

**THE THIRTEENTH MEETING OF THE COUNCIL  
OF THE CITY OF GREATER SUDBURY**

**C-11  
Tom Davies Square**

**Thursday, June 10, 2004  
Commencement: 6:16 p.m.**

**DEPUTY MAYOR DUPUIS, IN THE CHAIR**

Present Councillors Bradley; Caldarelli; Craig; Gainer; Gasparini; Kett; Reynolds (A6:20 p.m.); Rivest; Mayor Courtemanche

City Officials M. Mieto, Chief Administrative Officer; B. Lautenbach, Acting General Manager of Economic Development & Planning Services; C. Matheson, General Manager of Health & Social Services; D. Wuksinic, General Manager of Corporate Services; A. Stephen, General Manager of Emergency Services; H. Salter, Deputy City Solicitor; P. Thomson, Director of Human Resources; J. Kelly, Coordinator of Human Resources; T. Mowry, City Clerk; CJ Caporale, Council Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" 2004-283 Bradley-Caldarelli: That we move "In Camera" to deal with a Personnel Matter in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

**CARRIED**

Recess At 7:00 p.m., Council recessed.

Reconvene At 7:06 p.m., Council moved to the Council Chamber to continue the regular meeting.

Chair **HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR**

Present Councillors Bradley; Caldarelli (D10:10 p.m.); Callaghan; Craig; Dupuis; Gainer; Gasparini; Kett; Reynolds; Rivest

City Officials M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; B. Lautenbach, Acting General Manager of Economic Development & Planning Services; C. Matheson, General Manager of Health & Social Services; D. Wuksinic, General Manager of Corporate Services; A. Stephen, General Manager of Emergency Services; H. Salter, Deputy City Solicitor; Insp. Toffoli, Greater Sudbury Police Services; B. Mangiardi, Director of

City Officials  
(continued)

Information Technology; N. Charette, Manager of Corporate Communications and French-language Services; P. Demers, Community Relations and Policy Advisor; J. McKechnie, Executive Assistant to the Mayor; T. Mowry, City Clerk; K. Bowschar-Lische, Planning Committee Secretary; CJ Caporale, Council Secretary

C.U.P.E.

D. Burke, CUPE National Representative; W. MacKinnon, President, CUPE Local 4705

News Media

Sudbury Star; MCTV; CIGM; Channel 10 News; Le Voyageur

Declarations of Pecuniary Interest

Councillor Rivest declared a conflict of interest regarding Item R-2 (Planning Recommendation 2004-108; OCL Custom Crushing & Quarrying Ltd.) as his family is involved in the sand and gravel business.

**MATTERS ARISING FROM THE "IN CAMERA" SESSION**

Rise and Report

Deputy Mayor Dupuis, as Chair of the Committee of the Whole, reported Council met to deal with a Personnel Matter falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f) and no resolutions emanated therefrom.

**MATTERS ARISING FROM THE PRIORITIES COMMITTEE**

Rise and Report

Councillor Kett, Chair of the Priorities Committee, reported that Priorities Committee met on 2004-06-09 and directed that Item 6 of the Priorities Agenda - Municipal Alcohol Policy Review and the accompanied recommendation be dealt with at the City Council meeting of 2004-06-10.

Municipal Alcohol Policy Review

Report dated 2004-06-02 from the General Manager of Citizen & Leisure Services regarding Municipal Alcohol Policy Review was received.

The following recommendation was presented:

Dupuis: THAT Council adopt Option \_\_\_\_\_ with regards to the amending of the Municipal Alcohol Policy and direct that the requisite changes to the Municipal Alcohol Policy By-law be drafted for presentation at the Council meeting of June 24, 2004.

A discussion ensued where the Members of Council agreed that Option #2 would be the best choice. Councillor Bradley raised the issue that the number of bartenders/servers and monitors was too high and suggested that they be lowered.

Amendment to Resolution

Councillor Bradley requested the following amendment to the foregoing motion:

2004-284 Bradley-Kett: AND THAT the Municipal Alcohol Policy's staff to participant ratios be amended as follows:

<u>PARTICIPANTS</u>	<u>BARTENDERS</u>	<u>MONITORS</u>
0-75	1	1
76-150	1	1
151-225	2	2
226-300	2	2
300+	3	3

**CARRIED**

Main Motion  
(as amended)

The following resolution was presented:

2004-285 Gasparini-Rivest: THAT Council adopt Option #2 with regards to the amending of the Municipal Alcohol Policy and direct that the requisite changes to the Municipal Alcohol Policy By-law be drafted for presentation at the Council meeting of June 24, 2004;

AND THAT the Municipal Alcohol Policy's staff to participant ratios be amended as follows:

<u>PARTICIPANTS</u>	<u>BARTENDERS</u>	<u>MONITORS</u>
0-75	1	1
76-150	1	1
151-225	2	2
226-300	2	2
300+	3	3

**CARRIED**

**MATTERS ARISING FROM THE PLANNING COMMITTEE**

Rise and Report

Councillor Reynolds, Vice-Chair of the Planning Committee, reported that the Planning Committee met on 2004-06-01 and there were no items requiring Council approval.

**PART I**  
**CONSENT AGENDA**

Consent Agenda

With the concurrence of Council, Councillor Callaghan requested that Item C-14 (Recommendations from the Technical Steering Committee - May 2004) be pulled and dealt with separately.

Consent Agenda  
(continued)

The following resolution was presented to adopt the items contained in Part I, Consent Agenda:

2004-286 Dupuis-Bradley: THAT Items C-1 to C-13 inclusive, contained in Part I, Consent Agenda, be adopted, with the exception of Item C-14 (Recommendations from the Technical Steering Committee - May 2004), as otherwise dealt with.

**CARRIED**

**MINUTES**

Item C-1  
Report No. 12  
City Council  
2004-05-27

2004-287 Dupuis-Bradley: THAT Report No. 12, City Council Minutes of 2004-05-27 be adopted.

**CARRIED**

Item C-2  
Report No. 11  
Planning Committee  
2004-06-01

2004-288 Bradley-Dupuis: THAT Report No. 11, Planning Committee Minutes of 2004-06-01 be adopted.

**CARRIED**

Item C-3  
Report No. 10  
Priorities Committee  
2004-06-09

2004-289 Dupuis-Bradley: THAT Report No. 10, Priorities Committee Minutes of 2004-06-09 be adopted.

**CARRIED**

Item C-4  
NDCA  
2004-05-19

2004-290 Bradley-Dupuis: THAT the Report of the Nickel District Conservation Authority, Minutes of 2004-05-19 be received.

**CARRIED**

Item C-5  
TOC  
2004-05-25

2004-291 Dupuis-Bradley: THAT the Report of the Tender Opening Committee, Minutes of 2004-05-25 be received.

**CARRIED**

Item C-6  
TOC  
2004-06-01

2004-292 Bradley-Gasparini: THAT the Report of the Tender Opening Committee, Minutes of 2004-06-01 be received.

**CARRIED**

Item C-7  
Report No. 5  
SDHU  
2004-05-20

2004-293 Dupuis-Bradley: THAT Report No. 5, Sudbury & District Board of Health, Minutes of 2004-05-20 be received.

**CARRIED**

Item C-8  
Report No. 3  
CGS Public Library  
2004-04-22

2004-294 Bradley-Dupuis: THAT Report No. 3, City of Greater Sudbury Public Library Board, Minutes of 2004-04-22 be received.

**CARRIED**

**C.C. 2004-06-10 (13<sup>th</sup>)**

**(4)**

Item C-9  
Greater Sudbury  
Police Services Board  
2004-04-19

2004-295 Bradley-Dupuis: THAT the Report of the Greater Sudbury Police Services Board, Minutes of 2004-04-19 be received.

**CARRIED**

Item C-10  
GSHC  
2004-04-27

2004-296 Bradley-Dupuis: THAT the Report of the Greater Sudbury Housing Corporation, Minutes of 2004-04-27 be received.

**CARRIED**

Item C-11  
Accessibility Advisory  
Committee  
2004-06-01

2004-297 Dupuis-Bradley: THAT the Report of the Accessibility Advisory Committee, Minutes of 2004-06-01 be received.

**CARRIED**

### **TENDERS**

Item C-12  
Central Laser Printing/  
Copier Systems

Report dated 2004-06-02 from the General Manager of Corporate Services regarding Replacement of Central Laser Printing/Copier Systems was received.

The following resolution was presented:

2004-298 Bradley-Gasparini: THAT the City purchase a Xerox DP120 central laser printing system from Xerox Canada at a cost of \$144,000. This is to be funded from the approved 2004 Corporate Services Capital Envelope.

**CARRIED**

Item C-13  
Local/Long Distance  
Phone Services

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 was received.

The following resolution was presented:

2004-299 Bradley-Dupuis: THAT Bell Canada be awarded the contract to supply local and long distance phone services for the next three (3) years with an option for years four (4) and five (5);

AND THAT the Director of Information Technology be authorized to enter into this contract with Bell Canada, all in accordance with the Purchasing By-law as approved by Council.

**CARRIED**

## ROUTINE MANAGEMENT REPORTS

Item C-14  
Technical Steering  
Committee -  
Recommendations

Report dated 2004-06-02, with attachments, from the General Manager of Public Works regarding Recommendations from the Technical Steering Committee - May 2004 was received.

The following resolution was presented:

Bradley-Dupuis: THAT Council approve enhancing the Non-profit Reuse Rebate by \$18,000, with funding to be provided under Option # \_\_\_\_\_ , as outlined in the report by the General Manager of Public Works, dated June 2, 2004;

AND THAT Council approve the new flat rate tipping fees, as outlined in the report by the General Manager of Public Works, dated June 2, 2004.

The General Manager of Public Works advised Council that the Waste Diversion Ontario (WDO) funding was received and therefore they are recommending Council to implement Option 2.

Amendment to  
Resolution

Councillor Rivest requested the following amendment to the foregoing motion:

2004-300 Rivest-Reynolds: AND FURTHER THAT Council approve a flat rate of \$5 for a 3/4 ton truck or trailer where the capacity of garbage is six (6) bags or less.

**CARRIED**

Main Motion  
(as amended)

The following resolution was presented:

2004-301 Bradley-Dupuis: THAT Council approve enhancing the Non-profit Reuse Rebate by \$18,000, with funding to be provided under Option #2, as outlined in the report by the General Manager of Public Works, dated June 2, 2004;

AND THAT Council approve the new flat rate tipping fees, as outlined in the report by the General Manager of Public Works, dated June 2, 2004.

AND FURTHER THAT Council approve a flat rate of \$5 for a 3/4 ton truck or trailer where the capacity of garbage is six (6) bags or less.

**CARRIED**

**TELEPHONE POLLS**

Item C-15  
Contract 2003-20  
Bancroft Drive  
Reconstruction

Report dated 2004-06-04, with attachments, from the General Manager of Corporate Services regarding Telephone Poll - Contract 2003-20 - Bancroft Drive Reconstruction was received for information only.

In accordance with Article 31 of the Procedure By-law, a Telephone/E-mail Poll of Members of Council was conducted on 2004-05-31, with the following motion:

2004-302: THAT the General Manager of Public Works be directed to instruct TeraNorth, the Contractor responsible for the construction work currently underway at the Kingsway and Bancroft Drive, to work on Sundays to expedite completion of the project;

AND THAT the estimated additional cost of \$50,000 for Contract 2003-20 be funded by a contribution from the Capital Financing Reserve Fund - Roads.

**RESULTS OF TELEPHONE/E-MAIL VOTE:**

<u>YEAS</u>	<u>NAYS</u>
Berthiaume Callaghan	Bradley Caldarelli Craig Dupuis Gainer Reynolds Thompson

**DEFEATED**

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with a matter, not on the Agenda, at this time.

**PRESENTATIONS**

By-law 2004-160  
Open Air Burning

The General Manager of Emergency Services gave an electronic presentation regarding By-law 2004-160 (A by-law of the City of Greater Sudbury to regulate open air burning). Mr. Stephen stated that in order to comply with the new legislation, "a by-law is required to be passed to establish and incorporate standards in protecting the health, safety and welfare of the general public, and to set out the approval process for all open air burning". He gave an overall history of the former municipality by-laws, general requirements for burn permits, prohibited materials & conditions for burning, and liability for fire services.

Change of Chair

At 8:40 p.m., His Worship Mayor David Courtemanche vacated the Chair.

**DEPUTY MAYOR CRAIG, IN THE CHAIR**

By-law 2004-160  
Open Air Burning  
(continued)

Councillor Kett suggested that the Burn Permit Application be made available on the City's web page for the general public to access. The General Manager of Emergency Services advised Council that he would look into this possibility.

**BY-LAWS**

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

2004-138      3<sup>RD</sup>      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

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.
- (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
- 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.

The General Manager of Citizen & Leisure Services tabled a revised report at the meeting.

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

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 ALL-TERRAIN 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

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)

1<sup>ST</sup> & 2<sup>ND</sup> Reading

2004-303 Bradley-Gasparini: THAT By-law 2004-158A to and including By-law 2004-174Z be read a first and second time.

**CARRIED**

3<sup>RD</sup> Reading

2004-304 Gasparini-Bradley: THAT By-law 2004-138, By-law 2004-158A, By-law 2004-159Z and By-law 2004-161 to and including By-law 2004-174Z be read a third time and passed, with the exception of By-law 2004-160, as otherwise dealt with.

**CARRIED**

3<sup>RD</sup> Reading  
By-law 2004-160

2004-305 Kett-Reynolds: THAT By-law 2004-160 be read a third time and passed.

**DEFERRED**

By-law 2004-160  
Open Air Burning

At Councillor Kett's request, By-law 2004-160 was pulled for third reading and deferred to the next Regular Council meeting of 2004-06-24.

Change of Chair

At 9:10 p.m., Deputy Mayor Craig vacated the Chair.

**HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR**

**PART II**  
**REGULAR AGENDA**

**REFERRED AND DEFERRED MATTERS**

Item R-1  
OMERS Outsourcing

The following resolution was presented:

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;

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;

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.

Motion to Withdraw

With the consent of the majority of members present, Council agreed to withdraw the foregoing motion.

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with a motion, not on the Agenda, at this time.

Item R-1

OMERS Outsourcing  
(continued)

The following resolution was presented:

Kett-Bradley: WHEREAS the Ontario Government has indicated that it is interested in devolving OMERS because it has no employees in the Plan, and makes no contributions;

AND WHEREAS OMERS is unique among the major Ontario public sector pension plans in that those who pay for the Plan do not have control over key sponsor functions such as plan design, benefit changes and Board appointments;

AND WHEREAS other Ontario pension funds such as the Ontario Teachers' Pension Plan Board, the Hospitals of Ontario Pension Plan and the OPSEU Pension Trust have achieved success as independent corporations or trusts;

AND WHEREAS the conclusions of numerous studies from as early as 1986 have concluded that OMERS should no longer remain an agency of the Provincial Government;

AND WHEREAS the OMERS March 2002 report to the Minister of Municipal Affairs and Housing, prepared following an extensive consultation process with Plan stakeholders over an 18 month period, identifies key areas of consensus such as support for a two-tier governance structure with equal employee and employer representation on both the Sponsors' Committee, and the Plan Administration Board;

AND WHEREAS replacing the government as the Plan sponsor would give a jointly governed OMERS the final authority on all Plan discussions;

AND WHEREAS the current legislation under which the Plan is governed limits OMERS' ability to manage effectively and does not allow sufficient flexibility for OMERS to implement changes or improvements;

NOW THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury supports the basic principles behind the March 2002 OMERS Report on Governance and encourages the Provincial Government to continue to solicit the input and involvement of the Board and Plan sponsors, and the resultant benefits provided by a new viable framework of governance, so as to ensure that the interests of the active and retired members, the employers and the tax payers of Ontario are protected and that the future of the OMERS Plan will be secure;

Item R-1  
OMERS Outsourcing  
(continued)

AND FURTHER THAT The Council of the City of Greater Sudbury encourage the Provincial Government to draft the required detailed legislation that will set out a new governance framework which would result in OMERS' autonomy;

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.

Friendly Amendment

With the concurrence of the mover, Councillor Dupuis requested that the foregoing motion be amended to include CUPE and all OMERS sponsors in the distribution list.

Main Motion  
(as amended)

2004-306 Kett-Bradley: WHEREAS the Ontario Government has indicated that it is interested in devolving OMERS because it has no employees in the Plan, and makes no contributions;

AND WHEREAS OMERS is unique among the major Ontario public sector pension plans in that those who pay for the Plan do not have control over key sponsor functions such as plan design, benefit changes and Board appointments;

AND WHEREAS other Ontario pension funds such as the Ontario Teachers' Pension Plan Board, the Hospitals of Ontario Pension Plan and the OPSEU Pension Trust have achieved success as independent corporations or trusts;

AND WHEREAS the conclusions of numerous studies from as early as 1986 have concluded that OMERS should no longer remain an agency of the Provincial Government;

AND WHEREAS the OMERS March 2002 report to the Minister of Municipal Affairs and Housing, prepared following an extensive consultation process with Plan stakeholders over an 18 month period, identifies key areas of consensus such as support for a two-tier governance structure with equal employee and employer representation on both the Sponsors' Committee, and the Plan Administration Board;

Item R-1  
OMERS Outsourcing  
(continued)

AND WHEREAS replacing the government as the Plan sponsor would give a jointly governed OMERS the final authority on all Plan discussions;

AND WHEREAS the current legislation under which the Plan is governed limits OMERS' ability to manage effectively and does not allow sufficient flexibility for OMERS to implement changes or improvements;

NOW THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury supports the basic principles behind the March 2002 OMERS Report on Governance and encourages the Provincial Government to continue to solicit the input and involvement of the Board and Plan sponsors, and the resultant benefits provided by a new viable framework of governance, so as to ensure that the interests of the active and retired members, the employers and the tax payers of Ontario are protected and that the future of the OMERS Plan will be secure;

AND FURTHER THAT The Council of the City of Greater Sudbury encourage the Provincial Government to draft the required detailed legislation that will set out a new governance framework which would result in OMERS' autonomy;

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, CUPE and all OMERS Sponsors;

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.

**RECORDED VOTE:**

<b><u>YEAS</u></b>	<b><u>NAYS</u></b>
Bradley	Callaghan
Caldarelli	Craig
Dupuis	Rivest
Gainer	Mayor Courtemanche
Gasparini	
Kett	
Reynolds	

**CARRIED**



Item R-2  
Planning Committee  
Recommendation  
2004-108 (OCL  
Custom Crushing)

The following resolution was presented:

2004-307 Gasparini-Bradley: 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.

**RECORDED VOTE:**

<u>YEAS</u>	<u>NAYS</u>
Bradley	Caldarelli
Craig	Callaghan
Dupuis	
Gainer	
Gasparini	
Kett	
Reynolds	
Mayor Courtemanche	

**CARRIED**

Declaration of  
Pecuniary Interest

Councillor Rivest, having declared a conflict of interest in the foregoing matter, did not take part in the discussion, vote on any matter or try to influence the vote in respect thereof.

Proceed Past  
10:00 p.m.

2004-308 Rivest-Gasparini: THAT we proceed past the hour of  
10:00 p.m.

**CARRIED**

### **MANAGERS' REPORTS**

Item R-3  
Operational Grants -  
Community Centres

Report dated 2004-06-02 from the General Manager of Citizen & Leisure Services regarding Operational Grants for Community Centres was received.

The following resolution was presented:

2004-309 Caldarelli-Gasparini: THAT Council adopt Option C as the funding model for the Skead Community Centre, the Carol Richard Park Community Association, the Wahnapiatae Community Centre, the Beaver Lake Community Centre and the Penage Road Community Centre all of which are in receipt of municipal operating grants.

**CARRIED**

Item R-4  
Transition Funding

Report dated 2004-06-04, with attachments, from the General Manager of Corporate Services regarding Report to Province Regarding Transition Funding was received.

The following resolution was presented:

2004-310 Gasparini-Caldarelli: THAT the Transition Financial Assistance Report appended hereto, detailing transition gross expenditures of \$28.4 million to December 31, 2003 be approved and forwarded to the Province, in accordance with the agreement between the City of Greater Sudbury and the Ministry, as authorized by By-law 2001-93A;

AND THAT the Province be advised that this is the final report to be forwarded per the agreement with the Province;

AND THAT the Province be further advised that all savings realized as a result of restructuring have been directed to other restructuring costs and to reduce the levy impact, both of which are of benefit to the municipal taxpayers;

AND THAT the Province be further advised that this report forms part of an open Council Agenda and is therefore a public document.

**CARRIED**

Item R-5  
AMO - Request for  
Nominations -  
Councillor Craig

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 was received.

The following resolution was presented:

2004-311 Dupuis-Caldarelli: THAT the Council of the City of Greater Sudbury endorses the nomination of Councillor Doug Craig as a Director on the Regional & Single Tier Caucus of the Association of Municipalities of Ontario for the term 2004-2005.

**CARRIED**

Item R-6  
Appointment of Chair  
Finance Committee

Report dated 2004-06-04 from the General Manager of Corporate Services regarding Appointment of Chair, Finance Committee - Term Ending 2006-11-30 was received.

Manner of Voting

Voting by paper ballots was requested by Councillor Bradley.

Item R-6  
Appointment of Chair  
Finance Committee  
(continued)

**Councillors Gainor and Rivest** were nominated by Council for the appointment of Chair of the Finance Committee.

The Chair declared nominations closed.

Following a vote by paper ballot, the following resolution was presented:

2004-312 Dupuis-Caldarelli: THAT Council accepts the resignation of Councillor Callaghan as Chair, Finance Committee effective May 13, 2004;

AND THAT **Councillor Gainer** be appointed as Chair of the Finance Committee of Council for the term ending November 30, 2006, or until such time as his/her successor is appointed.

**CARRIED**

Item R-6  
Appointment of  
Vice-Chair  
Finance Committee

As Councillor Gainer, the current Vice-Chair, Finance Committee, was elected as Chair, Finance Committee, it was deemed by Council necessary to hold an election.

Manner of Voting

Voting by paper ballots was requested by Councillor Bradley.

Item R-6  
Appointment of  
Vice-Chair  
Finance Committee  
(continued)

**Councillors Caldarelli, Rivest and Kett** were nominated by Council for the appointment of Vice-Chair of the Finance Committee.

Councillor Kett **withdrew** his name for the appointment of Vice-Chair of the Finance Committee.

C.C. 2004-06-10 (13<sup>th</sup>)

(19)

Item R-6  
Appointment of  
Vice-Chair  
Finance Committee  
(continued)

The Chair declared nominations closed.

Following a vote by paper ballot, the following resolution was presented:

2004-313 Dupuis-Bradley: THAT **Councillor Caldarelli** be appointed as Vice-Chair of the Finance Committee of Council for the term ending November 30, 2006, or until such time as his/her successor is appointed.

**CARRIED**

## **MOTIONS**

Item R-7  
Definition of  
"Northern Ontario"

The following resolution was presented:

2004-314 Courtemanche-Caldarelli: 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";

Item R-7  
Definition of  
"Northern Ontario"  
(continued)

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."

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.

**RECORDED VOTE:**

<u>YEAS</u>	<u>NAYS</u>
Bradley	
Callaghan	
Craig	
Dupuis	
Gainer	
Gasparini	
Kett	
Reynolds	
Rivest	
Mayor Courtemanche	

**CARRIED**

Item R-8  
Public Input Meeting  
Store Closing Hours

The following resolution was presented:

Bradley-Caldarelli: BE IT RESOLVED THAT in accordance with Article 37 of Procedure By-law 2002-202, a Public Input Meeting be held on Thursday, June 17<sup>th</sup>, 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.

Friendly Amendment

Councillor Bradley, the mover of the foregoing motion, requested that the date of the Public Input Meeting be changed to Monday, June 21, 2004.

Main Motion  
(as amended)

2004-315 Bradley-Caldarelli: BE IT RESOLVED THAT in accordance with Article 37 of Procedure By-law 2002-202, a Public Input Meeting be held on Monday, June 21<sup>st</sup>, 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.

**CARRIED**

Addendum

The following resolution was presented:

2004-316 Caldarelli-Dupuis: THAT the Addendum to the Agenda be dealt with at this time.

**CARRIED**

Declarations of  
Pecuniary Interest

None declared.

### **BY-LAWS**

2004-175Z 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 Committee Recommendation 2004-124

(This By-law rezones the subject property to a revised Mixed Light Industrial/Service Commercial Special zoning to allow professional offices to occupy 100% of the existing building on site. This By-law requires a minimum of 22 parking spaces when the building is occupied by professional offices. - Sudbury Regional Credit Union Limited, 205 Douglas Street, Sudbury.)

1<sup>ST</sup> & 2<sup>ND</sup> Reading

2004-317 Caldarelli-Dupuis: THAT By-law 2004-175Z be read a first and second time.

**CARRIED**

3<sup>RD</sup> Reading

2004-318 Gasparini-Rivest: THAT By-law 2004-175Z be read a third time and passed.

**CARRIED**

**QUESTION PERIOD**

Sewer Capacity

Councillor Bradley stated that the number of building permits for Azilda is limited to thirty-six (36) because of the currently allocated sewer capacity. With the concurrence of Council, Councillor Bradley requested that the General Manager of Public Works submit a report on the status of the sewer capacity for the Azilda area.

Road Construction  
Kingsway

Councillor Callaghan asked the General Manager of Public Works for an update on the Kingsway road construction. Mr. Belisle advised Council that the work is progressing and will commence on June 21, 2004 as scheduled.

Councillor Callaghan stated that it was important to discuss how timelines for construction is handled and how they are to be dealt with.

Senior Summer  
Games

Councillor Callaghan advised Council that a letter dated 2004-06-03 from the Sudbury Senior Games Committee was tabled. He asked that each Ward contribute \$200 from their Community Improvement Fund to assist in sending the Gold Medal Winners of the Summer Senior Games, to Actifest, which is to be held in St. Catharines, Ontario.

Adjournment

2004-319 Rivest-Gasparini: THAT this meeting does now adjourn. Time: 10:50 p.m.

**CARRIED**

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Mayor

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City Clerk