
FOR THE **REGULAR MEETING OF CITY COUNCIL**
TO BE HELD ON **THURSDAY, JUNE 10, 2004 AT 7:00 P.M.**
IN THE **COUNCIL CHAMBER, TOM DAVIES SQUARE**

MAYOR DAVID COURTEMANCHE, CHAIR

- 6:15 P.M. COMMITTEE OF THE WHOLE - "IN CAMERA"**
COMMITTEE ROOM C-11, TOM DAVIES SQUARE
To deal with: Personnel Matters
- 7:00 P.M. REGULAR COUNCIL MEETING**
COUNCIL CHAMBER, TOM DAVIES SQUARE

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

The Council Chamber of Tom Davies Square is wheelchair accessible. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. Persons requiring assistance are requested to contact the City Clerk's Office at least 24 hours in advance of the meeting if special arrangements are required. Please call (705) 671-2489, extension 2475. Telecommunications Device for the Deaf (TTY) (705) 688-3919. Copies of Agendas can be viewed on the City's web site at www.greatersudbury.ca.

1. Moment of Silent Reflection
2. Roll Call
3. Declarations of Pecuniary Interest

PUBLIC HEARINGS

{NONE}

PRESENTATIONS/DELEGATIONS

{NONE}

MATTERS ARISING FROM THE "IN CAMERA" SESSION

At this point in the meeting, the Chair, Deputy Mayor Dupuis, will rise and report any matters discussed during the "In Camera" session. Council will then consider any resolutions or by-laws.

MATTERS ARISING FROM THE PRIORITIES COMMITTEE: 2004-06-09

At this point in the meeting, the Chair of the Priorities Committee, Councillor Kett, will bring forward any matter requiring Council approval.

MATTERS ARISING FROM THE PLANNING COMMITTEE: 2004-06-01

At this point in the meeting, the Chair of the Planning Committee, Councillor Thompson, will bring forward any matter requiring Council approval.

PART I - CONSENT AGENDA

**(RESOLUTION PREPARED adopting resolutions for
Items C-1 to C-14 contained in the 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.)

MINUTES

- C-1 Report No. 12, City Council, Minutes of 2004-05-27.
(RESOLUTION PREPARED - MINUTES ADOPTED) **M1 - M18**

- C-2 Report No. 11, Planning Committee, Minutes of 2004-06-01.
(RESOLUTION PREPARED - MINUTES ADOPTED) **M19 - M31**

- C-3 Report No. 10, Priorities Committee, Minutes of 2004-06-09.
(RESOLUTION PREPARED - MINUTES ADOPTED)(MINUTES TABLED)

PART I - CONSENT AGENDA (continued)

<u>MINUTES (continued)</u>	<u>PAGE NO.</u>
C-4 Report of the Nickel District Conservation Authority, Minutes of 2004-05-19. (RESOLUTION PREPARED - MINUTES RECEIVED)	M32 - M35
C-5 Report of the Tender Opening Committee, Minutes of 2004-05-25. (RESOLUTION PREPARED - MINUTES RECEIVED)	M36
C-6 Report of the Tender Opening Committee, Minutes of 2004-06-01. (RESOLUTION PREPARED - MINUTES RECEIVED)	M37 - M38
C-7 Report No. 5, Sudbury & District Board of Health, Minutes of 2004-05-20. (RESOLUTION PREPARED - MINUTES RECEIVED)	M39 - M48
C-8 Report No. 3, City of Greater Sudbury Public Library Board, Minutes of 2004-04-22. (RESOLUTION PREPARED - MINUTES RECEIVED)	M49 - M51
C-9 Report of the Greater Sudbury Police Services Board, Minutes of 2004-04-19. (RESOLUTION PREPARED - MINUTES RECEIVED)	M52 - M55
C-10 Report of the Greater Sudbury Housing Corporation, Minutes of 2004-04-27. (RESOLUTION PREPARED - MINUTES RECEIVED)	M56 - M65
C-11 Report of the Accessibility Advisory Committee, Minutes of 2004-06-01. (RESOLUTION PREPARED - MINUTES RECEIVED)	M66 - M71

TENDERS

C-12 Report dated 2004-06-02 from the General Manager of Corporate Services regarding Replacement of Central Laser Printing/Copier Systems. (RESOLUTION PREPARED)	1 - 2
(As part of the 2004 Capital Budget, Council approved funding for the replacement of the DP65 and 1090 printing systems. It is recommended that a Xerox DP120 central laser printing system from Xerox Canada be purchased at a cost of \$144,000.)	
C-13 Report dated 2004-06-02 from the General Manager of Corporate Services recommends that Bell Canada be the Vendor for the Supply of Local and Long Distance Phone Services for the City of Greater Sudbury and Greater Sudbury Police Services. (RESOLUTION PREPARED)	3 - 4

PART I - CONSENT AGENDA (continued)

ROUTINE MANAGEMENT REPORTS

PAGE NO.

- C-14 Report dated 2004-06-02, with attachments, from the General Manager of Public Works regarding Recommendations from the Technical Steering Committee - May 2004. **5 - 11**
(RESOLUTION PREPARED)

(The Technical Steering Committee (TSC) for the Waste Optimization Study met on May 19, 2004 to review the balance of items that were either referred or deferred to them by Council.)

TELEPHONE POLLS

- C-15 Report dated 2004-06-04, with attachments, from the General Manager of Corporate Services regarding Telephone Poll - Contract 2003-20 - Bancroft Drive Reconstruction. **12 - 16**

(At the Council meeting of 2004-05-27, Council directed the General Manager of Public Works to ascertain what the additional cost would be for the Contractor - TeraNorth Construction and Engineering Ltd., responsible for Contract 2003-20, to work on Sundays, in order to complete the construction works ahead of schedule. This motion failed to receive the required majority and as a result will be recorded in the Minutes as "Defeated".)

BY-LAWS

THE FOLLOWING BY-LAW APPEARS FOR A THIRD AND FINAL READING:

- 2004-138 3RD A BY-LAW OF THE CITY OF GREATER SUDBURY
TO CLOSE PARCEL 24113 SUDBURY EAST
SECTION

Planning Committee Recommendation 2003-23

(In 2003 the Council declared surplus and authorized the sale of the water tower at 560 Falconbridge Road. The entranceway to this property was taken by the former City of Sudbury as a public road, and thus needs to be closed before the property can be disposed of. This By-law has been advertised as required and no comments were received.)

THE FOLLOWING BY-LAWS APPEAR FOR THREE READINGS:

- 2004-158A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO CONFIRM THE PROCEEDING OF COUNCIL AT
ITS MEETING OF JUNE 10, 2004

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

2004-159Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 83-300, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF ONAPING FALLS AND FORMER CITY OF VALLEY EAST

Planning Committee Recommendation 2004-33

(This by-law rezones the subject property to Seasonal Residential to permit the creation of three lots for seasonal residential use. The three proposed lots were given conditional approval by the City Consent Official on January 12, 2004, under Consent Applications B142/2003 to B144/2003, subject to the lots being rezoned for seasonal residential use. - Denis Lambert, Vermillion River, Township of Dowling.)

2004-160 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO REGULATE OPEN AIR BURNING

Report dated 2004-06-04 from the General Manager of Emergency Services regarding To Regulate Open Air Burning within the City of Greater Sudbury.

17 - 18

(To prescribe the procedures and the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.)

2004-161 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2003-2 TO ESTABLISH NOTIFICATION PROCEDURES TO THE PUBLIC ON MATTERS UNDER THE *MUNICIPAL ACT, 2001*

(This By-law amends the Notification By-law to establish a procedure to notify the public for fee increases as required by the Municipal Act, 2001. The notice is similar to other notice provisions existing in the By-law.)

2004-162 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE A GRANT TO SCIENCE NORTH FOR FIREWORKS

Council Resolution 2004- 272

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

2004-163 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2003-295 TO DELEGATE SPECIFIC AUTHORITY TO CITY OFFICIALS TO CARRY ON CERTAIN MATTERS ON BEHALF OF THE CITY OF GREATER SUDBURY

(This By-law authorizes the City Treasurer to execute minor amendments to the agreements for various banking services, and authorizes the Property Negotiator/Appraiser to execute various ancillary documents required to complete real estate transactions.)

2004-164 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND PROCEDURE BY-LAW 2002-202

Council Resolution 2004-278 Multi-year budgeting

(Notice of this By-law was given and no comments were received. This By-law must be passed before Council can deal with Managers' Report Item R-6 - Appointment of Chair, Finance Committee.)

2004-165P 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT AMENDMENT NUMBER 237 OF THE OFFICIAL PLAN FOR THE SUDBURY PLANNING AREA

Planning Committee Recommendation 2004-126

(Colleen Frost, 2962 Vern Drive, Blezard Valley)

2004-166F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2004-150F, A BY-LAW TO ESTABLISH MISCELLANEOUS USER FEES FOR CERTAIN SERVICES PROVIDED BY THE CITY OF GREATER SUDBURY

Report dated 2004-06-02 from the General Manager of Citizen & Leisure Services regarding Citizen and Leisure Services User Fees.

(This by-law updates a number of user fees to reflect increased costs of provision of that particular service.)

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PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

2004-167F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE PAYMENT OF GRANTS TO THE CANADIAN MENTAL HEALTH ASSOCIATION, THE SALVATION ARMY AND L'ASSOCIATION DES JEUNES DE LA RUE

(This By-law authorizes various grants approved by Council as part of the budget process.)

2004-168A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE A PURCHASE OF SERVICE AGREEMENT WITH DOCTOR B. NOEL DE TILLY

(This By-law authorizes an agreement to retain Dr. B. Noel de Tilly to provide a family medicine practice in the turnkey medical offices at 44 First Avenue, in Coniston.)

2004-169P 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT OFFICIAL PLAN AMENDMENT NUMBER 238 FOR THE SUDBURY PLANNING AREA

Planning Committee Recommendation 2004-123

(Sudbury Regional Credit Union Limited, 205 Douglas Street, Sudbury.)

2004-170 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES ON CERTAIN HIGHWAYS FOR A TEMPORARY PERIOD

Priorities Committee 2004-06-09

2004-171 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN APPLICATION FOR APPROVAL TO EXPROPRIATE PARCEL 19338 SUDBURY EAST SECTION FROM LE CONSEIL SCOLAIRE CATHOLIQUE DU NOUVEL-ONTARIO

Planning Committee Recommendation 2004-118

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

2004-172 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT MUNICIPAL LAW ENFORCEMENT OFFICERS TO ENFORCE THE PRIVATE PROPERTY AND DISABLED PARKING SECTIONS OF BY-LAW 2001-1 AND FIRE ROUTE BY-LAW 2003-30T

(This By-law updates the list of enforcement officers.)

2004-173 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PARCEL 53486 S.E.S., BEING PART 17 ON PLAN 53R-16329 TO NOR-TECH POWER & CONTROLS

Planning Committee Recommendation 2004-119

2004-174Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 95-500Z, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER CITY OF SUDBURY

Planning Recommendation 2004-210

(This by-law does not change the zoning of the subject property. This by-law permits the use of the subject property for the parking of taxi cabs for a maximum temporary period of three years. - Serbian Church of St. Peter and Paul, Bloor Street, Sudbury)

CORRESPONDENCE FOR INFORMATION ONLY

{NONE}

PART II - REGULAR AGENDA

REFERRED AND DEFERRED MATTERS

R-1 **The following motion was presented by Councillor Kett:**

WHEREAS all Ontario municipal employees are contributors to the OMERS Pension Fund, and rely on this fund to finance their retirement;

AND WHEREAS Ontario municipalities have a duty and responsibility to speak out when they have concerns over Board oversight and investment practices by the Board and management of OMERS;

PART II - REGULAR AGENDA (continued)

REFERRED AND DEFERRED MATTERS (continued)

PAGE NO.

R-1 **The following motion was presented by Councillor Kett (continued):**

AND WHEREAS the Toronto *Globe & Mail* in a series of newspaper articles has raised serious questions and concerns regarding the investment and management practices of OMERS;

AND WHEREAS the OMERS (Ontario Municipal Employee Retirement System) outsourcing deal with Borealis Capital Corporation, involving nearly one third of its assets, has become an expensive and unnecessary escapade and has cost the plan almost \$100,000,000 in the past 12 months alone, in management fees and buyouts;

AND WHEREAS this deal ended up enriching a few investors and managers at the expense of 340,000 active and retired workers who are members of (OMERS);

AND WHEREAS the Toronto *Globe and Mail* in a newspaper article dated Monday, May 3, 2004 stated: "That the entire management of \$9-billion in assets was transferred to a third-party without board approval raises questions about the oversight of the pension fund, some sources say";

AND WHEREAS it is questionable that a large pension plan such as OMERS would benefit by paying to have its own assets managed by someone else;

AND WHEREAS there are also concerns that three new companies created by OMERS -- Borealis Infrastructure Corp., Oxford Properties Group, and OMERS' private equity group -- will run into the same problems that plagued the pension fund when it set up OMERS Realty Corp. in 1990 as a separate business;

AND WHEREAS Section 2 of the Public Inquiries Act provides that: "Whenever the Lieutenant Governor in Council considers it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein or that the Lieutenant Governor in Council declares to be a matter of public concern and the inquiry is not regulated by any special law, the Lieutenant Governor in Council may, by commission, appoint one or more persons to conduct the inquiry."

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury hereby petitions the Province of Ontario to establish a Commission under the *Public Inquiries Act* (R.S.O. 1990, Chapter P.41) into the pension fund investment practices of OMERS, specifically the handling of the Borealis arrangement and that the mandate of the Commission include recommendations on ways to make the pension fund more accountable to its members and the taxpayer;

PART II - REGULAR AGENDA (continued)

REFERRED AND DEFERRED MATTERS (continued)

PAGE NO.

R-1 The following motion was presented by Councillor Kett (continued):

AND FURTHER THAT copies of this motion be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable John Gerretsen, Minister of Municipal Affairs and Housing and Minister responsible for the administration of the *Ontario Municipal Employees Retirement System Act*, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, Ms. Shelly Martel, M.P.P. (Nickel Belt), Mr. Frederick Biro, Chair, Board of Directors of OMERS, Mr. Colin McNairn, Chair, Financial Services Commission of Ontario, the Municipal Retirees Organization Ontario;

AND FURTHER THAT this motion be forwarded to the Federation of Northern Ontario Municipalities (FONOM) and the Association of Municipalities of Ontario (AMO) for endorsement.

R-2 Recommendation 2004-108, Planning Committee meeting 2004-05-18:

That the application by OCL Custom Crushing & Quarrying Ltd. to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by changing the zoning classification of Parcel 51141 SES, being Part 1, Plan 53R-15615, Part of Parcel 5202 SES and Part of Parcel 2678 SES, in Lots 9 and 10, Concession 4, Capreol Township from "RU", Rural to "M5-Special", Extractive Industrial Special be approved subject to the following:

- a) That the amending by-law require a minimum 150m setback from the nearest residential dwelling for any pit excavation.
- b) That the applicant provide the Development Services Section with a registered survey plan of the subject property to enable the preparation of an amending by-law.
- c) That prior to the passing of an amending by-law the applicant agree to undertake the necessary entrance improvements to the satisfaction of the General Manager of Public Works.
- d) That prior to the passing of an amending by-law, all requirements of the General Manager of Public Works with respect to the protection of the neighbouring municipal wells shall be satisfied.

PART II - REGULAR AGENDA (continued)

MANAGERS' REPORTS

PAGE NO.

- R-3 Report dated 2004-06-02 from the General Manager of Citizen & Leisure Services regarding Operational Grants for Community Centres. **22 - 25**
(RESOLUTION PREPARED)

(During the 2004 budget, Council directed staff to bring forward alternative grant allocation models for the five volunteer run community centres which are in receipt of municipal operating grants. Council would be required to select Options A, B, or, C:

Option A: Provides for a \$14,000 operating grant for a total grant program of \$70,000;

Option B: Requires matching funds in support of a grant application;

Option C: Establishes a \$70,000 allocation to which each association would make a contribution on an annual basis.)

- R-4 Report dated 2004-06-04, with attachments, from the General Manager of Corporate Services regarding Report to Province Regarding Transition Funding. **26 - 30**
(RESOLUTION PREPARED)

(The Province authorized a grant to the City of Greater Sudbury to assist in paying or reimbursing transition costs. The Ministry of Municipal Affairs & Housing is to be provided with an annual expenditure report, which was supported by Council Resolution 2003-285, detailing transition costs & expenditures for each of the years 2001 to 2003.)

- R-5 Report dated 2004-06-04, with attachments, from the General Manager of Corporate Services regarding AMO - Request for Nominations - Councillor Craig Regional & Single Tier Caucus Directors. **31 - 36**
(RESOLUTION PREPARED)

(Councillor Craig is currently serving as a Director on the Regional & Single Tier Caucus of AMO, who is requesting a motion from Council supporting his renomination.)

- R-6 Report dated 2004-06-04 from the General Manager of Corporate Services regarding Appointment of Chair, Finance Committee - Term Ending 2006-11-30. **37 - 47**
(RESOLUTION PREPARED)

(In the event the current Vice-Chair of the Finance Committee is selected as Chair, then an election will be held to select a new Vice-Chair. The above appointment(s) need only be confirmed by resolution.)

PART II - REGULAR AGENDA (continued)

MOTIONS

PAGE NO.

R-7 Presented by Mayor Courtemanche:

WHEREAS past Ontario Governments have funded initiatives such as the Northern Ontario Heritage Fund and the Northern Transportation Program in order to promote economic growth and community infrastructure to meet the unique needs of the residents of Northern Ontario;

AND WHEREAS in 2000, the Ontario Government decided to add the District Municipality of Muskoka in its definition of Northern Ontario and thereby made Muskoka eligible for grants through the Northern Ontario Heritage Fund and Northern Transportation Program;

AND WHEREAS a Report prepared for the Northern Ontario Local Training and Adjustment Boards, dated April, 2002, stated that the inclusion of the District Municipality of Muskoka was "problematic in that the socio-economic characteristics of the Muskoka District Municipality differ from that of the other Districts in Northern Ontario";

AND WHEREAS the Provincial Liberal Government in its 2004 Budget document, which included "A Plan to Promote Northern Prosperity" stated:

"Finally, a concentrated effort and a clear focus are needed to overcome the special challenges facing Northern Ontario. As a result, we propose to return the definition of Northern Ontario, for the purposes of government policy and program delivery, to what it was before September 2000. The ministries of Northern Development and Mines and of Municipal Affairs and Housing will work with other affected ministries to implement this change in the fall of 2004";

AND WHEREAS the Northern Ontario Mayors' Coalition, in its 2003 brief entitled: "A New Vision for Northern Ontario: Embracing the Future", stated that the "people of Northern Ontario deserve to share the prosperity that Ontario has enjoyed for the last decade" and set out specific proposals to achieve that end;

AND WHEREAS, as a first step, it is necessary that the definition of what constitutes "Northern Ontario" be clearly established once and for all time;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury petitions the Government of Ontario to amend Section 1 of the *Representation Act, 1996* by adding the following definition:

"Northern Ontario" means the Territorial Districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Timiskaming and Thunder Bay."

PART II - REGULAR AGENDA (continued)

MOTIONS (continued)

PAGE NO.

R-7 Presented by Mayor Courtemanche (continued):

AND THAT copies of this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, the Honourable John Gerretsen, Minister of Municipal Affairs and Housing, the Honourable David Ramsay, Minister of Natural Resources, Ms. Shelly Martel, M.P.P. (Nickel Belt), and to the Federation of Northern Ontario Municipalities (FONOM), the Thunder Bay District Municipal League and all Municipal Associations in Northern Ontario for endorsement.

R-8 Presented by Councillor Bradley:

BE IT RESOLVED THAT in accordance with Article 37 of Procedure By-law 2002-202, a Public Input Meeting be held on Thursday, June 17th, 2004 for the purpose of receiving public comment on the issue of store closing hours in the City of Greater Sudbury;

AND FURTHER THAT the Clerk be directed to provide Public Notice of this meeting in accordance with Council Policy.

ADDENDUM

CIVIC PETITIONS

QUESTION PERIOD

NOTICES OF MOTIONS

"IN CAMERA" (Incomplete Items)

10:00 P.M. ADJOURNMENT (RESOLUTION PREPARED)

{TWO-THIRDS MAJORITY REQUIRED TO PROCEED PAST 10:00 P.M.}

2004-06-04

THOM M. MOWRY
CITY CLERK

CORRIE-JO CAPORALE
COUNCIL SECRETARY