

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, MARCH 3RD, 2008**

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

CORRESPONDENCE:

Agriculture, Food & Rural Affairs, Ministry of	re Municipal Weed Inspector for 2008	(159)
L. Waja Medical Professional Corp.	re Rezoning application - 30 Larocque Road	(160)
Roy, Romeo & Shirley Joyce	re Rezoning application - 311 Carmichael Drive	(161)

REPORTS FROM OFFICERS:

Burke, M.B.	re McGruther's Road	(155)
Burke, M.B.	re Part Lot Control By-Law for the North Bay Mattawa Conservation Authority	(156)
Burke, M.B.	re Land sale to Jean Paul Taché - Copeland Street	(179)
Burke, M.B.	re Canadian Pacific Railway Underpasses	(180)
Burke, M.B.	re Realignment of Second Avenue	(181)
Carvell, D.	re Ontario Bus Replacement Program	(165)
Cox, A.	re City's share of New Development Cost Projects	(162)
Cox, A.	re Dechlorination Project Sewage Plant	(163)
Houston, J.	re Municipal Weed Inspector for 2008	(159)
Knox, J.D.	re North Bay Jack Garland Airport Improvement Program	(166)
Lang, A.	re Ontario Bus Replacement Program	(165)
Manning, J.	re Tender 2008-08, Interior stair reconstruction at Pete Palangio Arena	(164)
McArthur, S.	re Rezoning application - Perut Construction Limited, 345 McPhail Street	(157)
McGrath, R.	re Reference to Arbitration	(158)

Res. #2008-152: Moved by Councillor Graham, seconded by Councillor Mayne
That minutes for the public meeting held on:

- Tuesday, February 19, 2008; and
- Monday, February 25, 2008

be adopted as presented.

"CARRIED"

Res. #2008-153: Moved by Councillor Graham, seconded by Councillor Mayne
That minutes for the closed meetings held on:

- Tuesday, February 19, 2008; and
- Monday, February 25, 2008

be adopted as presented.

"CARRIED"

Res. #2008-154: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2008-09 relating to:

- Rezoning application by 497030 Ontario Inc., 5300 Highway 63

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2008-09

March 3, 2008

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2008-09 and recommends:

1. That
 - a) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of 497030 Ontario Inc. to rezone part of Concession B, Part Lot 9, Parcel 11657 W/F (5300 Highway 63), from a “Rural Institutional (RN)” zone to a “Rural Marine Commercial (RMC)” zone be approved; and
 - b) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act, RSO 1990* as amended, in order to regulate parking and fencing

All of which is respectfully submitted.

ASSENTS
ANTHONY
MENDICINO
FEDELI

DISSENTS

Res. #2008-155: Moved by Councillor Campbell, seconded by Councillor Vaillancourt That the abandoned portion of McGruther’s Road be declared to be an unopened road allowance on which the public is entitled to travel at its own risk.

“CARRIED”

Res. #2008-156: Moved by Councillor Campbell, seconded by Councillor Vaillancourt That Council authorize a Part Lot Control By-Law to deem Part of Lot 1, Plan 56 and Part Lot 11, Plan 96 designated as Parts 2, 3, 4, 5 and 6, Plan 36R-12076 and Part Lot 2, Plan 56 designated as Parts 8, 9 and 10, Plan 36R-12076 and as not being subject to part lot control pursuant to Section 50(7) of the *Planning Act*.

“CARRIED”

Res. #2008-157: Moved by Councillor Anthony, seconded by Councillor Mendicino That the recommendation from the Planning Advisory Committee regarding the rezoning application by Miller & Urso Surveying Inc. on behalf of Perut Construction Limited - 345 McPhail Street be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2008-158: Moved by Councillor Campbell, seconded by Councillor Vaillancourt That Robert Young be appointed to represent the City as a nominee at rights arbitrations in the matters of Grievance #'s 07-63, 07-64, 07-47 and 08-10.

“CARRIED”

Res. #2008-159: Moved by Councillor Anthony, seconded by Councillor Mendicino
That City Council appoint the City's Parks and Facilities Manager as
Municipal Weed Inspector for 2008, and that the City Clerk be authorized
to prepare the appropriate by-law to appoint the City's Parks and Facilities
Manager as the Municipality's Weed Inspector for 2008 and submit the
name of Municipal Weed Inspector to the Provincial Chief Inspector before
April 1st, of this year.

"CARRIED"

Res. #2008-160: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the rezoning application by L. Waja Medical Professional Corporation
- 30 Larocque Road be received.

"CARRIED"

Res. #2008-161: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the rezoning application by Harriman & Associates on behalf of
Romeo and Shirley Joyce Roy - 311 Carmichael Drive be received.

"CARRIED"

Res. #2008-162: Moved by Councillor Koziol, seconded by Councillor Bain
That a Capital Expenditure By-Law be prepared for the consideration of
City Council to authorize the City's share of the New Development Cost
Projects of the Engineering, Environmental Services & Works Department,
being 2008 Capital Budget Project Line No. W39, at a net debenture cost
of \$100,000.00.

"CARRIED"

Res. #2008-163: Moved by Councillor Koziol, seconded by Councillor Bain
That the City Clerk prepare a by-law for approval to fund the
Dechlorination Project Sewage Plant, being a 2008 Water and Sanitary
Sewer Capital Budget Project Line No. W38, at a net debenture cost of
\$25,000.00.

"CARRIED"

Res. #2008-164: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve the award of a contract to D.J.
Venasse Construction Ltd. in the amount of \$139,000.00 (GST extra), to
complete interior stair reconstruction at Pete Palangio Arena.

"CARRIED"

Res. #2008-165: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That

- 1) the City enter into an Amended Letter of Agreement with the
Minister of Transportation for additional Ontario Bus
Replacement Program funding of \$65,761.00 for 2007;
- 2) the Mayor and Chief Financial Officer be authorized to sign the
Amended Letter of Agreement on behalf of the City; and
- 3) a supporting by-law be presented on March 3, 2008 for the
approval of Council.

"CARRIED"

Res. #2008-166: 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 2008 Capital Budget Project No. 73, at a net debenture cost of \$210,000.00.

“CARRIED”

Res. #2008-167: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-law be read a first and second time:

By-Law No. 2008-64 to stop up, close and convey a portion of the Wilmot Street and Delaney Street road allowance and a laneway bounded by Wilmot Street, Delaney Street and the Ontario Northland Railway Right-of-Way.

“CARRIED”

Res. #2008-168: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-laws be read a first and second time:

By-Law No. 2008-25 to authorize the Parks Building Rehabilitation Program.

By-Law No. 2008-65 to authorize the Parking Department's Equipment Expansion/Replacement Program.

By-Law No. 2008-66 to authorize the Parking Lot Maintenance & Improvement Program.

By-Law No. 2008-67 to authorize the Rural Roadways Reconstruction Program.

By-Law No. 2008-68 to authorize the City Hall (Outside) Rehabilitation Program.

By-Law No. 2008-69 to authorize the Parks - Waterfront Improvement Program.

By-Law No. 2008-70 to authorize the Parks - Trail Maintenance and Replacement Program.

By-Law No. 2008-73 to authorize the exchange of lands no longer required for municipal purposes (CN Right-of-Way lands - Fisher Street) in return for lands from James Tulloch, required for the Fisher Street Reconstruction Project.

By-Law No. 2008-77 to authorize the sale of lands to Andrew Roberts (770 Jane Street - CN Right-of-Way lands).

By-Law No. 2008-78 to execute an Agreement with TELUS Communications Company relating to 9-1-1 Service.

“CARRIED”

Res. #2008-169: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-laws be read a third time and passed:

By-Law No. 2008-25 to authorize the Parks Building Rehabilitation Program.

By-Law No. 2008-65 to authorize the Parking Department's Equipment Expansion/Replacement Program.

By-Law No. 2008-66 to authorize the Parking Lot Maintenance & Improvement Program.

By-Law No. 2008-67 to authorize the Rural Roadways Reconstruction Program.

By-Law No. 2008-68 to authorize the City Hall (Outside) Rehabilitation Program.

By-Law No. 2008-69 to authorize the Parks - Waterfront Improvement Program.

By-Law No. 2008-70 to authorize the Parks - Trail Maintenance and Replacement Program.

By-Law No. 2008-73 to authorize the exchange of lands no longer required for municipal purposes (CN Right-of-Way lands - Fisher Street) in return for lands from James Tulloch, required for the Fisher Street Reconstruction Project.

By-Law No. 2008-77 to authorize the sale of lands to Andrew Roberts (770 Jane Street - CN Right-of-Way lands).

By-Law No. 2008-78 to execute an Agreement with TELUS Communications Company relating to 9-1-1 Service.

“CARRIED”

Res. #2008-170: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2008-72 to designate lots on a certain Plan of Subdivision that has been registered for eight (8) years or more as deemed not to be on a Registered Plan of Subdivision.

By-Law No. 2008-75 to execute a Memorandum of Agreement with the North Bay Jack Garland Airport Corporation relating to the operation of the Airport until 2018.

By-Law No. 2008-79 to execute an Agreement with Metal-Air Mechanical Systems Ltd. relating to a Header Trench and Sub-Floor Heating System for Pete Palangio Arena.

“CARRIED”

Res. #2008-171: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2008-72 to designate lots on a certain Plan of Subdivision that has been registered for eight (8) years or more as deemed not to be on a Registered Plan of Subdivision.

By-Law No. 2008-75 to execute a Memorandum of Agreement with the North Bay Jack Garland Airport Corporation relating to the operation of the Airport until 2018.

By-Law No. 2008-79 to execute an Agreement with Metal-Air Mechanical Systems Ltd. relating to a Header Trench and Sub-Floor Heating System for Pete Palangio Arena.

“CARRIED”

Res. #2008-172: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a first and second time:

By-Law No. 2008-76 to execute an Agreement with the Federation of Canadian Municipalities, as Trustees for the Green Municipal Fund for the North Bay Sustainable Green Plan.

“CARRIED”

Res. #2008-173: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a third time and passed:

By-Law No. 2008-76 to execute an Agreement with the Federation of Canadian Municipalities, as Trustees for the Green Municipal Fund for the North Bay Sustainable Green Plan.

“CARRIED”

Res. #2008-174: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2008-52 to rezone certain lands on Highway 63 (497030 Ontario Inc. - 5300 Highway 63).

“CARRIED”

Res. #2008-175: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2008-53 to designate a Site Plan Control Area on certain lands on Highway 63 (497030 Ontario Inc. - 5300 Highway 63).

By-Law No. 2008-80 to authorize the execution of an Amending Letter of Agreement with Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario relating to the Ontario Bus Replacement Program.

“CARRIED”

Res. #2008-176: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2008-53 to designate a Site Plan Control Area on certain lands on Highway 63 (497030 Ontario Inc. - 5300 Highway 63).

By-Law No. 2008-80 to authorize the execution of an Amending Letter of Agreement with Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario relating to the Ontario Bus Replacement Program.

“CARRIED”

Res. #2008-177: Moved by Councillor Anthony, seconded by Councillor Mendicino

WHEREAS the Government of Canada has seen fit to exempt all municipalities in Canada from paying the Goods and Services Tax ("GST") resulting in approximately \$700,000 per year benefit to the City of North Bay;

AND WHEREAS the City of North Bay pays approximately \$800,000 per year in Provincial Sales Tax ("PST");

BE IT THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the City of North Bay request the Province of Ontario to fully exempt all Ontario municipalities from paying PST, with the understanding that the savings realized be mandated to fund existing infrastructure renewal in local municipalities

AND FURTHER THAT a copy of this resolution be forwarded to Nipissing MPP & Minister of Revenue Monique Smith, MP Anthony Rota, and the Premier of Ontario as well as the following provincial ministers: Minister of Public Infrastructure Renewal, Minister of Finance, Minister of Transportation and Minister of Municipal Affairs & Housing;

AND FURTHER THAT a copy of this resolution asking for support be forwarded to the leaders of the Provincial opposition; Federation of Northern Ontario Municipalities; Association of Municipalities of Ontario; Federation of Canadian Municipalities; and all Members of Provincial Parliament.

“CARRIED”

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

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

Res. #2008-178a: Moved by Councillor Campbell, seconded by Councillor Vaillancourt That Council adjourn in-camera pursuant to Section 239 of the *Municipal Act, 2001*, as amended, at 7:53 p.m. for the following reasons: Items 14, 15 and 16, being a proposed or pending acquisition or disposal of land by the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

“CARRIED”

Res. #2008-178b: Moved by Councillor Campbell, seconded by Councillor Vaillancourt That Council reconvene at 8:09 p.m.

“CARRIED”

Res. #2008-179: Moved by Councillor Campbell, seconded by Councillor Vaillancourt That Council agree to sell 7.185 metres of frontage on Copeland Street to the abutting owner, Jean Paul Taché for the sum of \$5,000.00 plus G.S.T., together with an easement for drainage.

“CARRIED”

Res. #2008-180: Moved by Councillor Campbell, seconded by Councillor Vaillancourt That

- 1) Council approve a Lease Agreement from Rail America until 2026 or for so long as Rail America has lease rights on the rail line for \$250,000.00 and an Easement from Canadian Pacific Railway for the reversionary interests for the sum of \$50,000.00 for the two underpasses and ancillary services required for the Clearway Construction contract; and
- 2) the Easement condition on the award of the underpasses contract to Clearway Construction Limited be withdrawn.

“CARRIED”

Res. #2008-181: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That Council authorize the transfer of 10 meters of frontage lands along
the realigned portion of Second Avenue to the owners of 482 Second
Avenue West in return for a full and complete release over the access
previously provided on the old Second Avenue road allowance from Front
Street.

“CARRIED”

Res. #2008-182: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-law be read a first and second time:

By-Law No. 2008-81 to execute an Occupancy License Agreement with
RailLink Canada Ltd. relating to railway underpasses.

“CARRIED”

Res. #2008-183: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-law be read a third time and passed:

By-Law No. 2008-81 to execute an Occupancy License Agreement with
RailLink Canada Ltd. relating to railway underpasses.

“CARRIED”

Res. #2008-184: Moved by Councillor Graham, seconded by Councillor Mayne
That this Regular Meeting of Council do now adjourn.

“CARRIED”

MAYOR VIC FEDELI

DEPUTY CLERK TERRY RINGLER