

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, FEBRUARY 8TH, 2010**

PRESENT: Mayor Fedeli, Councillors Chirico, Campbell, Vaillancourt, Vrebosch-Merry, Mayne, Bain, Koziol, Graham, Mendicino, Anthony

PUBLIC PRESENTATION:

None

CORRESPONDENCE:

New Era Homes Ltd.	re Rezoning application - McKeown Avenue	(93)
Salvador, Jerome	re Firearms Discharge By-Law	(90)
Waste Resources Liaison Committee	re Subsidizing Blue Boxes	(72)

REPORTS FROM OFFICERS:

Bellehumeur, R.	re Downtown Sidewalk Rehabilitation Program	(75)
Bellehumeur, R.	re Kings Landing and Marina Rehabilitation Program	(76)
Bellehumeur, R.	re Pete Palangio/West Ferris Rehabilitation Program	(77)
Bellehumeur, R.	re Aquatic Centre Rehabilitation Program	(78)
Bellehumeur, R.	re Trail System Development Program	(79)
Burke, M.B.	re Firearms Discharge By-Law	(90)
Burke, M.B.	re Land sale - Fricker-Wallace Park	(108)
Carello, P.	re 2009 Update - Municipal Accessibility Plan and Municipal Accessibility Advisory Committee	(88)
Carello, P.	re 2009 Municipal Heritage Committee Annual Report	(89)
Cox, A.	re Water Treatment Plant and Facility Maintenance Program	(73)
Cox, A.	re Sewage Treatment Plant and Pumping Station Improvement Program	(74)
Janisse, L.	re Mandatory enrolment in OMERS for Spareboard Operators	(86)
Kitlar, S.	re Celtfest	(91)
Knox, J.D.	re North Bay Jack Garland Airport - Repairs and maintenance	(80)
Love, G.	re Fire Department Vehicle & Equipment Replacement Program	(81)
Love, G.	re Automatic Aid Agreement with Phelps Fire Department	(85)
Manning, J.	re Tender 2010-06, Trackless municipal tractor	(82)
Manning, J.	re Tender 2009-136, Backhoe c/w plow	(83)
Marshall, R.	re State of the Infrastructure Report	(84)
McArthur, S.	re Exemption from Condominium Approval Process - Harriman & Associates on behalf of Saturnia Real Estate Holdings Inc., 904 Premier Road	(92)
Rochefort, L.	re 2010 Interim Tax Rate By-Law and 2010 Adjustments to Interim Taxes By-Law	(87)

Res. #2010-68: Moved by Councillor Vaillancourt, seconded by Councillor Graham That minutes for the public meetings held on:

- Monday, January 25, 2010; and
- Monday, February 1, 2010

be adopted as presented.

“CARRIED”

Res. #2010-69: Moved by Councillor Vaillancourt, seconded by Councillor Graham
That minutes for the closed meetings held on:

- Monday, January 25, 2010

be adopted as presented.

“CARRIED”

Res. #2010-70: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2010-02 relating to:

- Zoning By-Law Amendment by 1633091 Ontario Limited and 1633057 Ontario Limited - Gormanville Road; and
- Zoning By-Law Amendment by John and Judith O'Rourke - 719 Fisher Street and 414 to 420 Second Avenue East

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2010-02

February 8, 2010

TO THE COUNCIL
OF THE CORPORATION
OF THE CITY OF NORTH BAY

Your Worship and Councillors:

The Community Services Committee presents Report No. 2010-02 and recommends:

1. That a) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of 1633091 Ontario Limited and 1633057 Ontario Limited to rezone the properties legally described as Registered Plan No. M-36, Lots 95 to 97 & 110 to 115, Reference Plan 36R-11393, PIN's 49128-0296, 49128-0298, 49128-0240, Gormanville Road, from an “Industrial Railway (MR)” zone to a “Light Industrial Three (M3)” zone be approved; and
b) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 as amended, in order to regulate parking, lighting, landscaping, stormwater, drainage, ingress and egress and fencing as required.
2. That a) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of John and Judith O'Rourke to rezone the properties legally described as Plan 20, Lots 29 & 30 and Plan 21, Lot 560 being 719 Fisher Street and 414 to 420 Second Avenue East from a “Residential Third Density (R3)” zone and a “Commercial Special Zone No. 8 (C Sp.8)” to a “Neighbourhood Commercial Special Zone No. 78 (C5 Sp.78)”, be approved; and
b) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 as amended, in order to regulate lighting, ingress and egress, building location, landscaping, lot grading, drainage, stormwater management, parking and fencing.

All of which is respectfully submitted.

ASSENTS
ANTHONY
MENDICINO
GRAHAM
FEDELI

DISSENTS

Res. #2010-71: Moved by Councillor Koziol, seconded by Councillor Bain
That Engineering & Works Committee Report No. 2010-01 relating to:

- Community Waterfront Park - Busker Stage Medallion; and
- Courtesy Pedestrian Crosswalk Policy

be adopted as presented.

“CARRIED”

ENGINEERING & WORKS COMMITTEE REPORT NO. 2010-01

February 8, 2010

TO THE COUNCIL
OF THE CORPORATION
OF THE CITY OF NORTH BAY

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2010-01 and recommends:

1. That Report to Council EESW-2008-50 relating to the Community Waterfront Park - Busker Stage Medallion, be noted and filed.
2. That Report to Council EESW-2009-01 relating to a Courtesy Pedestrian Crosswalk Policy, be noted and filed.

All of which is respectfully submitted.

ASSENTS
KOZIOL
BAIN
MAYNE
FEDELI

DISSENTS

Res. #2010-72: Moved by Councillor Koziol, seconded by Councillor Bain
That the resolution passed by the Waste Resources Liaison Committee
on January 26, 2010 relating to Subsidizing Blue Boxes be referred to
the Engineering & Works Committee.

“CARRIED”

Res. #2010-73: Moved by Councillor Koziol, seconded by Councillor Bain
That a Capital Expenditure By-Law in the amount of \$250,000.00 be
prepared for Council’s consideration for the Water Treatment Plant
Facilities and Repairs Project #3078WS, funded from the 2010 Water
and Sanitary Capital Works Budget project Line Item #W55.

“CARRIED”

Res. #2010-74: Moved by Councillor Koziol, seconded by Councillor Bain
That a Capital Expenditure By-Law be prepared for Council's consideration for the Sewage Treatment Plant and Pumping Station Project #3077SS, funded from the 2010 Water and Sanitary Capital Works Budget Project Line Item #W54, at a net debenture cost of \$300,000.00.

"CARRIED"

Res. #2010-75: Moved by Councillor Anthony, seconded by Councillor Mendicino
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Downtown Sidewalk Rehabilitation Program, being 2010 Capital Budget Project #3040PR, at a net debenture cost of \$85,000.00.

"CARRIED"

Res. #2010-76: Moved by Councillor Anthony, seconded by Councillor Mendicino
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Kings Landing and Marina Rehabilitation Program, being 2010 Capital Budget Project #3042PR, at a net debenture cost of \$165,000.00.

"CARRIED"

Res. #2010-77: Moved by Councillor Anthony, seconded by Councillor Mendicino
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Pete Palangio/West Ferris Rehabilitation Program, being 2010 Capital Budget Project #3032RF, at a net debenture cost of \$250,000.00.

"CARRIED"

Res. #2010-78: Moved by Councillor Anthony, seconded by Councillor Mendicino
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Aquatic Centre Rehabilitation Program, being 2010 Capital Budget Project #3041PR, at a net debenture cost of \$150,000.00.

"CARRIED"

Res. #2010-79: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Trail System Development Program, being 2010 Capital Budget Project #3039PR, at a net debenture cost of \$250,000.00; and

- 2) the Chief Financial Officer be authorized to transfer the balance remaining in the Trails Development Reserve Fund, estimated at \$125,000.00 to the project.

"CARRIED"

Res. #2010-80: Moved by Councillor Anthony, seconded by Councillor Mendicino
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the improvements to the North Bay Jack Garland Airport, being Community Services 2010 Capital Budget Line #24, Project #3046AT, at a net debenture cost of \$274,000.00.

"CARRIED"

Res. #2010-81: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Council directs the City Clerk to prepare a by-law for approval to fund the Fire Department Vehicle & Equipment Replacement Program, in the 2010 Capital Budget Fire Department Line #1, Project #3048FD, at a net debenture cost of \$95,000.00.

“CARRIED”

Res. #2010-82: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve a contract be awarded to Work Equipment Ltd. in the amount of \$118,375.00 (taxes extra), for the supply of one trackless municipal tractor c/w plow and salt spreader.

“CARRIED”

Res. #2010-83: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve a contract be issued to Nortrax in the amount of \$120,638.80 (taxes included), to supply one used backhoe c/w plow.

“CARRIED”

Res. #2010-84: Moved by Councillor Koziol, seconded by Councillor Bain
That Council accept the findings presented within the executive summary of the *State of the Infrastructure Report* submitted by Stantec Consulting Ltd. dated November 2009, and attached to Report to Council EESW 2010-07 from Ray Marshall.

“CARRIED”

Res. #2010-85: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the City of North Bay notify the Phelps Fire Department that we will not be renewing the Automatic Aid Agreement in 2010.

“CARRIED”

Res. #2010-86: Moved by Councillor Chirico, seconded by Councillor Campbell
That the Council of the City of North Bay provide the documentation requested by OMERS in order to confirm that:

- a) the Spareboard Operators in the Transit Department have been defined as Other Than Continuous Full-Time (OTCFT) employees since June 11, 2005;
- b) the City’s intent for such Spareboard Operators was to require mandatory enrolment in the OMERS Pension Plan for their class as a whole, even though they were and are OTCFT employees; and
- c) the City did not make the distinction that the Spareboard Operators were OTCFT employees at the time they were enrolled into the OMERS Plan.

“CARRIED”

Res. #2010-87: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) Council enact By-Law No. 2010-27, being a by-law to levy certain interim rates, taxes and charges and that the by-law be given three (3) readings on February 8, 2010; and

- 2) Council enact By-Law No. 2010-28, being a by-law to adjust interim taxes on certain properties that would be levied too high or too low in relation to total taxes that will be levied on the property and that the by-law be given three (3) readings on February 8, 2010.

“CARRIED”

Res. #2010-88: Moved by Councillor Anthony, seconded by Councillor Mendicino That the 2009 Update - Municipal Accessibility Plan and Municipal Accessibility Advisory Committee Annual Report be received and referred to the Community Services Committee.

“CARRIED”

Res. #2010-89: Moved by Councillor Anthony, seconded by Councillor Mendicino That the 2009 Municipal Heritage Committee Annual Report be received and referred to the Community Services Committee.

“CARRIED”

Res. #2010-90: Moved by Councillor Chirico, seconded by Councillor Campbell That the request for an exemption from the Firearms Discharge By-Law concerning property between Highway 63 and Northshore Road be denied.

“CARRIED”

Res. #2010-91: Moved by Councillor Anthony, seconded by Councillor Mendicino That in order to facilitate the undertaking of the 2010 Celfest, the following requests be approved:

- a) a temporary exemption to Section D, Regulation 3B of the Municipal Alcohol Policy is approved, allowing the establishment of a licensed area to serve alcohol on June 5, 2010 between the hours of 11:00 a.m. and 6:00 p.m. in an area mutually agreed upon by Celfest and the Municipal representative and subject to meeting the additional security and site management requirements; and
- b) Celfest be granted exclusivity in Champlain Park from 12:00 p.m. on Friday, June 4, 2010 until 6:00 p.m. on Saturday, June 5, 2010 both inclusive, within the areas defined on the map attached to Report to Council CSBU 2010-26.

“CARRIED”

Res. #2010-92: Moved by Councillor Anthony, seconded by Councillor Mendicino That 1) the Condominium application by Harriman & Associates Consultants on behalf of Saturnia Real Estate Holdings Inc. on the property legally described as Concession 14, Part Lot 39, Parcel 7037, PIN# 49178-0222 (LT) in the former Township of West Ferris - 904 Premier Road in the City of North Bay requesting an exemption from Section 51 of the *Planning Act* to grant Draft Approval of a Plan of Condominium, as represented on Schedule “B” attached hereto and subject to the conditions contained in Appendix “A” to the Report to Council No. CSBU 2010-004, be approved; and

- 2) the property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, as amended, in

order to regulate lighting, ingress and egress, building location, parking, landscaping, lot grading, lot drainage and storm water management.

“CARRIED”

Res. #2010-93: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the rezoning application by Miller & Urso Surveying Inc. on behalf of New Era Homes Ltd. - McKeown Avenue, be received and referred to the Community Services Committee for a Public Meeting.

“CARRIED”

Res. #2010-94: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a first and second time:

By-Law No. 2010-31 to amend By-Law No. 2003-05 (being a by-law to regulate smoking in public places and workplaces).

“CARRIED”

Res. #2010-95: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:

By-Law No. 2010-16 to authorize the purchase of land from the Ministry of Transportation for the traffic roundabout (Gormanville Road and McKeown Avenue).

By-Law No. 2010-17 to authorize the City Hall Rehabilitation Program.

By-Law No. 2010-18 to authorize the Park and Playground Rehabilitation Program.

By-Law No. 2010-19 to authorize the Parks Building Rehabilitation Program.

By-Law No. 2010-20 to authorize the Memorial Gardens Rehabilitation Program.

By-Law No. 2010-21 to authorize the Trail & Supporting Hard Services Rehabilitation Program.

By-Law No. 2010-22 to authorize the Park Vehicle & Equipment Replacement Program.

By-Law No. 2010-23 to authorize the Vehicle & Equipment Replacement Program for the Sewer & Water Division.

By-Law No. 2010-24 to authorize the Vehicle & Equipment Replacement Program for the Roads & Traffic Division.

By-Law No. 2010-25 to authorize the Traffic Control Signal Upgrade Program.

By-Law No. 2010-26 to authorize the Sidewalk Replacement Program and the Pedestrian Safety Program.

By-Law No. 2010-30 to execute an Amending Agreement with Nipissing First Nation relating to fire protection services.

“CARRIED”

Res. #2010-96: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:

By-Law No. 2010-16 to authorize the purchase of land from the Ministry of Transportation for the traffic roundabout (Gormanville Road and McKeown Avenue).

By-Law No. 2010-17 to authorize the City Hall Rehabilitation Program.

By-Law No. 2010-18 to authorize the Park and Playground Rehabilitation Program.

By-Law No. 2010-19 to authorize the Parks Building Rehabilitation Program.

By-Law No. 2010-20 to authorize the Memorial Gardens Rehabilitation Program.

By-Law No. 2010-21 to authorize the Trail & Supporting Hard Services Rehabilitation Program.

By-Law No. 2010-22 to authorize the Park Vehicle & Equipment Replacement Program.

By-Law No. 2010-23 to authorize the Vehicle & Equipment Replacement Program for the Sewer & Water Division.

By-Law No. 2010-24 to authorize the Vehicle & Equipment Replacement Program for the Roads & Traffic Division.

By-Law No. 2010-25 to authorize the Traffic Control Signal Upgrade Program.

By-Law No. 2010-26 to authorize the Sidewalk Replacement Program and the Pedestrian Safety Program.

By-Law No. 2010-30 to execute an Amending Agreement with Nipissing First Nation relating to fire protection services.

“CARRIED”

Res. #2010-97: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:

By-Law No. 2010-27 to levy certain interim rates, taxes and charges.

By-Law No. 2010-28 to adjust interim taxes for 2010.

“CARRIED”

Councillor Koziol declared a conflict of interest on the above matter as she is a multi-residential property owner.

Res. #2010-98: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:

By-Law No. 2010-27 to levy certain interim rates, taxes and charges.

By-Law No. 2010-28 to adjust interim taxes for 2010.

“CARRIED”

Councillor Koziol declared a conflict of interest on the above matter as she is a multi-residential property owner.

Res. #2010-99: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2010-08 to rezone certain lands on Fisher Street and Second Avenue East (John and Judith O'Rourke - 719 Fisher Street and 414 to 420 Second Avenue East).

By-Law No. 2010-10 to rezone certain lands on Gormanville Road (1633091 Ontario Limited and 1633057 Ontario Limited).

"CARRIED"

Res. #2010-100: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2010-09 to designate a Site Plan Control Area on certain lands on Fisher Street and Second Avenue East (John and Judith O'Rourke - 719 Fisher Street and 414 to 420 Second Avenue East).

By-Law No. 2010-11 to designate a Site Plan Control Area on certain lands on Gormanville Road (1633091 Ontario Limited and 1633057 Ontario Limited).

By-Law No. 2010-29 to execute a Memorandum of Understanding with the Department of National Defence for the Maintenance of the Aerospace Defence Park at the Airport.

"CARRIED"

Res. #2010-101: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2010-09 to designate a Site Plan Control Area on certain lands on Fisher Street and Second Avenue East (John and Judith O'Rourke - 719 Fisher Street and 414 to 420 Second Avenue East).

By-Law No. 2010-11 to designate a Site Plan Control Area on certain lands on Gormanville Road (1633091 Ontario Limited and 1633057 Ontario Limited).

By-Law No. 2010-29 to execute a Memorandum of Understanding with the Department of National Defence for the Maintenance of the Aerospace Defence Park at the Airport.

"CARRIED"

Res. #2010-102: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2009-238 to rezone certain lands on Algonquin Avenue (Fernando Hernandez Suarez - 490 Algonquin Avenue).

"CARRIED"

Res. #2010-103: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a first and second time:

By-Law No. 2010-32 to execute an Agreement with Bruman Leasing Ltd. relating to the Lakeshore Drive Sportsplex site preparation and grading.

“CARRIED”

Res. #2010-104: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a third time and passed:

By-Law No. 2010-32 to execute an Agreement with Bruman Leasing Ltd. relating to the Lakeshore Drive Sportsplex site preparation and grading.

“CARRIED”

Res. #2010-105: Moved by Councillor Chirico, seconded by Councillor Mendicino
WHEREAS from 2010 to 2015 the Federation of Canadian Municipalities (FCM) will implement at new \$17-million, Canadian International Development Agency (CIDA) funded program in the Ukraine;

AND WHEREAS this program will contribute to the improved economic development opportunities for the Ukraine through more inclusive and effective local governments that meet the needs of their citizens and the business community;

AND WHEREAS Canadian elected municipal experts are required to implement the Ukraine Municipal Local Economic Development Program (MLED) project in a peer-to-peer environment under the auspices of FCM;

AND WHEREAS the Canadian municipal experts are expected to provide both strategic leadership and use culturally-sensitive approaches to build the capacity of the Ukrainian local government representatives and staff;

AND WHEREAS FCM International requires elected municipal experts to participate in Canadian Technical team missions to implement the MLED Project at no cost to their municipalities;

BE IT THEREFORE RESOLVED THAT The City of North Bay hereby authorizes and supports Mayor Victor Fedeli to submit his Expression of Interest to FCM as an Elected Local Governance and Economic Development Specialist for the Ukraine Municipal Local Economic Development Program.

“CARRIED”

Record of Vote (*Upon Request of Councillor Koziol*)

Yeas: Councillors Koziol, Vrebosch-Merry, Bain, Anthony, Campbell, Mendicino, Mayne, Graham, Vaillancourt, Chirico, Mayor Fedeli

Res. #2010-106: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council adjourn in-camera pursuant to section 239 of the *Municipal Act, 2001*, as amended, at 7:35 p.m. to discuss Item 22 being a proposed sale of lands by the Municipality.

“CARRIED”

Res. #2010-107: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council reconvene at 7:41 p.m.

“CARRIED”

- Res. #2010-108: Moved by Councillor Chirico, seconded by Councillor Campbell
That
- 1) Council agree to sell that part of Block "A" access, described as Parts 1 and 2, to John Cutsey, an abutting owner, subject to easements for existing utilities, for the sum of \$18,150.00, representing the appraised value and the cost of all related transaction expenses; and
 - 2) Council agree to sell that part of Block "A" to Craig McKinley, an abutting owner, for the sum of \$20,685.00, representing the appraised value plus all related transaction expenses.

"CARRIED"

- Res. #2010-109: Moved by Councillor Mayne, seconded by Councillor Vaillancourt
That this Regular Meeting of Council do now adjourn at 7:42 p.m.

"CARRIED"

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD