

Location:	Tom Davies Square
Commencement:	4:21 PM
Adjournment:	9:46 PM

## Minutes

### City Council Minutes of 9/26/17

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#### Deputy Mayor Sizer, In the Chair

Present	Councillors Signoretti, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Reynolds, Landry-Altman [D 5:23 p.m.], Mayor Bigger
City Officials	Ed Archer, Chief Administrative Officer; Kevin Fowke, General Manager of Corporate Services; Trevor Bain, Chief of Fire and Paramedic Services; Ron Foster, Auditor General [A 4:37 p.m.]; Melissa Zanette, Chief of Staff; Kristen Newman, Deputy City Solicitor/Deputy City Clerk; Carolyn Dawe, Assistant City Solicitor [D 4:37 p.m.]; Randy Halverson, Director of Linear Infrastructure Services [D 4:37 p.m.], Eric Labelle, City Solicitor and Clerk

#### Declarations of Pecuniary Interests and the general nature thereof

	None declared
Closed Session	<p>The following resolution was presented:</p> <p>CC2017-276 Kirwan/Reynolds: THAT the City of Greater Sudbury moves to Closed Session to deal one (1) item on the agenda regarding an Acquisition or Disposition of Land, Litigation or Potential Litigation and Solicitor-Client Privilege matter with respect to an access road to the Vermillion River;</p> <p>AND one (1) addendum to deal with one (1) Personal Matter (Identifiable Individual), in accordance with the Municipal Act 2001, s. 239(2)(c)(e)(f).</p> <p><b>CARRIED</b></p> <p>Council moved into Closed Session at 4:24 p.m.</p>
Recess	At 5:25 p.m. Council recessed.
Reconvene	At 6:02 p.m., Council commenced the Open Session in the Council Chambers

## His Worship Mayor Brian Bigger, In the Chair

Present Councillors Signoretti, Vagnini, Montpellier, Dutrisac, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Reynolds, Landry-Altman, Mayor Bigger

City Officials Ed Archer, Chief Administrative Officer; Kevin Fowke, General Manager of Corporate Services; Eric Labelle, City Solicitor and Clerk; Catherine Matheson, General Manager of Community Development; Trevor Bain, Chief of Fire and Paramedic Services, General Manager of Community Safety; Ed Stankiewicz, Executive Director of Finance, Assets and Fleet; Ron Foster, Auditor General; Melissa Zanette, Chief of Staff; Marie Edsall, Manager of Communications and French Services; Jason Ferrigan, Director of Planning Services; Jeff Pafford, Director of Leisure Services; Kristen Newman, Deputy City Solicitor/Deputy City Clerk; Brendan Adair, Manager of Corporate Security and Court Services; Christine Hodgins, Legislative Compliance Coordinator; Lisa Locken, Clerk's Services Assistant

## Declarations of Pecuniary Interests and the general nature thereof

None declared

### **Community Delegations**

#### Greater Sudbury Watershed Alliance (GSWA)

Lori Adams, Alex Cieslewicz and Nicole Wittke, Members of the Greater Sudbury Watershed Alliance, provided an electronic presentation for information only, regarding Eurasian Watermilfoil.

### **Rules of Procedure**

Councillor Kirwan moved that the order of the agenda be altered to deal with Notices of Motion at this time.  
**CARRIED BY TWO-THIRDS MAJORITY**

### **Notices of Motion**

#### **Rules of Procedure**

Councillor McIntosh presented a Notice of Motion regarding controlling Eurasian Watermilfoil and asked that the notice be waived.

**WAIVED BY TWO-THIRDS MAJORITY**

CC2017-277 McIntosh/Cormier: WHEREAS Eurasian Watermilfoil is an introduced, invasive aquatic plant species that can spread rapidly in a lake and cause several negative effects,

including the loss of native aquatic plant beds and the loss of recreational opportunities in a lake;

AND WHEREAS Eurasian Watermilfoil currently occurs in at least 18 lakes in Greater Sudbury;

AND WHEREAS Eurasian Watermilfoil is virtually impossible to eradicate once established in a lake and can only be controlled temporarily and in a limited manner using traditional mechanical techniques;

AND WHEREAS recent trials in some Quebec lakes, such as Lac a la Tortue, Shawinigan, using jute burlap, as well as coir fiber and geo-textile fabrics, to cover relatively small Eurasian Watermilfoil beds are showing promise in controlling this invasive plant while not impairing the growth of native aquatic plants;

AND WHEREAS the Greater Sudbury Watershed Alliance (GSWA) is proposing a similar pilot project as currently being trialed in Big Cedar Lake, in the Kawarthas of Ontario,

AND WHEREAS the project is consistent with the City of Greater Sudbury's Strategic Plan to focus on clean, green living and the environment;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury supports the pilot project to control Eurasian Watermilfoil proposed by the GSWA by providing a letter to The Honourable Kathryn McGarry, Minister of Natural Resources and Forestry, France Gélinas, MPP for Nickel Belt, and The Honourable Glenn Thibeault, MPP for Sudbury.

**CARRIED**

Mayor Bigger presented a Notice of Motion in regards to the City's Diversity Policy Statement, which will be presented at the next City Council meeting.

**Matters Arising from the Closed Session**

Deputy Mayor Sizer, as Chair of the Closed Session, reported that Council met in Closed Session to deal with one (1) item on the agenda regarding an Acquisition or Disposition of Land, Litigation or Potential Litigation and Solicitor-Client Privilege matter with respect to an access road to the Vermillion River;

AND one (1) addendum regarding one (1) Personal Matter (Identifiable Individual), in accordance with the Municipal Act 2001, s. 239(2)(c)(e)(f). One item regarding Acquisition or Disposition of Land, Litigation or Potential Litigation and Solicitor-Client Privilege matter with respect to an access road to the Vermillion River was deferred and there was one (1) addendum regarding one (1) Personal Matter (Identifiable Individual), and no direction emanated for this matter.

**Matters Arising From the Planning Committee**

**September 11, 2017**

Councillor Lapierre, as Vice-Chair of the Planning Committee, reported on the matters arising from the Planning Committee meeting of September 11, 2017.

The following resolution was presented:

CC2017-278 Reynolds/Kirwan: THAT the City of Greater Sudbury approves Planning Committee resolutions PL2017-134 to PL2017-135 and PL2017-137 to PL2017-141 inclusive from the meeting of September 11, 2017.

**CARRIED**

The following are the Planning Committee resolutions:

**Application for rezoning in order to permit a recreational vehicle sales and servicing establishment, 85 National Street, Garson.**

PL2017-134 Landry-Altmann/Sizer: THAT the City of Greater Sudbury approves the application by Motor Sports Holdings Inc. to amend Zoning By-law 2010-100Z to change the zoning classification from "M3", Heavy Industrial to "M3(S)", Heavy Industrial Special on those lands described as PIN 73496-0652, Part of Lot 25, Plan M-1049, Lot 10, Concession 1, Township of Garson, subject to the following condition:

1. That the amending zoning by-law contain site-specific provisions that a recreational vehicle sales and servicing establishment, including the sale, servicing and inspection of recreational vehicles, motorcycles and related equipment, be permitted on the lands in addition to those land uses permitted in the "M3" Zone.

**CARRIED**

**Application for rezoning to permit a three unit multiple dwelling, 1605 Weller Street, Sudbury.**

PL2017-135 Landry-Altmann/Sizer: THAT the City of Greater Sudbury denies the application by 1085904 Ontario Ltd. to amend the Zoning By-law 2010-100Z to change the zoning classification from "R2 2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special in order to permit three dwelling units on those lands described as PIN 73579-0177, Parcel 11761 SES, Lot 1, Concession 3, Township of McKim.

**CARRIED**

**Skead Heritage Homes Inc. - Extension to Draft Plan of Subdivision Approval, Bell Street, Skead.**

PL2017-137 Landry-Altmann/Sizer: THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for plan of subdivision on those lands known as including Part of Parcel 50058 SES, Parts 1, 2, 3 & 12, Plan 53R-14175, Part of Parcel 50057 SES, Part 1, Plan 53R-19536, Lot 6, Concessions 3 & 4, Township of MacLennan, File 780-3/03005 as follows:

a) By deleting Condition # 10.

b) By deleting Condition #11 and replacing it with the following:

"10. That this draft approval shall lapse on August 27, 2018."

c) By deleting in Conditions #5, 14, and 16 reference to "General Manager of Infrastructure Services" and replacing it with "General Manager of Growth & Infrastructure".

**CARRIED**

**Vytis Lands (Kagawong) Ltd.- Application to extend a draft approved plan of subdivision approval, (Kingsway Boulevard, Sudbury).**

PL2017-138 Sizer/Landry-Altmann: 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 PINs 73572-0248 & 73561-0008, Lots 10 & 11, Concession 4, Township of Neelon, File # 780-6/11001, upon payment of Council's processing fee in the amount of \$2,275.00 as follows:

1. That the words "Director of Planning" be deleted and replaced with the words "Director of Planning Services" and the words "General Manager of Infrastructure Services" be deleted and replaced with the words "General Manager of Growth and Infrastructure" in Condition #10.

2. That Condition #11 be deleted and replaced with the following:

"11. That this draft approval shall lapse on September 12, 2020."

3. That Condition #12 be deleted and replaced with the following:

"12. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced."

4. That the words "General Manager of Growth and Development" be deleted and replaced with the words "General Manager of Growth and Infrastructure" in Condition #35.

5. That the words "General Manager of Infrastructure Services" be deleted and replaced with the words "General Manager of Growth and Infrastructure" in Conditions #38 and #45.

6. That the words "General Manager of Infrastructure Services" be deleted and replaced with the words "General Manager of Growth and Infrastructure" and the words "and the General Manager of Growth and Development" be deleted entirely in Condition #46.

7. That a new Condition #47 be added as follows:

"47. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:

i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,

ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration. Furthermore, the required clearances may relate to lands not located within the phase sought to be registered."

"48. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure."

9. That a new Condition #49 be added as follows:

"49. That prior to the signing of the final plan, the owners/applicants shall contact the Ministry of Natural Resources and Forestry (MNRF), Sudbury District Office, and satisfy all requirements set out by the MNRF under the Endangered Species Act. In addition, the

owners/applicants shall, to the satisfaction of the Director of Planning Services, demonstrate that all requirements set out by the MNRF under the Endangered Species Act have been satisfied prior to any site alteration or development taking place on the subject lands.”

**CARRIED**

**Greener North Inc. - Request for extension of conditional approval of rezoning application File 751 6/14 36, 2500 Elm Street and 0 McKim Mine Road, Sudbury.**

PL2017-139 Jakubo/Sizer: THAT the City of Greater Sudbury approves the application by Greener North Inc. to extend the conditional approval of rezoning application File #751-6/14-36 on lands described as Parts 1 to 4, Plan 53R-16088, Lot 11, Concession 6, Township of McKim and Parts 1 and 2, Plan 53R-20346, and Parts 7 to 11, Plan 53R-11133, Lot 11, Concession 6, Township of McKim for a period of two (2) years to July 7, 2019.

**CARRIED**

**1257620 Ontario Ltd. - Request for extension of conditional approval of rezoning application File 751-8/06-1, Sixth Avenue, Lively.**

PL2017-140 Sizer/Jakubo: THAT the City of Greater Sudbury approves the application by 1257620 Ontario Ltd. to extend the conditional approval of rezoning application File #751-8/06-1 on lands described as Parcel 22159 SWS, Lot 7 Concession 6, Township of Waters for a period of two (2) years to June 28, 2019.

**CARRIED**

**2245639 Ontario Ltd. – Proposed change to an amending zoning by-law, 975 Lorne Street, Sudbury.**

PL2017-141 Jakubo/Sizer: WHEREAS the Planning Committee passed recommendation PL2016-133 on August 8, 2016, approving a rezoning application by 2245639 Ontario Ltd. on lands described as PIN 73588-0563, Parcel 4102, Lots 151 & 152, Plan M-76, Lot 8, Concession 2, Township of McKim, subject to certain conditions including that ten parking spaces be provided on the lands including two parking spaces that are to be provided within the existing building;

AND WHEREAS Council adopted resolution CC2016-266 on August 9, 2016;

AND WHEREAS the conditions of approval have not yet been satisfied by the owner;

AND WHEREAS the owner has subsequently advised the Planning Services Division that they now seek to provide for nine parking spaces with one parking space being located in the existing building whereas ten parking spaces with two spaces being provided in the existing building was previously approved;

THEREFORE, BE IT RESOLVED that Planning Committee recommendation PL2016-133 on August 8, 2016, specifically Item 3(ii), be replaced with the following:

“ii. That a minimum of nine parking spaces be provided on the lands including one parking space that is to be provided within the existing building.”

AND THAT in accordance with Section 34(17) of the Planning Act no further public notice is required to be provided of the changes to be made in the amending zoning by-law as provided for in this resolution.

**CARRIED**

**September 25, 2017**

Councillor McIntosh, as Chair of the Planning Committee, reported on the matters arising from the Planning Committee meeting of September 25, 2017.

The following resolution was presented:

PL2017-279 Kirwan/Reynolds: THAT the City of Greater Sudbury approves Planning Committee resolutions PL2017-143 to PL2017-149 inclusive from the meeting of September 25, 2017.

**CARRIED**

The following are the Planning Committee resolutions:

**Marc & Louise Menard - Application for rezoning in order to permit semi-detached dwellings on lands currently zoned for single residential use, Emily Street, Hanmer.**

PL2017-143 Jakubo/Sizer: THAT the City of Greater Sudbury approves the application by Marc & Louise Menard to amend Zoning By-law 2010-100Z by changing the zoning classification from "RI-5", Low Density Residential One to "R2-2(S)", Low Density Residential Two Special on lands described as PIN 73503-1678, Parts 1, 4, 5, 6, 7 & 8, Plan 53R 20643 in Lot 3, Concession 3, Township of Hanmer subject to the following condition:

i) The amending by-law shall indicate that the driveway for each pair of semi-detached dwelling units shall be centred at the common lot line.

**CARRIED**

**Interest in Land, Elm Street, Coniston**

PL2017-144 Jakubo/Sizer: THAT the City of Greater Sudbury authorize the Director of Assets and Fleet Services to consent to the Coniston Non-Profit Seniors Housing Corporation's request to remove the Restrictive Covenant from title to the land west of Elm Street, Coniston, legally described as PIN 73560-1248, being Parts 4 to 8 inclusive Plan 53R-20805, Township of Neelon, City of Greater Sudbury.

**CARRIED**

**Algonquin Road, Sudbury - Declaration of Surplus Land and Transfer.**

PL2017-145 Jakubo/Sizer: THAT the City of Greater Sudbury declares surplus to the City's needs, vacant land on Algonquin Road, Sudbury, legally described as Part of PIN 73478-0165(L T), being Parts 1, 2 and 3 on Plan 53R-14976, City of Greater Sudbury;

AND THAT the City of Greater Sudbury dispense with the procedures outlined in the Parkland Disposal Policy By-law 2010-158 in order to facilitate the transfer of land to Dalron Construction Limited;

AND THAT the appropriate by-law be prepared to authorize the transfer, as outlined in the report entitled "Algonquin Road, Sudbury - Declaration of Surplus Land and Transfer" from the General Manager of Corporate Services dated September 6, 2017.

AND THAT prior to the passing of the by-law, staff confirm that the existing trail not be located on the subject lands or that arrangements be made to relocated positions of the trail to the east, if required.

**CARRIED**

**Part of Mallard's Landing Drive, Sudbury - Road Closure, Declaration of Surplus Land**

**and Reconveyance**

PL2017-146 Jakubo/Sizer: THAT the City of Greater Sudbury close by by-law and declare surplus to the City's needs part of Mallard's Landing Drive, Sudbury, legally described as part of PIN 73478-0956(L T), part of Block 24, Plan 53M-1301, being Part 5 on Plan 53R-20097, City of Greater Sudbury, and reconvey the lands to the abutting owner, Dalron Construction Limited, all in accordance with the report from the Director of Assets and Fleet Services, dated September 5, 2017.

**CARRIED**

**Adding the Fielding Memorial Chapel of St Mark on the Municipal Heritage Register**

PL2017-147 Sizer/Jakubo: THAT the City of Greater Sudbury approves the addition of the Fielding Memorial Chapel of St Mark (935 Ramsey Lake Road, Sudbury) to the City of Greater Sudbury's Heritage Register.

**CARRIED**

**Alteration of a Designated Building - 14 Beech Street, Sudbury**

PL2017-148 Jakubo/Sizer: THAT the City of Greater Sudbury consents to the application to alter 14 Beech Street, per building permit application number B17-1269, and as described in the September 5, 2017 report from the General Manager of Growth and Infrastructure.

**CARRIED**

**Adding the Capreol Fire Hall on the Municipal Heritage Register**

PL2017-149 Jakubo/Sizer: THAT the City of Greater Sudbury approves the addition of the Capreol Fire Hall (59 Young Street, Capreol) to the City of Greater Sudbury Heritage Register.

**CARRIED**

**Adopting, Approving or Receiving Items in the Consent Agenda**

The following resolution was presented:

CC2017-280 Jakubo/Signoretti: THAT the City of Greater Sudbury approves Consent Agenda Item C-1.

**CARRIED**

The following are the Consent Agenda items:

**Routine Management Reports**

C-1 Healthy Community Initiative Fund Applications

Report dated September 6, 2017 from the General Manager of Community Development regarding Healthy Community Initiative Fund Applications.

CC2017-281 Jakubo/Signoretti: THAT the City of Greater Sudbury approves the Healthy Community Initiative Fund requests, as outlined in the report "Healthy Community Initiative Fund Applications", from the General Manager of Community Development, dated September 6, 2017;

AND THAT any necessary by-laws be prepared.



**CARRIED**

**Correspondence for Information Only**

C-2      2017 Second Quarter Statement of Council Expenses

Report dated August 28, 2017 from the Executive Director of Finance, Assets and Fleet regarding 2017 Second Quarter Statement of Council Expenses.

For Information Only.

**Managers' Reports**

R-1      Municipal Capital Facility Designation - Northern Water Sports Centre

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

The following resolution was presented:

CC2017-282 Signoretti/Jakubo: THAT the City of Greater Sudbury adopts the Northern Water Sports Centre as a municipal capital facility for the purpose of the City and for public use;

AND THAT staff be directed to prepare a by-law pursuant to Section 110 of the Municipal Act providing authority to:

(a) Enter into a municipal capital facility agreement with Northern Water Sports Centre, a proposed tenant at the City owned property at 206 Ramsey Lake Road, for the purposes of providing a municipal capital facility related to the provision of cultural, recreational or tourist purposes; and

(b) Exempt the leased premises from taxation for municipal and school purposes, which tax exemption is to be effective from the latest of (i) the commencement date of the lease, (ii) the date the municipal capital facility agreement is signed and (iii) the date the tax exemption by-law is enacted;

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

AND THAT a grant to the Northern Water Sports Centre to offset the property tax arrears in the approximate amount of \$105,000 be approved, and be funded from the Tax Rate Stabilization Reserve, all as described in the report from the General Manager of Corporate Services entitled the Northern Water Sports Center Report, dated September 6, 2017.

**CARRIED**

**By-Laws**

## **Rules of Procedure**

Councillor Kirwan requested that By-law 2017-168 be pulled and dealt with separately.

CC2017-283 Signoretti/Jakubo: THAT the City of Greater Sudbury read and pass By-law 2017-167 and By-law 2017-169 to and including By-law 2017-172P.

### **CARRIED**

The following are the By-Laws:

- 2017-167 A By-law of the City of Greater Sudbury to Confirm the Proceedings of Council at its Meeting of September 26th, 2017
- 2017-169 A By-law of the City of Greater Sudbury to Authorize a Development Charge Credit Agreement with Dalron Construction Limited for Montrose Avenue North of Forestdale and South of Woodbine Avenue City Council Resolution #CC2017-256
- 2017-170 A By-law of the City of Greater Sudbury to Authorize Various Tax Extension Agreements (This by-law authorizes the Treasurer to sign tax extension agreements where appropriate, for properties on which tax arrears certificates have been registered.)
- Report dated September 6, 2017 from the General Manager of Corporate Services regarding 2017 Tax Extension Agreements.
- 2017-171Z 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 #PL2016-128 (This by-law rezones the subject property to "R2-2(32)", Low Density Residential Two Special in order to permit a third dwelling unit in an existing duplex dwelling – Christopher Joseph Rantanen, 1197 Martindale Road, Sudbury.)
- 2017-172P A By-Law of the City of Greater Sudbury to Adopt Plan Amendment No. 84 to the Official Plan for the City of Greater Sudbury Planning Committee Resolution #PL2017-51 (The proposed amendment is a site-specific amendment to provide an exception from the policies of Section 21.3.3 of the Official Plan concerning Area-Specific Policies for Whitson Lake - James Muir, Charity Muir and Sean Goodwin – 370 – 405 Fire Road 3, Val Caron.)

*By-Law 2017-168 was dealt with separately.*

- 2017-168 A By-law of the City of Greater Sudbury Regulating Noise (This by-law outlines the regulation of noise within the City of Greater Sudbury.)

Report dated August 30, 2017 from the General Manager of Corporate Services regarding A By-law of the City of Greater Sudbury Regulating Noise.

## **Motion for Deferral**

Councillor McIntosh moved to defer the vote for By-Law 2017-168 to a City Council Meeting at a later date in order for staff to look at Noise By-laws in other municipalities.

### **DEFERRED**

## Recess

At 7:35 p.m. Council recessed.

## Reconvene

At 7:49 p.m. Council reconvened.

## **Northern Water Sports Centre**

Councillor Landry-Altman requested that item R-1, Northern Water Sports Centre provide more information to Council regarding the lease.

The following resolution was presented:

CC2017-284 Landry-Altman/Reynolds: THAT staff be directed to bring the lease for the Northern Water Sports Centre back to City Council for review prior to execution.

## Rules of Procedure

Councillor Landry-Altman requested a simultaneous written recorded vote.

**YEAS:** Councillors Vagnini, Montpellier, Dutrisac, Kirwan, McIntosh, Cormier, Reynolds, Landry-Altman

**NAYS:** Councillors Signoretti, Lapierre, Jakubo, Sizer, Mayor Bigger

**CARRIED**

## **Motions**

### M-1 **Access to Vermilion River**

The following resolution was presented:

WHEREAS a “trespass road” known as Wirtanen Road extends from Lorne Falls Road to the Vermilion River over Lot 10, Concession 3 in the geographic Township of Lorne, Greater Sudbury and,

WHEREAS the “trespass road” crosses two other private properties as well and,

WHEREAS the “trespass road” has been in continuous use to provide access to the Vermilion River and properties on the both sides of the river for more than 100 years and,

WHEREAS users of the access include, property owners on the both sides of Vermilion River, Municipal agencies, Provincial agencies, volunteer public groups and the general public and,

WHEREAS this “trespass road” was constructed and maintained for many years under Provincial Order by the personal labour of the property owners having access to their properties in lieu of property taxes and,

WHEREAS a series of Provincial and Municipal governments have previously and as recently as the Regional Municipality of Sudbury through the previous Corporation of the Town of Walden confirmed in writing and demonstrated jurisdiction for this “trespass road” providing minimal maintenance to the road since inception more than 100 years ago and,

Whereas the City of Greater Sudbury has continued that same level of minimal cost maintenance from amalgamation to the spring of 2016 and,

WHEREAS no documentation has been found to close this “trespass road” as required by statute and,

WHEREAS statutes regarding closure of access to water and waterways prohibit closure of such accesses and,

WHEREAS a new owner of one trespasses property has barred continued access to a portion of the road and demanded compensation from other property owners and,

WHEREAS City staff has chosen not to assert continued jurisdiction over a portion of the access road and,

WHEREAS no motion has been brought before Council to cease jurisdiction of this trespass road and,

WHEREAS no motion has been brought before Council to authorize transfer of jurisdiction to private individuals without compensation and,

WHEREAS abandoning of jurisdiction will results in undue benefit to the property owner and has already comprised the property value of the owners historically being services by the “trespass roads” and,

WHEREAS abandoning of jurisdiction without following due process as required by statute will result in numerous “trespass roads” throughout the City turning neighbours against neighbours and will require either construction of new access to many properties or compensating existing owners of properties for purchase of the existing access ways and,

WHEREAS the site has for many years been a major roe harvesting location for the walleye restocking program and facilitates the harvesting of more than five million eggs or ten percent of the program annually essential to the game fish population and health of numerous lakes in the Sudbury District.

THEREFORE BE IT RESOLVED THAT City staff is hereby directed to continue jurisdiction of this “trespass road” and others that exist throughout the City of Greater Sudbury until due process as required by statute has been adhered to.

BE IT FURTHER RESOLVED THAT maintenance of these “trespass roads” will be done in accordance with established practice.

### **Resolution to Meet in Closed Session**

The following resolution was presented:

CC2017-285 Lapierre/Jakubo: THAT the City of Greater Sudbury moves to Closed Session to deal with one (1) item regarding an acquisition or disposition of land, litigation or potential litigation and solicitor-client privilege matter with respect to an access road to the Vermillion River in accordance with the Muncipal Act, 2001, s. 239(2)(c)(e)(f).

**CARRIED**

### **Recess**

At 8:00 p.m. Council recessed the Open Session.

### **Reconvene**

At 8:02 p.m. Council reconvened in Committee Room C-11 for the Closed Session.

## **Deputy Sizer, In the Chair**

### **Resolution to Proceed past 9:00 p.m.**

Kirwan/Vagnini: THAT this meeting proceeds past the hour of 9:00 p.m.

**CARRIED BY TWO-THIRDS MAJORITY**

### **Recess**

At 9:16 p.m. Council recessed the Closed Session.

### **Reconvene**

At 9:19 p.m. Council reconvened the Open Session

## **His Worship Mayor Bigger, In the Chair**

Councillor Vagnini presented a friendly amendment to remove "and others that exist throughout the City of Greater Sudbury until due process is required by statute has been adhered to" and change "these" to "this".

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

WHEREAS a "trespass road" known as Wirtanen Road extends from Lorne Falls Road to the Vermilion River over Lot 10, Concession 3 in the geographic Township of Lorne, Greater Sudbury and,

WHEREAS the "trespass road" crosses two other private properties as well and,

WHEREAS the "trespass road" has been in continuous use to provide access to the Vermilion River and properties on the both sides of the river for more than 100 years and,

WHEREAS users of the access include, property owners on the both sides of Vermilion River, Municipal agencies, Provincial agencies, volunteer public groups and the general public and,

WHEREAS this "trespass road" was constructed and maintained for many years under Provincial Order by the personal labour of the property owners having access to their properties in lieu of property taxes and,

WHEREAS a series of Provincial and Municipal governments have previously and as recently as the Regional Municipality of Sudbury through the previous Corporation of the Town of Walden confirmed in writing and demonstrated jurisdiction for this "trespass road" providing minimal maintenance to the road since inception more than 100 years ago and,

Whereas the City of Greater Sudbury has continued that same level of minimal cost maintenance from amalgamation to the spring of 2016 and,

WHEREAS no documentation has been found to close this “trespass road” as required by statute and,

WHEREAS statutes regarding closure of access to water and waterways prohibit closure of such accesses and,

WHEREAS a new owner of one trespasses property has barred continued access to a portion of the road and demanded compensation from other property owners and,

WHEREAS City staff has chosen not to assert continued jurisdiction over a portion of the access road and,

WHEREAS no motion has been brought before Council to cease jurisdiction of this trespass road and,

WHEREAS no motion has been brought before Council to authorize transfer of jurisdiction to private individuals without compensation and,

WHEREAS abandoning of jurisdiction will results in undue benefit to the property owner and has already comprised the property value of the owners historically being services by the “trespass roads” and,

WHEREAS abandoning of jurisdiction without following due process as required by statute will result in numerous “trespass roads” throughout the City turning neighbours against neighbours and will require either construction of new access to many properties or compensating existing owners of properties for purchase of the existing access ways and,

WHEREAS the site has for many years been a major roe harvesting location for the walleye restocking program and facilitates the harvesting of more than five million eggs or ten percent of the program annually essential to the game fish population and health of numerous lakes in the Sudbury District.

THEREFORE BE IT RESOLVED THAT City staff is hereby directed to continue jurisdiction of this “trespass road”.

BE IT FURTHER RESOLVED THAT maintenance of this “trespass roads” will be done in accordance with established practice.

#### Rules of Procedure

Councillor Vagnini requested a simultaneous written recorded vote.

**YEAS:** Councillors Vagnini, Montpellier, Reynolds

**NAYS:** Councillors Signoretti, Dutrisac, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Landry-Altman, Mayor Bigger

**DEFEATED**

#### Addendum

The following resolution was presented:

CC2017-286 Kirwan/Vagnini: THAT the City of Greater Sudbury deals with the Addendum to the Agenda at this time.

**CARRIED BY SEVEN VOTES**

**DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

None declared

**MOTIONS**

**Motion for Reconsideration**

The following resolution was presented:

CC2017-287 McIntosh/Jakubo: THAT resolution CC2017-227 and By-law 2017-147 which created the position of an External Advisor to the Audit Committee be reconsidered.

**CARRIED BY TWO-THIRDS MAJORITY**

**BY-LAW**

2017-173 A By-law of the City of Greater Sudbury to Repeal By-law 2017-147 being a By-law of the City of Greater Sudbury to Establish the Position and Duties of the External Advisor to the Audit Committee.

The following resolution was presented:

CC2017-288 McIntosh/Jakubo: THAT the City of Greater Sudbury read and pass By-law 2017-173.

**CARRIED BY TWO-THIRDS MAJORITY**

**Civic Petitions**

No Civic Petitions were submitted.

**Question Period and Announcements**

No Questions were asked.

**Adjournment**

McIntosh/Jakubo: THAT this meeting does now adjourn. Time: 9:46 p.m.

**CARRIED**

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Mayor Bigger, Chair

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Eric Labelle, City Solicitor and Clerk