

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, APRIL 16TH, 2007**

PRESENT: Mayor Fedeli, Councillors Chirico, Campbell, Mayne, Vaillancourt, Graham, Mendicino, Koziol, Bain, Boldt, Anthony

CORRESPONDENCE:

Fudge & Associates	re Mining aggregate from the Black Forest Park	(252)
Norman, Murray & Valerie	re Rezoning application - Airport Road	(255)
Wright, John & Maggie	re Rezoning application - 413 Carmichael Drive	(257)

REPORTS FROM OFFICERS:

Bradford, S.	re Corporate Information Systems Technology	(258)
Burke, M.B.	re Main Street pedestrian walkway from parking garage	(248)
Hall, B.	re Rezoning application by Crisis Centre, Second Avenue West	(251)
Houston, J.	re Mining aggregate from the Black Forest Park	(252)
Knox, J.D.	re Airport Capital Assistance Program	(250)
Manning, J.	re RFP 2007-21, Supply agreement for computer hardware	(249)
Manning, J.	re Tender 2007-09, Sale of land - 868-870 Copeland Street	(274)
Manning, J.	re Tender 2007-07, Sale of land - 836-838 Copeland Street	(275)
Manning, J.	re Tender 2007-08, Sale of land - 854-856 Copeland Street	(276)
Rochefort, L.	re Reduction, cancellation or refund of taxes	(253)
Rogers, B.A.	re 2006-2007 Reserve Fund Annual Report	(254)
Rogers, B.A.	re 2007 Budget Amendments	(256)
Scully, L.M.	re Lease - 352 McIntyre Street East	(273)

Res. #2007-241: Moved by Councillor Chirico, seconded by Councillor Vaillancourt
That minutes for the meetings held on:

- Tuesday, April 10, 2007

be adopted as presented.

"CARRIED"

Res. #2007-242: Moved by Councillor Chirico, seconded by Councillor Vaillancourt
That minutes for the closed meetings held on:

- Monday, April 2, 2007

be adopted as presented.

"CARRIED"

Res. #2007-243: Moved by Councillor Chirico, seconded by Councillor Campbell
That General Government Committee Report No. 2007-04 relating to:

- Audit Planning

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2007-04

April 16, 2007

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2007-04 and recommends:

1. That Report CORP 2007-40 relating to the 2006 Audit Planning Communication letter from BDO Dunwoody, be noted and filed.

All of which is respectfully submitted.

ASSENTS
 CHIRICO
 CAMPBELL
 MAYNE
 VAILLANCOURT
 FEDELI

DISSENTS

Res. #2007-244:

Moved by Councillor Anthony, seconded by Councillor Boldt
That Community Services Committee Report No. 2007-07 relating to:

- Official Plan Amendment and Rezoning applications by Nipissing University for 165 Monastery Road

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2007-07

April 16, 2007

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2007-07 and recommends:

1. That
 - a) the proposed Official Plan Amendment by Miller & Urso Surveying Inc. on behalf of Nipissing University, to change the Official Plan Designation for Part of Lot 23, Concession B in the Township of Widdifield, being Parts 1, 2, 3 and 4, Plan NR 169, except Parts 4, 6, 8, 15 and 16, Plan 36R-7650 (165 Monastery Road), from “North Bay Escarpment” to “Major Institutional” be approved;
 - b) the proposed Zoning By-Law Amendment to rezone Part of Lot 23, Concession B in the Township of Widdifield, being Parts 1, 2, 3 and 4,

Plan NR 169, except Parts 4, 6, 8, 15 and 16, Plan 36R-7650 (165 Monastery Road) from a "Floodplain & Erosion (O2)" zone, an "Open Space (O)" zone and an "Institutional (N)" zone to a "Floodplain & Erosion (O2)" zone and an "Institutional (N)" zone be approved; and

- c) 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 building height, architectural design criteria, stormwater management, road dedication, road improvements, water supply, lot grading and servicing requirements.

All of which is respectfully submitted.

ASSENTS
 ANTHONY
 BOLDT
 BAIN
 FEDELI

DISSENTS

Res. #2007-245: Moved by Councillor Koziol, seconded by Councillor Mendicino That Engineering & Works Committee Report No. 2007-02 relating to:

- Waste Management User Fees

be adopted as presented.

"CARRIED"

ENGINEERING & WORKS COMMITTEE REPORT NO. 2007-02

April 16, 2007

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2007-02 and recommends:

1. That
 - a) City Council approve a tipping fee increase for solid waste from industrial, commercial and institutional sources to \$60/metric tonne, effective April 1, 2007;
 - b) other Waste Management User Fees remain the same for 2007; and
 - c) By-Law No. 2007-47 being the Waste Management By-Law be presented for three (3) readings on April 16, 2007.

All of which is respectfully submitted.

ASSENTS
 KOZIOL
 MENDICINO
 GRAHAM
 FEDELI

DISSENTS

Res. #2007-246: Moved by Councillor Koziol, seconded by Councillor Mendicino That Engineering & Works Committee Report No. 2007-03 relating to:

- the Development of a Green Plan
be adopted as presented.

“CARRIED”

ENGINEERING & WORKS COMMITTEE REPORT NO. 2007-03

April 16, 2007

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2007-03 and recommends:

1. That
 - a) Report EES 2007-14 entitled “Development of a Green Plan for the City of North Bay” be adopted and the Terms of Reference to prepare a City of North Bay Corporate Green Plan be approved;
 - b) a Request for Proposal be issued to solicit a qualified consultant to assist the City in preparing the Green Plan as scoped in the approved Terms of Reference for Council’s consideration;
 - c) applications for funding to assist with Green Plan preparation be submitted to North Bay Hydro for \$30,000.00 and the Federation of Canadian Municipalities Green Municipal Fund for \$30,000.00 respectively;
 - d) the Chief Financial Officer be authorized to transfer up to \$75,000.00 from the new Operating Budget Contingency Reserve to fund the Green Plan Proposal, to be reimbursed by any funding received from North Bay Hydro and the Federation of Canadian Municipalities; and
 - e) a copy of Report EES 2007-14 be forwarded to the North Bay Joint Hospital Laundry which is considering relocation of the Hospital Laundry Services to Sudbury.

All of which is respectfully submitted.

ASSENTS
KOZIOL
MENDICINO
GRAHAM
FEDELI

DISSENTS

Res. #2007-247: Moved by Councillor Chirico, seconded by Campbell
That Striking Committee Report No. 2007-02 relating to:

- citizen appointments to the Fenceviewers Committee
be adopted as presented.

“CARRIED”

STRIKING COMMITTEE REPORT NO. 2007-02

April 16, 2007

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

Your Worship and Councillors:

The Striking Committee presents Report No. 2007-02 and recommends as follows:

1. That the following citizens be appointed to the Fenceviewers Committee for a four year term to expire November 30, 2010:

Dale Barker;
Donald Coutts;
Mike Oakes; and
Terry Vendetti.

All of which is respectfully submitted.

Res. #2007-248: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize the expropriation of an interest in the nature of an easement for the purpose of a pedestrian walkway across Parts 1 & 2, Plan 36R-11825 for the pedestrian walkway from Main Street West to the parking garage.

“CARRIED”

Res. #2007-249: Moved by Councillor Chirico, seconded by Councillor Campbell
That North Bay City Council approve the Supply Agreement with Dell Computer Corporation for technology products. The agreement shall be a for a period of three (3) years with the provision of two (2) option years of one (1) year each, if mutually agreeable to both parties. The value of the agreement is estimated at \$399,090.00 (taxes included).

“CARRIED”

Res. #2007-250: Moved by Councillor Chirico, seconded by Councillor Campbell
WHEREAS Transport Canada has approved ACAP funding for Airfield Electrical Rehabilitation and Gate Replacement Projects;

AND WHEREAS the current operating agreement between the City and North Bay Jack Garland Airport Corporation expires December 31, 2007;

AND WHEREAS Transport Canada is seeking assurance the airport will operate for a term longer than the operating period covering these projects;

NOW THEREFORE BE IT RESOLVED THAT the City of North Bay will continue operations of the North Bay Jack Garland Airport for the period of time commencing on the date of execution of the projects' agreement and the ending of the fourth (4th) anniversary of receipt of the Minister of a copy of a certificate of final completion of the projects and that the City will remain liable to Her Majesty in respect of its obligations under the terms governing these capital projects.

“CARRIED”

Res. #2007-251: Moved by Councillor Anthony, seconded by Councillor Boldt
That the recommendations from the Planning Advisory Committee regarding the Rezoning application by the Crisis Centre North Bay - Second Avenue West be referred to the Community Services Committee

and for a Public Meeting.

“CARRIED”

Res. #2007-252: Moved by Councillor Anthony, seconded by Councillor Boldt
That the letter from Fudge & Associates dated September 5, 2006 and report from J. Houston dated April 3, 2007 relating to the Black Forest Park - request to mine aggregate, be referred to the Community Services Committee.

“CARRIED”

Res. #2007-253: Moved by Councillor Chirico, seconded by Councillor Campbell
That the tax appeal applications attached to CORP Report No. 2007-62 that have been returned with a positive recommendation from the Municipal Property Assessment Corporation, be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 & 358 of the *Municipal Act*, S.O. 2001 c.25.

“CARRIED”

Res. #2007-254: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) the 2006 Reserve Fund Annual Report be received; and
2) the Chief Financial Officer be authorized to make the following changes to reserves and reserve funds:
a) transfer \$1,000,000 from the Health Centre Reserve Fund #99538 to the Contingency Reserve #99557;
b) transfer \$1,500,000 from the Health Centre Reserve Fund #99538 to the Tax Rate Stabilization Reserve Fund #99529; and
c) close the Tax Rate Stabilization Fund - OMPF balance of \$56,075 to the Tax Rate Stabilization Reserve Fund #99529.

“CARRIED”

Res. #2007-255: Moved by Councillor Anthony, seconded by Councillor Boldt
That the rezoning application by Rick Miller on behalf of Murray and Valerie Norman - Airport Road, be received and referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2007-256: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) the 2007 Operating Budget adopted March 19, 2007 be amended to reflect a reduction in the funding from the Ontario Municipal Partnership Fund of \$1,630,867;
2) Report to Council CORP 2007-59 be referred to the General Government Committee for consideration on April 23, 2007; and

- 3) the City Clerk be authorized to present a Tax Levy By-Law for three (3) readings on April 30, 2007.

“CARRIED”

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

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

Nays: Councillor Boldt

Res. #2007-257: Moved by Councillor Anthony, seconded by Councillor Boldt
That the rezoning application by John & Debbie Ashley on behalf of John & Maggie Wright, 413 Carmichael Drive be received.

“CARRIED”

Res. #2007-258: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) the 2007 Capital Allocation for Information Systems detailed in the Corporate Services Report No. 2007-68 be approved;
and
2) the City Clerk prepare a Capital By-Law in the amount of \$770,000 for Information Technology purposes for consideration by City Council.

“CARRIED”

Res. #2007-259: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:

By-Law No. 2007-80 to execute an Agreement with 1498399 Ontario Inc. and 510494 Ontario Inc. relating to an amendment to an existing Encroachment Agreement (122 Main Street West - Lefebvre's).

By-Law No. 2007-81 to authorize improvements to the North Bay Jack Garland Airport.

By-Law No. 2007-82 to repeal By-Law No. 40-70 (being a by-law to appoint a Lottery Licensing Officer and to provide for a procedure and other requirements in respect of the licensing of lotteries for charitable and religious purposes).

“CARRIED”

Res. #2007-260: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:

By-Law No. 2007-80 to execute an Agreement with 1498399 Ontario Inc. and 510494 Ontario Inc. relating to an amendment to an existing Encroachment Agreement (122 Main Street West - Lefebvre's).

By-Law No. 2007-81 to authorize improvements to the North Bay Jack Garland Airport.

By-Law No. 2007-82 to repeal By-Law No. 40-70 (being a by-law to appoint a Lottery Licensing Officer and to provide for a procedure and

other requirements in respect of the licensing of lotteries for charitable and religious purposes).

“CARRIED”

Res. #2007-261: Moved by Councillor Anthony, seconded by Councillor Boldt
That the following by-laws be read a first and second time:

By-Law No. 2007-51 to adopt Official Plan Amendment No. 108
(Nipissing University - 165 Monastery Road).

By-Law No. 2007-52 to rezone certain lands on Monastery Road
(Nipissing University - 165 Monastery Road).

“CARRIED”

Res. #2007-262: Moved by Councillor Anthony, seconded by Councillor Boldt
That the following by-law be read a first and second time:

By-Law No. 2007-53 to designate a Site Plan Control Area on Monastery
Road (Nipissing University - 165 Monastery Road).

“CARRIED”

Res. #2007-263: Moved by Councillor Anthony, seconded by Councillor Boldt
That the following by-law be read a third time and passed:

By-Law No. 2007-53 to designate a Site Plan Control Area on Monastery
Road (Nipissing University - 165 Monastery Road).

“CARRIED”

Res. #2007-264: Moved by Councillor Koziol, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2007-47 being the Waste Management By-Law.

By-Law No. 2007-79 to amend Traffic & Parking By-Law No. 2002-001 to
designate Community Safety Zones.

“CARRIED”

Res. #2007-265: Moved by Councillor Koziol, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2007-47 being the Waste Management By-Law.

By-Law No. 2007-79 to amend Traffic & Parking By-Law No. 2002-001 to
designate Community Safety Zones.

“CARRIED”

Res. #2007-266: Moved by Councillor Koziol, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2007-83 to amend Noise By-Law No. 142-76.

“CARRIED”

Res. #2007-267: Moved by Councillor Koziol, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2007-83 to amend Noise By-Law No. 142-76.

“CARRIED”

Res. #2007-268a: Moved by Councillor Mayne, seconded by Councillor Koziol
WHEREAS on April 2, 2007, the Town of Leaf Rapids, Manitoba implemented By-Law 462 stating “that retailers will no longer be permitted to give away or sell plastic shopping bags that are intended for single use”;

AND WHEREAS the Town of Leaf Rapids, Manitoba is now the first town in Canada to make such a significant announcement regarding non biodegradable plastic waste bags;

THEREFORE BE IT RESOLVED THAT The City of North Bay congratulates the Town of Leaf Rapids on their initiative and for taking a leadership role in reducing of non biodegradable plastics from their landfill site and we look forward to following their progress with this project;

AND FURTHER THAT The City of North Bay encourages everyone to use reusable grocery carrying bags and boxes and fewer non-reusable and non biodegradable plastics whenever possible to reduce the impact on our municipal landfill and reduce potential litter.

“CARRIED”

Res. #2007-268b: Moved by Councillor Mayne, seconded by Councillor Chirico
That the motion from Councillors Mayne and Koziol relating to non biodegradable plastic waste bags be referred to the Engineering & Works Committee.

“LOST”

Res. #2007-269: Moved by Councillor Vaillancourt, seconded by Councillor Chirico
WHEREAS the Ministry of Training, Colleges and Universities is in the process of implementing a 0.875% charge on gross revenues by September 2007 to all private sector Flight Training Units in Ontario;

AND WHEREAS the monies accumulated will be withheld and managed by the Province and never returned to the Flight Training Units;

AND WHEREAS Province wants to create a fund that is intended to protect the consumer in the event that a Flight Training Unit becomes insolvent;

AND WHEREAS the Provincial Government is attempting to implement legislation upon a Federally regulated industry;

AND WHEREAS the Consumer is completely entitled to choose any Flight Training Unit throughout Canada;

AND WHEREAS the Consumer will ultimately bear the cost of this new ‘tax’;

AND WHEREAS the choice to use private sector Flight Training Services is an individual decision that carries any associated financial risks;

AND WHEREAS the City of North Bay is host to three (3) separate private sector Flight Training Units at the North Bay Jack Garland Airport;

AND WHEREAS all three (3) businesses are completely opposed to this new 'tax' burden that will negatively affect their competitiveness;

NOW THEREFORE BE IT RESOLVED THAT City Council respectfully request that the Ministry of Training, Colleges and Universities immediately implement, at a minimum, a one (1) year moratorium prior to implementing this new 'tax' burden;

AND FURTHER THAT City Council request the Ministry implement a cost neutral alternative to Flight Training Units throughout the Province that will be mutually beneficial to the businesses and the consumers;

AND FURTHER THAT a copy of this resolution be sent to Hon. Chris Bentley, Minister of Training, Colleges and Universities; Leaders of the Opposition Parties, North Bay Jack Garland Airport and the Chamber of Commerce.

"CARRIED"

Councillor Anthony declared a conflict of interest on the above matter as he deals extensively with the Ministry of Training, Colleges and Universities.

Record of Vote (Upon Request of Councillor Vaillancourt)

Yeas: Councillors Vaillancourt, Boldt, Koziol, Graham, Chirico, Mendicino, Campbell, Mayne, Bain, Mayor Fedeli

Res. #2007-270: Moved by Councillor Mendicino, seconded by Councillor Bain
That 1) the City of North Bay requests that the North Bay Joint Hospital Laundry Board rescind its Board decision to close the facility locally and amalgamate with Sudbury;
2) a viable Business Model be formed in order that the facility and jobs remain in North Bay;
3) the Council of the City of North Bay requests to meet with the Board at their next meeting;
4) a copy of this resolution be forwarded to Monique Smith, MPP (Nipissing), the five (5) boards comprising the Joint Hospital Laundry, all Municipalities in the Region, the North Bay Joint Hospital Laundry Board and the North Bay & District Chamber of Commerce.

"CARRIED"

Record of Vote (Upon Request of Councillor Mendicino)

Yeas: Councillors Mendicino, Vaillancourt, Bain, Koziol, Graham, Mayne, Chirico, Boldt, Anthony, Campbell, Mayor Fedeli

Res. #2007-271: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council adjourn in-camera at 9:12 p.m. to discuss proposed or
pending acquisition or disposal of land by the municipality or local board.

“CARRIED”

Res. #2007-272: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council reconvene at 9:23 p.m.

“CARRIED”

Res. #2007-273: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize a lease as set out in Schedule “A” attached to
Report to Council CORP 2007-44 dated March 19, 2007 with Van’s
Delivery, Moving and Storage for the space located at 352 McIntyre
Street East, Unit C, North Bay, Ontario.

“CARRIED”

Res. #2007-274: Moved by Councillor Chirico, seconded by Councillor Campbell
That North Bay City Council approve that the high bid from Peter James
Neil, in the amount of \$36,100.00 (GST extra), plus servicing costs be
accepted for the sale of vacant city owned land described as Lot 229,
Plan 13. The municipal address is 868-870 Copeland Street.

“CARRIED”

Res. #2007-275: Moved by Councillor Chirico, seconded by Councillor Campbell
That North Bay City Council approve that the high bid from A.L. Braund,
in the amount of \$40,100.00 (GST extra), plus servicing costs be
accepted for the sale of vacant city owned land described as Lot 227,
Plan 13. The municipal address is 836-838 Copeland Street.

“CARRIED”

Res. #2007-276: Moved by Councillor Chirico, seconded by Councillor Campbell
That North Bay City Council approve that the high bid from John &
Deirdre Simmonds, in the amount of \$35,100.00 (GST extra), plus
servicing costs be accepted for the sale of vacant city owned land
described as Lot 228, Plan 13. The municipal address is 854-856
Copeland Street.

“CARRIED”

Res. #2007-277: Moved by Councillor Chirico, seconded by Councillor Vaillancourt
That this Meeting do now adjourn.

“CARRIED”

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD