

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, JUNE 28TH, 2010**

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

PUBLIC PRESENTATION:

Dr. Rod Johnston re Heritage Railway Quarterly Report
Sue McIntyre re 31 Specialized Care Beds/Citizens' Committee

CORRESPONDENCE:

Cecil's Eatery & Beer Society re Noise By-Law Exemption (443)
Diana Dufresne re Fence Variance – 398 Godron Drive (446)

REPORTS FROM OFFICERS:

Carello, P. re Rezoning application – 893624 Ontario Limited & Murray Howe – 1205 & 1229 Fisher Street & 432 & 444 York Street (447)

Carello, P. re Rezoning application – N. Rizzo, M. Rizzo & V. Johnston – 681 Commercial St. (448)

Carello, P. re Rezoning application – Donald & Michelle Seguin – Carmichael Drive (449)

Carello, P. re Rezoning application – City of North Bay - Gertrude St. E./Ethel St./Strathcona Dr.(450)

Conrad, C. re 2011 Council & Standing Committees Meeting Schedule (444)

Gravelle, A. re Northern Ontario Heritage Fund Corp. Application – Airport Design (445)

Killins, S. re Fence Variance – 398 Gordon Drive (446)

Knox, J. re Sale of John St. Property @ Third Avenue East (469)

Lang, A. re 2009-2010 Dedicated Gas Tax Funds (456)

Lang, A. re 2010 Transit Coach Replacement Program (457)

Manning, J. re Tender 2010-70, Supply of Two (2) Crew Cab Dump Trucks (451)

Manning, J. re Tender 2010-67, Supply & Installation of Playground Equipment (452)

Manning, J. re Tender 2010-75, West Ferris Arena Auditorium Washroom Renovation (453)

Manning, J. re RFP 2010-41, Annual Municipal Bridge & Culvert Inspection Program (458)

Manning, J. re Tender 2010-74, Lakeshore Dr. Outdoor Sports Phase V – Completion of Fields & Associated Appurtenances (468)

Severino, J. re Noise By-Law Exemption (443)

Res. #2010-440: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino That minutes for the public meeting held on:

- Monday, June 14, 2010

be adopted as presented.

“CARRIED”

Res. #2010-441: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino
That minutes for the closed meeting held on:

- Monday, June 14, 2010

be adopted as presented.

“CARRIED”

Res. #2010-442: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That General Government Committee Report No. 2010-06 relating to:

- Provincial Offences Courtroom

be adopted as presented.

“CARRIED”

Councillor Graham declared a conflict of interest as GAP Construction is a client of his business.

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2010-06

June 28, 2010

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2010-06 and recommends:

1. That Council authorize the use of the Council Chambers as the regular Provincial Offences Courtroom office effective January 1, 2011 (subject to sign off from the Ministry of the Attorney General and the North Bay Police Services);
 - a) for at least three days per week, with additional time being scheduled on a first come/first served basis for the Provincial Offences Administration (POA) Court, the Ontario Municipal Board (OMB) and the Assessment Review Board (ARB);
 - b) together with renovations to the rear of the Council Chambers for offices in the estimated amount of \$390,000.00, using the Courtroom Reserve of \$348,461.00 and such further funding sources as may be advised prior to approval of the renovations contract;
 - c) with rent to be charged to the Municipal Partners on the basis of the District of Nipissing Social Services Administration Board (DNSSAB) lease rates and costs, estimated to be \$177,849.00 per year; and
 - d) that immediate steps be taken to acquire additional parking adjacent to City Hall, applying the Parking Reserve and such other funding as may be advised prior to purchase approval.

All of which is respectfully submitted.

ASSENTS
CAMPBELL
VREBOSCH-MERRY

DISSENTS
VAILLANCOURT
MAYOR FEDELI

Record of Vote (Upon Request of Councillor Vaillancourt)

Yeas: Councillors Vrebosch-Merry, Koziol, Mayne, Campbell, Bain

Nays: Councillors Vaillancourt, Anthony, Mendicino, Mayor Fedeli

Res. #2010-443: Moved by Councillor Koziol, seconded by Councillor Bain
That 1) Cecil's Eatery & Beer Society, 300 Wyld Street, be granted an exemption from North Bay Noise By-Law No. 1976-142, pursuant to Section 5, as requested by John Lechlitner for the following dates and times:

<u>Date</u>	<u>Time of Exemption Requested</u>
Friday, July 30, 2010	9 pm until 2 am of the following day
Saturday, July 31, 2010	9 pm until 2 am of the following day
Sunday, August 1, 2010	9 pm until 12 am midnight

- 2) the exemption be conditional to monitoring and recording of sound levels in compliance with the By-Law;
- 3) a copy of the monitoring information be forwarded to the City within 10 days of the event; and
- 4) a copy of Report EESW 2010-51 be forwarded to the North Bay Police for information.

"CARRIED"

Res. #2010-444: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That City Council adopt the "2011 Council and Standing Committees Meeting Schedule" attached to Report to Council No. CORP 2010-101, dated June 2, 2010, subject to ratification by the new City Council in December 2010.

"CARRIED"

Res. #2010-445: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) Council authorize City staff to submit an application to the Northern Ontario Heritage Fund for design and engineering costs related to the servicing of the North Bay Jack Garland Airport; and
2) in the event the funding application is approved, Council will proceed with the City's required contribution of \$200,000.00 from the Capital Budget.

"CARRIED"

Res. #2010-446: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Council approve the request for a variance to Fence By-Law No. 2002-105 to permit a fence located in the exterior side yard to increase in height from the permitted 4'0" to 6'0" at 398 Gordon Drive, North Bay.

"CARRIED"

Res. #2010-447: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the recommendation from the Planning Advisory Committee regarding the Rezoning application by Claudio Balbinot on behalf of 893624 Ontario Limited & Murray Howe – 1205 & 1229 Fisher Street and 432 & 444 York Street be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2010-448: 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 Nicholas Rizzo, Michael Rizzo and Victoria Johnston – 681 Commercial Street be referred to the Community Services Committee and for a Public Meeting.

”CARRIED”

Res. #2010-449: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the recommendation from the Planning Advisory Committee regarding the Rezoning application by Goodridge Planning Solutions on behalf of Donald & Michelle Seguin – Carmichael Drive be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2010-450: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the recommendation from the Planning Advisory Committee regarding the Rezoning application by the City of North Bay – Gertrude Street East, Ethel Street and Strathcona Drive be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2010-451: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve a contract be issued to George Stockfish Ford (1987) Ltd., in the amount of \$127,093.00 (taxes extra), for the supply of two (2) crew cab dump trucks.

“CARRIED”

Res. #2010-452: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve the award of a contract to Crozier Enterprises Ltd., in the amount of \$346,000.00 (taxes extra), for the supply and installation of Playground Equipment at five different playgrounds.

“CARRIED”

Res. #2010-453: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve the award of a contract to Peak Construction Company in the amount of \$70,000.00 (taxes extra), for renovations to the washrooms at the West Ferris Arena Auditorium.

“CARRIED”

Res. #2010-454: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That accounts totaling \$9,887,601.84 for May 2010 be approved.

“CARRIED”

Res. #2010-455: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That accounts for Royal Bank totaling \$2,190.05 for May 2010 be approved.

“CARRIED”

Res. #2010-456: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) the Mayor and Chief Financial Officer be authorized to sign the Letter of Agreement on behalf of the City; and
2) the Execution By-Law be presented for three (3) readings on June 28, 2010 permitting the Corporation of the City of North Bay to enter into a Letter of Agreement with the Province of Ontario related to Provincial funding under the Dedicated Gas Tax Funds for Public Transportation Program.

“CARRIED”

Res. #2010-457: 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 2010 Transit Coach Replacement Program, being Line No. 22 of the 2010 Community Services Capital Budget Project No. 3044TR, at a net debenture cost of \$279,000.00.

“CARRIED”

Res. #2010-458: Moved by Councillor Koziol, seconded by Councillor Bain
That North Bay City Council approve a contract be issued to Engineered Management Systems Inc., in the amount of \$117,089.73 (taxes included), to provide annual municipal bridge and culvert inspections for a six (6) year period.

“CARRIED”

Res. #2010-459: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-laws be read a first and second time:

By-Law No. 2010-158 to amend By-Law No. 2007-228 (to adopt the Delegation of Powers and Duties Policy).

By-Law No. 2010-168 to execute an 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 Dedicated Gas Tax Funds for Public Transportation Program.

“CARRIED”

Res. #2010-460: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-laws be read a third time and passed:

By-Law No. 2010-158 to amend By-Law No. 2007-228 (to adopt the Delegation of Powers and Duties Policy).

By-Law No. 2010-168 to execute an 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 Dedicated Gas Tax Funds for Public Transportation Program.

“CARRIED”

Res. #2010-461: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2010-166 to execute an Agreement with Northern Ontario Heritage Fund Corporation relating to the Community Waterfront Park.

By-Law No. 2010-167 to execute an Agreement with FedNor relating to design and engineering costs for a new Industrial Park at the North Bay Jack Garland Airport.

“CARRIED”

Res. #2010-462: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2010-166 to execute an Agreement with Northern Ontario Heritage Fund Corporation relating to the Community Waterfront Park.

By-Law No. 2010-167 to execute an Agreement with FedNor relating to design and engineering costs for a new Industrial Park at the North Bay Jack Garland Airport.

“CARRIED”

Res. #2010-463: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-laws be read a first and second time:

By-Law No. 2010-152 to execute an Agreement with Miller Paving North Bay, a division of Miller Paving Limited relating to Granular “A” overbuilding & surface treatment of various locations.

By-Law No. 2010-157 to execute an Agreement with Bruman Leasing Limited relating to Cell 6 Earthworks and Engineered Controls at the Merrick Landfill.

“CARRIED”

Res. #2010-464: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-laws be read a third time and passed:

By-Law No. 2010-152 to execute an Agreement with Miller Paving North Bay, a division of Miller Paving Limited relating to Granular “A” overbuilding & surface treatment of various locations.

By-Law No. 2010-157 to execute an Agreement with Bruman Leasing Limited relating to Cell 6 Earthworks and Engineered Controls at the Merrick Landfill.

“CARRIED”

Res. #2010-465: Moved by Councillor Vrebosch-Merry, seconded by Councillor Bain
That further to the presentation made by Sue McIntyre re 31 Specialized Care Beds, that the City of North Bay appoint Councillors Vrebosch-Merry and Bain to sit on the Citizens’ Committee.

“CARRIED”

Res. #2010-466: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That Council adjourn in-camera pursuant to section 239.(2) of the *Municipal Act, 2001*, as amended, at 8:21 p.m. for the following reasons:
Item #17, being a report that is subject to solicitor-client privilege and
Item #18, being the potential sale of lands by the municipality.

“CARRIED”

Res. #2010-467: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That Council reconvene at 8:40 p.m.

“CARRIED”

- Res. #2010-468: Moved by Councillor Anthony, seconded by Councillor Mendicino
That
- 1) North Bay City Council approve proceeding with the construction of the Outdoor Sports Complex with three (3) sports/soccer fields and three (3) ball diamonds and approve a budget of \$11.2 million;
 - 2) North Bay City Council approve the award of a contract to NMP Golf Construction Inc., in the amount of \$5,359,207.49 (applicable taxes extra), for Phase V Completion of Fields, which will consist of three (3) sports/soccer fields and three (3) ball diamonds;
 - 3) Council authorize the Chief Financial Officer to utilize up to \$530,000 from the obligatory Park Land Reserves and, up to \$150,000 from Development Charges (Parks Reserve) and, up to \$20,000 from the Athletic Fields Capital Reserve and, if necessary, funds from discretionary capital reserves to a maximum of \$500,000 to fund the project up to \$11.2 million;
 - 4) on completion of the project, staff file a report with Council summarizing the total cost of the project and funding sources; and
 - 5) effective 2011, an additional Capital Reserve Charge of \$10 per hour be placed on all field use, excluding any specific agreements signed with user groups exempting them from the payment of Capital Reserve Charges. This will make the Capital Reserve Charge \$12 per hour.

“CARRIED”

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

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

Nays: Councillor Graham

- Res. #2010-469: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That
- 1) Council declare the parcel of vacant land described as: Plan 72, Lot 124, beside 820 John Street at Third Avenue East (former CN Rail Lands) be deemed surplus for Municipal needs as shown on Schedule “A” attached to Report to Council CSBU 2010-84 dated June 14, 2010;
 - 2) Council authorize the sale of Plan 72, Lot 124 as is, subject to easements for any existing services and utilities, at the net appraised value of \$35,500 or as negotiated by staff for Council approval; and
 - 3) Staff make available the Record of Site Condition to proponents to assist them in undertaking their own due diligence so as to satisfy themselves that the property is suitable for its intended use.

“CARRIED”

Res. #2010-470: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino
That this Regular Meeting of Council do now adjourn at 8:45 p.m.

“CARRIED”

MAYOR VICTOR FEDELI

CITY CLERK CATHERINE CONRAD