

**THE TWENTY-SEVENTH MEETING OF THE COUNCIL  
OF THE CITY OF GREATER SUDBURY**

**Committee Room C-11  
Tom Davies Square**

**Thursday, March 21<sup>st</sup>, 2002  
Commencement: 7:00 p.m.**

**DEPUTY MAYOR DOUG CRAIG, IN THE CHAIR**

Present Councillors Bradley; Callaghan; Courtemanche; Davey; Dupuis; Gainer; Kilgour (A7:02 pm); Lalonde; McIntaggart (A7:02 pm); Portelance; Mayor Gordon

City Officials J. Rule, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; M. Mieto, General Manager of Health & Social Services; D. Nadorozny, General Manager of Economic Development & Planning Services; D. Wuksinic, General Manager of Corporate Services; S. Jonasson, Director of Finance/City Treasurer; H. Salter, Deputy City Solicitor; P. Thomson, Director of Human Resources; T. Mowry, City Clerk; G. Ward, Council Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" 2002-125 Craig/Dupuis: That we move "In Camera" to deal with a labour relations matter in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2001-03 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5).

**CARRIED**

Recess At 7:30 p.m., Council recessed.

Reconvene At 7:40 p.m., Council moved to the **Council Chamber** to continue the regular meeting.

Chair **HIS WORSHIP MAYOR JAMES GORDON, IN THE CHAIR**

Present Councillors Bradley; Callaghan; Courtemanche; Craig; Davey; Dupuis; Gainer; Kilgour (A7:47 pm); Lalonde; McIntaggart; Portelance

City Officials J. Rule, Chief Administrative Officer; D. Belisle, General Manager of Public Works; W. Ropp, Acting General Manager of Emergency Services; C. Hallsworth, General Manager of Citizen & Leisure Services; M. Mieto, General Manager of Health & Social Services; D. Nadorozny, General Manager of Economic Development & Planning Services; D. Wuksinic, General Manager of Corporate Services; I. Davidson, Superintendent, Greater Sudbury Police Services; H. Salter, Deputy City Solicitor; S. Jonasson, Director of Finance/City Treasurer; D. Mathé, Manager of Supplies & Services;

City Officials  
(Continued)

N. Charette, Manager of Corporate Communications and French-language Services; P. Aitken, Government Relations/Policy Analyst; J. McKechnie, Executive Assistant to the Mayor; J. Lahti, Legal Secretary; T. Mowry, City Clerk; G. Ward, Council Secretary

News Media

MCTV; The Box; Q92/CIGM; Northern Life; Sudbury Star

Declarations of  
Pecuniary Interest

None declared.

Welcome

Mayor Gordon welcomed Councillor Gainer back to the Council table following his recent accident.

Councillor Gainer expressed his appreciation to Members of Council, Staff and friends for the cards and expressions of encouragement throughout his recovery.

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with Item R-2, Motion by Councillor Craig, immediately following the Delegations noted on the Agenda.

**DELEGATIONS**

Item 3  
"JoeMac" Committee

Letter dated 2002-02-26 from Rick Bartolucci, MPP, regarding Activities of the "JoeMac" Committee was received.

Mr. Bartolucci introduced the members of the "JoeMac" Committee including Nancy MacDonald, wife of the late Joe MacDonald, Patty Mathes, sister, and Det.Sgt. J. Muise (Victims of Crime) who addressed Council requesting support of the following resolution.

The following resolution was presented:

Craig/Gainer: WHEREAS Sudbury Regional Police Constable Joe MacDonald was viciously beaten, shot and executed by Clinton Suzack and Peter Pennett in October, 1993;

AND WHEREAS Clinton Suzack is known to be a dangerous offender with a shocking, lengthy history of committing violent assaults culminating in the death of Constable Joe MacDonald;

AND WHEREAS Suzack and Pennett received a life sentence of 25 years for the first-degree murder of Constable Joe MacDonald;

AND WHEREAS the Solicitor General of Canada, Lawrence MacAulay, despite compelling evidence to the contrary, denies that Correctional Services Canada (CSC) routinely cascades prisoners to lower security settings and ultimately freedom based on a "quota system";

Item 3  
(Continued)

AND WHEREAS, while there will always be tragedies, the Solicitor General can ensure optimum safety for our citizenry by ensuring dangerous offenders are not set loose on an unsuspecting public and by ensuring that those convicted of first degree murder serve the duration of their sentences;

THEREFORE BE IT RESOLVED THAT we call upon the Solicitor General to undertake the following three directives, as demanded by the JoeMac Committee during its February 18, 2002 meeting with Mr. MacAulay:

1. **Ensure** the immediate return of Clinton Suzack and Peter Pennett to maximum security to serve the duration of their 25-year sentence for the first degree murder of Constable Joe MacDonald;
2. **Order** an external review of Correctional Services of Canada in light of compelling and irrefutable evidence that CSC continues to pursue a dangerous and illegal policy whereby prisoners are cascaded to lower security settings and ultimately freedom, based not on individual risk assessments but on meeting numerical targets or “quotas”;
3. **Follow** through with a commitment made in April 2000 before a Federal Justice Committee whereby he denied the existence of the aforementioned policy and offered to confirm this in writing to the CSC Commissioner, Wardens and Staff that prisoners must not be cascaded to lower security settings and ultimately, freedom based on numerical quotas.

The following amendment to the Motion was then presented:

2002-126 McIntaggart/Portelance: That the foregoing motion be amended by adding:

AND THAT this motion be forwarded to all Municipal Associations for their endorsement;

AND FURTHER THAT Councillors be encouraged to address these Municipal Associations on this motion;

AND FURTHER THAT this Council partner with the “JoeMac” Committee.

**RECORDED VOTE:**

**YEAS**

**NAYS**

Bradley  
Callaghan  
Courtemanche  
Craig  
Davey  
Dupuis  
Gainer  
Kilgour  
Lalonde  
McIntaggart  
Portelance  
Gordon

**CARRIED**

The original motion, as amended, was then presented:

2002-127 Craig/Gainer: WHEREAS Sudbury Regional Police Constable Joe MacDonald was viciously beaten, shot and executed by Clinton Suzack and Peter Pennett in October, 1993;

AND WHEREAS Clinton Suzack is known to be a dangerous offender with a shocking, lengthy history of committing violent assaults culminating in the death of Constable Joe MacDonald;

AND WHEREAS Suzack and Pennett received a life sentence of 25 years for the first-degree murder of Constable Joe MacDonald;

AND WHEREAS the Solicitor General of Canada, Lawrence MacAulay, despite compelling evidence to the contrary, denies that Correctional Services Canada (CSC) routinely cascades prisoners to lower security settings and ultimately freedom based on a "quota system";

AND WHEREAS, while there will always be tragedies, the Solicitor General can ensure optimum safety for our citizenry by ensuring dangerous offenders are not set loose on an unsuspecting public and by ensuring that those convicted of first degree murder serve the duration of their sentences;

THEREFORE BE IT RESOLVED THAT we call upon the Solicitor General to undertake the following three directives, as demanded by the JoeMac Committee during its February 18, 2002 meeting with Mr. MacAulay:

1. **Ensure** the immediate return of Clinton Suzack and Peter Pennett to maximum security to serve the duration of their 25-year sentence for the first degree murder of Constable Joe MacDonald;

Item 3  
(Continued)

2. **Order** an external review of Correctional Services of Canada in light of compelling and irrefutable evidence that CSC continues to pursue a dangerous and illegal policy whereby prisoners are cascaded to lower security settings and ultimately freedom, based not on individual risk assessments but on meeting numerical targets or “quotas”;
3. **Follow** through with a commitment made in April 2000 before a Federal Justice Committee whereby he denied the existence of the aforementioned policy and offered to confirm this in writing to the CSC Commissioner, Wardens and Staff that prisoners must not be cascaded to lower security settings and ultimately, freedom based on numerical quotas.

AND THAT this motion be forwarded to all Municipal Associations for their endorsement;

AND FURTHER THAT Councillors be encouraged to address these Municipal Associations on this motion;

AND FURTHER THAT this Council partner with the “JoeMac” Committee.

**RECORDED VOTE:**

**YEAS**

**NAYS**

Bradley  
Callaghan  
Courtemanche  
Craig  
Davey  
Dupuis  
Gainer  
Kilgour  
Lalonde  
McIntaggart  
Portelance  
Gordon

**CARRIED**

Item 4  
Steel Import Laws

Mr. J. Fera, Recording Secretary, United Steelworkers of America, Local 6500, introduced Mr. Norm McKay, United Steelworkers of America, Staff Representative, Sault Ste. Marie, Algoma Steel, who addressed Council with an overhead presentation regarding foreign steel being brought into Canada.

Item 4  
(Continued)

The following resolution was presented:

2002-128 Dupuis/Craig: WHEREAS the United Steelworkers, together with the Canadian steel industry, is calling on the Federal Government to protect national interests against low-priced foreign steel being dumped into Canada;

AND WHEREAS some reports state that more than 35% of imported steel is under-priced and being dumped into the Canadian market;

AND WHEREAS the United States International Trade Commission has initiated, at the request of US steel companies and the United Steelworkers of America, a safeguard action to protect the US steel industry;

AND WHEREAS the City of Greater Sudbury is a community that depends on the economic contribution of the steel industry and the thousands of jobs that are either directly or indirectly created and sustained by it;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury requests that the Government of Canada immediately implement duties and safeguards, and enforce anti-dumping legislation, placing fines on those companies who purchase under-priced steel in violation of such safeguards and anti-dumping laws;

AND BE IT FURTHER RESOLVED that the Government of Canada ensure an accountable process for selection of members of the Canadian International Trade Tribunal (CITT) and a legislative requirement for a balancing of interests in the membership of the CITT, to include worker and community representatives.

**RECORDED VOTE:**

**YEAS**

**NAYS**

Bradley  
Callaghan  
Courtemanche  
Craig  
Davey  
Dupuis  
Gainer  
Kilgour  
Lalonde  
McIntaggart  
Portelance  
Gordon

**CARRIED**

Proceed Past  
10:00 p.m.

2002-129 Craig/Dupuis: That we proceed past the hour of 10:00 p.m.

**CARRIED**

Item R-2  
Union Gas Franchise  
Agreement

Following a lengthy debate by Members of Council, the following motion was presented:

2002-130 Craig/McIntaggart: WHEREAS Council of the City of Greater Sudbury (the "City") deems it to be in the best interests of the City and its citizens that the City take steps to ensure that the benefits and returns generated from operation of the natural gas distribution system within the City be put to use in the best interests of the City and its citizens;

AND WHEREAS the inherent right of municipalities in Ontario to purchase, own, operate and construct works for the distribution of natural gas within their boundaries is expressly recognized in section 18 of the Public Utilities Act;

AND WHEREAS Union Gas Limited has agreed in various franchise agreements to sell to the City its gas distribution works within the City following termination of the franchises;

AND WHEREAS Union Gas Limited has applied to the Ontario Energy Board for orders which, if granted, may frustrate and defeat the City's contractual rights and expectations by imposing upon the City a long-term franchise agreement containing no right to purchase;

BE IT RESOLVED THAT:

1. The Chief Administrative Officer or other person designated by him is authorized on behalf of the City to oppose all applications made by Union Gas Limited to the Ontario Energy Board for orders under sections 9 and 10 of the Municipal Franchises Act, allowing Union Gas Limited, notwithstanding the absence of approval or assent on the part of the City or its electors, to construct, extend or add to, and/or to operate natural gas distribution systems within the boundaries of the City.
2. The Chief Administrative Officer or other person designated by him is authorized to renew and to continue the City's efforts to negotiate the purchase by the City of Union's gas distribution system pursuant to various gas franchise agreements between the City, as successor to entities within the definition of "old municipality" in the City of Greater Sudbury Act, 1999, and Union Gas Limited or its predecessors (collectively, the "Gas Franchise Agreements").

Item R-2  
(Continued)

3. The Chief Administrative Officer is authorized to execute an agreement with Greater Sudbury Utilities regarding a potential role for the Greater Sudbury Utilities in these Ontario Energy Board and court matters, and the acquisition, ownership and/or operation of the natural gas distribution system within the City currently owned and operated by Union Gas Limited ("Gas Distribution System").
4. The City Solicitor is authorized to make such applications to or request such orders or relief from the Ontario Energy Board as may be necessary to enable the City, or other body or entity authorized by the City, to acquire, operate, construct, extend or add to a gas distribution system within the City.
5. The Chief Administrative Officer or other person designated by him is authorized to investigate and explore opportunities for the City to grant a franchise to operate a gas distribution system to any person, firm or corporation, and to engage in discussions and negotiations with such third parties, including discussions and negotiations respecting joint venturing, partnership or similar business arrangements and a potential purchase by such third parties of Union Gas' Distribution System or portion thereof pursuant to the Gas Franchise Agreements.
6. The City Solicitor is authorized, following termination of the Gas Franchise Agreements, or any of them, to give notice to Union Gas Limited pursuant to the said agreements requiring Union Gas Limited to sell its Gas Distribution System or portion thereof to the City or to any other person, firm or corporation designated in such notice by the City.

AND THAT all necessary by-laws be passed.

**SIMULTANEOUS WRITTEN RECORDED VOTE:**

**YEAS**

Craig  
Davey  
Kilgour  
McIntaggart  
Portelance

**NAYS**

Bradley  
Callaghan  
Courtemanche  
Dupuis  
Gainer  
Lalonde  
Gordon

**MOTION LOST**

## **BY-LAWS**

- 2002-73Z      3      BEING 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 THE FORMER CITY OF VALLEY EAST
- (This By-law does not rezone the subject property. This By-law permits an existing second dwelling unit to continue to be used as a "granny suite" residence by a parent of the owner for a maximum temporary period of three years - Yvan Guinard, 75 Arlington Drive, Dowling.)
- Committee of the Whole - Planning Resolution 2001-138
- 2002-74Z      3      BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 83-303, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF WALDEN
- (This By-law rezones the subject property to Seasonal Residential so that it can be consolidated with the adjoining Seasonal Residential property to correct a driveway encroachment - Estate of Helen Sirkka, North Shore Road, Lake Panache.)
- Committee of the Whole - Planning Resolution 2002-36
- 2002-75Z      3      BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 83-304, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF NICKEL CENTRE
- (This By-law rezones the subject property to "HR1.D22-15", Holding Special Single Residential in order to permit the conversion of a former hall into one dwelling unit and dance studio. The 'Special' zone permits a dance studio in addition to all other "R1" uses. The "H" symbol specifies that only a dance studio or day nursery shall be permitted until such time as any residential section of the existing building has been flood proofed to the satisfaction of the Nickel District Conservation Authority, and the "H" symbol removed by Council. - Amanda Tessier, 45 William Avenue, Coniston.)
- Committee of the Whole - Planning Resolution 2002-35
- 2002-76A      3      BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING OF MARCH 21st , 2002
- 2002-77      3      BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE TO MARCEL LEGAULT CONST. LTD. OF LOT 8, PLAN 53M-1254, VALLEYSTREAM DRIVE IN THE CITY OF GREATER SUDBURY
- Committee of the Whole - Planning Resolution.

2002-78A      3      BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-34A, BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT OFFICIALS FOR THE CITY OF GREATER SUDBURY

(This By-law updates the list of By-law Enforcement Officers.)

2002-79A      3      BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN AGREEMENT WITH HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, AS REPRESENTED BY THE MINISTER OF TOURISM, CULTURE AND RECREATION TO ESTABLISH THE TERMS AND CONDITIONS OF THE PROVINCE'S FINANCIAL CONTRIBUTION THROUGH THE SUPERBUILD SPORTS, CULTURE AND TOURISM PARTNERSHIPS INITIATIVE (the "SCTP INITIATIVE") TO THE MUNICIPAL ARENA SAFETY PROJECT

Council Resolution 2001-39

2002-80T      3      BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-1, THE TRAFFIC AND PARKING BY-LAW

Report dated 2002-03-14 from the General Manager of Public Works.

(This By-law updates Schedule "J", the Excess Loads for various locations throughout the City of Greater Sudbury.)

1<sup>st</sup> & 2<sup>nd</sup> Reading      2002-131 Craig/Portelance: That By-law 2002-73Z to and including By-law 2002-80T be read a first and second time.

**CARRIED**

3<sup>rd</sup> Reading      2002-132 Portelance/Craig: That By-law 2002-73Z to and including By-law 2002-80T be read a third time and passed.

**CARRIED**

#### **ROUTINE MANAGEMENT REPORTS**

Item C-5  
Air Traveller's Security Charge      Report dated 2002-03-05 from the General Manager of Citizen & Leisure Services regarding Air Traveller's Security Charge was received.

The following resolution was presented:

2002-133 Gainer/Craig: WHEREAS the Council of the City of Greater Sudbury fully supports enhanced security measures for Canadian airports and encourages the Federal Government to ensure that the costs of these security measures are fully recovered from Canadian air travelers;

Item C-5  
(Continued)

AND WHEREAS Greater Sudbury is a community whose passengers fly primarily over shorter commuter distances;

AND WHEREAS the Greater Sudbury Airport Community Development Corporation is committed to encouraging our citizens to use the local air service carriers, to travel and to develop economic development opportunities for our community and our country;

NOW THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury respectfully requests that the Federal Government review the flat rate Air Traveler's Security Charge (ATSC) of \$12.00 one way and \$24.00 return trip on each and every ticket sold for domestic air travel in Canada and give consideration to the implementation of a Security Charge which is proportional to the airfare paid so as to ensure that air travel continues to be an affordable alternative for travel of all distances and so as to ensure a fair and equitable collection system for the recovery of costs associated with the enhanced security measures for Canadian airports.

**CARRIED**

Proceed Past  
11:00 p.m.

2002-134 Craig/Dupuis: That we proceed past the hour of 11:00 p.m.

**MOTION LOST**

Adjournment

In accordance with the Procedural By-law, the meeting automatically adjourned at 11:00 p.m. because unanimous consent of all members present was not received to proceed past 11:00 p.m.

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Mayor

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Clerk