

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, OCTOBER 17TH, 2005**

PRESENT: Mayor Fedeli, Councillors Chirico, Vaillancourt, Anthony, Bain, Campbell, Boldt, Mason, Koziol, Maroosis, Mendicino

CORRESPONDENCE:

District of Nipissing Social Services Administration Board	re Indigent burials	(706)
JCJ Contracting	re Termination of Contract 2003-59, Operation of the Merrick Landfill	(728)

REPORTS FROM OFFICERS:

Burke, M.B.	re Indigent burials	(706)
Fior, J.B.	re Community Homeownership Action Group and The Home Ownership Affordability Partnerships	(719)
Fior, J.B.	re Canada-Ontario Affordable Housing Program - DNSSAB	(720)
Hall, B.	re Closure of Dashnay Street road allowance	(718)
Kilgour, I.G.	re Subdivision Final Approval - GAP Construction Co. Ltd. - Larocque Road, Phase ??	(710)
Lang, A.	re Allocation for Transit Vehicle Program Funding	(716)
Linkie, D.G.	re Heritage North Bay Capital Funding	(705)
Manning, J.	re Tender 2005-116, Supply of bulk winter salt	(712)
Manning, J.	re Tender 2005-118, Haulage of bulk salt	(713)
Manning, J.	re RFP 2005-124, Pre-engineered building - Public Works	(717)
McGrath, R.	re Benefits renewal	(709)
Reid, P.	re Purchase of para-bus	(715)
Reid, P.	re Allocation for Transit Vehicle Program Funding	(716)
Rogers, B.A.	re 2004-2005 Reserve Funds	(711)
Rogers, B.A.	re Preliminary 2006 Capital Budget	(714)
Scully, L.M.	re Motorized wheelchairs on sidewalks	(704)
Simmonds, J.C.	re Termination of Contract 2003-59, Operation of the Merrick Landfill	(728)
Watters, B.	re Subdivision Final Approval - GAP Construction Co. Ltd. - Larocque Road, Phase ??	(710)

Res. #2005-701: Moved by Councillor Chirico, seconded by Councillor Mendicino
That minutes for the meeting held:

- Monday, October 3, 2005; and
- Tuesday, October 11, 2005

be adopted as presented.

“CARRIED”

Res. #2005-702: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2005-34 relating to:

- Plan of Subdivision - Perut Construction Ltd., Connaught Avenue
be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2005-34

October 17, 2005

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2005-34 and recommends:

1. That
 - a) the proposed Plan of Subdivision (City File 48T-04106) by Rick Miller on behalf of Perut Construction Ltd. - Lots 1 to 12, Blocks 86, 87 and 88, Part of Perut Place, Registered Plan 36M-539, all of Lots 41 to 50, Part of Lots 38, 39 and 40 and Part of Giroux Street, Lindsay Street and George Street, Registered Plan M-35 be given Draft Approval subject to the conditions contained in Appendix “A” to Report to Council CSBU 2005-91 dated October 4, 2005;
 - b) the owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address the following items including, but not limited to, site servicing, lot grading and stormwater management; and
 - c) the Plan of Subdivision Application be processed as a “Fast Track” Application pursuant to Council Resolution No. 2002-305.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
MAROOSIS
FEDELI

DISSENTS

Res. #2005-703a: Moved by Councillor Mason, seconded by Councillor Boldt
That Engineering & Works Committee Report No. 2005-11 relating to:

- debris in Parks Creek
be adopted as presented.

“CARRIED AS AMENDED”

ENGINEERING & WORKS COMMITTEE REPORT NO. 2005-11

October 17, 2005

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

Your Worship and Councillors:

1. That
- a) a notice be delivered to all residences that back onto Parks Creek or the Parks Creek Parkway (in West Ferris) informing them of their responsibilities with respect to indiscriminant dumping, and maintenance requirements in the vicinity of Parks Creek;
 - b) a proposed Anti Litter By-Law apply to the indiscriminant dumping of grass and leaves;
 - c) the Parks, Recreation and Leisure Services Department implement a buffer zone of natural vegetation to grow up along the edges of Parks Creek on City property;
 - d) the North Bay-Mattawa Conservation Authority be requested to consider alternatives, if possible, when removing ice so as not to disturb a buffer zone along the creek;
 - e) Report EES 2005-053 be sent to Myron and Karen Taylor of the Williams Street Condominiums; and
 - f) a By-Law Enforcement Officer be reviewed in the 2006 budget process to enforce this and other City by-laws.

All of which is respectfully submitted.

ASSENTS

MASON

BOLDT

CAMPBELL

FEDELI

DISSENTS

Res. #2005-703b: Moved by Councillor Anthony, seconded by Councillor Mendicino That Engineering & Works Committee Report No. 2005-11 be amended to delete section (f).

“CARRIED”

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

Yeas: Councillors Anthony, Vaillancourt, Mendicino, Bain, Chirico, Mayor Fedeli

Nays: Councillors Koziol, Maroosis, Campbell, Mason, Boldt

Res. #2005-704: Moved by Councillor Chirico, seconded by Councillor Anthony That Council amend Traffic and Parking By-Law No. 2002-001 to allow motorized wheelchairs to be used on sidewalks.

“CARRIED”

Res. #2005-705: Moved by Councillor Chirico, seconded by Councillor Anthony That City Council approve the purchase of a new locomotive for the Heritage Railway at an estimated cost of \$70,000.00.

“CARRIED”

Res. #2005-706: Moved by Councillor Chirico, seconded by Councillor Anthony That Council provide its approval for the District of Nipissing Social Services Board (DNSSAB) to assess eligibility for assistance for indigent burials made on behalf of municipalities and that the DNSSAB be thanked

for the provision of this service.

“CARRIED”

- 4 -

October 17, 2005

Councillor Bain declared a conflict of interest on the above matter as his employer would benefit from this service.

Res. #2005-707: Moved by Councillor Chirico, seconded by Councillor Anthony
That accounts totalling \$14,574,432.73 for August and September 2005 be approved.

“CARRIED”

Res. #2005-708: Moved by Councillor Chirico, seconded by Councillor Anthony
That accounts for Clarion Resort - Pinewood Park totalling \$65.53 for September 2005 be approved.

“CARRIED”

Councillor Mason declared a conflict of interest on the above matter as he is employed by the Clarion Resort - Pinewood Park.

Res. #2005-709: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council approve the renewal of the Employee Group Benefit Program with The Co-Operators and Manulife Financial effective October 1, 2005 with an overall reduction in premiums of \$110,475 or 6.0%.

“CARRIED”

Res. #2005-710: Moved by Councillor Mendicino, seconded by Councillor Koziol
That

- 1) the Mayor and City Clerk be authorized to sign the Larocque Road Subdivision Agreement for the creation of two (2) lots along the west side of Larocque Road between Delorme Road and Mantha Road;
- 2) Council grant Final Approval to the Draft Approved two (2) lot Plan of Subdivision along the west side of Larocque Road between Delorme Road and Mantha Road - City Subdivision File No. 48T-04105; and
- 3) the Mayor and City Clerk be authorized to sign the Final Plan of Subdivision subject to receipt of all easement and subdivision agreement requirements.

“CARRIED”

Res. #2005-711: Moved by Councillor Chirico, seconded by Councillor Anthony
That the 2004-2005 Reserve Fund Annual Report be received.

“CARRIED”

Res. #2005-712: Moved by Councillor Mason, seconded by Councillor Boldt
That North Bay City Council approve that a contract be issued to Sifto Canada Inc., in the estimated amount of \$599,700.00 (taxes included), for the supply of highway coarse bulk salt on an as and when requested basis from the date of contract to April 30, 2006.

“CARRIED”

Res. #2005-713: Moved by Councillor Mason, seconded by Councillor Boldt
That North Bay City Council approve a contract be issued to Jeff Maki Trucking in the estimated amount of \$96,300.00 (GST included), to haul road salt from Parry Sound, Ontario to the City Yards at Franklin Street, as set out in the tender. The period of work shall be for the 2005-2006

- 5 -

October 17, 2005

winter season, with the provision of a one year option, if mutual agreeable to both parties. The contract shall be conditional upon acceptance of the proposed vehicle.

“CARRIED”

Res. #2005-714: Moved by Councillor Chirico, seconded by Councillor Anthony
That the Preliminary 2006 Capital Budget be received and referred to the General Government Committee.

“CARRIED”

Res. #2005-715: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Council authorize the City’s Purchasing Department to tender for the purchase of one Lift-Equipped Para-Transit vehicle in 2005 as a replacement for Para-Bus #792 (1995 Para-Bus).

“CARRIED”

Res. #2005-716: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the 2005 request for an Allocation of Vehicle Program Funding - Conventional Transit for \$511,821 and an Allocation of Vehicle Program Funding - Transportation for Physically Disabled Persons for \$33,300 totalling \$545,121 be approved by Council resolution and submitted to the Ontario Ministry of Transportation.

“CARRIED”

Res. #2005-717: Moved by Councillor Mason, seconded by Councillor Boldt
That North Bay City Council approve a contract be awarded to D.J. Venasse Construction Ltd. in the amount of \$549,125.00 (GST extra), for the design, supply, deliver and erection of a pre-engineered building at the Public Works Yard.

“CARRIED”

Res. #2005-718: Moved by Councillor Chirico, seconded by Councillor Anthony
That

- 1) the closure of the unopened portion of the Dashnay Street road allowance bounded by McIntyre Street West, Nipissing Street, Copeland Street and Rock Street, abutting Lot 104, Plan 15, and Lots 30 to 33, Plan 89 be approved;
- 2) the closure and sale of the road allowance be subject to the granting of any required easements; and
- 3) the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject road allowance.

“CARRIED”

Res. #2005-719: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the report from John Fior dated October 12, 2005 re Community Homeownership Action Group (CHAG) and The Home Ownership Affordability Partnerships (HOAP) be referred to the Community Services

Committee.

“CARRIED”

- 6 -

October 17, 2005

Res. #2005-720: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the report from John Fior dated October 12, 2005 re Canada-Ontario
Affordable Housing Program - DNSSAB be referred to the Community
Services Committee.

“CARRIED”

Res. #2005-721: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-law be read a third time and passed:

By-Law No. 2005-214 to stop up, close and convey a portion of the
laneway bounded by High Street, McPhail Street, Haviland Avenue and
King Street West.

“CARRIED”

Res. #2005-722: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-law be read a first and second time:

By-Law No. 2005-220 to execute an agreement with GAP Construction Co.
Ltd. relating to the Larocque Road Subdivision - Phase ??.

“CARRIED”

Res. #2005-723: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2005-220 to execute an agreement with GAP Construction Co.
Ltd. relating to the Larocque Road Subdivision - Phase ??.

“CARRIED”

Res. #2005-724: Moved by Councillor Anthony, seconded by Councillor Vaillancourt
WHEREAS youth participating in sports creates the opportunity for a
lifelong commitment to physical fitness and the resultant health benefits that
accrue from regular activity;

AND WHEREAS many parents throughout our community commit many
hours of volunteer efforts to ensure the success of minor sports, as well as,
in some cases, hundreds of dollars in registration fees, coaching fees and
equipment purchases annually;

AND WHEREAS without grassroots, minor sports associations that are
currently struggling to survive within our communities due to the increase in
municipal costs to provide adequate facilities, associations without which
many of our young people would be unable to compete at a provincial,
national, even international level;

BE IT THEREFORE RESOLVED THAT the City of North Bay encourage
the Provincial and Federal Governments to create a tax credit for parents
who make expenditures on registration and equipment fees for children
participating in minor sports and that the Mayor send a letter to MP Anthony
Rota, MPP Monique Smith, Premier Dalton McGuinty and Prime Minister

Paul Martin advising of our support for such an initiative.

“CARRIED”

Res. #2005-725: Moved by Councillor Campbell, seconded by Councillor Chirico WHEREAS the provincial Standing Committee on Regulations and Private Bills is currently debating Private Members Bill 123, the *Transparency in Public Matters Act*;

- 7 -

October 17, 2005

AND WHEREAS the proposed legislation includes municipal council and committees;

AND WHEREAS the proposed legislation adds requirements to notice provisions, open meetings, minutes, forms of meetings, among other matters all of which are addressed in the *Municipal Act*, which would create confusion for council, administration and the public;

AND WHEREAS the *Municipal Act* is currently under review and is being informed by input from the municipal and private sectors among others;

AND WHEREAS the Association of Municipalities of Ontario and others have urged the Standing Committee to remove any reference to municipal councils or council committees from this legislation and allow transparency and accountability issues to continue to be regulated under the *Municipal Act*;

THEREFORE BE IT RESOLVED THAT the City of North Bay urges the Minister of Municipal Affairs and Housing to vote against the Bill if the reference to ‘municipal councils’ is not deleted in the Bill as reported by the Standing Committee;

AND FURTHER THAT Monique Smith, MPP Nipissing and all provincial members of the legislature be advised of the lack of this council’s support for the inclusion of ‘municipal councils’ in Bill 123.

“CARRIED”

Res. #2005-726: Moved by Councillor Campbell, seconded by Councillor Chirico WHEREAS the Forestry Sector has demonstrated a tremendous ability to create jobs and prosperity throughout Canada and Ontario;

AND WHEREAS the Forestry Industry is the number one industry in Northern Ontario and one of the largest in Ontario generating \$19 billion in annual sales, employing directly and indirectly 275,000 people, paying direct sales of \$4.8 billion a year;

AND WHEREAS Tembec alone has a payroll of over 11, 000 employees in Canada;

AND WHEREAS 3,500 of these employees are employed in North Eastern Ontario and over 8,000 across Canada, and is one of the largest Industrial employers to North Bay;

AND WHEREAS the total economic benefit of this Industry to our region is estimated to be 65 million;

AND WHEREAS the ongoing Softwood lumber dispute has cost Canadian lumber manufacturers hundreds of millions of dollars with Tembec alone paying \$300 million in illegal tariffs just in the last three (3) years;

AND WHEREAS the custom duties, rates of exchange and increases in energy costs have put the Industry in Canada to a real disadvantage with losses to the company in the estimates of \$1 billion of working capital;

AND WHEREAS the North American Free Trade Agreement (NAFTA) Extraordinary Challenge Committee (ECC) clearly and unanimously ruled that Canada does not subsidize the forestry sector or pose any threat to the United States (U.S.) Trade Law;

- 8 -

October 17, 2005

AND WHEREAS continued illegal imposition of duties and tariffs on Canadian Softwood have contributed to the loss of Canadian and Ontario forestry sector jobs;

AND WHEREAS these tariffs threaten more job losses and closures of plants if the wait for settlements in Court lingers on for another two years. Ontario Lumber Producers simply cannot wait any longer. The Industry needs support NOW.

THEREFORE BE IT RESOLVED THAT the City of North Bay supports immediate and full implementation of a Loan Guarantee Program for the forestry sector by the Government of Canada to provide softwood lumber producing companies with loan guarantees to offset the cost of illegally imposed U.S. duties and tariffs that put no risk to taxpayers and to act upon this NOW;

AND FURTHER THAT the Canadian Government send a clear message to the U.S. that Canada:

- 1) supports the legally recognized position of Canada's softwood lumber producers;
- 2) supports the fundamental tenets of the North American Free Trade Agreement;
- 3) supports the trade rights of all Canadians and Canadian Companies exporting to the United States

AND FURTHER BE IT RESOLVED THAT this motion be forwarded to the Office of the Prime Minister, Paul Martin; MP Anthony Rota and MPP Monique Smith;

AND FURTHER THAT the City send a copy of this resolution to the Association of Municipalities of Ontario, with the request that the resolution be forwarded to other municipalities across the Province requesting their support.

“CARRIED”

Record of Vote (Upon Request of Councillor Campbell)

Yeas: Councillors Campbell, Maroosis, Boldt, Anthony, Mason, Mendicino, Chirico, Bain, Koziol, Vaillancourt, Mayor Fedeli

Res. #2005-727: Moved by Councillor Chirico, seconded by Councillor Anthony That Council adjourn in-camera to discuss litigation matter #18 and property matter #19.

“CARRIED”

Res. #2005-728:

Moved by Councillor Mason, seconded by Councillor Boldt

- That
- 1) the City of North Bay declare that Company No. 504802 Ontario Inc. operating as JCJ Contracting is in default of Contract No. 2003-59;
 - 2) having heard the response from JCJ Contracting, the City terminate the contract with JCJ Contracting and that they be removed from the site as of October 31, 2005 for the reasons set out in the notices of March 29, 2005, August 8, 2005 and September 23, 2005, as independently verified by Conestoga Rovers Associates in their Expert's Report of September 2005;

- 9 -

October 17, 2005

- 3) the City give notice to St. Paul's that it must act by November 30, 2005 if it intends to perform on the bond; and
- 4) Bruman Leasing Ltd. be hired on a short term basis as of November 1, 2005 to operate the Merrick Landfill on a time and materials basis, subject to the right of the bonding company to agree to perform on the bond by November 30, 2005, failing which, Bruman be retained for a five year term at the COLA adjusted prices.

"CARRIED"

Councillor Chirico declared a conflict of interest on the above matter as Bruman is a client.

Councillor Maroosis declared a conflict of interest on the above matter as his son-in-law is employed by Bruman.

Res. #2005-729:

Moved by Councillor Bain, seconded by Councillor Mendicino
That this Meeting do now adjourn.

"CARRIED"

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD