

Presentations and Delegations

Request for Recommendation Priorities Committee




Type of Decision										
Meeting Date	November 9, 2004				Report Date	November 3, 2004				
Recommendation		Yes	<input checked="" type="checkbox"/>	No		Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only					Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
Private Road, Donnelly Court, Garson

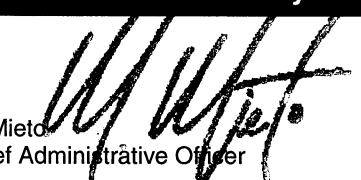
Policy Implications + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
n/a	
<input checked="" type="checkbox"/>	Background attached

Recommendation	
FOR INFORMATION ONLY	
<input type="checkbox"/>	Recommendation attached

Recommended by the General Manager


 D. Bélisle
 General Manager of Public Works

Recommended by the C.A.O.


 M. Mieto
 Chief Administrative Officer

Date: November 3, 2004

Report Authored By



D. Bélsisle
General Manager of Public Works

Division Review

Donnelly court is a 100 metre road that connects to Donnelly Drive, adjacent to the Garson Golf Course. There are three residences serviced by this road. The road was constructed prior to Regional Government in the early 1970's. The complete history of the road, and all of the representations, petitions, minutes of meetings, etc... that have been made to date, are enclosed for Council's review.

To summarize all of this documentation:

- A home was built on a parcel of land along Donnelly Drive in the 1960's. On or about 1970-71, the owner of the land received an offer from Mr. Lloyd Blanched to sever and purchase a portion of this land, subject to the availability of a building permit, as the new parcel of land did not front onto a public road.
- The former Townships of Neelon and Garson apparently issued the building permit (not confirmed by records), with the understanding that a road would be dedicated to the municipality.
- Regional Government came into being in 1973, and the matter of the road dedication was never finalized by the former Town of Nickel Centre.
- On the eve of Amalgamation in 2000, the Council of the Town of Nickel Centre passed a By-law assuming Donnelly Court as a public road, and authorized unbudgeted expenditures to pave the road.
- The Transition Board turned down this By-law, and directed that the issue of assuming private roads be dealt with by the next Council of the City of Greater Sudbury.
- In 2001, the Council of the City of Greater Sudbury adopted Resolution #2001-157, outlining the criteria whereby the new City would assume private roads. Donnelly Court does not meet this criteria.
- Nothing further has transpired since 2001.

Attachments

From: Don Belisle
To: Ted Callaghan
Subject: Donnelly Court

Jim Rule asked me to look into the possibility of having Council reconsider taking over this road "as is". You may recall that Committee of the Whole declined to deal with this road any differently than any others at its meeting of November 13/01. The minutes state: "The Committee defeated a motion by Councillor Callaghan to deal with Donnelly Court separately...". How then can we bring forward new evidence that would move Council to reconsider.

I have reviewed the history and known documentation with our Solicitor. Unfortunately, aside from Mr Blanchard's written submissions of his recollections, there is no evidence that indicates a commitment by the former Townships of Neelon and Garson to take over this road. We can't find any Resolutions or By-laws to that effect, all we have are Mr Blanchard's assertions. If any such evidence could be produced, it might be enough to have Council reconsider. Perhaps Mr Blanchard has some documentation that he can share with us? His original purchase of the property dates back to 1970.

As for the By-law that was passed by Nickel Centre in October 2000, just before amalgamation, it has no legal status, having been turned down by the Transition Board, just as the Board turned down a similar Valley East proposal.

I will await further communication from you, pending your renewed discussions with Mr Blanchard.

Regards, Don Belisle

CC: Jim Rule; Ron Swiddle

**Donnelly Court
Garson**

Letters dated October 30, 2001 were received from Barbara and Lloyd Blanchard, Muriel and Gerry Laferriere, and Laura and Alan Kuzenko regarding Donnelly Court, Garson.

Mr. Lloyd Blanchard, 55 Donnelly Court, addressed the Committee giving a brief history of Donnelly Court. He stated that the street has existed for more than 30 years, has three residences and is 100 metres in length. He explained that the residents of the street have installed and paid for sewer and water, installed their own storm sewer system and street lighting.

He explained that it was the intention of the Township of Neelon-Garson to accept this street in 1972. A survey of the street was completed and parcels are registered at the Registry Office. In 1972 a building permit was issued. That same year the developer passed away and the change to the new municipality allowed the process of registering the road to fall through the cracks and the street was not formally accepted. The former Region of Sudbury continued to issue building permits for two more homes, a garage, a building permit to renovate, as well as granting a severance.

Mr. Blanchard pointed out that the Town of Nickel Centre extensively reviewed the matter and passed a by-law to accept the road allowance. They also approved an expenditure of \$4,500 to pave the street. This expenditure required the approval of the Transition Board.

Mr. Blanchard stated they do not want any improvements or upgrades to the street. They only want the City to assume the street which would make it easier to sell their homes. He stated they do not agree with the staff report that it would cost \$84,000 for the required improvements to Donnelly Court.

He requested the Committee to respect the decision of the former Town of Nickel Centre and assume Donnelly Court.

Cont'd...

DELEGATIONS (Cont'd.)

Donnelly Court
(Cont'd.)

The Committee defeated a motion by Councillor Callaghan to deal with Donnelly Court separately and agreed to hear all the presenters prior to dealing with resolutions on the assumption of private roads.

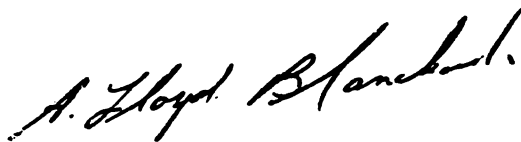
October 30, 2001

Clerks Department
City of Greater Sudbury

Re: Donnelly Court
55, 59 & 65 Donnelly Dr., Garson

We request permission for a representative to make an oral submission to the Planning Committee of the Whole Council of the City of Greater Sudbury on November 13, 2001 at 7:30 p.m.

Barbara and Lloyd Blanchard
Muriel and Gerry Laferriere
Laura and Allan Kuzenko



October 30, 2001

Planning Committee of the Whole Council of the City of Greater Sudbury

Re: Donnelly Court, Garson

Dear Sirs and Madams:

We appeal to you to assume the street of Donnelly Court, servicing residences at 55, 59 and 65 Donnelly Drive, Garson. The street has existed for over 30 years and fits into the neighbourhood and should be legitimized. These are substantial homes that will be here for a long time and the present situation should be resolved.

But the most compelling reason to assume this street is to correct an injustice and support the previous administrations who were derailed in their efforts to complete this transfer. The attached will show that the Town of Neelon-Garson (pre 1972) intended to take over the street, were absorbed by the Town of Nickel Centre, the developer passed away and the item never finalized within their tenure. The Town of Nickel Centre extensively reviewed the matter and were so sympathetic to justice being served that they resolved to not only take over the street, but decided that the \$4500. for paving would come from reserves rather than the residents paying this amount. This triggered the involvement of the transition board.

We urge you to review this thoroughly and are confident that you will bring a just and speedy conclusion to this matter.

Respectfully:

Barbara and Lloyd Blanchard
55 Donnelly Dr.

Muriel and Gerry Laferriere
59 Donnelly Dr.

Laura and Allan Kuzenko
65 Donnelly Dr.

Why you should assume this street:

It was clearly the intention of the Township of Neelon-Garson to accept this street in 1972. Neelon-Garson was amalgamated into the Town of Nickle Centre that year. This intent is confirmed by personal recollection and the facts that:

A survey of the street was completed.

The street parcels are registered at the Registry Office.

A survey was not necessary to transfer the lot - it was done only to define the street.

As an alternative to the street being established, a minor variance would have been required to issue a building permit - none was issued or requested.

There was some urgency in issuing this permit because of a desire to build during the summer and the council had an extended summer recess scheduled.

A building permit was issued.

The existing street is shown on the building permit.

Unfortunately the developer, Mr. Telfer, passed away that year and the change to the new municipality allowed this to fall through the cracks and the street was not formally accepted.

Additional reasons:

The region continued to issue building permits utilizing this street.

(Allowing a severance, building permit for a home and building permit for a garage facing the street, building permit to renovate, additional severance from parcel 1982-1998) They treated it as a street for all intent and purpose.

The municipality was generous in its interest. (sanding, gravel, etc.)

The residents paid for water and sewer, including a manhole and 6 in. line and acquiring an easement.

The residents paid for drainage and street lights.

These homes are substantial therefore the street is not going to disappear.

We have reached a time to conclude this after 30 + years.

The Town of Nickel Centre did an extensive review of this issue and reached a decision to accept this street. Respect that decision.

Donnelly Court, Garson

Planning Committee of the Whole Council of the City of Greater Sudbury

November 13, 2001

Copy

November 1, 2000

Transition Board for the City of Greater Sudbury,
199 Larch Street,
Suite 1102,
Sudbury, Ontario.
P33 5P2

Attention: Mr. Fred Dean,
Solicitor.

At the Council meeting of September 25, 2000, a request was brought forth by three homeowners who reside off of Donnelly Drive. Enclosed you will find a self-explanatory letter that they sent to Mayor and Council.

Since that time the matter has been discussed at two other Council meetings of October 10, 2000, and October 23, 2000. The questions and discussions that emanated from these meetings addressed everything from the history of this area, Town policy then and now and the possible solution.

NOTE

Briefly the finding of the history of the area is that the residents here have already installed their own water line from the main Regional line off of Donnelly Drive. They have also installed their own sewer line and manhole which are connected to the main trunk line owned by the Region. They also have installed their own storm sewer system with five catch basins. Their street lighting system is also adequate. Finally and most notable is the fact that they were granted building permits over a designated right-of-way which in essence is a road that was never turned over to the Town because of the unfortunate death of Mr. Telfer.

When Town policy with regards to road acceptance was discussed, it became apparent that the policy had changed greatly from 1970 to 2000.

Mayor and Council reached what they feel is a fair solution to the problem. Since the residents have already paid for the following

- (A) Water and sewer lines.
- (B) Storm sewer system.
- (C) Street lighting.

(D) Surveys of the right-of-ways.

Then the Town of Nickel Centre should bear the cost of the paving at an estimated cost of \$4,500.00 including taxes and that the residents should further pay for the legal costs of transferring the right-of-ways as outlined on Plan 53R-8634 and Plan 53R-4680.

The residents who attended the Council meeting are in agreement to pay for the legal costs.

The Town of Nickel Centre is willing to pay for the paving of this road however, it is an unbudgeted item. This would also be a new service area for the Town.

It is for this reason that we are asking the Transition Board for permission to take \$4,500.00 out of reserves to pave this road and accept it.

I am hoping that when the Transition Board discusses this that I will be notified so I may be in attendance.

Yours truly,

Jim Sartor,
Project Superintendent.

Encl.

(E)

**Presentation to Transition Board
November 27, 2000**

A recent search of the archives have produced the original building permit for house number 55.

I personally am aware of and the evidence confirms that the Township of Neelon and Garson was committed to taking over the street.

Building permits were issued showing the existing street and without a requirement for a minor variance. (a minimum of 50 feet was required)

Parts were surveyed out of the parcels to establish a street.

The street met the standards in 1972.

My offer to purchase required fulfilment of conditions.

Dave Telfer passed away, Ron Warren (lawyer) moved on and the Township was absorbed.

The current legislative body extensively reviewed this situation and came to a decision not to let this go on in perpetuity and to accept this street under fair and just terms.

We urge you to support their decision.

Resolution #2000-193

Boyd - Dittburner

Be it resolved that the Council of the Corporation of the Town of Nickel Centre approves the event of the Nickel Belt Snow Spirits on Saturday January 20, 2001 to be held at the Falconbridge Community Centre in accordance with Section 4 of By-law No. 93-1 to regulate, govern and prohibit motorized snow vehicles in the Town.

Carried.

UNFINISHED BUSINESS

Item 9

~~Donnelly Drive~~

Garson Right-of-way

Delegation residents were Mr. Lloyd Blanchard, Mr. Gerry Laferriere and Mr. Allan Kuzenko. Documents regarding the matter were distributed.

Letter dated October 19, 2000 from the Project Superintendent regarding Donnelly Drive, Garson right- of-way was received.

The Project Superintendent will obtain estimates of the related costs, correspond with the Transition Board and residents.

With the approval of the mover and seconder, condition #1 was removed.

The following motion was presented:

Resolution #2000-194

Boyd - Dittburner

Be it resolved that Council authorizes the Project Superintendent to approach the affected residents to sign an agreement to provide that the following condition is adhered to:

2. The affected residents pay all legal costs to have the road transferred to the Town of Nickel Centre.

And further that upon completion of the above stipulations the Project Superintendent would then approach Council to pass the appropriate By-law to be submitted to the Transition Board for approval.

Carried.

ACCOUNTS

Council Minutes October 23/2000

Presentation for Town of Nickel Centre – Oct.23, 2000
Re: Donnelly Court

As long time residents of this municipality we are looking for the support, and deserve the support of our local council in a just cause.

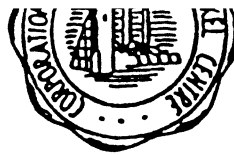
Attached in our letter of June 20, 2000 is a chronology of events.

If the parties had proceeded as intended in 1972 the street would have been maintained over the years, paved when other streets were paved and regularly upgraded.

There is strong evidence that the intent was there to create a street in 1972. As well as a recollection of the council meeting, there was a building permit issued without restriction or minor variance to accommodate the situation. There was a very conscious effort to create the street by defining it on a plan of survey. What other purpose would there be to create these parcels on the plan. Additional building permits issued in 1982+- make reference to these right-of-ways as access. We didn't abuse the system, or break any rules, everyone got a building permit and the authorities were aware of the situation.

When reviewed in depth at council's request by your own personel (Mr. Sartor) the injustice was apparent and his recommendation was to do the right thing and accept this street.

We understand your concerns with a road policy that came into effect in the 1980's but we ask you to correct an historical oversight; to right a wrong in our history.



CORPORATION OF THE TOWN OF NICKEL CENTRE

190 Church Street, Garson, Ontario P3L 1T8
Tel: (705) 693-2771 Fax: (705) 693-2710

October 4, 2000

Mayor John Fera
and
Members of Council

Your Worship and Members of Council:

Re: Donnelly Drive, Garson, Right-Of-Ways

At the Council Meeting of September 25, 2000, some concerned residents from Donnelly Drive made their appeal for the Town of Nickel Centre to accept the right-of-ways off Donnelly Drive. I was asked by Council to investigate further the right-of-ways and my report is as follows.

The enclosed photocopies of the area clearly shows that the right-of-ways are already registered. The only problem is that they were never accepted by the Town of Nickel Centre because of the unfortunate death of Mr. Telfer.

If this was 1970 and the applicants approached Council with their plans of dedicating the road to the Town there would have been no problem. However, today the Town of Nickel Centre has a policy which does not allow us to accept the road unless it is up to Ministry of Transportation standards.

I have been in contact with Mr. Art Potvin from Regional Planning and he explained that the right of ways (road) would have to be accepted by a By-Law. I realize that the Transition Board may not be receptive to the idea of the Town of

NOTE

Nickel Centre ~~accepting~~ the road as it exists however, I feel that this is the right thing to do considering the circumstances.

Currently there is no street name on this right-of-way and the homes are numbered with respect to Donnelly Drive. A simple solution would be to name the road Donnelly Court and no numeric changes would be required.

Therefore the following resolution is brought to Mayor and Council:

"Be it resolved that By-Law Number 2000-38 being a by-law to assume a road allowance be read a first, second and third time and passed in open Council."

Yours truly,



Jim Sartor,
Project Superintendent.

Encl.

June 20, 2000

Town of Nickel Centre
Municipal Building
Church Street
Garson, Ontario

Mayor John Fera and Councillors

Re: Donnelly Drive, Garson

Dear Sirs and Madame;

We the undersigned, residents and taxpayers of Nickel Centre, request the council of the Town of Nickel Centre to resolve a longstanding situation with regard to access to some homes along Donnelly Drive, Garson. Although this has been a manageable, amiable and not a disagreeable arrangement, it is a situation that should not go on in perpetuity.

Following is the chronology of developments.

During the 1960's Dave Telfer built a home on property adjacent to Donnelly Drive. In 1970 - 1971 Lloyd Blanchard offered to purchase property which was adjacent to this house from Dave conditional upon getting a building permit. Dave promised to put in a street and he surveyed the street.

The item was addressed at a council meeting held just prior to the summer recess, during which there were no meetings in July and August. To facilitate construction taking place during the summer, a building permit was issued (by Neelon and Garson) utilizing an easement to accommodate access on a temporary basis. Lloyd Blanchard was of the understanding Mr. Telfer would complete a transfer of the street.

There was no finalizing of this situation because of the unfortunate and untimely passing of Mr. Telfer.

The municipality changed to the Town of Nickel Centre.

Over the years the property of Mr. Telfer was transferred to the new owners of the Cedar Green Golf Course and another home was eventually built.

There were additional changes in ownership.

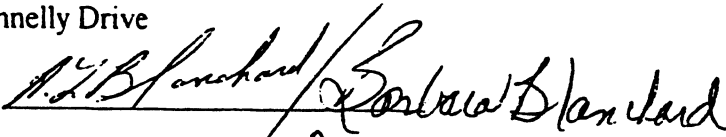
Numbers 55, 59 and 65 all reside on this roadway that has existed for over 30 years.

This situation should be addressed and now is the appropriate time to correct it.

We urge the council to rectify this situation and to accept ownership of this street.

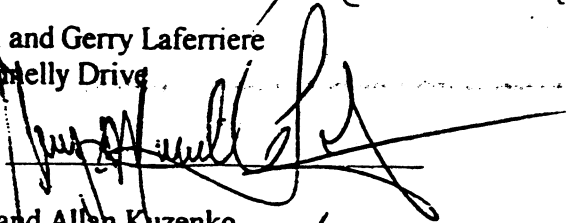
Barbara and Lloyd Blanchard
55 Donnelly Drive

signed



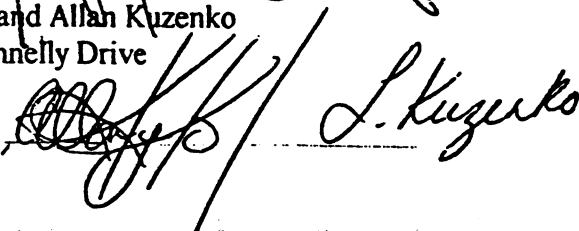
Muriel and Gerry Laferriere
59 Donnelly Drive

signed

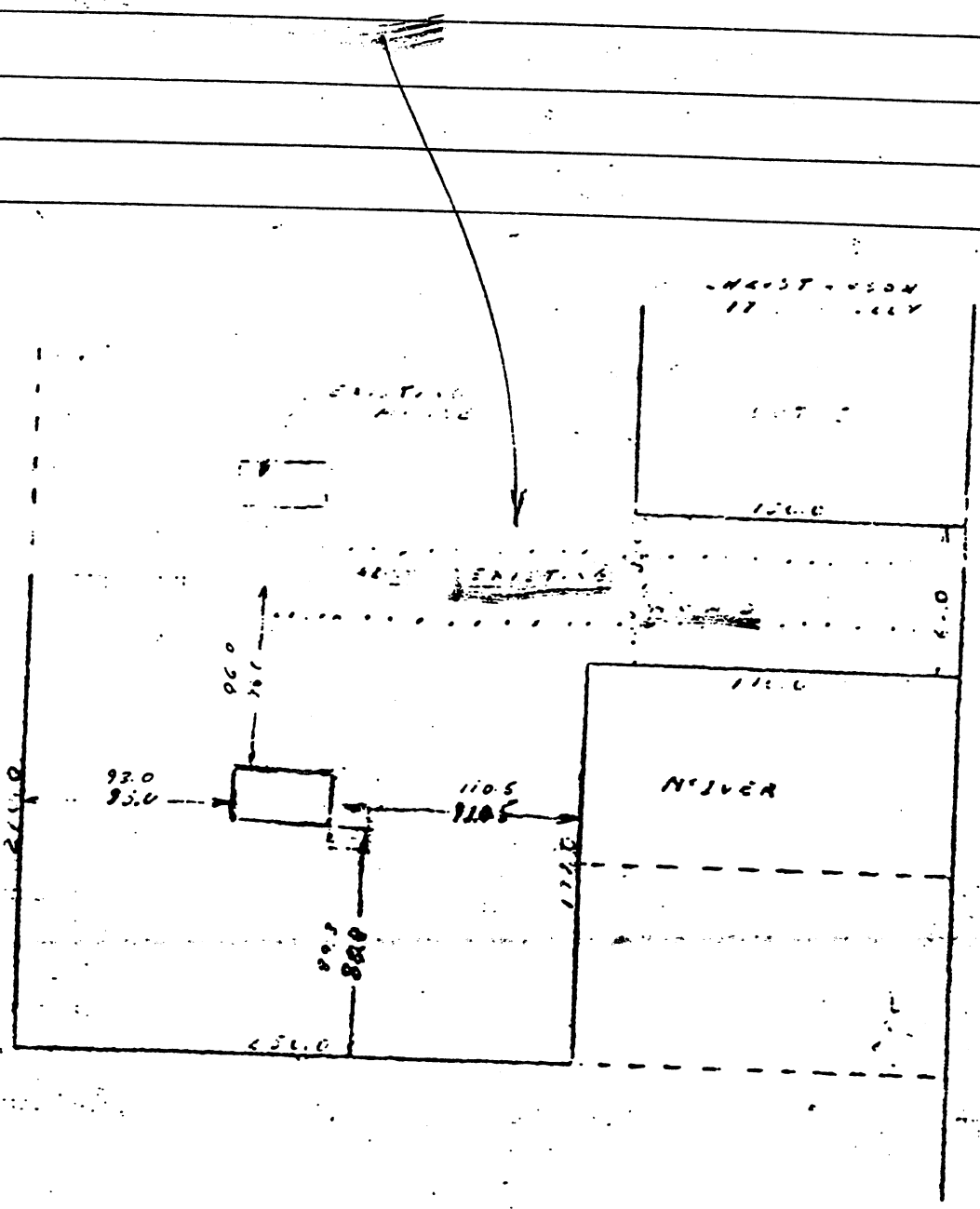


Laura and Allan Kuzenko
65 Donnelly Drive

signed



EXISTING ROAD SHOWN
 ON ORIGINAL BUILDING PERMIT
 TOWNSHIP OF NEELON & GARSON.



17.

BY-LAW NO. 2000-38

**BEING A BY-LAW OF THE CORPORATION OF THE TOWN OF
NICKEL CENTRE TO ACCEPT A ROAD ALLOWANCE**

WHEREAS the Council of The Corporation of the Town of Nickel Centre deems it expedient to accept a 33 foot road allowance over all of Part 11, according to Plan 53R-8634, Lot 4, Registered Plan M-252, Part of Parcel 23718, S.E.S. Township of Garson, now in the Town of Nickel Centre
AND a 33 foot road allowance over all of Part 3 and 4 according to Plan 53R-4680 Lot 4 Registered Plan M-252 Part 4, Parcel 23718 S.E.S..

NOW THEREFORE the Council of the corporation of the Town of Nickel Centre
ENACTS AS FOLLOWS:

1. THAT the Corporation of the Town of Nickel Centre accepts a combined 66 foot road allowance over part of Parcel 23718 S.E.S., Lot 4, Plan M-252, Township of Garson, designated as Part 11 on Plan 53R-8634 and Parts 3 and 4 on Plan 53R-4680 of record in the Office of Land Registry in Sudbury.
2. THAT the said Part 11, Plan 53R-8634 and Parts 3 and 4 on Plan 53R-4680 be assumed as a common and public road.
3. THAT all by-laws at variance with this by-law are hereby rescinded.

READ a first, second and third time and finally passed in open Council this 10th day of
October.

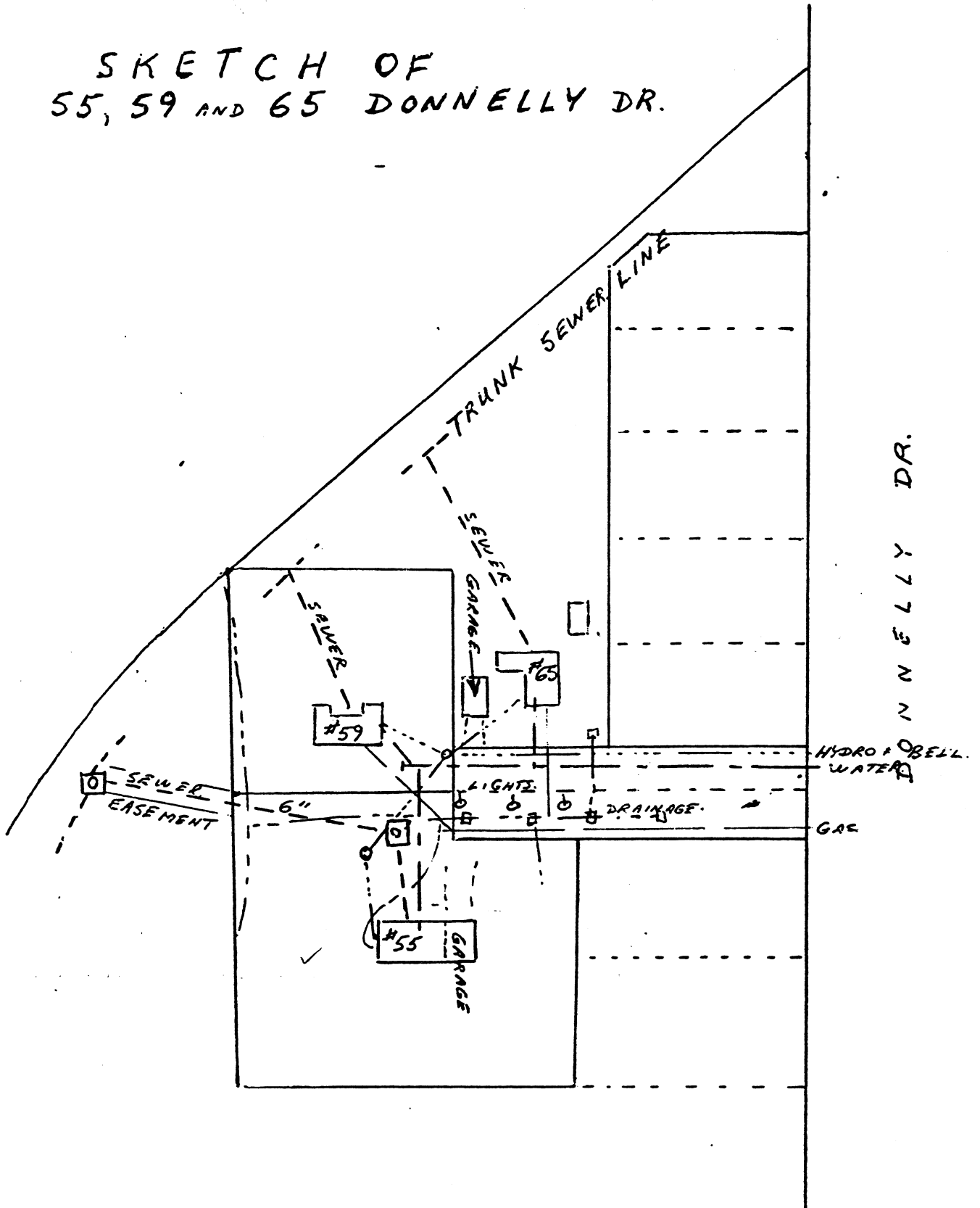
Improvements Re: Donnelly Drive

Three inch water line	(300 x 30)	\$5000.00
Three only - 1 inch lateral water lines	(240 x 20)	\$4800.00
Two only - four inch sewer line	(260 x 30)	\$7800.00
One only manhole		\$3500.00
Six inch sewer line	(182 x 40)	\$7280.00
Four inch sewer line	(81 x 30)	\$2430.00
Purchase of easement		\$3000.00
Survey for easement		\$1200.00
Original survey for road		\$1000.00
Legal fees, registration of easement, committee of adjustment		\$1800.00
Catch basins (5) and drainage lines		\$2400.00
Three street lights	(3 x 1500)	\$4500.00
		\$44710.00

Maintenance		
Three street lights Bulbs and hydro	(250 x 20)	\$5000.00
Gravel and grading	(250 x 30)	\$7500.00
Snowplowing	(350 x 30)	\$10500.00
		\$23000.00

Total \$67710.00

SKETCH OF
55, 59 AND 65 DONNELLY DR.



PRIVATE ROAD EVALUATION

Road Name: Donnelly Court

Township/Location: Garson Township

Continuous with existing road network: Yes

I Properties/Residences:

Seasonal: -	Vacant: -	Percentage Year Round: 100%
Year Round: 3	Other: -	

II Legal Status

Road Allowance:	20m	(Min. 20.0m)
Description:	Part 11, 53R-8634 Part 3, 53R-4680	
Comments:	Requires road allowance for cul-de-sac.	

III Existing Conditions

Terrain Type:	Flat	
Length:	100m	
Average Surface Width (with shoulders):	4m	
Average Granular Depths:	Surface: 50mm Sub-Grade: None	(Min. 150mm. Gran. 'A') (Min. 300mm. Gran. 'B')
Maximum Gradients:	Adequate	(Max. 12%)
Comments:	Should be built to urban standard with curb & gutter and paved road.	

IV Drainage Ditches

Average Depth: None	Both Sides: No
Culverts: No	Outlets: Has shallow storm sewer.
Comments:	Wood stavepipe storm sewer. Requires new storm sewer & catch basins.

V Utilities

Hydro Available: Yes	Street lighting: No
Comments:	Requires street lighting on new cul-de-sac.

VI Estimated cost for required improvements

Roadwork: \$84,000	Drainage: (included with roadwork)
Comments:	There will be additional costs associated with legal survey and street lighting requirements.

Private Roads
City of Greater
Sudbury

Report dated November 6, 2001 was received from the General Manager of Public Works regarding private roads - City of Greater Sudbury.

Fax dated November 9, 2001 from Mr. Frank Pagnucco, 5345 Raft Lake Road, Sudbury regarding Raft Lake Road, was circulated to Members of the Committee at the meeting.

The General Manager of Public Works addressed the Committee and gave a power point presentation on private roads in the City of Greater Sudbury.

He stated that in 2000, the former City of Valley East petition the Transition Board for the City of Greater Sudbury to assume a number of private roads servicing seasonal and permanent dwellings in the Joe Lake and Frenchman Lake areas. The Transition Board heard a similar request from the former Town of Nickel Centre, asking for approval to spend municipal funds to pave Donnelly Court, a short private road off Donnelly Drive.

Cont'd...

CWP Nov. 13/01 16th

- 1 -

A P P R O V E D	
Committee _____	Date _____
Approved _____	Date _____
Except Res. # _____	

DELEGATIONS (Cont'd.)

Private Roads City of Greater Sudbury (Cont'd.) The Transition Board deferred decisions on these two requests to the new Council of the City of Greater Sudbury, and further recommended that all private roads in the new City of Greater Sudbury be reviewed in 2001.

He advised there are 335 kilometres of private roads that have been identified. Since the staff report has been circulated, it has come to their attention that many more private roads are yet to be identified.

To- date, the City of Greater Sudbury has received requests to assume nine private roads. They are as follows:

- 1) North Shore Road - Lake Panache
- 2) Raft Lake Road
- 3) Pine Cone Road, Lake Wahnapiuae
- 4) Donnelly Court (off Donnelly Drive)
- 5) Dill Lake Road
- 6) Joe Lake Road East
- 7) Joe Lake Road West (private portion)
- 8) Frenchman Lake Road South (private portion)
- 9) Bushy Bay Lake Road (Twin Lakes Subdivision - Rathbun Township)

These roads total 19.2 kilometres and would cost \$2.4 million to bring to municipal standards.

Mr. Belisle pointed out that Council did not build nor propagate the private roads. It was largely the benefiting property owners who developed these roads, with the full knowledge that no one would maintain these roads but themselves. Council is under no legal or historical obligation to assume any of these roads. However, he noted that Council is inclined to have some responsibility because these property owners do pay municipal taxes.

He explained there is a process in place today whereby municipalities assume private roads on a regular basis. That is the subdivision process, where a private developer will build a number of new roads on raw land, and then turn them over to the municipality, to be maintained in perpetuity at public expense.

Using the subdivision process as a guide, the criteria recommended for the assumption of private roads includes the following:

- registered survey plan(s)
- "clean" property transfer(s)
- roads are constructed or improved to meet the minimum standards
- the proposed road is continuous with and/or connects to an existing municipal road or Provincial highway
- the road must service year round residential properties. Industrial, commercial, or institutional roads will not be considered, nor will seasonal cottage access roads

Cont'd...

DELEGATIONS (Cont'd.)

- these eligibility criteria will not apply to new private roads developed after January 1, 2001.

All associated work and costs would be the responsibility of petitioning residents.

He stated staff are recommending that private roads can be assumed by the City, provided no upfront capital costs are involved, and that all eligibility criteria is satisfied.

The Committee agreed that the recommendation outlined in the staff report be read following the presentations.

**Donnelly Court
Garson**

Letters dated October 30, 2001 were received from Barbara and Lloyd Blanchard, Muriel and Gerry Laferriere, and Laura and Alan Kuzenko regarding Donnelly Court, Garson.

Mr. Lloyd Blanchard, 55 Donnelly Court, addressed the Committee giving a brief history of Donnelly Court. He stated that the street has existed for more than 30 years, has three residences and is 100 metres in length. He explained that the residents of the street have installed and paid for sewer and water, installed their own storm sewer system and street lighting.

He explained that it was the intention of the Township of Neelon-Garson to accept this street in 1972. A survey of the street was completed and parcels are registered at the Registry Office. In 1972 a building permit was issued. That same year the developer passed away and the change to the new municipality allowed the process of registering the road to fall through the cracks and the street was not formally accepted. The former Region of Sudbury continued to issue building permits for two more homes, a garage, a building permit to renovate, as well as granting a severance.

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He requested the Committee to respect the decision of the former Town of Nickel Centre and assume Donnelly Court.

Cont'd...

DELEGATIONS (Cont'd.)

Donnelly Court (Cont'd.) The Committee defeated a motion by Councillor Callaghan to deal with Donnelly Court separately and agreed to hear all the presenters prior to dealing with resolutions on the assumption of private roads.

Joe Lake Road East and West Frenchman Lake Road South Mr. Emile Mailloux, 1499 Joe Lake Road and Mr. Ray Gauthier, 333 Frenchman Lake Road representing the Frenchman, Hanmer, Joe and Dixon Lakes Ratepayers' Association were present.

Submission on the Review of Private Roads dated November 13, 2001 from the Frenchman, Hanmer, Joe and Dixon Lakes Ratepayers' Association, was circulated to Members of the Committee at the meeting.

Mr. Mailloux addressed the Committee explaining the attached maps in their submission. He stated there are 21 permanent homes and 15 summer cottages on Frenchman Lake. On Joe Lake there are 23 permanent homes and 24 cottages. On Hanmer Lake there are 13 permanent homes and 23 cottages. He pointed out that the residents in these areas have spent approximately \$175,000 to construct and improve these roads.

Mr. Gauthier addressed the Committee giving a brief history of the lands in the area of Joe, Frenchmen and Hanmer Lakes. He explained that in 1968 an application was made by the Township of Capreol and Hanmer to annex the unorganized Township of Wisner. The cottage owners opposed the application. An O.M.B. hearing was held and the Board approved the annexation pointing out that as a result of the Provincial shelter grant the tax burden on the cottagers would not be very serious and if the applicant properly maintained the roads in the area to be annexed they would be very little if any worse off.

He explained that for years the ratepayers tried to convince the former Valley East Council that the roads in question were municipal roads. In 1999 by-laws were passed by the City of Valley East to assume Joe Lake Road East and Dixon Road, Joe Lake Road West and Frenchman Lake Road South. He stated these by-laws recognized the municipality's ownership of the roads as directed in the O.M.B.'s Board Decision in 1968.

He also stated that the staff estimate to bring Joe Lake Road East and West and Frenchman Lake Road South up to standards are very high. He asked that their request be dealt with separately and apart from the other roads being discussed this evening. He stated they are requesting snow removal and grading work for the roads. They realize there are many roads in the City that require work and they are willing to wait their turn. He asked the Committee to support their request.

The Committee Chair advised that it was the consensus of the Committee to hear all presenters prior to a resolution being presented.

Cont'd...

DELEGATIONS (Cont'd.)

Pine Cone Road Letter dated October 30, 2001 was received from Mr. Norm Eady,
MacLennan Chairperson, Pine Cone Road Homeowners Association regarding Pinecone
Township, Skead Road, MacLennan Township, Skead.

Mr. Norm Eady, Chairperson, Pine Cone Road Homeowners Association, addressed the Committee stating that the proposed policy outlined in the staff report seems to be fair. He advised that there are 31 families residing on Pine Cone Road who pay a total of \$50,000 in municipal taxes. They have spent approximately \$100,000 to upgrade the road, as well as spend \$1,500 - \$2,000 a year for grading and plowing of the road. In their opinion, it will cost \$50,000 - \$60,000 to bring the road up to standards and not \$100,000 as outlined in the staff report. He stated they would like the road accepted as is. The road is the required width and there is an existing cul-de-sac. They are requesting consideration be given to the arrangement they had with the former Town of Nickel Centre regarding snowplowing.

The General Manager of Public Works explained that the former Town of Nickel Centre contracted out the plowing and grading for East Bay Road and the same contractor did Pine Cone Road at the same time so that the residents of Pine Cone Road would not have to pay for the call out. He noted the residents of Pine Cone Road paid the bill for the snow plowing.

North Shore Mr. Jack Rivet, 561 North Shore Road, addressed the Committee stating that
Road, Panache he lives approximately 8 km from the Panache Bay Marina. He explained
Lake, Whitefish that 5.5 km of the road are maintained by the City and 2.5 km are maintained by the land owners. He advised that they have constructed ditches, installed culverts and have put gravel on the road. He pointed out that considering the amount of tax dollars paid by the property owners, they receive no services. He stated that they need snow removal. It cost approximately \$1,000 a year to plow the road.

Bushy Bay Road Mr. Bob McGregor, Westhill, Ontario, addressed the Committee regarding
Rathbun Twp. Bushy Bay Road. He stated that there are approximately 76 units established in the area. He pointed out that they went through the complete subdivision process. He also noted that since the amalgamation their taxes have gone from approximately \$2,400 to a total of \$24,000 a year. He explained that this is a Ministry of Natural Resources access road. He advised that the MNR have indicated in writing that they would consider upgrading the road as a potential project under the MNR capital fund providing that they receive assurances that all future maintenance would be assumed by either the Local Roads Board or the Municipality. Mr. McGregor requested the Committee to consider the assumption of this road.

Mr. Mike Mirka, 729 Griffith Street, Sudbury, addressed the Committee as a member of the Raft Lake Ratepayers' Association. Mr. Mirka pointed out that he recently applied for a building permit and could only obtain a permit for a seasonal dwelling because of the private road status. With respect to taxes he requested Council to consider changing their tax rate if the road is not assumed by the City.

Cont'd...

DELEGATIONS (Cont'd)

Bushy Bay Road The General Manager of Public Works advised that roads cannot be area
Rathbun Twp. rated because of legislation.
(Cont'd)

Private Roads The following resolution was presented:
City of Greater
Sudbury Bradley-McIntaggart: That Council adopt the criteria and process for the
assumption of private roads as outlined in the report of the General Manager
of Public Works dated November 6, 2001.

The following amendment to the above-noted motion was presented:

2001-156 Gainer-Bradley: That the eligibility criteria be amended by deleting
from bullet #5 of the staff report, the following words: "year round" and "nor
will seasonal cottage access roads."

CARRIED

The main motion as amended was presented:

2001-157 Bradley-McIntaggart: That Council adopt the criteria and process
for the assumption of private roads as outlined in the report of the General
Manager of Public Works dated November 6, 2001, and

That the eligibility criteria be amended by deleting from bullet #5 of the staff
report, the following words: "year around" and "nor will seasonal cottage
access roads."

YEAS

Bradley
Callaghan
Davey
Dupuis
Gainer
Lalonde
McIntaggart
Petryna
Kilgour

NAYS

CARRIED

Bullet #5 of the staff report would read as follows: "The road must service
residential properties. Industrial, commercial or institutional roads will not be
considered."

The Committee requested information on a communications plan concerning
this matter. The Chief Administrative Officer indicated he would discuss this
matter with the Communications Officer and the General Manager of Public
Works.

Request for Recommendation Priorities Committee



Type of Decision										
Meeting Date	November 9, 2004				Report Date	November 4, 2004				
Recommendation	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low	
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed	

Report Title

Final Report of the Community Halls Solutions Team

Policy Implications + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified

Policy Implications:
Though this report appears for information only, the Community Halls Solutions Team's preferred option recommends the hiring on one contract employee.

Budget Implications:
A budget option will be prepared for inclusion in the 2005 Budget package.

Background attached

Recommendation

That the Report of the Community Halls Solutions Team be received with the thanks and appreciation of Council;

AND THAT staff be directed to prepare a budget option to implement option two, as recommended by the Community Halls Solutions Team and that the budget option be included in the 2005 Budget package for Council's consideration.

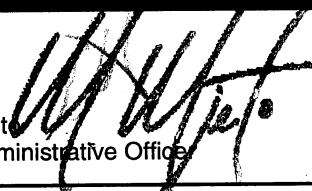
Recommendation attached

Recommended by the General Manager

N/A

Recommended by the C.A.O.

Mark Mietz
Chief Administrative Officer



Report Authored By

Division Review

BACKGROUND

This is the Final Report of the Community Halls Solutions Team, the members of which are:

Chris Sheridan
Dan Lee
Rick LeBouthillier
Maureen Blanchard
Karen Makela

CITY OF GREATER SUDBURY

“COMMUNITY HALLS USAGE”

SOLUTIONS TEAM

Dan Lee, Citizen, Co-Chair
Chris Sheridan, Citizen, Co-Chair
Maureen Blanchard, City Staff
Richard Lebouthillier, City Staff
Karen Makela, City Staff

November, 2004

Executive Summary

Community Halls Usage

1 Mission Statement:

The community hall usage Solutions Team is a collaborative cross functional partnership involving CGS staff employees Karen Makela - Community Development Officer, Maureen Blanchard-clerical support staff, Richard LeBouthillier - Asst. Mgr. Municipal Arenas & Community Centres, and concerned citizens Dan Lee - retired OPP officer, and Chris Sheridan- businessman, volunteer. All members collectively worked together to examine numerous issues and concerns regarding current usage of City's Community Halls.

2. Goals:

- 2.1 to provide advise, information, and recommendations to Council on Community Halls public usage.
- 2.2 To identify the primary purpose of municipally owned community halls
- 2.3 To identify how we can simplify community access to community halls
- 2.4 To identify how revenue opportunities should be balanced against municipal support for families, community groups and organizations, giving consideration to such issues of revenue generation, community leisure programs, insurance requirements, recovery of costs, etc.
- 2.5 To identify how community halls can be marketed and packaged to appeal to a variety of community functions which range from weddings, team dances, to sports tournaments.
- 2.6 To identify what services should be offered at Community Halls in support of community functions, including such items as event planning, catering, provision of tableware, linens, etc.

3. Process:

From our initial meeting in May, 2004, the intent of our committee was to seek as much community input as possible, determine and approach similar sized communities in regards to their established practices.

This was accomplished through circulation of questionnaires, newspaper advertisements, meeting with special interest groups, hosting of a public meeting for community groups and individuals to present their concerns and ideas. Discussing process with previous users of the facilities and accessing their perspective of the process.

Several other municipalities with similar demographics were approached and some provided us with their policy and guidelines used for community hall rentals. It was noted that other communities viewed community halls as a service rather than a money maker and did not have a no-risk exposure policy in place.

The committee met on several occasions to review progress, to re-define & develop action process plan and to begin the compilation of the data needed for our report to council.

4. Observations:

From the information provided by staff and our field review of the (15) fifteen existing community halls and their current usage, it became quite apparent that the majority (14) fourteen of adequate sized community halls were situated in the outlying communities and the city core had only (1) one hall at McClelland Arena in Copper Cliff. We found that most halls were attached to an arena and were built at the same time as the arena and mostly likely with Wintario government assistance. This helped us begin to understand the role and importance that the community hall played into the support of localized activities and for the development of community spirit within the rural community setting. For most communities, these halls were the only facility that could accommodate large numbers of people, whereas in the City of Sudbury, they had numerous hotels and independent halls that were competing for the business. Prior to amalgamation, many citizen organized and held community focussed events, weddings, sports tournaments at these facilities because they found them to be convenient, affordable, accommodating, and local.

From the information provided by staff, we found that the current fee schedule for each hall was grand fathered from pre-amalgamation days. The rates were not consistent and equitable as their were so many different conditions and additional charge out fees applicable to each hall rental application, especially for host liquor events. Some of the City staff were confused with the (2) two page, (138 item), rate scheduler and because of the extensive rate schedule, staff did not always charge the appropriate fee to the group for the function.

We found that little promotional effort or facility marketing has been done. Little effort to attract new revenue sources for CGS facilities. Potential clients could not obtain information from other sources without calling in and being directed to CSC locations. Lost opportunities to aggressively market facilities was evident with amount of rental time available.

With our recent amalgamation, it appears that our community hall usage has decreased to less than 14 % of total available hours and generated revenue cost recovery has dipped as well. Unfortunately, financial data was not readily available to us for pre-2003 era and some facilities did not have accurate records on operational costs as they share services with the arena. From the Class reporting system, the highest user of the facility appears to be seniors and Leisure Services offering community programs. Over 50% of hall rentals were free.

Over the last few years, some of the benefits of having a viable operating community hall became less important and with changes in rental procedures, more requirements for liability insurance for spirits events, added restriction from Health Unit on food preparation, the need for smart serve servers, the halls became less attractive and staff was not as accommodating as before. Leisure services support staff who assisted with hall bookings but mainly looked after co-ordination of special functions disappeared when transition team implemented the current governance model. This extreme measure caused an unfortunate trend that resulted in a significant decline of usage by the general public due to City's lack of knowledge about facility rental process , re-established priorities, and City's inability to market facilities.

The loss of community spirit and events became evident and can be attributed to several factors including:

1. fees are too costly and confusing
2. public frustrated with process to book a facility for a host liquor event.
3. current city policy and procedures deter potential users from booking- no assumption of risk by city.
4. level of service has diminished while rates have increased 4% annually
5. deteriorating facilities and amenities due to budget cutbacks

In the matter of hall rentals for special functions, it became necessary for the city staff (field supervisor) to meet on at least a minimum of three (3) occasions or more with the potential lessee. This would involve at least 6-8 hours of his/her time that could have been directed or of more benefit to the operation of the facilities. Less confusion and less frustration, and an improved corporate image would be realized if the responsibility for meeting and working out details with lessee was directed to a co-ordinator type person assigned with that responsibility or with a qualified outside contact such as a caterer or function planner. This could greatly reduce citizen complaints and hence, improve corporate image.

5. Role of Community Halls:

From our public forum and discussions with community minded rural people, we were continually reminded about the role of their community centre and what it meant to them during their years of growth. And today, they inquire as to what we should be doing to improve the access to their community hall facility. We concur with most of their comments and feel that community halls in rural settings have played a very vital role in nurturing the strength and sustainable spirit within their community. Up till amalgamation, Community halls served their small communities well, and directly assisted in developing a strong and healthy community where there is equality of access to affordable facilities and services. Community halls provide a strategic support for the good work of community groups and volunteers. Today, we find that halls are becoming stagnant and not fulfilling the role of being a spirit generator.

We hope, in future, that one of the City staff's priorities will be to continue working to preserve an equality of access to affordable facilities and to offer services and support for the work of community. Community Spirit is a very important component in sustaining a strong and vibrant society. Community Halls must continue to be viewed as a community focal point that allows local citizens to celebrate and recognize diverse activities that benefit a large cross section of their community. City should define corporate policy on volunteer support and to what extent.

1. Action Process:

Our first step in the process was to develop a list of all of the halls, their capacity, cost, and location. From that list, we reviewed the data and determined that there was a need for a more simplified booking rate schedule that would bring a continuity to the rates applicable.

To simplify rental costs, we categorized all of the halls into either a class 1, class 2, class 3, or class 4 position and then, a rate schedule was developed for each class showing various costs for weekday or weekend events, and whether they were a non-profit, public, minor sport group. The new rate schedule listed 68 items, a decrease of almost 50% from previous rate schedule.

We bench tested the proposed rates with a few of the user groups and found that the response was favourable to the rate plan as suggested.

Suggestions:

How Access can be simplified:

- * Hire one Leisure Service staff person to be responsible for co-ordination of rental after initial booking by CSC clerks. Appendix 'C'
- Council should adopt our proposed rental rate schedule as shown in. Appendix 'D' and implement new rates in 2006.
- * For private non alcohol rentals for a meeting, funeral wake, etc., lessee should not be encumbered with having to purchase additional liability insurance as is presently required.
- City should undertake a review of current practices of renting out large halls for small gatherings or offered leisure programs while not utilizing current joint use agreements. Relocating to other smaller facilities may reduce maintenance cost.
- Streamline booking process (Appendix 'E')

How Revenue Opportunities can be balanced:

- City should develop an RFP package and invite tenders from pre-qualified caterers to handle and operate the community hall for special functions such as weddings, stag & does, retirements, anniversaries, hockey tournaments, etc.. Onus for additional insurance would be responsibility of caterer, party arrangements would be handled by caterer thus relieving non productive time for city staff, caterer would assist with set up and take down, caterer would provide city with a stipend per plate and a credit to hall lessee could be offered that would help offset facility cost.
- City should develop a cost recovery plan with a modest annual usage increase to help offset operational costs in a reasonable and equitable fashion. (Appendix 'F')
- City should provide authority to an approved CGS rep to wave or reduce hall rental fee providing that an accredited community group is hosting an event intended to solely benefit the community. (Appendix 'G')
- City should define a corporate policy on volunteer support

How Halls can be Marketed

- City should undertake a planned retrofit program to make city owned halls more friendly, comfortable, and accommodating. Task simply accomplished by painting walls, changing damaged ceiling tiles, installing bathroom accessories, adding new drapery are minimal cost items that could contribute to creating a more user friendly atmosphere.

How Halls can be Marketed cont'd:

- City should be utilizing established mediums such as CGS web site, leisure guide, community bulletin boards, water bill or tax bill, message on hold phone ads, etc. for promotion of hall rentals. Also, City should place a small ad in yellow pages under "Halls & Auditoriums" listing showing a centralized phone number. Should list halls in municipal blue pages of phone book under "Community Halls." Continue utilizing CCS Customer Service Centres for initial contact. With new rates, city should place an ad in newspaper to announce "open for business" launch.

What Services should be offered

- City should review current CGS Municipal Alcohol policy and consider allowing any product sold thru LCBO as being an acceptable product that can be sold at special function events held in city owned halls.
- Tables and chairs to supply the hall capacity
- Kitchens should be fully equipped and maintained
- Bar facilities should be fully equipped
- Adequate and functioning P.A. System
- Podium
- Coat Racks & hangers
- Event set up / take down provided by either the City or catering staff

7. Cost Recovery Plan:

By creating a reasonable uniform rental rate schedule for the various class and size of halls, it is our intention to provide every community citizen with an equal opportunity to rent a community hall at a reasonable and affordable cost. Ultimately, this will eliminate the spiral decline of hall rentals and begin to see a return to more usage and ultimately realize increased revenue from more hall rentals. This would assist to bring the cost recovery percentages back in line with what other municipalities realize. With the new rate schedule, we predict:

Year 2005 - hall usage will remain at 2003 level.

Year 2006 - hall usage will increase by 15 %

Year 2007 - hall usage will increase by 25 %

Sample of projected revenue for a few selected halls is attached

8. Options:

- 8.01 - Leave as is - continue to see a decline in hall usage.
- 8.02 - Enhanced service improvements- consolidate and harmonize rental fees, market hall facilities thru various mediums of media, phone book advertising, pamphlets, trade shows, bill boards
Create a new city staff contract position to co-ordinate bookings, liaise with clients, and staff, control costs for hall rentals, collect money for rentals.
Develop a RFP inviting qualified caterers to tender for the rights to host functions and provide food services in the facilities. Caterer would provide food and bartending services if and when required. Agreement would still allow qualified and responsible community groups with access to kitchen, however, under supervision of caterer. Initiate in 2005 budget reviews, implement in 2006.
- 8.03 - Privatization - lease out facilities to private group and draw monthly rental revenue only. Limited input into operation and service provision of facility. Certain decline in volunteer hosted activities and decrease in community spirit.

9. Recommendation:

After careful deliberation, the Community Hall Usage Committee recommends City Council consider adopting

Option 8. 02

And further, we recommend that:

- A review of performance of new rate schedule take place at end of year 2007.
- A complete review of CGS current no risk policy should be undertaken so as to ultimately improve all rental opportunities for facilities.
- A review of current rate schedule for existing outdoor educational facilities such as Camp Sudaca, Camp Wassakwa, and several large playground field houses that could be rented out for specific events. Found prices vary per location and should be reviewed and re-established for uniformity.