manager of Growth and Infrastructure regarding Waste Collection: An Additional Support Program for the Collection of Medical Circumstances Waste.

The following resolution was presented:

OP2020-16 Kirwan/Leduc: THAT the City of Greater Sudbury approves the unlimited weekly collection of medical circumstances waste as outlined in the report entitled “Waste Collection: An Additional Support Program for the Collection of Medical Circumstances Waste,” from the General Manager of Growth and Infrastructure, presented at the Operations Committee meeting on August 10, 2020.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillor Signoretti, McCausland, Kirwan, Landry-Altmann, Leduc, McIntosh
CARRIED

R-4 Enhanced Maintenance to Catch Basins

Report dated July 28, 2020 from the General Manager of Growth and Infrastructure regarding Enhanced Maintenance to Catch Basins.

For Information Only.

Staff Direction

The following resolution was presented:

OP2020-17 McCausland/Leduc: THAT the City of Greater Sudbury directs staff to prepare a business case for enhanced catch basin cleaning, with an option for enhanced cleaning only in sensitive areas around the Ramsey Lake Watershed, as noted in the report entitled "Enhanced Catch Basin Cleaning" from the General Manager of Growth and Infrastructure, presented at the Operations Committee meeting of August 10, 2020 for consideration in the 2021 municipal budget process.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors Signoretti, McCausland, Kirwan, Landry-Altmann, Leduc, McIntosh
CARRIED

R-5 Pothole Patching Equipment Report

Report dated July 24, 2020 from the General Manager of Growth and Infrastructure regarding Pothole Patching Equipment Report.

The following resolution was presented:

OP2020-18 Kirwan/Signoretti: THAT the City of Greater Sudbury directs staff to prepare a business case for the purchase of pothole patching equipment for inclusion in the 2021 municipal budget process as recommended in the report, entitled "Pothole Patching Equipment", from the General Manager of Growth & Infrastructure, presented at the Operations Committee meeting on August 10, 2020.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillor Signoretti, McCausland, Kirwan, Landry-Altmann, Leduc, McIntosh
CARRIED

R-6 Active Transportation Winter Maintenance Plan

Report dated July 28, 2020 from the General Manager of Growth and Infrastructure regarding Active Transportation Winter Maintenance Plan.

The following resolution was presented:

OP2020-19 Landry-Altmann/Leduc: THAT the City of Greater Sudbury approves the winter maintenance plan for the Active Transportation Network as outlined in the report entitled "Annual Active Transportation Winter Maintenance Plan", from the General Manager of Growth & Infrastructure, presented at the Operations Committee meeting of August 10, 2020.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors Signoretti, McCausland, Kirwan, Landry-Altmann, Leduc, McIntosh
CARRIED

Members' Motions

No Motions were presented.

Addendum

No Addendum was presented.

Civic Petitions

No Civic Petitions were submitted.

Question Period

Please visit:

<https://agendasonline.greatersudbury.ca/?pg=agenda&action=navigator&id=1489&lang=en> to view the questions asked.

Adjournment

OP2020-20 Leduc/Signoretti: THAT this meeting does now adjourn. Time: 11:03 a.m.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors Singoretti, McCausland, Kirwan, Landry-Altmann, Leduc, McIntosh
CARRIED

Danielle Wicklander, Deputy City
Clerk

Minutes

Community Services Committee Minutes of 8/10/20

Location:	Tom Davies Square - Council Chamber / Electronic Participation
Commencement:	11:19 AM
Adjournment:	1:48 PM

Councillor Lapierre, In the Chair

Present	Councillors McCausland, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Leduc Councillors Signoretti, Vagnini
City Officials	Steve Jacques, General Manager of Community Development; Tyler Campbell, Director of Social Services; Jeff Pafford, Director of Leisure Services; Kelly Gravelle, Deputy City Solicitor; Gail Spencer, Coordinator of Shelters and Homelessness; Danielle Wicklander, Deputy City Clerk; Anessa Gravelle, Clerk's Services Assistant; Lisa Locken, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Presentations

- 1 Housing First Program
- Tyler Campbell, Director of Social Services, Gail Spencer, Coordinator of Shelters & Homelessness and Raymond Landry, Co-Ordinator, Homelessness Network, provided an electronic presentation regarding Housing First Program for information only.

Managers' Reports

- R-1 Social Services - Discretionary Benefits Update
- Report dated July 28, 2020 from the General Manager of Community Development regarding Social Services - Discretionary Benefits Update.

The following resolution was presented:

THAT the City of Greater Sudbury approve a competitive process for funeral services as outlined in the report entitled "Social Services - Discretionary Benefits Update" from the General Manager of Community Development, presented at the Community Services Committee Meeting on August 10, 2020;

AND THAT the City of Greater Sudbury approves the changes outlined to denture benefits and the ODA (Ontario Dental Association) Fee Guide as outlined in the report entitled "Social Services - Discretionary Benefits", from the General Manager of Community Development, presented at the Community Services Committee meeting on February 10, 2020.

Rules of Procedure

Councillor Kirwan requested that the resolution be split into two resolutions.

The following resolution was presented:

CC2020-13 Kirwan/Sizer: THAT the City of Greater Sudbury amend the resolution to split the original resolution into two separate resolutions one dealing with the approval of a competitive process for funeral services and the other to approve the changes to denture benefits and the ODA (Ontario Dental Association) fee guide.

Rules of Procedure

A recorded vote was held:

YEAS: Councillors McCausland, Kirwan, Sizer, McIntosh, Leduc, Lapierre
CARRIED

The following resolutions were presented:

Resolution regarding funeral services

CC2020-14 McCausland/McIntosh: THAT the City of Greater Sudbury approve a competitive process for funeral services as outlined in the report entitled "Social Services - Discretionary Benefits Update" from the General Manager of Community Development, presented at the Community Services Committee Meeting on August 10, 2020.

Rules of Procedure

A recorded vote was held:

YEAS: Councillors McCausland, McIntosh, Leduc, Lapierre

NAYS: Councillors Kirwan, Sizer
CARRIED

Resolution regarding denture benefits

CC2020-15 Leduc/McIntosh: THAT the City of Greater Sudbury approves the changes outlined to denture benefits and the ODA (Ontario Dental Association) Fee Guide as outlined in the report entitled "Social Services Discretionary Benefits", from the General Manager of Community Development, presented at the Community Services Committee on August 10, 2020.

Rules of Procedure

A recorded vote was held:

YEAS: Councillors McCausland, Kirwan, McIntosh, Leduc, Lapierre

NAYS: Councillor Sizer

CARRIED

R-2 Gerry McCrory Countryside Sports Complex Hall of Fame EOI Results

Report dated July 23, 2020 from the General Manager of Community Development regarding Gerry McCrory Countryside Sports Complex Hall of Fame EOI Results.

The following resolution was presented:

CS2020-16 McCausland/McIntosh: THAT the City of Greater Sudbury approves the use of the former Hall of Fame space at the Gerry McCrory Countryside Sports Complex for arena operations as detailed in the report entitled "Gerry McCrory Countryside Sports Complex Hall of Fame EOI Results" from the General Manager of Community Development, presented at the Community Services Committee meeting on August 10, 2020.

AND THAT the capital funds required to support the space be considered through capital prioritization as part of the 2021 budget process.

Rules of Procedure

A recorded vote was held:

YEAS: Councillors McCausland, Kirwan, McIntosh, Lapierre

NAYS: Councillors Sizer, Leduc

CARRIED

Members' Motions

M-1 The following resolution was presented:

CS2020-17 McIntosh/Leduc: WHEREAS the City of Greater Sudbury operates three campground (trailer park) facilities through a purchase of service agreement at Centennial Park (Whitefish), Ella Lake Park (Capreol) and Whitewater Lake Park (Azilda);

AND WHEREAS the City of Greater Sudbury owns the waterfront properties upon which the trailer parks are operated upon;

AND WHEREAS the Official Plan, at Section 7.3 Parks & Open Space Designation, 7.3.1 Parks and Open Space Public Ownership at subsection 8 stipulates that "8. Waterfront properties owned by the municipality will generally not be offered for sale or disposal..."

AND WHEREAS the Core Service Review report prepared for Council's review suggested at page 18, Ref. no. 33, under "Opportunities Requiring Further Study" that the City of Greater Sudbury perform a deep dive of the revenue generated vs. the cost of operating trailer parks to assess whether the costs of running trailer parks are worth the revenue generated from these services;

AND WHEREAS the Core Service Review also indicated that service levels for the corporation's trailer parks were classified as "above standard" because Greater Sudbury is unique in its provision of these services;

AND WHEREAS the Core Service Review also indicated at page 111 that "It should be noted

that electrical upgrades are required for Trailer Parks with an estimated cost of \$427,000 budgeted for 2021”;

AND WHEREAS on June 23rd, 2020, the COVID-19 Update Report generated considerable discussion among Council Members about whether municipal campgrounds should remain closed for the remainder of the 2020 operating season as a cost avoidance to be applied to offset the projected year-end 2020 COVID-19 deficit, which also raised the question of whether the City of Greater Sudbury should continue to operate trailer parks;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury directs staff to prepare a report in Q4-2020 for the Community Services Committee’s consideration outlining the following:

- a) An evaluation of the operating and expected short-term capital costs to operate the 3 existing campground facilities versus the capital and operating cost of converting the lands to a community or regional park pursuant to section 7.2 of the Official Plan – Parks and Open Space Classification and Provision Targets.
- b) In consultation with Economic Development, an evaluation of the potential to pivot the campground facilities away from seasonal rentals towards short-term rentals which could be marketed to out-of-town visitors (post COVID-19)
- c) Provide an analysis of the fee structure and rental terms necessary to ensure that the full costs of operating the camp ground facilities are covered by user fees.

Rules of Procedure

A recorded vote was held:

YEAS: Councillors McCausland, Kirwan, Sizer, McIntosh, Leduc, Lapierre
CARRIED

Correspondence for Information Only

I-1 External Review - Occupancy Standards Local Rule

Report dated July 8, 2020 from the General Manager of Community Development regarding External Review - Occupancy Standards Local Rule.

For Information Only.

I-2 City of Greater Sudbury Housing and Homelessness Plan Annual Update

Report dated July 14, 2020 from the General Manager of Community Development regarding City of Greater Sudbury Housing and Homelessness Plan Annual Update.

For Information Only.

I-3 Pioneer Manor - 1st and 2nd Quarterly Report

Report dated July 27, 2020 from the General Manager of Community Development regarding Pioneer Manor - 1st and 2nd Quarterly Report.

For Information Only.

I-4 2019 Homelessness Report Card

Report dated July 22, 2020 from the General Manager of Community Development regarding 2019 Homelessness Report Card.

For Information Only.

I-5 2020 Local Poverty Reduction Fund Update

Report dated July 28, 2020 from the General Manager of Community Development regarding 2020 Local Poverty Reduction Fund Update.

For Information Only.

I-6 CMHA Harm Reduction Home Residential Program

Report dated July 29, 2020 from the General Manager of Community Development regarding CMHA Harm Reduction Home Residential Program.

For Information Only.

Addendum

No Addendum was presented.

Civic Petitions

No Civic Petitions were submitted.

Question Period

No Questions were asked.

Adjournment

CS2020-18 Leduc/Sizer: THAT this meeting does now adjourn. Time: 1:48 p.m.

Rules of Procedure

A recorded vote was held:

YEAS: Councillors McCausland, Kirwan, Sizer, McIntosh, Leduc, Lapierre

CARRIED

Danielle Wicklander, Deputy City Clerk

Minutes

Planning Committee Minutes of 8/10/20

Location: Tom Davies Square -
Council Chamber /
Electronic
Participation

Commencement: 2:05 PM

Adjournment: 2:40 PM

Councillor Cormier, In the Chair

Present Councillors McCausland, Kirwan, Sizer [A 2:13 p.m.], Cormier, Landry-Altmann

City Officials Alex Singbush, Manager of Development Approvals; Robert Webb, Supervisor of Development Engineering; Kris Longston, Manager, Community and Strategic Planning; Glen Ferguson, Senior Planner; Mauro Manzon, Senior Planner; Melissa Riou, Senior Planner; Christine Hodgins, Deputy City Clerk; Lisa Locken, Clerk's Services Assistant; Patrick Beaudry, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Public Hearings

- 1 Francois Jean Gariepy – Application for Zoning By-law Amendment in order to prevent a split-zoning, 1243 Main Street, Val Caron

The Planning Committee was adjourned and the Public Hearing was opened to deal with the following application:

Report dated July 13, 2020 from the General Manager of Growth and Infrastructure regarding Francois Jean Gariepy – Application for Zoning By-law Amendment in order to prevent a split-zoning, 1243 Main Street, Val Caron.

Francois Jean Gariepy, the applicant, and Kevin Jarus, the agent for the applicant, were present.

Glen Ferguson, Senior Planner, outlined the report.

Mr. Jarus provided comments to the Committee.

The Chair asked whether there was anyone who wished to speak in favour or against this application and hearing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following resolution was presented:

PL2020-85 Kirwan/McCausland: THAT the City of Greater Sudbury approves the application by Francois Jean Gariepy to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from "RU", Rural to "RS", Rural Shoreline on those lands described as part of PIN 73502-0364, part of Parcel 2777, Lot 5, Concession 5, Township of Blezard, as outlined in the report entitled "Francois Jean Gariepy", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 10, 2020, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
2. That conditional approval shall lapse on August 11, 2022 unless Condition #1 above has been met or an extension has been granted by Council.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Landry-Altmann, Cormier
CARRIED

As no public comment, written or oral, was received, there was no effect on the Planning Committee's decision.

At 2:13 p.m., Councillor Sizer arrived.

- 2 Roy Gareau - Application for Official Plan Amendment in order to redesignate the subject land from "Mining/Mineral Reserve" to "Rural", 2099 Highway 69 North, Val Caron

The Planning Committee was adjourned and the Public Hearing was opened to deal with the following application:

Report dated July 8, 2020 from the General Manager of Growth and Infrastructure regarding Roy Gareau - Application for Official Plan Amendment in order to redesignate the subject land from "Mining/Mineral Reserve" to "Rural", 2099 Highway 69 North, Val Caron.

Kevin Jarus, the agent for the applicant, was present.

Mauro Manzoni, Senior Planner, outlined the report.

Mr. Jarus provided comments to the Committee.

The Chair asked whether there was anyone who wished to speak in favour or against this application and hearing none:

The Public Hearing concerning this matter was closed and the Planning Committee

resumed in order to discuss and vote on the application.

The following resolution was presented:

PL2020-86 Kirwan/Sizer: THAT the City of Greater Sudbury approves the application by Roy Gareau to amend the City of Greater Sudbury Official Plan by redesignating the subject land from "Mining/Mineral Reserve" to "Rural" in order to permit the severance of a rural lot on lands described as PIN 73498-0267, Parcel 28779 S.E.S., in Lot 7, Concession 4, Township of Blezard, as outlined in the report entitled "Roy Gareau", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 10, 2020.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Sizer, Landry-Altmann, Cormier
CARRIED

As no public comment, written or oral, was received, there was no effect on the Planning Committee's decision.

3 Proposed Zoning By-law Amendment for Breweries, Brewpubs, Distilleries and Wineries

The Planning Committee was adjourned and the Public Hearing was opened to deal with the following application:

Report dated July 20, 2020 from the General Manager of Growth and Infrastructure regarding Proposed Zoning By-law Amendment for Breweries, Brewpubs, Distilleries and Wineries.

Melissa Riou, Senior Planner, outlined the report.

The Chair asked whether there was anyone who wished to speak in favour or against this application and hearing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following resolution was presented:

PL2020-87 McCausland/Landry-Altmann: THAT the City of Greater Sudbury approves the attached by-law which introduces a framework for Brewpubs and similar uses into the Zoning By-law, as outlined in the report entitled, "Proposed Zoning By-law Amendment for Breweries, Brewpubs, Distilleries, and Wineries", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 10, 2020.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Sizer, Landry-Altmann, Cormier
CARRIED

As no public comment, written or oral, was received, there was no effect on the Planning Committee's decision.

Adopting, Approving or Receiving Items in the Consent Agenda

The following resolution was presented:

PL2020-88 Kirwan/Sizer: THAT the City of Greater Sudbury approves Consent Agenda Items C-1 to C-2.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Sizer, Landry-Altmann, Cormier

CARRIED

The following are the Consent Agenda Items:

Routine Management Reports

C-1 Riverglen Developments Ltd. – Application to extend a draft approved plan of subdivision approval (Riverdale Subdivision, Lively)

Report dated July 14, 2020 from the General Manager of Growth and Infrastructure regarding Riverglen Developments Ltd. – Application to extend a draft approved plan of subdivision approval (Riverdale Subdivision, Lively).

PL2020-89 Kirwan/Sizer: THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as Part of PIN 73378-0092, Part of Parcel 1386 SWS, Lot 7, Concession 3, Township of Waters, File #780-8/89008, in the report entitled "Riverglen Developments Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 10, 2020, upon payment of Council's processing fee in the amount of \$1,365.88 as follows:

1. By deleting Condition #12 and replacing it with the following:

"12. That this draft approval shall lapse on May 18, 2022.";

2. By deleting the words "9 and 14" in Condition #11 and replacing them with "and 9";

3. By deleting the words "Infrastructure Services" in Condition #13 and replacing them with "Growth and Infrastructure";

4. By deleting Condition #14 entirely and replacing it with the following:

"14. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the General Manager of Infrastructure, provide an updated geotechnical report prepared, signed, sealed and dated by a geotechnical engineer licensed in the province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also the report should include design information and recommend construction procedures for storm and sanitary sewers, storm-water management facilities, water-mains, roads to a 20 year design life, the amass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. The owner shall also retain a hydro geological engineer to establish (minimum) monthly groundwater fluctuations

by piezometer for a minimum of one (1) year cycle within the proposed lots. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan and the geotechnical report, show that basements of new homes will not require extensive foundation drainage pumping. The investigation shall include as a minimum commentary with respect to minimum allowable bearing capacity of native materials, ground water table control for a foundation, potential soil gas issues, differential consolidation of underlying soil strata, as well as frost protection of the foundation for residential structures. The geotechnical and hydro geological information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and City Solicitor.”

5. By deleting Condition #15 entirely and replacing it with the following:

“15. The owner shall employ the services of a registered Professional Engineer to ensure slopes are designed and constructed in a manner that shall ensure the safety of the occupants of the home and any structures to ensure the long-term stability of the constructed slopes, to the satisfaction of the Nickel District Conservation Authority.”;

6. By deleting Condition #17 entirely and replacing it with the following:

“17. The owner must identify the limits of the floodplain for lots adjacent to Junction Creek to the satisfaction of the Nickel District Conservation Authority. No development shall occur within the floodplain.”;

7. By deleting Condition #18 entirely and replacing it with the following:

“18. The owner shall provide to the City, as part of the submission of servicing plans a Sediment and Erosion Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.”;

8. By adding the following words to the end of Condition #19:

“A lot grading agreement, if required, shall be registered on title to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering any required lot grading agreement.”;

9. By deleting Condition #20 entirely and replacing it with the following:

“20. A storm-water management report and associated plans must be submitted by the Owner’s Consulting Engineer for approval by the City. The report must address the following requirements:

a) The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City’s 2 year design storm. The

permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 2 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision;

b) The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm or Regional storm event, whichever is greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing pre-development runoff resulting from a 100 year design storm or Regional storm event, whichever is greater;

c) "Enhanced" level must be used for the design of storm-water quality controls as defined by the Ministry of the Environment, Conservation and Parks;

d) Storm-water management must follow the recommendations of the Junction Creek Sub-watershed Study;

e) The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any storm-water management plan;

f) The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth & Infrastructure;

g) Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties;

h) Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted; and,

i) The owner shall be responsible for the design and construction of any required storm-water management works to the satisfaction of the General Manager of Growth & Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for storm-water management works as a condition of this development."

10. By adding the word "Services" after the words "Director of Planning" in Condition #30;

11. By adding a new Condition #32 as follows:

"32. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.";

12. By adding a new Condition #33 as follows:

"33. A geotechnical report will be required, addressing the requirements for compliance to the "On-Site and Excess Soil Management" in O.Reg. 406/19 made under the Environmental Protection Act, if required, by the construction process planned for the subdivision including the excavation of basements, all to the satisfaction of the Chief Building Official."; and,

13. By adding a new Condition #34 as follows:

"34. The owner must identify the limits of the wetlands west of Birch Avenue and south of Black

Creek Drive. Parcels that contain wetland must demonstrate a sufficient building envelope outside of the wetland. For any lots that cannot demonstrate a building envelope outside of the wetland, the applicant must demonstrate, through the proper technical studies (ie. Geotechnical and/or hydrogeological studies), that development within the wetland is consistent with the requirements of Ontario Regulation 156/06 and the Conservation Authorities Act. All of this work must be done to the satisfaction of the Nickel District Conservation Authority.”

CARRIED

C-2 Tamara Butera – Request to extend a conditional approval on a rezoning application, 1306 Nesbitt Drive, Sudbury

Report dated July 9, 2020 from the General Manager of Growth and Infrastructure regarding Tamara Butera – Request to extend a conditional approval on a rezoning application, 1306 Nesbitt Drive, Sudbury.

PL2020-90 Kirwan/Sizer: THAT the City of Greater Sudbury approves the application by Tamara Butera to extend the approval of a Zoning By-law Amendment Application, File #751-6/18-7, on those lands described as Part of PIN 73596-0678, Part of Lot 75, Plan M-264, Lot 7, Concession 1, Township of McKim, for a period of one year until August 11, 2021, as outlined in the report entitled “Tamara Butera”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 10, 2020.

CARRIED

Members' Motions

No Motions were presented.

Addendum

No Addendum was presented.

Civic Petitions

No Civic Petitions were submitted.

Question Period

No Questions were asked.

Adjournment

PL2020-91 McCausland/Landry-Altman: THAT this meeting does now adjourn. Time: 2:40 p.m.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Sizer, Landry-Altman, Cormier

CARRIED

Christine Hodgins, Deputy City
Clerk

Minutes

Special City Council Minutes of 8/12/20

Location: Tom Davies Square -
Council Chamber /
Electronic
Participation

Commencement: 9:07 AM

Adjournment: 10:27 AM

Deputy Mayor Sizer, In the Chair

Present Councillors McCausland, Kirwan, Jakubo, Sizer, McIntosh, Cormier, Leduc [A 9:23 a.m.], Landry-Altmann [A 9:21 a.m.]

City Officials Todd Tripp, Chief Executive Officer of the Greater Sudbury Airport; Linda Dubois, Administrative Assistant to the Chief Executive Officer of the Greater Sudbury Airport; Danielle Wicklander, Deputy City Clerk; Lisa Locken, Clerk's Services Assistant; Patrick Beaudry, Clerk's Services Assistant

Recess At 9:09 a.m., Council recessed.

Reconvene At 9:21 a.m., Council reconvened.

At 9:21 a.m., Councillor Landry-Altmann arrived.

Change of Chair

At 9:21 a.m., Deputy Mayor Sizer, vacated the chair.

Deputy Mayor Landry-Altmann, In the Chair

At 9:23 a.m., Councillor Leduc arrived.

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

The following resolution was presented:

CC2020-186: Jakubo/Cormier: THAT the City of Greater Sudbury temporarily suspend the rules of procedure of the City of Greater Sudbury Procedure By-law 2019-50 for the portion of the Special City Council meeting of August 12, 2020 that relates to those matters on the Sudbury Airport Community Development Corporation portion of the agenda.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Jakubo, Sizer, McIntosh, Cormier, Leduc, Landry-Altmann
CARRIED BY TWO-THIRDS MAJORITY

Sudbury Airport Community Development Corporation Annual General Meeting

SUDBURY AIRPORT COMMUNITY DEVELOPMENT CORPORATION ANNUAL GENERAL MEETING

Chris Mercer, Board Chair, presided over the Sudbury Airport Community Development Corporation annual General Meeting.

Members' Motions

Rules of Procedure

Councillors Jakubo, McIntosh and Sizer presented a Motion requesting that the federal and provincial governments contribute the financial assistance needed for the continued operation of regional community airports and asked that notice be waived.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Jakubo, Sizer, McIntosh, Cormier, Leduc, Landry-Altmann
WAIVED BY MAJORITY

The following resolution was presented:

CC2020-187 Jakubo & Sizer/McIntosh: WHEREAS regional community airports are of strategic national importance and play an essential role in Canada's air transportation sector, providing vital services and connecting remote communities with the rest of the country and the world;

AND WHEREAS regional community airports like the Greater Sudbury Airport are part of a larger multimodal transportation system, maintaining trade and the flow of goods and providing life-saving access to emergency transport through medivac services,

AND WHEREAS regional community airports provide a public benefit that extends far beyond the communities in which they are located and are critical to the overall social and economic health and well-being of local communities;

AND WHEREAS the COVID-19 pandemic has significantly impacted the aviation industry, resulting in dramatic reductions in revenue for regional airport operations;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury requests that the federal and provincial governments provide regional community airports with financial assistance needed to ensure their continued operation until domestic, trans-border and international travel resumes and the industry recovers;

AND FURTHER that a copy of this Resolution be sent to the Honourable Marc Garneau, Minister of Transport; the Honourable Bill Morneau, Minister of Finance; the Honourable Melanie Joly, Minister of Economic Development and Official Languages; the Honourable Anthony Rota, Speaker of the House and Member of Parliament for Nipissing-Timiskaming; Paul Lefebvre, MP Sudbury; Marc Serre, MP Nickel Belt; Jamie West, MPP Sudbury; Francis Gelin, MPP Nickel Belt; the Honourable Vic Fedeli, Ontario's Minister of Economic Development, Job Creation and Trade; the Honourable Caroline Mulroney, Ontario's Minister of Transportation; the Honourable Rod Phillips, Ontario's Minister of Finance, the Honourable Steve Clark, Ontario's Minister of Municipal Affairs and Housing, the Honourable Greg Rickford, Ontario's Minister of Energy, Mines, Northern Development and Indigenous Affairs, The Sudbury Chamber and District of Commerce, The Federation of Northern Ontario Municipalities, Northwestern Ontario Municipal Association, Rural Ontario Municipal Association, Association of Municipalities of Ontario, Canadian Airports Council and Airport Management Council of Ontario.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Jakubo, Sizer, McIntosh, Cormier, Leduc, Landry-Altmann
CARRIED

Adjournment

CC2020-188 Kirwan/McIntosh: THAT this meeting does now adjourn. Time: 10:27 a.m.

Rules of Procedure

A Recorded Vote was held:

YEAS: Councillors McCausland, Kirwan, Jakubo, Sizer, McIntosh, Cormier, Leduc, Landry-Altmann
CARRIED

Deputy Mayor Landry-Altmann,
Chair

Danielle Wicklander, Deputy City
Clerk

Presented To:	City Council
Presented:	Tuesday, Sep 08, 2020
Report Date	Friday, Aug 21, 2020
Type:	Managers' Reports

Request for Decision

Economic Development Governance

Resolution

THAT the City of Greater Sudbury approves the Operating Agreement outlining the relationship between the City of Greater Sudbury Community Development Corporation (CGSCDC, operating as the Greater Sudbury Development Corporation or GSDC) and the City of Greater Sudbury, as outlined in the report entitled "Economic Development Governance", from the Chief Administrative Officer, presented at the City Council meeting on September 8, 2020; and

THAT the Chief Administrative Officer (CAO) is directed to sign the Agreement on the City's behalf according to delegated authority, and;

THAT, as per the terms of the new Operating Agreement, the City of Greater Sudbury approve the nominations for new GSDC Board members as recommended by the GSDC Nomination Committee and as endorsed by the GSDC Board itself at its Annual General Meeting of June 24, 2020, to appoint the following members to the GSDC Board:

Jennifer Abols; Robert Haché; Anthony Lawley; Mike Mayhew; Claire Parkinson and Shawn Poland, each to serve on the Board of Directors of the City of Greater Sudbury Community Development Corporation for a three (3) year term ending June 2023.

Signed By

Report Prepared By

Meredith Armstrong
Acting Director of Economic
Development
Digitally Signed Aug 21, 20

Financial Implications

Steve Facey
Manager of Financial Planning &
Budgeting
Digitally Signed Aug 22, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Aug 26, 20

Relationship to the Strategic Plan / Health Impact Assessment

This report refers to operational matters.

Report Summary

Over the past months, the GSDC Board has worked to develop a revised Operating Agreement that incorporates the appropriate recommendations from the review process conducted in 2018 and 2019. This new Agreement seeks to confirm a shared understanding of the roles and responsibilities of the GSDC Board in terms of its work with the City, including with City Council as well as the CGS Economic Development Division. The Agreement was approved by the GSDC Board and recommended for Council's endorsement on June 24, 2020 and is now presented for Council approval.

In alignment with the terms of the new Operating Agreement, the GSDC Board is also seeking Council's approval for the new Board Members endorsed by the Board at its Annual General Meeting held in June 2020.

Financial Implications

There are no financial implications associated with this report.

Economic Development Governance

Report Date: August 12, 2020

Summary

New Operating Agreement

In 2018, the City's Auditor General provided a report on the Greater Sudbury Development Corporation (GSDC) governance structure, including a recommendation to review and update the current Operating Agreement between the GSDC and the City, which is dated May 3, 2007.

Following this, the GSDC Board embarked on additional work to review the governance structure of the GSDC, including an independent consultant report completed in consultation with Board members.

Over the past months, the GSDC Board has worked with the City's Economic Development staff as well as with the Mayor's Office to develop a revised Operating Agreement that incorporates the appropriate recommendations from this review process. This new Agreement seeks to confirm a shared understanding of the roles and responsibilities of the GSDC Board in terms of its work with the City, including with City Council as well as the CGS Economic Development Division. The Agreement was approved by the GSDC Board and recommended for Council's endorsement on June 24, 2020 through GSDC Board motion 2020-042.

Pending Council's approval and the execution of the Agreement, the GSDC Board is also committed to implementing this new Operating Agreement in a consistent and transparent manner to ensure the bylaws, policies and procedures of the Board are in alignment with the terms of the Agreement. To do so, the Board has established a Policy Review Committee in order to collaborate with staff on the implementation of the new Operating Agreement and the updating of related Board policies, the process of which is to be reported to the GSDC Board on a regular basis.

Appointment of New GSDC Board Members

In alignment with the terms of the new Operating Agreement, the GSDC Board is also seeking Council's approval for the new Board Members endorsed by the Board at its Annual General Meeting held on June 24, 2020.

These new members were engaged using the following process:

- A public call-out was developed with assistance from CGS Communications in order to solicit community interest in board membership
- The GSDC Board's Nomination Committee then reviewed submissions in order to identify potential board member candidates based on skill sets and alignment with strategic direction;
- The results of the Nomination Committee were brought to the GSDC Board for review and recommendation;
- These candidates are now being brought to Council for final endorsement.

This year's candidates are Jennifer Abols; Robert Haché; Anthony Lawley; Mike Mayhew; Claire Parkinson and Shawn Poland, each to serve on the Board of Directors of the City of Greater Sudbury Community Development Corporation for a three-year term ending June 2023.

Highlights of the new Operating Agreement

The Operating Agreement is attached for Council's review and approval. Highlights include:

- A renewed mandate of the GSDC Board to collaborate with the City to promote community economic development "by encouraging, facilitating and supporting community strategic planning and increasing self-reliance, investment and job creation within the city in an effective, transparent and accountable manner"
- The GSDC Board's formal adoption of the City's values as outlined in the City's "Strategic Plan 2019-2027": Innovation, Integrity, Respect, Foresight, Trust, and Compassion
- The contributions of the GSDC Board to economic development activities including
 - o input and recommendations for economic development and investment attraction opportunities in alignment with identified strategy and priorities
 - o supporting and fostering alliances and partnerships between economic sectors, industries, institutions and community organizations
 - o reviewing results of the City's Economic Development Services' efforts including demonstrated economic benefits and impacts;
 - o as part recipient of the proceeds of the Municipal Accommodation Tax program, providing oversight, reviewing findings and approving recommendations of the Tourism Development Committee including the Tourism Strategy
 - o reviewing and approving grant allocations through the Community Economic Development program and the Greater Sudbury Arts and Culture Grant Program
- Clear definitions of the roles of the City's Director of Economic Development and the Chief Administrative Officer as well as the City's contributions in relation to the GSDC Board
- The GSDC Board's preparation of an annual business plan and budget, with the support and assistance of the Economic Development division, monitoring progress and achievements while maintaining flexibility to respond to new opportunities; the Board will also undertake an annual planning and goal prioritization process to identify opportunities to align with the City's economic development activities, objectives and priorities
- New GSDC Board member nominations to be brought forward for Council approval following a public call-out, review of candidates by the GSDC Nomination Committee and endorsement of successful candidates by the GSDC Board itself
- Any items required to be heard in a closed session of the GSDC Board will be determined as such using criteria outlined in section 239 of the *Municipal Act 2001*; once brought forward in a Closed session of the GSDC Board, these items will also be brought forward to Council at their first available closed meeting as an information item through a staff report
- Council authorization remains a requirement for any investments exceeding \$250,000, to be brought forward through a staff report
- The Board will provide quarterly updates to Council through its Finance & Administration Committee with the assistance of the Director of Economic Development; additionally, Council will receive

written highlights following each GSDC Board meeting on investment decisions and grant program allocations as well as its activities and actions in relation to strategic priorities and emerging opportunities

These activities will be achieved in collaboration with the City's Economic Development staff team and resources.

Background

The GSDC identified the need to review the operating agreement with the City of Greater Sudbury and to update its corporate by-laws and governance practices as priorities for 2018. Subsequent to this, and as part of its ongoing responsibilities to regularly review all arms-length boards associated with the municipality, the CGS Auditor General (AG) brought forward recommendations for the GSDC Board in its report dated May 31, 2018 (a link to the full report is included below).

The audit focused on the oversight structures and systems in place within the GSDC, including:

- Structure and mandate;
- Definition of roles and responsibilities of the organization and its senior leadership team;
- Oversight exercised by the organization over its respective areas of responsibility; and
- Oversight exercised by other government bodies over the organization.

The AG report stated that the framework of the GSDC is generally effective, but also identified several issues for improvement. The relationship between the City and the GSDC is set out in an Operating Agreement dated May 3, 2007, and the AG report emphasized that this Agreement required updating to ensure that there is a shared understanding of the respective roles, responsibilities and authorities of the GSDC and the City.

In response to the findings of the AG report, the GSDC Board conducted a third-party review of the Board's governance structure in 2018. In addition to this work, the GSDC Board embarked on a thorough review of its governance structure with the commitment to strengthen the Board's operations, enhance communications in the spirit of transparency and collaboration, and align with Council's strategic priorities for economic development.

The recommendations resulting from this review have been incorporated as part of the new Operating Agreement between the City of Greater Sudbury and the GSDC Board, with explicit obligations and expectations regarding the Board role, responsibilities and reporting requirements.

This Operating Agreement has also been developed in collaboration with the Mayor's Office as well as support provided by the City's Legal department.

References

1. Auditor General's Report/Governance Audit of the City of Greater Sudbury Community Development Corporation, Audit Committee, June 19, 2018:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=27332.pdf>

2. Economic Development Governance, Council meeting, September 10, 2019:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=27332.pdf>

This **OPERATING AGREEMENT** made this 22nd day of September, 2020

BETWEEN:

CITY OF GREATER SUDBURY

(the “City”)

-and-

**THE CITY OF GREATER SUDBURY COMMUNITY
DEVELOPMENT CORPORATION**

(the “CGSCDC”)

WHEREAS economic development at the municipal level is paramount to the promotion of growth, accessibility and stability, and to establishing strong, cohesive partnerships in the realm of the global market economy;

AND WHEREAS the City’s Economic Development Services implements City Council’s commitment to economic growth in the City of Greater Sudbury through strategic activities that enhance job growth and create investment opportunities in the community;

AND WHEREAS the CGSCDC is a separately incorporated not-for-profit corporation led by a Board of Directors appointed by due process of which the Mayor and up to three (3) members of City Council shall be members of an eighteen (18) member Board;

AND WHEREAS the CGSCDC collaborates with the City to promote community economic development by encouraging, facilitating and supporting community strategic planning and increasing self-reliance, investment and job creation within the city in an effective, transparent and accountable manner;

AND WHEREAS the City and the CGSCDC are committed to realizing economic growth in the community while maintaining responsive, fiscally prudent and open governance;

AND WHEREAS this Operating Agreement sets out the respective roles of and relationship between the City and the CGSCDC that supports economic development activities in the city;

NOW THEREFORE in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Vision and Values

- 1.1 The CGSCDC formally adopts and endorses the City's values as elucidated in the City's "Strategic Plan 2019-2027", as may be amended or replaced from time to time: Innovation, Integrity, Respect, Foresight, Trust, and Compassion.

2. Economic Development Objectives and Directions

- 2.1 The City focuses on certain key areas of economic development activities, including but not limited to:
- (a) investment attraction and investment aftercare, including development facilitation;
 - (b) business retention and expansion, and export development;
 - (c) support for small businesses and entrepreneurs;
 - (d) support for workforce development, capacity, resiliency, job creation and skills building, including immigration support;
 - (e) development, management and marketing of the tourism sector; and
 - (f) development and support of the local arts and culture sector, including film.
- 2.2 The CGSCDC shall contribute to the City's economic development activities as follows:
- (a) provide input and recommendations for economic development and investment attraction opportunities in alignment with identified strategy, priorities and work plans;
 - (b) support and foster alliances and partnerships between economic sectors, industries, institutions and community organizations in order to cultivate the growth and diversification of the local economy;
 - (c) review results of the City's Economic Development Services' efforts including demonstrated economic benefits and impacts;
 - (d) as the Eligible Tourism Entity in receipt of proceeds of the Municipal Accommodation Tax (MAT) program, provide oversight, review the findings and approve recommendations of the Tourism Development Committee, and formally approve the Five-Year Strategy and associated Annual Work Plans for Tourism as detailed in the MAT Operating Agreement attached hereto as Schedule "A";

- (e) review and approve grant allocations through the Community Economic Development Program as detailed in Schedule “B” attached hereto; and
- (f) review and approval grant allocations through the Greater Sudbury Arts and Culture Grant Program as detailed in Schedule “B” attached hereto.

3. Governance, Structure and Operations

3.1 The CGSCDC:

- (a) shall comply with the provisions of the *Business Corporations Act*, R.S.O. 1990, c. B.16 (the “Act”), and its regulations, and any successor legislation;
- (b) shall be governed by its Board of Directors, which Board shall include the Mayor and up to three (3) members of Council;
- (c) shall elect its own Chair and Vice Chair;
- (d) may establish committees of the Board as it deems appropriate;
- (e) not employ or retain any staff or contractors or purchase any goods or services;
- (f) notwithstanding subsection 3.1(d), establish a “Policy Review Committee” committed to the ongoing review and updating of the CGSCDC’s by-laws and policies to ensure compliance with all relevant legislation and this Operating Agreement, as well as to improve effectiveness; and
- (g) create and update as necessary an orientation package outlining the roles and obligations of each member of its Board.

3.2 In the event of a non-councillor vacancy on the Board,

- (a) the CGSCDC shall advertise publicly a request for application for director(s);
- (b) the CGSCDC’s nomination committee, or such other committee as is constituted by the Board to address the matter, shall identify and interview potential Board member candidates based on skill set and suitability to the CGSCDC’s strategic direction;
- (c) the CGSCDC’s nomination committee, or such other committee as is constituted by the Board to address the matter, shall recommend the proposed candidates to the Board for appointment; and

- (d) the Board shall then recommend the appointments to City Council through a staff report for final approval.
- 3.3 In the event of a councillor vacancy on the Board, except for the Mayor, Council shall select another councillor member in a manner deemed appropriate by Council in its sole discretion.
- 3.4 The City, at its sole cost, shall provide the CGSCDC such space in a municipal facility and the services of City staff as to facilitate the CGSCDC's work.
- 3.5 The City shall provide funding for the Community Economic Development and Arts and Culture Grant Programs through its budget process each year.
- 3.6 Requests or direction received from Council regarding the use of CGSCDC funds for City projects related to the advancement of economic development objectives shall be reviewed by the CGSCDC via its Community Economic Development Program as detailed in Schedule "B" attached hereto for approval by the CGSCDC Board.
- 3.7 The City's Director of Economic Development shall:
 - (a) be the primary point of contact between the City and the CGSCDC; and
 - (b) be an *ex officio* non-voting member of the Board and all committees.
- 3.8 The City's Director of Economic Development or their designate(s) shall:
 - (a) in consultation with the Board, prepare all meeting agendas;
 - (b) ensure that all meeting agendas and minutes of open meetings are posted online on the "Economic Development" section of the City's website; and
 - (c) provide regular updates to the CGSCDC on the progress made in achieving the CGSCDC's strategic objectives and priorities described in subsections 5.1(a) through (c).
- 3.9 The City shall include and maintain the CGSCDC and its directors as named insureds under its comprehensive insurance policy.
- 3.10 All directors shall cooperate fully with City staff and the City's insurers, adjusters and counsel in relation to the preparation for and the conduct of any claim or proceeding.

4. Transparency and Accountability

- 4.1 The CGSCDC, through its Board, shall supervise the management of the business and affairs of the CGSCDC, and in doing so shall act honestly and in good faith with a view to the best interests of the CGSCDC and the City, and shall exercise the same degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
- 4.2 The CGSCDC shall adopt and maintain the following policies acceptable to the City, and adapt them for use by the Board as may be appropriate or necessary:
- (a) conflict of interest;
 - (b) records management, including Board and committee(s) meeting, open and closed, minutes; and
 - (c) communication of the CGSCDC's activities and actions to the public, specifically in relation to the Board's work described in section 2.2 herein.
- 4.3 In addition to the foregoing, the CGSCDC shall comply with:
- (a) the City's Purchasing By-law 2014-1, as amended, as it may be amended or replaced from time to time; and
 - (b) the City's "French Language Services Policy".
- 4.4 Without limiting anything described in this Operating Agreement, the CGSCDC shall comply with such City policies as may be implemented by by-law by the City, or provided to the CGSCDC by the City from time to time.
- 4.5 Notwithstanding this section 4, nothing herein shall prevent the CGSCDC from adopting a policy that may be more stringent or rigorous than a policy adopted or implemented by the City.
- 4.6 The CGSCDC agrees that, despite the provisions of the Act, all CGSCDC meetings of its Board or its committees shall be open to the public, save and except where the Board in consultation with the City's Director of Economic Development determines that a meeting or part of the meeting may be closed to the public provided the subject matter being considered by the Board or its committee is:
- (a) personal matters about an identifiable individual, including a municipal employee;
 - (b) litigation or potential litigation, including matters before administrative tribunals, affecting the CGSCDC or the City;

- (c) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (d) information explicitly supplied in confidence to the CGSCDC by Canada, a province or territory or a Crown agency of any of them;
 - (e) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the CGSCDC, which, if disclosed could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization; or
 - (f) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the CGSCDC.
- 4.7 Without limiting the applicability of subsection 5.1(e), the CGSCDC shall report to City Council any matter(s) addressed by the CGSCDC Board or any of its committees in a closed meeting to the first available closed meeting of City Council as an information item through a staff report.
- 4.8 The CGSCDC shall produce minutes from each meeting, open and closed, and ensure that the approved minutes of all open meetings are provided to the City's Director of Economic Development within forty-eight (48) hours of the meeting at which they have been approved for posting on the "Economic Development" section of the City's website.

5. Communications and Deliverables

- 5.1 The CGSCDC shall:
- (a) prepare for the CGSCDC an annual business plan and budget with projected deliverables to monitor progress and measure achievement while maintaining flexibility to respond to new opportunities;
 - (b) undertake an annual planning and goal prioritization process to identify opportunities to align the CGSCDC's endeavours with the City's economic development activities, objectives and priorities;
 - (c) establish a process for the evaluation by clients and proponents of funding programs and customer service in support of continuous improvement; and
 - (d) work collaboratively with the City's Economic Development Services in the development of the deliverables described in subsections 5.1 (a) through (c); and

- (e) provide copies to the City of the deliverables described in subsections 5.1 (a) through (c).

5.2 The CGSCDC shall, with the assistance of the Director of Economic Development or their designate(s), report to the City as follows:

- (a) to the City's Finance and Administration Committee for quarterly updates on CGSCDC activities, including accurate, ongoing and enhanced information with respect to project investments in economic development, through a staff report;
- (b) to City Council for information following each Board meeting, highlights on the CGSCDC's investment decisions and grant program allocations as well as its activities and actions in relation to strategic priorities and emerging opportunities through a written communication to the City's Director of Economic Development and all members of Council;
- (c) to City Council for information on the investment and implementation of the Municipal Accommodation Tax (MAT) strategy and revenues for tourism development purposes as detailed in the MAT Operating Agreement attached hereto as Schedule "A";
- (d) to City Council for information at the next Council meeting after committing to any investment into a project with a total project value of or exceeding \$250,000.00 through a staff report; and
- (e) to City Council for authorization prior to committing to an investment of \$250,000 or more in any project through a staff report.

5.3 The CGSCDC agrees that where, in the opinion of the City's Director of Economic Development, a matter to be reported by the CGSCDC to the City's Finance and Administration Committee or to City Council is a matter properly heard during a closed meeting of either the City's Finance and Administration Committee or City Council as permitted by section 239 of the *Municipal Act, 2001*, the City's Director of Economic Development may bring a report or make a presentation in relation to that matter to the City's Finance and Administration Committee or to City Council in a closed meeting.

5.4 The reporting structure described in section 5.2 is a minimum requirement and more frequent reporting is encouraged.

6. General

- 6.1 This Operating Agreement shall come into effect upon execution by both parties and continue in effect until terminated, and replaces the Operating Agreement dated May 3, 2007.
- 6.2 The parties agree to review this Operating Agreement at least every five (5) years or as often as is deemed necessary by the parties.
- 6.3 The terms of this Operating Agreement may be amended, altered, substituted, deleted, replaced or added to only if such modification is in writing, signed by the parties and expressly stated to be a modification of this Operating Agreement.
- 6.4 Either party may terminate this Operating Agreement at any time upon giving at least 120 days' notice in writing to the other party with no reason or cause and without liability, cost or penalty.
- 6.5 Notice required in connection with this Operating Agreement shall be given in writing and may be given by personal delivery or by registered mail, courier, electronically or facsimile transmission, addressed to the recipient as follows:

City of Greater Sudbury
P.O. Box 5000
Station "A"
200 Brady Street
Sudbury ON P3A 5P3

Attention: Meredith Armstrong, Director, Economic Development

Email: meredith.armstrong@greatersudbury.ca
Fax: (705) 671-6767

City of Greater Sudbury Community Development Corporation
200 Brady Street
P.O. Box 3700, Station "A"
Sudbury, ON
P3E 3L9

Attention: Chair

Email:
Fax: (705)

or to such other address or facsimile number as may be designated by notice by either party to the other.

- 6.6 Nothing in this Operating Agreement shall be read or construed as conferring upon the CGSCDC, its officers, directors, employees or members the status of employee, or agent of, or partner or joint venture with the City.
- 6.7 The CGSCDC shall not assign this Operating Agreement, or any part thereof, without the prior written consent of the City, which approval may be withheld by the City in its sole discretion or given subject to such terms and conditions as the City may impose.
- 6.8 This Operating Agreement embodies the entire agreement between the City and the CGSCDC, and supersedes any other understanding or agreement, collateral, oral or otherwise.
- 6.9 This Operating Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.
- 6.10 This Operating Agreement shall be binding upon the parties, their successors and their permitted assigns.

IN WITNESS WHEREOF the parties hereto sign by their duly authorized signing officers.

CITY OF GREATER SUDBURY

Ed Archer, Chief Administrative Officer

**CITY OF GREATER SUDBURY
COMMUNITY DEVELOPMENT
CORPORATION**

Andrée Lacroix, Chair

**City of Greater Sudbury/CGSCDC Operating Agreement
Schedule A**

This Eligible Tourism Entity Agreement, made in quadruplicate, this 10th day of April, 2019

Between:

City of Greater Sudbury

(the "City")

-and-

The City of Greater Sudbury Community Development Corporation

(the "CGSCDC")

Whereas the CGSCDC is a not-for-profit corporation incorporated under the *Corporations Act*, R.S.O. 1990, c. C.38, as a community development corporation for the City of Greater Sudbury;

And Whereas by an Operating Agreement between the parties, the City agreed to provide certain staff, services and facilities to and for the benefit of CGSCDC to assist it to fulfill its mandate to promote economic development in the City, and required the CGSCDC to comply with various policies, procedures and other requirements of the City;

And Whereas the Letters Patent of the CGSCDC have been amended to include the mandate to promote tourism in the City of Greater Sudbury but the Operating Agreement has not been amended to provide for services in support of the tourism mandate;

And Whereas by By-law 2018-127 Council of the City of Greater Sudbury levied a municipal accommodation tax, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25;

And Whereas O. Reg. 435/17: Transient Accommodation Tax made under the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that in each Fiscal Year or part Fiscal Year in which a municipal accommodation tax is in effect, that the municipality pay to one or more eligible tourism entities, at least one half of the revenue collected, net of the municipality's reasonable costs of collecting and administering the tax attributable to that Fiscal Year, to be expended on the promotion of tourism and to provide for financial accountability for expenditure of such amounts;

And Whereas Council of the City of Greater Sudbury wishes to enter into an agreement with the CGSCDC to set out the terms on which the CGSCDC will act as the City's eligible tourism entity pursuant to O. Reg. 435/17;

Now Therefore, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged, the Parties agree as follows:

Part 1 - Interpretation and Definitions

Interpretation

1. For the purposes of interpretation of this Agreement:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the headings do not form part of this Agreement; they are for reference only and will not affect the interpretation of this Agreement;
- (d) any reference to dollars or currency will be in Canadian dollars and currency; and
- (e) "include", "includes" and "including" denote that the subsequent list is not exhaustive.

Terminology

2. When used in this Agreement, the following terms when capitalized will have the meanings ascribed to them below:

"Agreement" means this Agreement entered into between the City and the CGSCDC and includes the schedules;

"Budget" means the annual Budget for expenditure of the Funds on the Program during a Fiscal Year approved by the Board of Directors of the CGSCDC in accordance with section 6;

"Eligible Tourism Entity" has the meaning in O. Reg. 435/17: Transient Accommodation Tax under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced from time to time;

"Eligible Program Costs" has the meaning in Schedule A;

"Fiscal Year" means the period commencing on January 1st and ending on December 31st, and includes the period from the start of the Term until December 31st and the period from January 1st to the end of the Term;

"Funds" has the meaning in subsection 6(1);

"MAT" or "Municipal Accommodation Tax" means the Municipal Accommodation Tax collected under the MAT By-law;

"MAT By-law" means By-law 2018-127 of the City of Greater Sudbury to Establish the Municipal Accommodation Tax, as amended or replaced from time to time;

"Operating Agreement" refers to the operating agreement between the City of Greater Sudbury and the CGSCDC dated May 3, 2007 as amended or replaced from time to time;

"Parties" means the City and the CGSCDC and "Party" means either the City or the CGSCDC;

"Program" means the activities involved in the promotion of tourism, including development of tourism products, as more particularly described in Schedule "A", Part 1;

“Term” has the meaning in Section 23, and where applicable, includes an Extension Term, as that term is used in section 24;

“Tourism Development Subcommittee” means the subcommittee of the Board of Directors of the CGSCDC as described in subsection 5(2);

“Treasurer” means the person appointed by Council for the City of Greater Sudbury as Treasurer for the City from time to time and includes his or her designate; and

“Work Plan” means the annual Work Plan for the operation of the Program in each Fiscal Year as approved by the Board of Directors of the CGSCDC, in accordance with section 6 and may include a multi-year Work Plan.

Part 2 - Representations

Representations – General

3.(1) The CGSCDC represents, warrants and covenants that:

- (a) it is, and shall continue to be for the Term of this Agreement, a validly existing legal not for profit corporation with full power to fulfill its obligations under this Agreement;
- (b) it qualifies as and throughout the Term shall continue to qualify as an Eligible Tourism Entity;
- (c) it has, pursuant to the Operating Agreement, and shall continue during the Term of this Agreement to have the resources, experience, expertise, facilities, equipment, skilled personnel, management and knowledge necessary or required to conduct the Program in a competent and professional manner; and
- (d) the conduct of the Program shall not infringe or induce the infringement of any intellectual property rights of any third party, and that it has obtained assurance with respect to any intellectual property of any third party that any rights or integrity or other moral rights associated therewith have been waived.

Representations – Execution of Agreement

4. The CGSCDC represents and warrants that:

- (a) it has the full power and authority to enter into this Agreement; and
- (b) it has taken all necessary actions to authorize the execution of this Agreement.

Representations – Governance

5.(1) The CGSCDC represents, warrants and covenants that it has established, and shall maintain for the period during which this Agreement is in effect, effective procedures and protocols to enable:

- (a) timely and responsive decision-making;

- (b) prudent and effective management and utilization of the Funds;
 - (c) tourism and accommodation stakeholders to provide input into the Program and use of the Funds to carry out the Program;
 - (d) the effective promotion of tourism within the City and otherwise enable the successful conduct of the Program;
 - (e) the timely identification of risks to the operation of the Program and strategies to address the identified risks; and
 - (f) the preparation and delivery of all reports required pursuant to this Agreement.
- (2) The CGSCDC represents, warrants and covenants that it has established and will maintain in place during the Term of this Agreement, a Tourism Development Subcommittee which will:
- (a) be responsible to provide advice, recommendations, information and expertise to the CGSCDC board on planning, recommendations and monitoring of the Program, such as:
 - (i) development and recommendation of:
 - A an annual Work Plan;
 - B initiatives to promote tourism;
 - C an annual operating Budget; and
 - D potential contribution to City capital infrastructure initiatives;
 - (ii) monitoring and evaluation of any initiatives implemented by the CGSCDC and the impact on the tourism industry; and
 - (iii) recommending any changes to the Board of the CGSCDC regarding approved programs and Budget allocation,
 - (b) have a membership comprising:
 - (i) two members of the CGSCDC board of directors;
 - (ii) three representatives from the accommodation sector;
 - (iii) two community representatives of the tourism sector, exclusive of the accommodation sector; and
 - (iv) one non-voting representative of the Economic Development staff of the City,
 - (c) meet no less often than quarterly; and

- (d) provide interim reports to the CGSCDC board of directors no less often than twice a year in addition providing a comprehensive annual report on the matters outlined in paragraph 5(2)(a).
- (3) The CGSCDC acknowledges that the Board of Directors of the CGSCDC is responsible for decisions and actions of the CGSCDC under this Agreement, and it may not delegate its responsibilities to the Tourism Development Subcommittee.

Budget and Work Plan

6.(1) The CGSCDC will, for each Fiscal Year or part thereof in the Term:

- (a) after consideration of the recommendations of the Tourism Development Subcommittee referred to in subsection 5(2), prepare a Work Plan for the Program activities proposed to be undertaken during the Fiscal Year using the Funds;
- (b) after consideration of the recommendations of the Tourism Development Subcommittee referred to in subsection 5(2), prepare a Budget for the proposed expenditure of the Funds on Eligible Program Costs in support of the Work Plan;
- (c) secure the approval of Council for the City prior to including in a Budget:
 - (i) any proposed expenditure from the Funds on an undertaking or activity in an amount in excess of \$250,000;
 - (ii) funding for the employment costs associated with increasing the number of permanent full-time equivalent staff employed by the City or retaining services of contract staff for a period of more than two years, where the additional staff are providing services to the CGSCDC which are attributable to the operation of the Program,
- (d) secure the approval of the Treasurer prior to including in a Budget:
 - (i) a contribution to the City toward the development of a City capital infrastructure project which will assist in the promotion of tourism where:
 - A the expenditure in any year on a single City capital infrastructure project exceeds \$50,000; and
 - B the City capital infrastructure project to be funded will have an impact greater than \$5,000 per year on the City's operating Budget, or
 - (ii) an expenditure for the acquisition, construction, development or betterment of an asset to be used in the promotion of tourism or as a tourism product, that would be owned and/or, where applicable, operated by the City of Greater Sudbury;
- (e) provide the Treasurer annually with a copy of the Work Plan and Budget established for the Fiscal Year; and

- (f) provide a copy to the Treasurer of any amendments made to the Work Plan or Budget or both as the case may be.
- (2) The CGSCDC shall not use the Funds to acquire capital infrastructure asset but may secure other tangible capital assets. Where approval has been secured in accordance with clause 6(1)(d)(ii), the CGSCDC may request the City to acquire the approved tangible capital asset and provide the necessary Funds for such acquisition. Any such asset will be owned by the City and where applicable, operated by the City at its expense.
- (3) The Council for the City may approve or refuse consent under paragraph 6(1)(c) and the Treasurer may approve or refuse consent under paragraph 6(1)(e), in whole or in part and may impose conditions for any such approval.

Part 3 – Funds and Payment of Funds

Calculation of Funds Payable

- 7.(1) Subject to section 9, the City will pay to the CGSCDC in each Fiscal Year or part thereof during the Term of this Agreement, Funds in an amount determined using the following formula:

$$(A - B) \times 0.50$$

Where:

“A” is the revenue from the MAT received by the City in respect of the payment period; and

“B” is the City’s reasonable costs of collecting and administering the MAT that are attributable to the payment period, as determined by the Treasurer in his sole discretion.

- (2) For the purposes of subsection 7(1), reasonable costs will be incurred exclusively for the collecting and administering the MAT, and will include as representative examples:
 - (a) actual costs related to: wages, benefits, postage, stationery, collection efforts, information technology costs, audit expenses, charges for payments of MAT received from providers using debit or credit card; and
 - (b) an allocation of office overhead expense, calculated in accordance with standard City protocols for City services, in accordance with guidelines established by the Ministry of Municipal Affairs and Housing.
- (3) The City makes no representation as to the amount of Funds, if any, which will be payable to the CGSCDC in any Fiscal Year.

Payment of / Control Over Funds

- 8.(1) Subject to section 9, the payment of Funds to the CGSCDC for the 2018 Fiscal Year shall be made on or before February 28, 2019.

- (2) Subject to section 9, commencing in the 2019 Fiscal Year, the Funds will be paid to the CGSCDC in four installments where the combined payment periods for the installments comprises the whole of the Fiscal Year. Installment payments shall be advanced on dates determined by the Treasurer, provided however that all of the Funds payable for a Fiscal Year will be paid no later than sixty days after the end of that Fiscal Year.
- (3) Within sixty days of the end of each Fiscal Year or part thereof in the Term, the City shall provide to the CGSCDC:
 - (a) a statement setting out the calculation of the amount of the Funds payable to the CGSCDC for the Fiscal Year, in accordance with subsection 7(1), amounts paid to date and any amount owing to the CGSCDC or to the City as the case may be; and
 - (b) payment of any amount then owing to the CGSCDC.
- (4) The City will provide financial services for the benefit of the CGSCDC as if the Operating Agreement applied to the tourism mandate of the CGSCDC.
- (5) An allocation by the City of the Funds to the credit of the CGSCDC in accounting records of the City being maintained for the CGSCDC shall be sufficient evidence of payment to the CGSCDC. Provided however, that in the event that the CGSCDC opens an interest bearing bank account in its own name with a Canadian Financial Institution during the Term of this Agreement, the City will pay the Funds directly to the CGSCDC which shall be responsible to deposit the Funds to the said account and any interest earned thereon shall be utilized for the purposes of the Program.
- (6) The CGSCDC shall have control over and be responsible for the expenditure of the Funds and shall use the Funds only in accordance with section 10 of this Agreement. Requests by the CGSCDC for payments from the Funds while maintained by the City will be subject to compliance with standard City protocols. Any payments on Eligible Program Costs made by the City on the direction of the CGSCDC or recoverable by the City shall be charged against or recoverable from the Funds. The City may recover from the Funds, any Eligible Program Costs incurred by the City without further authorization from the CGSCDC.

Limitations on Advances / Support under Operating Agreement

- 9.(1) Despite sections 7 and 8 the City is not obligated to provide any Funds to the CGSCDC in any Fiscal Year unless:
 - (a) the Work Plan and the Budget have been provided to the Treasurer in accordance with the requirements of this Agreement; and
 - (b) the CGSCDC is in good standing under this Agreement.
- (2) The CGSCDC acknowledges and agrees that the City has no obligation to provide any money in support of the Program in excess of the Funds provided for in this Agreement. The CGSCDC may not borrow against future installments of Funds. Any costs incurred by the CGSCDC in the conduct of the Program in excess of the Funds payable to the CGSCDC under this Agreement are for the sole expense of the CGSCDC. To the extent that the City honors any such over expenditures by the CGSCDC, the City may recover

such amounts from one or more future installments of the Funds until the City has been repaid. Any amount not recoverable in such manner shall be a debt owing to the City.

- (3) In further support of the Program, the CGSCDC may rely on services, equipment and facilities provided under the Operating Agreement for the operation of the Program. Any services, equipment or facilities provided by the City which are attributable to the Program in excess of the level of support provided under the Operating Agreement for economic development purposes shall be Eligible Program Costs payable or recoverable from the Funds.

Use of Funds

10.(1) The CGSCDC will use the Funds only:

- (a) for the purpose of conducting the Program;
 - (b) on Eligible Program Costs; and
 - (c) in accordance with the Budget established by the CGSCDC for that Fiscal Year.
- (2) The CGSCDC will utilize the Funds in a responsible manner, to achieve value for money and recognizing that it is a steward of public funds.
 - (3) The CGSCDC shall not lend or give away any Funds provided under this Agreement, or guarantee or underwrite the repayment of any obligation of any third party. The Parties acknowledge that provision of a contribution towards the costs of delivering an approved tourism initiative by a third party, is not contravention of this section.

Reserves

11.(1) Reserves shall be maintained by or for the CGSCDC for:

- (a) that part of the Funds being allocated in the Budget for expenditure in a future Fiscal Year as a contribution to a City capital infrastructure project promoting tourism or other tangible capital asset identified in the Budget; and
 - (b) that part of the Funds not expended in a Fiscal Year in accordance with the Budget for any reason.
- (2) Payment may be made from either Reserve on Eligible Program Costs in accordance with the Budget for the Fiscal Year in which the payments are made.

Part 4 - Carrying Out the Program

Conduct of Program – General

- 12.(1) The CGSCDC will be responsible for the timely and effective development, implementation, operation and management of the Program, and shall be responsible for the entire costs of the Program including, without limitation, any cost overruns.
- (2) The CGSCDC will carry out the Program in compliance this Agreement, including Schedule "A", and all federal, provincial or municipal laws or regulations and codes, and

any orders, rules or by-laws related to any aspect of the Program. Without limiting the generality of the foregoing, the CGSCDC will, in the conduct of the Program secure and maintain in good standing, all permits, licences, approvals required under any federal, provincial or municipal statute, by-law, regulation or code.

- (3) Where the City is the issuer of any permit, licence, approval or authorization required as part of the Program, the entering into of this Agreement shall not be construed or deemed to be:
 - (a) a waiver of any obligation to obtain any such permit, licence, authorization or approval by the City;
 - (b) an approval by the City in its capacity as an issuer; or
 - (c) a representation by the City that the such permit, licence, authorization or approval will be issued.
- (4) The CGSCDC shall notify the City as soon as possible in the event that it becomes aware of actual or possible delays in, or inability to continue with, or to carry out or to complete the Program or any part thereof, as the case may be.
- (5) The CGSCDC will not make any material changes to the Program without the prior written consent of the City, which may be withheld or given subject to conditions.

Tendering for Goods and Services

- 13.(1) The CGSCDC will acquire all supplies, equipment and services, purchased with the Funds using an open, public competitive acquisition process and in accordance with the provisions of the Operating Agreement.
- (2) The CGSCDC will, on request of the City, provide evidence of compliance with requirements of this section.
- (3) The CGSCDC is advised to include in any procurement provisions to address the possible termination of Funding under this Agreement.
- (4) The CGSCDC shall preserve any assets costing \$1,000 or more acquired by it with the Funds under this Agreement unless:
 - (a) the Treasurer authorizes their disposition;
 - (b) it is necessary to replace assets which are subject to wear; or
 - (c) it is necessary to replace assets which have become outdated.
- (5) The CGSCDC agrees that on the termination or expiry of this Agreement it will transfer to the City at no charge, any asset or assets, which cost \$1,000 or more which were acquired with the Funds, and which it still owns or has rights to.

Consultation

- 14.(1) Authorized representatives of the Parties shall meet as required, or upon request of either Party, to consult regarding the status of the Program and to address any concerns related to the Program or this Agreement.
- (2) The CGSCDC's authorized representatives shall be the City's Director of Economic Development and the Chair of the Board of Directors or their authorized designate.
- (3) The City's authorized representative shall be the Treasurer. Any power, right or function of the City, contemplated by this Agreement may, except where expressly provided to the contrary, be exercised by the City's Chief Administrative Officer or his authorized designate, unless, in the opinion of the Chief Administrative Officer, the matter is such that direction is required from Council for the City.
- (4) Either Party may change its authorized representative in writing, using the notice procedure in section 29.

Conflict of Interest

- 15.(1) The CGSCDC will carry out the Program and use the Funds in a manner that no person associated with the Program in any capacity will have a potential or actual conflict of interest.
- (2) For these purposes, a conflict of interest includes a situation in which a person associated with the Program or any member of his or her family is able to benefit financially from his or her involvement in the Program. A financial advantage which flows to the person only as one of a broad class of person is not a contravention.
- (3) The CGSCDC will disclose to the City without delay any situation that may be reasonably interpreted as either an actual or potential conflict of interest.

Part 5 - Reporting, Accounting and Review

Records

- 16.(1) The CGSCDC will be responsible to maintain or cause to be maintained, proper records of activities related to the Program and prepare and submit reports respecting the Program in accordance with this Agreement. All reports shall be in a form acceptable to the Treasurer and meet the substantive requirements of this Agreement.
- (2) All data collected and all reports, deliverables, documents and materials prepared by the CGSCDC in the conduct of the Program shall be the sole and exclusive property of the City and all such records as may be requested by the Treasurer shall be delivered by the CGSCDC to the City at the end of the Term of this Agreement. After transfer to the City, the CGSCDC shall destroy all copies of such records and information unless required to be maintained pursuant to applicable law.

Reporting

- 17.(1) The CGSCDC will submit a written report to the City, annually, within ninety days of the end of each Fiscal Year and provide such reports to the City during the year as the City may request from time to time. Such report shall include, without limitation:
- (a) particulars of activities engaged in during the Fiscal Year to promote of tourism, including a description to the benefits to the community resulting from such activities;
 - (b) particulars of any tourism products developed;
 - (c) an outline of proposed activities to promote tourism or proposed tourism products for the next Fiscal Year;
 - (e) a description of the key performance indicators used to measure the success of the Program in promoting tourism and the outcomes from applying those key performance indicators to the Program overall and individual Program activities; and
 - (f) such other information as may be requested by the City to assist in assessing the Program.
- (2) The CGSCDC will deliver all reports in a form satisfactory to the City and where a form is prescribed by the City, shall use the prescribed form.
- (3) The CGSCDC understands that reports submitted will form part of an open public record. The CGSCDC agrees that the City may publicly release this Agreement and any Reports submitted under this Agreement, whether in hard copy or in electronic form, on the internet or otherwise.

Financial Records

- 18.(1) The CGSCDC is responsible to maintain:
- (a) all financial records, invoices and other financially-related documents relating to the Funds or otherwise to the Program in a manner consistent with generally accepted accounting principles; and
 - (b) such records available for review or investigation by the City for a period of seven years from the date of the expiry or termination of this Agreement,
- (2) The CGSCDC shall have audited financial statements prepared which include a schedule which accounts for Funds and expenditures in accordance with this Agreement.
- (3) The City is providing certain financial services to the CGSCDC pursuant to the Operating Agreement and agrees to extend those services to this Agreement as if the Operating Agreement applied to the tourism mandate of the CGSCDC. Any additional services or service level beyond that provided for in the Operating Agreement will be an Eligible Expense. Nothing herein releases the CGSCDC from co-operating with the City as required to secure compliance with subsections 18(1) or

(2).

Inspection and Audit

- 19.(1) The City or its authorized representatives may, upon twenty-four hours notice to the CGSCDC and during normal business hours enter upon any premises owned or occupied by the CGSCDC for any one or more of the following purposes:
- (a) to review the status and manner of operation and conduct of the Program;
 - (b) inspect and copy any financial records, invoices and other financially-related documents in the possession or under the control of the CGSCDC which relate to the Funds or otherwise to the Program; and
 - (c) inspect and copy non-financial records in the possession or under the control of the CGSCDC which relate to the Funds or otherwise to the Program, except that, where such records relate to a third party served by the Program, the City will obtain the consent of the third party before inspecting or copying such records.
- (2) The CGSCDC will cooperate with the City in respect of the exercise of the City's rights set out in subsection 19(1), and the CGSCDC will provide any information in respect of the Funds or the Program that the City may reasonably request and where necessary shall provide access to such other premises that the information required by the City is located.
- (3) The purposes for which the City may exercise its rights under this section 19 include determining:
- (a) for what items and purposes the CGSCDC expended the Funds; and
 - (b) whether the CGSCDC conducted the Program effectively and in accordance with the terms of this Agreement.

Limitation of Liability

20. The City, its officers, employees and agents will not be liable to the CGSCDC, its subcontractors or their respective directors, officers, agents, employees, partners, affiliates, volunteers or independent contractors for any liability, loss, costs, damages and expenses (including legal fees), causes of action, actions, claims, demands, lawsuits and other proceedings, howsoever caused that arise out of or are in any way related to the Program or this Agreement.

Indemnity

21. The CGSCDC will indemnify and hold harmless the City from and against any and all Claims by whomever made, sustained, incurred, brought or prosecuted, including for third party bodily injury (including death), personal injury and property damage, in any way based upon, occasioned by or attributable to anything done or omitted to be done by the CGSCDC, its subcontractors or their respective directors, officers, agents, employees, partners, affiliates, volunteers or independent contractors in the course of carrying out the Program or otherwise in connection with this Agreement. The CGSCDC further agrees to indemnify and hold harmless the City for any incidental, indirect,

special or consequential damages, or any loss of use, revenue or profit, by any person entity or organization, including, without limitation, the City, claimed or resulting from such Claims.

Acknowledgement of City

- 22.(1) The CGSCDC will acknowledge, in a format approved by the City, that the Program is funded by MAT but is conducted by the CGSCDC.
- (2) The CGSCDC will indicate, in any of its Program-related publications, whether written, oral, or visual, that the views expressed in the publication are the views of the CGSCDC and do not necessarily reflect those of the City.

Part 6 - Term / Extension / Termination

Term of Agreement

- 23.(1) Unless earlier terminated, this Agreement is for a term of five years, from September 1st, 2018 to August 31st, 2023, inclusive.
- (2) Despite the expiry of the Term or an extension term, the City will pay to the CGSCDC any Funds owing to it, in an amount equal to the lesser of the Eligible Program Costs actually incurred in accordance with the Budget prior to the expiry or earlier termination of this Agreement and the Funds calculated in accordance with subsection 6(1) to the expiry or other termination date.

Extension

24. The City shall have the option at its sole discretion to extend the Term of this Agreement for two additional terms of five years each, (each of which is called an "Extension Term"), subject to the following:
 - (a) the option shall be exercised by notice in writing given by the Treasurer on behalf of the City to the CGSCDC no less than two month prior to the expiration date of the Term or first Extension Term of this Agreement, provided that such notice shall be validly given only if at the time it is given, the CGSCDC is not in material default under any of the terms, covenants and conditions in this Agreement on its part to be observed and performed; and
 - (b) the extension of the Term of this Agreement upon the exercise of each such option shall be upon the terms and conditions and subject to all the provisions of this Agreement, provided however that there shall be no further extension beyond the total of fifteen years provided for herein.

Termination – No Fault

25. Either Party may terminate this Agreement at any time upon giving at least one hundred and twenty days written notice to the other Party without reason or cause and without liability, cost or penalty.

Termination and Corrective Action

26.(1) The City may terminate this Agreement immediately upon giving notice to the CGSCDC if:

- (a) in the opinion of the City:
 - (i) the CGSCDC has knowingly provided false or misleading information regarding its spending of the Funds or in any other communication with the City;
 - (ii) the CGSCDC breaches any provision of this Agreement;
 - (iii) the CGSCDC is unable to complete the Program or is likely to discontinue it; or
 - (iv) it is not reasonable for any reason for the CGSCDC to complete the Program;
- (b) the nature of the CGSCDC's mandate changes or it ceases to qualify as an Eligible Tourism Entity;
- (c) the CGSCDC makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or is petitioned into bankruptcy, or files for the appointment of a receiver; or
- (d) the CGSCDC ceases to operate.

(2) If the City considers that it is appropriate to allow the CGSCDC the opportunity to remedy a breach of this Agreement, the City may give the CGSCDC an opportunity to remedy the breach by giving the CGSCDC written notice:

- (a) of the particulars of the breach;
- (b) of the period of time within which the CGSCDC is required to remedy the Breach; and
- (c) that the City will terminate this Agreement:
 - (i) at the end of the notice period provided for in the notice if the CGSCDC fails to remedy the breach within the time specified in the notice; or
 - (ii) prior to the end of the notice period provided for in the notice if it becomes apparent to the City that the CGSCDC cannot completely remedy the breach within that time or such further period of time as the City considers reasonable, or the CGSCDC is not proceeding to remedy the breach in a way that is satisfactory to the City.

(3) If the City has provided the CGSCDC with an opportunity to remedy the breach and:

- (a) the CGSCDC does not remedy the breach within the time period specified in the notice;

- (b) it becomes apparent to the City that the CGSCDC cannot completely remedy the breach within the time specified in the notice or such further period of time as the City considers reasonable; or
- (c) the CGSCDC is not proceeding to remedy the breach in a way that is satisfactory to the City,

the City may immediately terminate this Agreement by giving notice of termination to the CGSCDC.

- (4) Despite the City's right to terminate this Agreement pursuant to subsection 26(1), the City may, in addition to and in the alternative to subsection 26(2), choose not to terminate this Agreement and may take whatever corrective action it considers necessary and appropriate, including suspending Funds for such period as the City determines, to ensure the successful completion of the Program in accordance with this Agreement.
- (5) The effective date of any termination under this section will be the last day of the notice period, the last day of any subsequent notice period or immediately, whichever applies.

Automatic Termination

- 27. This Agreement shall terminate automatically and without need for notice to the CGSCDC in the event that:
 - (a) the MAT By-law is repealed or is otherwise terminated; or
 - (b) the *Municipal Act, 2001*, S.O. 2001, c 25, is amended such that the City is no longer entitled to levy a MAT.

Funds Upon Expiry or Termination

- 28.(1) Upon expiry or other termination of this Agreement the City:
 - (a) will not make any further payments of any part of the Funds to the CGSCDC other than as may be required to cover Eligible Program Costs incurred in accordance with the Budget prior to the date of expiry or other termination, to a maximum of the amount of Funds then owing to the CGSCDC;
 - (b) may demand the repayment of any Funds (including any interest) remaining in the possession or under the control of the CGSCDC, including those Funds in reserves; and
 - (c) may demand the repayment of an amount equal to any Funds not used in accordance with this Agreement.
- (2) Where the City is utilizing its bank account for the purposes of managing Funds under the control of the CGSCDC, the City may make appropriate entries to reflect that such part of the Funds as may be owing to the City under paragraph 28(1)(b) or (c) are no longer under the control of the CGSCDC.

Notices

- 29.(1) Notice required under this Agreement shall be sent by personal delivery or by registered mail.
- (2) Notices by mail shall be deemed to have been received on the fifth business day after the date of mailing.
- (3) Notices by personal delivery shall be deemed to have been received at the time of delivery if sent between the hours of 8:30 a.m. and 4:00 p.m. on Monday to Friday inclusive, unless such day is a holiday, and otherwise, on the next following day between Monday and Friday inclusive.
- (4) Notices to the parties shall be sent to the following addresses:
- CGSCDC:**
The City of Greater Sudbury Community Development Corporation
P.O. Box 5000, Station "A"
200 Brady Street, Sudbury, Ontario, P3A 5P3
Attention: Secretary Treasurer
- City:**
City of Greater Sudbury
Box 5000, Station A
200 Brady Street, Sudbury, Ontario, P3A 5P3
Attention: Chief Administrative Officer
- (5) The Parties may designate in writing to each other a change of address at any time.

Confidentiality

- 30.(1) The CGSCDC agrees that all personal information, that the CGSCDC accesses or of which the CGSCDC acquires knowledge as a result of the conduct of the Program, will be used, retained, protected, disclosed and disposed of in accordance with all applicable municipal, provincial and federal laws and regulations governing the collection, use, retention, disclosure and disposal of such information, including without limitation, the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.
- (2) The CGSCDC shall maintain the confidentiality and shall not use, disclose or release, at any time during the Term of this Agreement, or thereafter, any of the information acquired by it during the course of conducting the Program or any purposes other than the conduct of the Program.
- (3) Failure to comply with this section will be grounds for immediate termination of this Agreement, at the discretion of the Treasurer.

Severability of Provisions

31. The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision of this Agreement and any invalid or unenforceable provision will be deemed to be severed.

Amendment and Waiver

- 32.(1) No amendment of or addition to this Agreement will be valid unless it is in writing and signed by each Party.
- (2) A waiver of any failure to comply with any term of this Agreement will be in writing and signed by the party providing the waiver. Any waiver must refer to a specific failure to comply and will not have the effect of waiving any subsequent failures to comply.

Relationship

33. (1) Nothing in this Agreement shall be read or construed as conferring upon the CGSCDC, its officers or directors the status of employee or agent of, or partner or joint venture with the City.
- (2) The Parties acknowledge that this Agreement is entered for the purpose of providing Funds for the conduct of the Program and is not a purchase of service or other arrangement. The CGSCDC is solely responsible for any costs incurred in the delivery of the Program in excess of the Funds provided for in this Agreement.

Assignment of Agreement of Funds

34. The CGSCDC will not assign this Agreement or the Funds or any part thereof without the prior written consent of the City, which consent may not be unreasonably and arbitrarily withheld or given subject to such terms and conditions as the City may impose.

Governing Law

35. This Agreement and the rights, obligations and relations of the parties to this Agreement will be governed by and construed in accordance with the laws of the Province of Ontario and enforced in the court system of Ontario.

Further Assurance and Consents

- 36.(1) The Parties agree to do or cause to be done all acts or things necessary to implement and carry into effect this Agreement to its full extent.
- (2) The CGSCDC acknowledges that the City may impose conditions on any consent it provides pursuant to this Agreement.

Circumstances Beyond the Control of Either Party

- 37.(1) Neither Party will be responsible for damage caused by delay or failure to perform under the terms of this Agreement resulting from matters beyond the control of the City and the CGSCDC including strike, lockout or any other action arising from a labour dispute, fire, flood, act of God, war, riot or other civil insurrection, lawful act of public authority, or delay or default caused by a common carrier which cannot be reasonably foreseen or provided again.
- (2) Subsection 37(1) shall not apply to:

- (a) any event that is caused by the negligence or intentional action of a party or such party's agents or employees;
- (b) any event that a diligent party could reasonably have been expected to take into account at the time of execution of this Agreement and avoid or overcome in the carrying out of its obligations under the Agreement; or
- (c) the insufficiency of funds or failure to make any payment required hereunder.

Obligations Surviving Termination

38. All obligations of this Agreement shall expressly or by their nature survive termination or expiration of this Agreement and shall continue in full force subsequent to and notwithstanding such termination or expiration until and unless they are satisfied or by their nature expire.

Priorities

39. In the event of any of conflict or inconsistency between the body of this Agreement any of the Schedules forming part of this Agreement, the body of the Agreement shall prevail.

Counterparts

40. This Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. This Agreement will be considered fully executed when all Parties have executed an identical counterpart, notwithstanding that all signatures may not appear on the same counterpart. This Agreement may be executed and delivered by facsimile signatures and will be binding on all parties as if executed by original signature and delivered personally.

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

- 41.(1) The CGSCDC acknowledges that the City is bound by the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M-56, as amended from time to time, and that any information provided to the City in connection with this Agreement is subject to disclosure in accordance with the requirements of that Act.
- (2) The CGSCDC acknowledges that the City may make public the name and business address of the CGSCDC, the amount of the Funds and the purpose for which the Funds has been provided.

Time of Essence

42. Time will be of the essence in all respects. No extension of or waiver pursuant to this Agreement will operate as a waiver of this provision.

Entire Agreement

43. This Agreement and the attached Schedules embody the entire Agreement and supercede any other understanding or agreement, collateral, oral or otherwise, existing between the Parties at the date of execution other than the Operating Agreement which shall continue in effect and be read in conjunction with this Agreement.

Third Party Observance

44. The CGSCDC shall take all reasonable measures to ensure that its directors, officers, employees, agents, contractors and servants are bound to observe the terms of this Agreement.

Contra Proferentem Rule Not Applicable

45. Should any provisions of this Agreement require judicial interpretation, mediation or arbitration, it is agreed that the court, mediator or arbitrator interpreting or construing the same shall not apply a presumption that the terms thereof shall be more strictly construed against one Party by reason of the rule of construction that a document is to be construed more strictly against the Party who itself or through its agent prepared the same, it being agreed that both Parties, directly or through their agents have participated in the preparation of this Agreement.

Rights and Remedies Cumulative

46. The rights and remedies of the Parties to this Agreement are cumulative and are in addition to and not in substitution for any rights and remedies provided by law or in equity.

Binding

47. This Agreement shall be binding upon the Parties and their permitted assigns.

[remainder of the page intentionally left blank]

[signing page follows]

IN WITNESS WHEREOF, the City and the CGSCDC have respectively executed and delivered this Agreement.

Dated at Sudbury this 10th day of April, 2019.

Authorized by City Council Resolution CC2018-208	
REVIEWED BY:	
Finance	<u>RR</u>
Legal Services	

CITY OF GREATER SUDBURY


Executive Director of Finance, Assets and Fleet

Dated at Sudbury this _____ day of _____, 2019.

**THE CITY OF GREATER SUDBURY
COMMUNITY DEVELOPMENT CORPORATION**

Per:


Name, Title

Per:

Name, Title

Per:

Name, Title

I/We have authority to bind the corporation.

SCHEDULE "A"

PART 1 - PROGRAM DESCRIPTION

- 1.(1) The Program shall consist of the promotion of tourism within the City, including the development of tourism products. For the purposes of this description:
 - (a) "Promotion" means activities that will make known or increase the sales of accommodations and attractions in the City of Greater Sudbury but does not include the direct promotion of the accommodation providers in the City;
 - (b) "Tourism" refers to the activities that people engage in during their travel and stay in places outside of their home city for a consecutive period of time whether for leisure or business.
- (2) The Program will include activities such as:
 - (a) gathering and maintaining information about tourism related activities, festivals, events and attractions;
 - (b) disseminating information regarding the City of Greater Sudbury and its tourism related activities and attractions in an effective manner and to appropriate target groups so as to increase the appeal of Greater Sudbury as a destination of choice for tourists. As part the process, the CGSCDC will use a variety of media;
 - (c) promoting activities, festivals, events and attractions of interest to the tourism market. Promotional activities can include, but are not limited to the following:
 - (i) marketing or advertising campaigns for activities such as outdoor/natural, historical, cultural, recreational or business travel through means such as websites, digital promotion including social media, print collateral, exhibition booths, and similar activities;
 - (ii) creation of advertisements, brochures, leaflets, posters, merchandise, videos, press releases, travel guides, digital content;
 - (iii) offering package tours and visitor experiences; and
 - (iv) improving public facilities and related infrastructure including support for festival, events, sports tournaments and conferences,
 - (d) collecting data to assist in measuring increases in tourism such as increased occupancy rates in transient accommodation such as hotels and motels; dated admission numbers from local tourism-related attractions;
 - (e) providing advice and assistance in the development and hosting of tourism related activities, festivals, events and attractions;
 - (f) making capital contributions towards proposed City owned capital infrastructure projects which will promote tourism; and
 - (g) purchase or development of tourism products.

The Program content and allocation of funds provided for the Program will be guided by the Tourism Development Committee, established in accordance with this Agreement.

Part 2 - Program Guiding Principles

- 2.(1) **Uses:** The portion of the funds collected and contributed to the CGSCDC as the Eligible Tourism Entity will be used exclusively on activities and programs that directly support the development of the tourism industry and the marketing of destinations from which they were generated, including any administration costs of the program delivery.
- (2) **Industry Wide:** Uses of funds should be for the broad benefit of the tourism industry. Notwithstanding certain strategies, programs may focus on certain industry segment(s). The Eligible Tourism Entity should seek governance checks and balances that represent the broader industry. Furthermore, for additional clarity any assessment collected should never be recognized as revenue for any "for share" company.
- (3) **Transparency for the Industry:** The tourism industry will determine the most effective use of funds and be prepared to communicate these to interested parties. Best practices in governance should be adopted.
- (4) **Accountability:** Expenditures should be accounted for independently and/or by dedicated accounts or cost centers. Annual reporting of the collection and spending should be undertaken.

Part 3 - Eligible Program Costs

3.(1) General

Eligible Project Costs are those costs reasonably incurred by the CGSCDC or attributable to the CGSCDC by the City in accordance with this Agreement or the Operating Agreement, in the course of carrying out the Program and include the following but exclude Ineligible Program Costs. Costs are Eligible Program Costs only if they are:

- (a) directly related to Program activities; and
- (b) reasonable.

The portion of the cost of any goods and services purchased by the CGSCDC for which an HST input tax credit or rebate can be claimed, is excluded from Eligible Program Costs and not eligible. The CGSCDC shall as far as reasonable and practical take advantage of any HST rebates that may be available to it.

Eligible Expenditures can begin to accrue and can only be reimbursed to the CGSCDC following the Effective Date of the Agreement.

(2) Eligible Program Costs

Eligible Program Costs are all direct costs, which are specifically identified as having been incurred in the performance of the Program are Eligible Program Costs. In general these could include but are not limited to, the following categories of costs:

- (a) the direct employment costs, including but not limited to salaries, benefits and pension costs, associated with any increase in staffing provided to the CGSCDC by the City, over the staffing level as of the commencement of this Agreement, where such increase has been approved by Council for the City and to the extent that such additional staffing are delivering the Program;
- (b) communication/marketing costs associated with the marketing associated with the Program;
- (c) the costs of goods purchased for use in the Program in accordance with this Agreement;
- (d) the costs of services provided under contract by a consultant;
- (e) contribution to support or fund acquiring, planning, designing, constructing or renovating a City owned capital infrastructure Project which will promote tourism, or allocation to a reserve pending confirmation that such project is proceeding and where approved by Council in accordance with section 6 of this Agreement;
- (f) tangible capital assets to be used in the promotion of tourism, or as a tourism product, that would be owned and, where applicable, operated by the City of Greater Sudbury, where approved by Council in accordance with section 6 of this Agreement;
- (g) overhead costs, being those costs, which, though necessarily having been allocated by the City of Greater Sudbury for the conduct of the CGSCDC's business in general cannot be identified and measured as directly applicable to the Program; and
- (h) costs of facilities, services, supplies not provided by the City or in excess of the level provided by the City under the Operating Agreement

(3) Ineligible Program Costs

The following costs are not Eligible Program Costs:

- a) costs incurred prior to the commencement of the Term;
- b) entertainment expenses outside a defined program pursuant to section 1(2) of this Schedule;
- c) fines and penalties;
- d) membership fees for clubs;
- e) any goods and services which are received through donations or in kind;
- f) taxes for which the CGSCDC is eligible for a tax rebate and all other costs eligible for rebates; or

- g) expenditures on the direct promotion of one or more hotels, motels or other transient accommodation.

City of Greater Sudbury/CGSCDC Operating Agreement

SCHEDULE B

Community Economic Development (CED) Funding Program

The City of Greater Sudbury Community Development Corporation, operating as the Greater Sudbury Development Corporation (GSDC), serves as a catalyst in supporting projects that address priorities that will result in long term economic benefits to Greater Sudbury. This is done in part through the resources made available as part of the Community Economic Development program, or CED.

The goal of this program is to support projects and initiatives that demonstrate potential job and wealth creation, export development, promote investment and continued economic diversification. The Community Economic Development Committee, a sub-committee of the board, receives project funding applications and provides due diligence on behalf of the Board and Council.

The proposal template requires that proponents provide a standardized description of their project with detailed financials and economic impact projections. In turn, the evaluation tool enables Economic Development staff to review and analyze each project proposal and provide feedback to the Community Economic Development Committee. This process ensures that the GSDC is able to provide City Council with accurate, ongoing and enhanced information with respect to project investments in economic development.

Applicants may include private sector and public partnerships and organizations located in the City of Greater Sudbury. Applicants must clearly demonstrate how their project will deliver economic benefit(s) to the City of Greater Sudbury. The CED Fund seeks to support projects that:

- Align with the City's Economic Development Strategic Plan and associated objectives
- Create jobs and enhance job growth and investment opportunities
- Have a positive economic impact

The Community Economic Development Committee of the GSDC recommends investment of financial and/or non-financial resources in projects that promote new alliances, partnerships and sectoral development for the benefit of the community.

Greater Sudbury Arts & Culture Grant Program

Established in 2005, the City of Greater Sudbury's Arts and Culture Grant Program stimulates the growth and development of this important economic sector, increases its potential to attract and retain a talented and creative workforce and presents an investment in quality of life for all residents.

The City's Economic Development division, Tourism and Culture section coordinates the application process for the Arts & Culture Funding Program. The process of reviewing applications and determining allocations is conducted with two assessment committees. The recommendations of the Assessors are then brought forward to the City of Greater Sudbury Community Development Corporation (GSDC) Board of Directors for review and approval on behalf of City Council. The funding is disbursed to grant proponents through Contribution

Agreements, which also lay out requirements for reporting results and communicating the City's contribution.

Since its inception and under GSDC oversight, the program has allocated millions of dollars in funding to hundreds of local arts and culture organizations. This investment has led to the employment of hundreds of artists, the realization of dozens of festivals and a strong community impact.

Program Objectives

To provide funding support in line with the priorities identified in the *Cultural Plan* in order to foster the growth and development of the local arts and culture sector.

Strategic Directions of the <i>Cultural Plan</i>		
Creative Identity	Greater Sudbury is multicultural and has a unique historical relationship with its geographical landscape. Cultural resources help define the identities of individual communities as well as the shared identity of Greater Sudbury as a whole.	Support the binding effect that culture contributes towards maintaining a shared sense of community and identity.
Creative People	Creative individuals are at the heart of the creative economy, but also foster social development. Nearly everyone participates in creative pursuits in some aspect of their lives.	Foster and promote local talent within the creative cultural sector. Nourish dynamic and diverse cultural experiences for all levels within the community
Creative Places	Quality of place is a powerful driver in attracting and retaining talent in a global world.	Grow beautiful environments that reflect the cultural richness and heritage of the city. Design infrastructure with intention and create a cultural estate.
Creative Economy	Creativity and culture impact the economy in many ways, from directly employing people to being a component of almost any employment sector. There has been increasing recognition of the powerful role creativity and culture play in economic restructuring and generating wealth in our communities.	Build awareness and public engagement in cultural activities. Strengthen a diverse economy of cultural resources to maximize their contribution to economic development.

Applications are solicited through public announcements. Tourism & Culture staff review the applications, following principles of due diligence. The applications are reviewed by subcommittees of the Greater Sudbury Community Development Corporation (GSDC). Recommendations are then brought forth to the full GSDC Board for final approval. All funding is subject to the approval of the annual municipal budget by the Council of the City of Greater Sudbury.



CITY OF GREATER SUDBURY COMMUNITY DEVELOPMENT CORPORATION
GSDC Regular Meeting of June 24, 2020
Motion 2020 - 042

Moved by: _____

Seconded by: _____

WHEREAS the City of Greater Sudbury Auditor General's 2018 report on the Greater Sudbury Development Corporation (GSDC) governance structure included a recommendation to review and update the current Operating Agreement of the GSDC, which is dated May 3, 2007; and

WHEREAS the new Operating Agreement has been developed following a detailed review process and in consultation with the GSDC Board members over the past year; and

WHEREAS the new Operating Agreement represents a collaborative effort in order to ensure a shared understanding of the roles and responsibilities of the GSDC Board in terms of its work with the City of Greater Sudbury, including City Council and the Economic Development Division;

THEREFORE BE IT RESOLVED that the Greater Sudbury Development Corporation Board of Directors approve and adopt the Operating Agreement dated June 23, 2020 and recommend it for approval by City of Greater Sudbury Council; and

FINALLY, that the GSDC Board direct the Chair of the Board to sign the agreement on behalf of the Corporation once it has been approved and endorsed by City Council.

Chair of the Meeting

CITY OF GREATER SUDBURY COMMUNITY DEVELOPMENT CORPORATION
GSDC Annual General Meeting of June 24, 2020
Motion 2020 - 050

Moved by: _____

Seconded by: _____

THAT the members of the Greater Sudbury Development Corporation Board of Directors re-appointment of:

- Jennifer Abols
- Robert Haché
- Anthony Lawley
- Mike Mayhew
- Claire Parkinson and
- Shawn Poland

to serve on the Board of Directors of the City of Greater Sudbury Community Development Corporation for a three (3) year term ending June 2023.

Chair of the Meeting

Request for Decision

Hot In-Place Asphalt Recycling Pilot Project - Construction Contract

Presented To:	City Council
Presented:	Tuesday, Sep 08, 2020
Report Date	Wednesday, Aug 26, 2020
Type:	Managers' Reports

Resolution

THAT the City of Greater Sudbury authorizes the award of the Hot In-Place Asphalt Recycling Pilot Project identified in Option 1, as outlined in the report entitled "Hot In-Place Asphalt Recycling Pilot Project – Construction Contract", from the General Manager of Growth & Infrastructure, presented at the City Council meeting on September 8, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

The work indicated in this report is supported by "Demonstrate Innovation and Cost-Effective Service Delivery" within "Asset Management and Service Excellence".

Report Summary

Further to the Council meeting of July 7, 2020, the Hot In-place Recycling (HIR) pilot project was tendered with three bids received. The low bid is higher than the project construction budget and as a result staff is seeking authorization from Council to proceed with the recommended option of reducing the project scope in order to complete the work in 2020. This will allow a report back to council in Q4 2020 to summarize the results of the pilot project and provide recommendations for consideration of HIR in 2021 budget deliberations.

Financial Implications

Funding provided for the HIR Pilot Project includes \$700,000 from additional Federal Gas Tax (Council Resolution CC2019-189 from June 11, 2019) and \$811,000 funding from the 2020 budget deliberations (Finance and Administration Committee Resolution FA2019-120). The proposed culvert replacement will be funded with approximately \$160,000 from the approved capital project account designated for culvert work. No further funding is required for the recommended Option.

Signed By

Report Prepared By

Stephen Holmes
Roads Engineer
Digitally Signed Aug 26, 20

Division Review

David Shelsted
Director of Infrastructure Capital
Planning Services
Digitally Signed Aug 26, 20

Financial Implications

Steve Facey
Manager of Financial Planning &
Budgeting
Digitally Signed Aug 26, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and
Infrastructure
Digitally Signed Aug 26, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Aug 26, 20

Hot In-Place Recycling Pilot Project – Construction Contract

Background

At the Council meeting of July 7, 2020, Council authorized staff to proceed with the tender of the Hot In-place Recycling (HIR) Pilot Project. The HIR Pilot Project has two main goals:

- 1) Determine the commercial viability of HIR through a competitively bid procurement process.
- 2) Confirm the quality of the HIR product.

With the results of these two goals, the City can determine if HIR treatment can become a cost effective strategy in our community and review the potential for adding HIR to the City's pavement asset management planning process. The Council Resolution states that Staff is to summarize the results of the HIR Pilot Project in Q4 2020, therefore construction is required to be completed in 2020.

The tender closed with three bidders, which demonstrates a high level of interest in this Pilot Project in the construction community. As this contract was a pilot project, the contract document included a simplified prequalification process. All bids received were prequalified for the contract. The bid results are summarized below:

Company	Bid Results
Pioneer Construction Inc.	\$2,100,008.20
Belanger Construction (1981) Inc.	\$2,352,450.00
Interpaving Limited	\$2,457,452.00

The low bid is approximately \$550,000 higher than estimated. The HIR item represents approximately 75% to 80% of the contract value. The unit price for this item was higher than estimated and represents the majority of the difference between the estimate and bid results. As this treatment is new to the City, Staff consulted with industry and engineering consultants to determine the estimated price. There are many factors that influence unit prices, including; traffic control for the roads selected, mobilization to Sudbury, volume of the work, number of locations, scheduling of the work, overhead, and profit. There are only two contractors that perform HIR in Ontario and that both were included as part of the bids received, it is Staff's opinion that this is a successful tender and that there was sufficient competition in the procurement process.

While the HIR unit rate is higher than estimated, it still represents value for money as the unit rate represents a savings of at least 30% in comparison to a grind and asphalt overlay treatment, which has a similar typical service life.

The following table summarizes the proposed HIR areas within the indicated road sections included in the tender:

Road	From	To	HIR Area (sq.m)
MR 35	Clarabelle Road	Big Nickel Road (MR 34)	25,000
Kingsway	Falconbridge Road	Levesque Street	26,000
Radar Road (MR 85)	Skead Road	Pine Ridge Street	20,000
Bancroft Drive	Kingsway	Bellevue Avenue	9,000
		Total Area	80,000

The October 21, 2019, Operations Committee report stated that the “scope of the contract will also be reviewed. Council set aside \$700,000 of the Additional Federal Gas Tax Funding for the pilot project, the need to add ancillary items to any contract, such as culvert replacement, curb repair, or guide rails, will mean that the suggested minimum square metres of HIR will not be met. HIR will not be considered at a location where underground infrastructure (ie. water main) requires replacement.” As noted above the budget was increased, and locations were chosen where underground infrastructure did not require replacement. As well, ancillary items were included in the contract and they did not represent a significant impact on the additional cost. It is best practice to undertake this work at the same time to improve coordination of the work, for Ontario Health and Safety Act considerations, enforcement of warranty work, and to minimize the disruption to adjacent residents and the traveling public.

As the low bid is above the estimate, Staff analyzed the following three options for Council's consideration to move forward:

Option 1: Award the contract at a reduced scope to meet the allocated budgets.

Option 2: Award the contract and increase the allocated budgets.

Option 3: Cancel the contract.

Analysis

As a result of the tender for this project closing above the approved budget, staff has analysed three options:

Option 1

Reduce the tendered project scope as required to complete the work within the approved HIR budget (\$1,390,000) plus the culvert work (\$160,000 funded separately) and proceed with the project in 2020. Reduction of the tendered scope includes removal of one of the proposed road section locations (Bancroft Drive) and some revisions to the proposed limits at one or two of the remaining locations (approximately 4 lane km). Removal of Bancroft Drive will reduce the construction schedule by reducing the

coordination and time required for concrete curb removal and replacement. As a result of the proposed scope reduction, approximately 90% of the HIR funds will be used directly for the HIR process.

Advantages

- Work will be completed in 2020 to permit construction review, data collection and report back to council with recommendations for the 2021 construction season;
- Staff is confident the work proposed in the reduced scope can be completed in 2020;
- The proposed reduction in scope which includes the removal of Bancroft Drive does not alter which contractor is the low bidder.

Disadvantages

- The full scope of work will not be completed;
- A September construction start increases the risk of the proposed work not being completed if there is a wet fall or early winter.

Option 2

Maintain the tendered project scope and proceed with three road sections (MR35, Kingsway and Radar Road) in 2020 and proceed with Bancroft Drive in 2021.

Advantages

- Work identified in the original scope will be completed.
- Work will be completed on three of the four road sections in 2020 to permit construction review, data collection and report back to council with recommendations for 2021 construction season;
- Staff is confident the work proposed for 2020 will be completed as outlined in the tender schedule;

Disadvantages

- Additional funds from the Capital Holding Account will be required for costs exceeding the project construction budget in the amount of \$550,000.
- Due to delay in award of the contract and the time required for concrete and asphalt work associated with curb removal and replacement, Bancroft Drive cannot be completed in 2020.
- A September construction start increases the risk of the proposed work not being completed if there is a wet fall or early winter.
- Risk of additional mobilization charges for completing the work in two phases.

Option 3

Cancel the contract and tender a new contract in 2021.

Advantage

- Construction work can begin earlier in the season in 2021.

Disadvantages

- Required to make a substantive change to the contract in order to tender a new contract.
-

- HIR project is not completed in 2020, data is not collected and staff will be unable to provide recommendations for 2021.
- Additional City resources will be required to issue a new tender.

Options 1 and 2 will provide Council with an opportunity to review the HIR construction contract in 2020 and move forward with decisions on proceeding with further implementation of this treatment as an additional option for staff to use in the City's pavement strategy. Both of these Options may experience delays and could potentially remain incomplete due to inclement fall and early winter weather. This is typical of projects that commence in September in our community.

Option 2 will require additional funding from the Capital Holding Account in the amount of \$550,000.

Option 3 will delay the staff report on HIR construction review. An earlier tender in 2021 may provide the Contractor the benefit of making improvements to scheduling work for the 2021 construction season.

Based on the analysis above, staff recommends proceeding with Option 1. The reduced scope of Option 1 enables staff to complete the project within the approved budget and permits staff to report back to Council in Q4 2020 to summarize the results of the pilot project and provide recommendations for consideration of HIR in 2021 budget deliberations.

Any road sections removed from the Pilot Project will be included in future requests for HIR capital funding. Future proposed HIR capital projects will be reviewed and prioritized with all other City capital projects through the Capital project prioritization process.

Conclusion

The tender for the Hot In-place Recycling Pilot Project meets the goal of determining the actual costs for HIR and demonstrates its commercial viability. The prices received from three competitive bids from prequalified contractors represent good value and demonstrate interest from the construction community. Prices received for the HIR treatment are at least 30% lower than prices received for mill and pave projects. By awarding the contract, construction can occur in 2020 allowing the second goal of determining the quality of HIR to be completed. Pending construction and testing results, there will be an opportunity to incorporate this treatment into the City's pavement management asset strategy in future year.

Resources Cited

City Council Meeting, July 7, 2020, Hot in Place Asphalt Recycling Pilot Project, Accessed online:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=13&id=1473>

City Council Meeting, July 7, 2020, Hot in Place Asphalt Recycling Pilot Project Presentation, Accessed online:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=30687.pdf>

Operations Committee Meeting, October 21, 2019, Hot In-Place Recycling Asphalt Pilot Project, Accessed online:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=2&id=1346>

Operations Committee Meeting, October 21, 2019, Hot In-Place Recycling Asphalt Pilot Project Presentation, Accessed online:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=27808.pdf>

City Council Meeting, June 11, 2019, Federal Gas Tax Additional Funding, Accessed online:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1324&itemid=17075&lang=en>