

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

**Council Chamber
Tom Davies Square**

**Thursday, May 13, 2004
Commencement: 7:02 p.m.**

MAYOR DAVID COURTEMANCHE, IN THE CHAIR

Present Councillors Berthiaume; Bradley; Caldarelli; Callaghan (A 7:05 p.m.); Craig; Dupuis; Gasparini; Kett; Reynolds (D 7:45 p.m.); Rivest; Thompson

City Officials M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; B. Johnston, Acting General Manager of Economic Development & Planning Services; C. Matheson, General Manager of Health & Social Services; S. Jonasson, Acting General Manager of Corporate Services; A. Stephen, General Manager of Emergency Services; I. Davidson, Chief of Police, Greater Sudbury Police Service; R. Swiddle, Director of Legal Services/City Solicitor; N. Charette, Manager of Corporate Communications and French-language Services; B. Mangiardi, Director of Information Technology; P. Demers, Community Relations and Policy Advisor; T. Mowry, City Clerk; K. Bowschar-Lische, Planning Committee Secretary; CJ Caporale, Council Secretary

C.U.P.E. Local 4705 F. Posadowski, Recording Secretary

News Media Sudbury Star; MCTV; CIGM; Channel 10 News; Le Voyageur; Northern Life

Declarations of Pecuniary Interest Councillor Gasparini declared a conflict regarding Item C-21 (Diversity Thrives Here! Project - Canadian Heritage Fund) as this matter may be of pecuniary interest to her.

PRESENTATIONS/DELEGATIONS

Item 4
New CGS Flag
Dedication Ceremony The new City of Greater Sudbury flag was presented to Council by the Imperial Order Daughters of the Empire (IODE). Ms. Laurel Scott, President, IODE, Mrs. Anadel Hastie and Ms. Judy Smith, members of IODE, were present. Ms. Scott advised Council that the colours in the flag represents hope, joy, loyalty and spirit.

Rules of Procedure Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with Item R-3 (Councillor Reynolds' motion regarding Ramsey Lake Circle Bicycle Route).

Item R-3
Ramsey Lake Circle
Bicycle Route

The following resolution was presented:

Reynolds-Bradley: WHEREAS in March of 1997, the following 97-96 resolution was presented and carried by the Council of the former City of Sudbury:

THAT the City of Sudbury consider the allocation of funds each year for bicycle trail development and that the funding level be determined during the Annual Capital Budget deliberations in conjunction with all other priorities;

AND THAT the City Maintenance crews be scheduled to perform maintenance repair to the trail system as required and that funds be allocated for trail maintenance in the City's current budget;

AND THAT Capital funding for Off Road Trails be integrated with funding for community Improvement Plans and that Capital funding for On Road Trails be integrated with Road Funding;

AND THAT the City of Sudbury continue its support of programs promoting cycling safety and bicycle awareness via newsletter activities;

AND THAT the City of Sudbury continue its support of collaborative projects of the Bicycle Advisory committee with safety related groups such as, but not limited to, the Northern Safe Kids Coalition and the Sudbury Cycle Club;

AND THAT new commercial buildings in the City of Sudbury be required to have approved ring and post bicycle racks included in their construction and that existing commercial property owners be encouraged to install bicycle racks for customers whose main mode of transportation is by bicycle;

AND THAT the Bicycle Advisory Committee continue to draw on expertise developed in other municipalities when examining methods for improving or revising the existing trail system;

AND THAT the City of Sudbury support the need for road and trail linkage in all new development projects.

AND WHEREAS the Bicycle Advisory Committee Reference Manual was produced and funded in August 1997 by Sudbury Heart Health and extensive citizen input and consultation was done at that time with public meetings throughout the former City of Sudbury;

Item R-3
Ramsey Lake Circle
Bicycle Route
(continued)

AND WHEREAS it is reported that annually there are more bicycles purchased in the City of Greater Sudbury than cars and trucks;

AND WHEREAS a recent informal survey of Sudburians done recently by the Sudbury Star indicated that over 78% of citizens are in favour of safer bike routes in our community, and that numerous letters to the editor and articles in the press have supported the creation of bike lanes and routes within our City;

AND WHEREAS bicycling is not only a healthful and enjoyable physical activity for citizens of all ages, but an environment friendly and cost effective mode of transportation;

AND WHEREAS bicycle routes are shown in other cities to attract tourists and are considered as a valued asset in presenting a positive image of a community to prospective businesses and residents.

AND WHEREAS bicycle lanes where utilised are known to have a calming effect on both vehicle traffic and pedestrian traffic, as well as providing a safer environment for cyclists, and at minimal cost.

NOW THEREFORE BE IT NOW RESOLVED that the Council of the City of Greater Sudbury approves the implementation of **PHASE I OF THE RAMSEY LAKE CIRCLE** bicycle route which involves the creation and designation of bicycle lanes along Howey Drive, Bellevue Avenue and Bancroft Drive to Moonlight Beach and the signing and marking of such other sections of the route as appropriate for the enjoyment and safety of the bicycling, motoring and pedestrian public of Sudbury;

AND FURTHER THAT this Council encourages and supports the future development of bike routes wherever they provide enjoyment and safe transport within the City of Greater Sudbury.

Councillor Reynolds spoke to the motion and requested that the Co-ordinator of Traffic & Transportation submit a report to Council regarding the impact of removing the centre lane on Howey Drive and allowing for a bicycle lane, and also a bicycle route along Bellevue Avenue and Bancroft Drive.

Councillor Dupuis asked the General Manager of Public Works how the removal of the centre lane on Howey Drive would impact the traffic flow. Mr. Belisle advised Council that a traffic study was completed a number of years ago and would have to be revised. He also stated that more time was required because the study would involve the recording of traffic counts during the summer and fall months.

Item R-3
Ramsey Lake Circle
Bicycle Route
(continued)

A motion by Councillor Reynolds that the foregoing motion be deferred to the next Council meeting on May 27, 2004 pending a report from the Co-ordinator of Traffic & Transportation was defeated.

Motion for Deferral

Friendly Amendment

Councillor Reynolds requested that the following friendly amendment be considered:

“subject to the receipt of a report from the Co-ordinator of Traffic & Transportation for the 2004-07-13 meeting of Council.”

Main Motion
(with Friendly
Amendment)

2004-229 Reynolds-Bradley: WHEREAS in March of 1997, the following 97-96 resolution was presented and carried by the Council of the former City of Sudbury:

THAT the City of Sudbury consider the allocation of funds each year for bicycle trail development and that the funding level be determined during the Annual Capital Budget deliberations in conjunction with all other priorities;

AND THAT the City Maintenance crews be scheduled to perform maintenance repair to the trail system as required and that funds be allocated for trail maintenance in the City's current budget;

AND THAT Capital funding for Off Road Trails be integrated with funding for community Improvement Plans and that Capital funding for On Road Trails be integrated with Road Funding;

AND THAT the City of Sudbury continue its support of programs promoting cycling safety and bicycle awareness via newsletter activities;

AND THAT the City of Sudbury continue its support of collaborative projects of the Bicycle Advisory committee with safety related groups such as, but not limited to, the Northern Safe Kids Coalition and the Sudbury Cycle Club;

AND THAT new commercial buildings in the City of Sudbury be required to have approved ring and post bicycle racks included in their construction and that existing commercial property owners be encouraged to install bicycle racks for customers whose main mode of transportation is by bicycle;

Item R-3
Ramsey Lake Circle
Bicycle Route
(continued)

AND THAT the Bicycle Advisory Committee continue to draw on expertise developed in other municipalities when examining methods for improving or revising the existing trail system;

AND THAT the City of Sudbury support the need for road and trail linkage in all new development projects.

AND WHEREAS the Bicycle Advisory Committee Reference Manual was produced and funded in August 1997 by Sudbury Heart Health and extensive citizen input and consultation was done at that time with public meetings throughout the former City of Sudbury;

AND WHEREAS it is reported that annually there are more bicycles purchased in the City of Greater Sudbury than cars and trucks;

AND WHEREAS a recent informal survey of Sudburians done recently by the Sudbury Star indicated that over 78% of citizens are in favour of safer bike routes in our community, and that numerous letters to the editor and articles in the press have supported the creation of bike lanes and routes within our City;

AND WHEREAS bicycling is not only a healthful and enjoyable physical activity for citizens of all ages, but an environment friendly and cost effective mode of transportation;

AND WHEREAS bicycle routes are shown in other cities to attract tourists and are considered as a valued asset in presenting a positive image of a community to prospective businesses and residents.

AND WHEREAS bicycle lanes where utilised are known to have a calming effect on both vehicle traffic and pedestrian traffic, as well as providing a safer environment for cyclists, and at minimal cost.

NOW THEREFORE BE IT NOW RESOLVED that subject to the receipt of a report from the Co-ordinator of Traffic & Transportation for the 2004-07-13 meeting of Council, the Council of the City of Greater Sudbury approves the implementation of **PHASE I OF THE RAMSEY LAKE CIRCLE** bicycle route which involves the creation and designation of bicycle lanes along Howey Drive, Bellevue Avenue and Bancroft Drive to Moonlight Beach and the signing and marking of such other sections of the route as appropriate for the enjoyment and safety of the bicycling, motoring and pedestrian public of Sudbury;

AND FURTHER THAT this Council encourages and supports the future development of bike routes wherever they provide enjoyment and safe transport within the City of Greater Sudbury.

CARRIED

MATTERS ARISING FROM THE PRIORITIES COMMITTEE

Rise and Report

Councillor Kett, Chair, Priorities Committee, requested that the General Manager of Public Works address Council with an update on the status of the Lorne Street Bridge.

Lorne Street Bridge

Mr. Belisle advised Council that the bridge was being dismantled and that traffic was being detoured via Kelly Lake Road, Southview Drive and Highway 17 and that during peak hours, the O.P.P. were to direct traffic. He advised that the use of Godfrey Drive, which is a private road, was not advisable and people were using it at their own risk. He stated that Lorne Street was to be reopened on Monday or Tuesday at the latest. A map of the detour routes was submitted at the meeting.

MATTERS ARISING FROM THE PLANNING COMMITTEE

Rise and Report

Councillor Thompson, Chair, Planning Committee, advised Council that the Planning Committee held a special meeting with the development community on May 11, 2004 and reviewed planning and development issues.

Councillor Dupuis advised Council that the Planning Committee would like to meet with the Priorities Committee to review what was discussed.

Councillor Callaghan suggested that this process be performed on an annual basis so Council is informed of the issues raised by the development community.

With the concurrence of Council, Councillor Dupuis requested that the Director of Planning submit a report for Council listing the concerns of the development community and how Economic Development & Planning Services is to follow-up.

The Chair advised that Mr. Lautenbach is to make a presentation to the Priorities Committee to discuss the issues raised.

PART I CONSENT AGENDA

Consent Agenda

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

2004-230 Bradley-Caldarelli: THAT Items C-1, to C-19 inclusive, contained in Part I, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1 Report No. 10 City Council <u>2004-04-29</u>	2004-231 Caldarelli-Bradley: THAT Report No. 10, City Council Minutes of 2004-04-29 be adopted.	CARRIED
Item C-2 Report No. 13 Finance Committee <u>2004-04-29</u>	2004-232 Bradley-Caldarelli: THAT Report No. 13, Finance Committee Minutes of 2004-04-29 be adopted.	CARRIED
Item C-3 Report No. 8 Priorities Committee <u>2004-05-12</u>	2004-233 Caldarelli-Bradley: THAT Report No. 8, Priorities Committee Minutes of 2004-05-12 be adopted.	CARRIED
Item C-4 Report No. 9 Planning Committee <u>2004-05-11</u>	2004-234 Bradley-Caldarelli: THAT Report No. 9, Planning Committee Minutes of 2004-05-11 be adopted.	CARRIED
Item C-5 Report No. 4 S.D.H.U. Board <u>2004-04-15</u>	2004-235 Caldarelli-Bradley: THAT Report No. 4, Sudbury & District Board of Health Minutes of 2004-04-15 be received.	CARRIED
Item C-6 NDCA <u>2004-04-21</u>	2004-236 Bradley-Caldarelli: THAT the Report of the Nickel District Conservation Authority General Board Minutes of 2004-04-21 be received.	CARRIED
Item C-7 Report No. 2 Board of Directors Sudbury Metro Centre <u>2004-03-16</u>	2004-237 Caldarelli-Bradley: THAT Report No. 2, Board of Directors of Sudbury Metro Centre Minutes of 2004-03-16 be received.	CARRIED
Item C-8 Sudbury Metro Centre <u>2004-03-17</u>	2004-238 Bradley-Caldarelli: THAT the Report of the Sudbury Metro Centre Minutes of 2004-03-17 be received.	CARRIED
Item C-9 TOC <u>2004-05-04</u>	2004-239 Craig-Bradley: THAT the Report of the Tender Opening Committee Minutes of 2004-05-04 be received.	CARRIED

Item C-10
GSHC Board
2004-03-23

2004-240 Bradley-Craig: THAT the Report of the Greater Sudbury Housing Corporation Board Minutes of 2004-03-23 be received.

CARRIED

Item C-11
GSHC Special Board
2004-04-13

2004-241 Craig-Bradley: THAT the Report of the Greater Sudbury Housing Corporation Special Board Minutes of 2004-04-13 be received.

CARRIED

Item C-12
Report No. 1
CGS Public Library
2004-02-20

2004-242 Bradley-Craig : THAT Report No. 1, City of Greater Sudbury Public Library Board Minutes of 2004-02-20 be received.

CARRIED

Item C-13
Report No. 2
CGS Public Library
2004-03-18

2004-243 Craig-Bradley: THAT Report No. 2, City of Greater Sudbury Public Library Board, Minutes of 2004-03-18 be received.

CARRIED

TENDERS

Item C-14
Voice Over IP
Telephone System

Report dated 2004-04-29 from the General Manager of Corporate Services regarding Vendor for Supply and Installation of a Voice over IP Telephone System was received.

The following resolution was presented:

2004-244 Bradley-Craig: THAT Bell Canada be awarded the contract to supply and install a voice over IP (VOIP) telephone system at Pioneer Manor and perform the necessary upgrades to the existing telephone system at Tom Davies Square;

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-15
Recycling in Schools

Report dated 2004-05-04, with attachments, from the General Manager of Public Works regarding Recycling in Schools: Pilot Project was received.

The following resolution was presented:

2004-245 Dupuis-Bradley: THAT Council approve the recycling collection pilot project with the Sudbury Catholic District School Board and any other interested School Boards, as outlined in the report by the General Manager of Public Works, dated May 4, 2004.

CARRIED

Item C-16
Extension to R97-60
Recycling Services

Report dated 2004-05-04 from the General Manager of Public Works regarding Extension to Contract R97-60, Recycling Services was received.

The following resolution was presented:

2004-246 Bradley-Dupuis: THAT Contract R97-60, Recycling Services be extended to April 8, 2006, under the terms and conditions in effect on the last day of the contract.

CARRIED

Item C-17
Special Occasion
Permits & Noise
By-Law Exemption
Various Events

Report dated 2004-05-10, with attachments, from the General Manager of Corporate Services regarding Special Occasion Permits and Noise By-law Exemptions for Various Events was tabled at the meeting.

The following resolutions were presented:

2004-247 Dupuis-Bradley: THAT this Council has no objection to the granting of an exemption to Noise By-laws of the various former municipalities for various events throughout the City of Greater Sudbury, as indicated on the attached schedule;

AND FURTHER THAT this approval be subject to the following conditions:

- a) That when outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the crowd versus projecting straight over the crowd or adjoining properties;
- b) That the special event organizer, or his designate, must be present on the site during the entire duration of the event.

CARRIED

2004-248 Bradley-Dupuis: THAT this Council has no objection to the issuance of a Special Occasion Permit and the granting of a noise exemption to Noise By-law 85-33 of the former City of Valley East to the Knights of Columbus, Council 5005, which will be held at the Knights of Columbus Hall at 688 Emily Street, Hanmer, Ontario for the Family Day / 100th Anniversary of Valley East, in conjunction with the City of Greater Sudbury, to be held on June 26th, 2004. The hours of operation are between the hours of 11:00 a.m. to 11:00 p.m. with an anticipated attendance of 200-300 people;

AND FURTHER THAT this approval be subject to the following conditions:

Item C-17
Special Occasion
Permits & Noise
By-Law Exemption
Various Events
(continued)

1. That the special event organizer shall ensure the provision of adequate clean-up of the site and those properties adjacent to the event area no later than 12:00 o'clock noon on Sunday, June 27th, 2004;
2. That all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicated a Fire Safety Plan is required for this event;
3. That no bonfires of any kind, barbecues or similar types of cooking devises shall be operated on the site without the consent of the Fire Chief, and that an approved fire extinguisher be provided for each of the foregoing;
4. That when outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the crowd versus projecting straight over the crowd or adjoining properties;
5. That the special event organizer, or his designate, must be present on the site during the entire duration of the event.
6. That any tent be erected in accordance with the provisions of the Ontario Building Code.

CARRIED

Item C-18
Appointment to the
Sudbury Theatre
Centre Board

Report dated 2004-05-07 from the General Manager of Corporate Services regarding Appointment of Councillor Craig to the Board, Sudbury Theatre Centre was received.

The following resolution was presented:

2004-249 Dupuis-Bradley: THAT Councillor Craig be appointed to the Board of Directors of the Sudbury Theatre Centre for the remainder of the term of Council (November 30, 2006);

AND FURTHER THAT Council Resolution 2003-662 be and is hereby rescinded.

CARRIED

TELEPHONE POLLS

Item C-19
Noise By-law
Exemption - CPR -
Operational
Requirements

Report dated 2004-05-04, with attachments, from the General Manager of Corporate Services regarding Telephone Poll - Noise By-law Exemption - Canadian Pacific Railway - Operational Requirements was received.

C.C. 2004-05-13 (11TH)

(10)

Item C-19
Noise By-law
Exemption - CPR -
Operational
Requirements
(continued)

The following resolution was presented:

2004-250 Bradley-Dupuis: THAT this Council has no objection to the granting of an exemption to By-law 82-14 (former Town of Rayside/Balfour Noise By-law) to the Canadian Pacific Railway to carry out required repairs along the railway line at the MacKenzie Road crossing near Montpellier Road, Chelmsford during the hours of 0200 and 0800 (2:00 a.m. to 8:00 a.m.) on Monday, May 10, 2004.

CARRIED

BY-LAWS

THE FOLLOWING BY-LAW APPEARED FOR THIRD AND FINAL READING:

2004-112 3RD A BY-LAW OF THE CITY OF GREATER SUDBURY
TO DECLARE SURPLUS AND SELL TO SUDBURY
CATHOLIC SCHOOL BOARD A PART OF PART 7
ON PLAN 53R-12291, ST. MICHEL STREET

Planning Committee Recommendation 2004-83

THE FOLLOWING BY-LAWS APPEARED FOR THREE READINGS:

2004-115A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO CONFIRM THE PROCEEDINGS OF COUNCIL
AT ITS MEETING OF MAY 13, 2004

2004-116A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 2002-165A TO APPOINT
OFFICIALS FOR THE CITY OF GREATER
SUDBURY

(This By-law updates the list of Citizen Service Centres.)

2004-117F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE A GRANT AGREEMENT WITH
THE AZILDA LIONS CLUB

Report dated 2004-05-07 from the General Manager
of Corporate Services regarding Azilda Lions Club
was received.

(The Azilda Lions Club lease the "Old Town Hall" on the
corner of MR 15 and Montee Principale.)

- 2004-118 3 A BY LAW OF THE CITY OF GREATER SUDBURY
TO AMEND THE PROCEDURE BY-LAW 2002-202
- (This By-law changes the dates of the Planning Committee.
It has been advertised and no comments were received.)
- 2004-119 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
- (1) This By-law clarifies the authority of the Property
Negotiator/Appraiser to execute Land Use Permits and
similar agreements with private property owners for access
to private property for municipal purposes. This is required
for land reclamation projects, and a number of such
agreements are expected this summer.
- (2) Council Resolution 2004-222. This By-law authorizes
the General Manager of Economic Development and
Planning to execute agreements for the provision of funding
from the Economic Development Special Projects Sub-
Envelope.
- 2004-120A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AUTHORIZE A GRANT AGREEMENT WITH
CENTRE FRANCO-ONTARIENDE FOLKLORE FOR
A FEASIBILITY STUDY AND PLAN
- Council Resolution 2004-223
- 2004-121F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY
TO AMEND BY-LAW 2002-280F RESPECTING THE
PAYMENT OF REMUNERATION TO MEMBERS OF
COUNCIL AND RESPECTING THE PAYMENT OF
EXPENSES FOR MEMBERS OF COUNCIL,
OFFICERS AND SERVANTS OF THE CITY OF
GREATER SUDBURY AND LOCAL BOARDS
- Report dated 2004-05-07 from the General Manager
of Corporate Services regarding Remuneration By-law
2002-280F, as Amended, was received.
- (Council passed By-law 2002-280F on 2002-10-10, and has
amended it in minor ways several times since. This By-law
sets out the payment of remuneration and expenses to the
Mayor, Council, staff, and members of Local Boards.)

- 2004-122 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN APPLICATION FOR APPROVAL TO EXPROPRIATE PARCEL 28558 SUDBURY EAST SECTION FROM LORIS CECCHETTO FOR THE SOUTH END ROCK TUNNEL CONTRACT ACCOUNT 93000-20-9324
- Planning Committee meeting of May 11, 2004
- 2004-123 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PARCEL 29421 SUDBURY WEST SECTION TO AKI TARVUDD
- Planning Committee meeting of May 11, 2004
- 2004-124 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PART OF PARCEL 31076 SUDBURY WEST SECTION TO 1168031 ONTARIO INC.
- Planning Committee meeting of May 11, 2004
- 2004-125 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PIN 73376-0255 (LT), FORMERLY PARCEL 31161 SUDBURY WEST SECTION TO STEPHAN MATUSCH IN TRUST
- Planning Committee meeting of May 11, 2004
- 2004-126 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF PARCELS 31091 S.W.S., BEING PARTS 1, 2, 3, 4, 5 ON PLAN 53R-12125 AND 31092 S.W.S., BEING PARTS 6, 7, 8, PLAN 53R-12125 TO 128425 CANADA INC.
- Planning Committee meeting of May 11, 2004
- 2004-127Z 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 2004-04
- (This by-law rezones the subject property to "R1-18", Special Single Residential to permit an "accessory private garage" (for an existing dwelling) to be constructed as the main use on a vacant lot. A minimum 4.57 metres front yard depth is established for that portion of P.I.N. 73577-0624 which lies north of Navanod Road. - Robert Greco, 2369 Navanod Road, Sudbury).

2004-128Z 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 2004-70

(This by-law does not rezone the subject property. This by-law permits a second dwelling in the form of a mobile home on the subject property for a temporary period of ten (10) years. The mobile home is a 'garden suite' occupied by the parents of one of the occupants of the main farmhouse. - M. & T. Melancon - 944 Radar Rd.)

THE FOLLOWING BY-LAWS GAVE EFFECT TO THE 2004 BUDGET:

2004-129F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE PAYMENT OF GRANTS TO VARIOUS COMMUNITY ORGANIZATIONS

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

2004-131F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT THE CURRENT ESTIMATES FOR THE YEAR 2004 AND TO LEVY THE RATES OF TAXATION FOR CITY PURPOSES AND TO SET TAX DUE DATES

Report dated 2004-05-07, with attachments, from the General Manager of Corporate Services regarding 2004 Property Tax Rates was tabled at the meeting.

(This report identifies the 2004 tax rate and sets the 2004 tax due dates.)

2004-132F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE TAX REDUCTIONS TO CERTAIN SUBCLASSES OF COMMERCIAL AND INDUSTRIAL PROPERTY FOR THE YEAR 2004 AND ALL SUBSEQUENT YEARS

2004-133F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE PROPERTY TAX RELIEF FOR ELIGIBLE LOW INCOME SENIORS OWNING AND OCCUPYING RESIDENTIAL PROPERTY IN THE CITY

2004-134F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO SET TAX RATIOS FOR THE YEAR 2004

2004-135F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO LEVY A SPECIAL CHARGE UPON PERSONS IN THE CENTRAL BUSINESS DISTRICT IMPROVEMENT AREA ASSESSED FOR COMMERCIAL AND INDUSTRIAL TAXES TO PROVIDE FOR THE PURPOSES OF THE SUDBURY METRO CENTRE BOARD FOR THE YEAR 2004

Report dated 2004-05-12, with attachments, from the General Manager of Corporate Services regarding Tax Rates - Business Improvement Area was tabled at the meeting.

2004-136F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO LEVY A SPECIAL CHARGE UPON PERSONS IN THE FLOUR MILL IMPROVEMENT AREA ASSESSED FOR COMMERCIAL AND INDUSTRIAL TAXES TO PROVIDE FOR THE PURPOSES OF THE FLOUR MILL IMPROVEMENT AREA FOR THE YEAR 2004

Report dated 2004-05-12, with attachments, from the General Manager of Corporate Services regarding Tax Rates - Business Improvement Area was tabled at the meeting.

2004-137F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE A GRANT TO THE NICKEL DISTRICT CONSERVATION AUTHORITY FOR CAPITAL PROJECTS

THE FOLLOWING BY-LAW APPEARED FOR FIRST AND SECOND READING ONLY:

2004-138 2 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.)

1ST & 2ND Reading

2004-251 Dupuis-Bradley: THAT By-law 2004-115A to and including By-law 2004-129F, By-law 2004-131F to and including By-law 2004-138 be read a first and second time.

CARRIED

Resignation - Chair -
Finance Committee

Councillor Callaghan expressed his appreciation to the Members of Council and to staff for their assistance during the 2004 Budget process. Councillor Callaghan then announced that he was submitting his resignation as Chair of the Finance Committee effective immediately.

3RD Reading

2004-252 Bradley-Dupuis: THAT By-law 2004-112, By-law 2004-115A to and including By-law 2004-129F, By-law 2004-131F to and including By-law 2004-137F be read a third time and passed.

CARRIED

CORRESPONDENCE FOR INFORMATION ONLY

Item C-20
CIP and NPP Funds

Report dated 2004-05-03 from the General Manager of Citizen & Leisure Services regarding Community Improvement Projects (CIP) and Neighbourhood Participation Projects (NPP) was received for information only.

The following resolution was presented:

2004-253 Rivest-Gasparini: THAT the Community Improvement Project (CIP) and Neighbourhood Participation Project (NPP) funds criteria be expanded to include not only leisure opportunities but also any project opportunities.

DEFEATED

Item C-21
Diversity Thrives Here!
Canadian Heritage
Fund

Report dated 2004-04-28, with attachments, from the Chief Administrative Officer regarding Diversity Thrives Here! Project - Canadian Heritage Fund was received for information only.

The following resolution was presented:

2004-254 Dupuis-Bradley: THAT the \$8,800 funding required as the City's portion of the Diversity Thrives Here! Project be provided from the Corporate Strategy and Policy Analysis budget.

CARRIED

Declaration of
Pecuniary Interest

Councillor Gasparini, having declared a pecuniary 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.

Item C-22
2004 Physician
Recruitment &
Retention - 1st Quarter
Report

Report dated 2004-03-26 from the General Manager of Health & Social Services regarding 2004 Physician Recruitment and Retention - 1st Quarter Report was received for information only.

Item C-23
2004 Child Care
Services Update

Report dated 2004-05-07, with attachments, from the General Manager of Health & Social Services regarding 2004 Child Care Services Update was received for information only.

PART II **REGULAR AGENDA**

MANAGERS' REPORTS

Item R-1
Phase II EA Study
4614 Desmarais Rd.

Report dated 2004-05-05 from the General Manager of Public Works regarding Consulting Engineering Services - Phase II - Environmental Assessment Study, 4614 Desmarais Road was received.

The following resolution was presented:

2004-255 Bradley-Dupuis: THAT EarthTech Canada Inc. be hired to undertake the Phase II Environmental Assessment for this property;

AND THAT funding be provided from the Transition capital accounts for Public Works Depots;

AND FURTHER THAT this assignment be carried out in accordance with the City of Greater Sudbury's standard engineering services agreement.

CARRIED

Item R-2
Phase II EA Study
3610 Falconbridge
Hwy

Report dated 2004-05-05 from the General Manager of Public Works regarding Consulting Engineering Services - Phase II - Environmental Assessment Study, 3610 Falconbridge Highway was received.

The following resolution was presented:

2004-256 Dupuis-Bradley: THAT EarthTech Canada Inc. be hired to undertake the Phase II Environmental Assessment for this property;

AND THAT funding be provided from the Transition capital accounts for Public Works Depots;

AND FURTHER THAT this assignment be carried out in accordance with the City of Greater Sudbury's standard engineering services agreement.

CARRIED

ADDENDUM

Addendum Resolution

The following resolution was presented:

2004-257: THAT the Addendum to the Agenda be dealt with at this time.

CARRIED

Declarations of Pecuniary Interest

None declared.

ROUTINE MANAGEMENT REPORTS

Item AD-2 Extension - Noise By-law Exemption - Nickel Rim South Project - Falconbridge

Report dated 2004-05-21, with attachments, from the General Manager of Corporate Services regarding Request for an Extension of Noise By-law Exemption - Nickel Rim South Project - Falconbridge Limited was received.

The following resolution was presented:

2004-258 Bradley-Dupuis: WHEREAS Council by Resolution 2004-48, 2004-01-29, granted Falconbridge Limited an exemption to Noise By-law 92-13 of the former Town of Nickel Centre for the period from February 1st, 2004 to and including May 30th, 2004;

AND WHEREAS Falconbridge Limited has requested an extension of the exemption to December 31st, 2004;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury has no objection to the granting an extension of the exemption to Noise By-law 92-13, to Falconbridge Limited and its contractors for operational requirements at the Nickel Rim South Project to December 31, 2004 subject to the conditions set out in Council Resolution 2004-48 remaining in effect.

CARRIED

BY-LAWS

2004-139Z 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 2003-173.

(This By-law rezones the subject property to "C2-67", Special General Commercial to permit a limited range of "C2", General Commercial uses. Further, a minimum parking requirement of 30 parking spaces has been established for the existing buildings. - Francis Dionne/Maria Ellero/Peter Ellero & Son Limited, 983 Lorne Street, Sudbury)

2004-140F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ESTABLISH "CLAWBACK" PERCENTAGES FOR THE 2004 TAXATION YEAR FOR THE COMMERCIAL, INDUSTRIAL, AND MULTI-RESIDENTIAL PROPERTY CLASSES

Priorities Committee Recommendation 2004-36

(This By-law establishes the percentages of tax decreases that must be withheld (clawed back) to fund the 5% cap for assessment-related tax increases.)

1st & 2nd Reading

2004-259 Dupuis-Bradley: THAT By-law 2004-139Z and By-law 2004-140F be read a first and second time.

CARRIED

3RD Reading

2004-260 Bradley-Dupuis: THAT By-law 2004-139Z and By-law 2004-140F be read a third time and passed.

CARRIED

Rules of Procedure

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

OMERS Outsourcing

The following resolution was presented:

Kett-Bradley: 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."

OMERS Outsourcing
(continued)

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.

Change of Chair

At 9:03 p.m., His Worship Mayor David Courtemanche vacated the chair.

DEPUTY MAYOR DUPUIS, IN THE CHAIR

Motion for Deferral

With the concurrence of Council, Councillor Kett requested that the foregoing motion be deferred until the next Regular Council meeting (2004-05-27) when a representative from CUPE can address Council.

Change of Chair

At 9:16 p.m., Deputy Mayor Dupuis vacated the Chair.

HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR

Gasoline Prices

The following resolution was presented:

2004-261 Kett-Bradley: WHEREAS the price of gasoline has risen suddenly and dramatically, without any drop in supply, across Canada;

AND WHEREAS the use of the automobile is essential in most areas of the City of Greater Sudbury;

AND WHEREAS this price increase is impairing the ability of many citizens to use their vehicles.

Gasoline Prices
(continued)

BE IT RESOLVED THAT the Council of the City of Greater Sudbury calls upon the Federation of Canadian Municipalities to pressure the Federal Government to investigate this abnormal surge in price;

AND FURTHER THAT this municipality calls upon the Federation of Canadian Municipalities to pressure the federal government to create:

- (a) a federal fuel reserve, that could release gasoline to the market when prices increase sharply over short period of times
- (b) an office to monitor the oils sector in order to reduce sudden price changes

CARRIED

QUESTION PERIOD

Road Construction
Kingsway

Councillor Caldarelli noted that businesses along the Kingsway have expressed their displeasure concerning ongoing repairs along the Kingsway and asked the General Manager of Public Works if work could be performed at night.

Mr. Belisle advised Council that working at night was not an option because of safety reasons. He stated that the contractors are working at very deep levels.

Councillor Caldarelli also pointed out that City of Greater Sudbury clean-up crews were sweeping the streets during peak times on the Kingsway. Mr. Belisle advised Council that the matter had been dealt with.

Jim Gordon Boardwalk
(Ramsey Lake)

Councillor Callaghan stated that he received complaints regarding cyclists using the Boardwalk and requested that staff address the matter.

CGS Calendar

Councillor Callaghan asked if staff from the Economic Development & Planning Services could report back to Council on whether or not there has been a calendar of the City of Greater Sudbury produced by a local private company.

Illegal Dumping

Councillor Dupuis stated that an article in a local newspaper reported the “hot spots” for illegal dumping of garbage. He asked if signs could be posted at these sites stating what the fine is and should the Technical Steering Committee for the Waste Optimization Study address this issue. Mr. Belisle advised Council that the Technical Steering Committee should address this matter.

Mr. Swiddle advised Council that the fine for illegal dumping was \$5,000 under the Provincial Offences Act and signs could be posted.

Discharge of Firearms

Councillor Rivest raised the issue regarding the protection of livestock or oneself from black bears or wolves. He asked the Chief of Police if the discharge of a firearm in a residential area was illegal.

Chief Davidson advised Council that to discharge a firearm in a residential area was not only dangerous but illegal and to telephone 911 if there was an emergency.

Adjournment

2004-262 Bradley-Dupuis: THAT this meeting does now adjourn.
Time: 9:55 p.m.

CARRIED

Mayor

City Clerk