

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, DECEMBER 15TH, 2008**

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

CORRESPONDENCE:

Anthony, Mike re Resignation from Capitol Centre Board (798)

REPORTS FROM OFFICERS:

Burke, M.B. re Land sale to Clarisse Blomme (815)
Burke, M.B. re Sweetman Gardens - Garden Use (816)
Agreement
Burke, M.B. re Land sale to North Bay Hydro Distribution (817)
Limited - Dashnay Street road allowance
Burke, M.B. re Sale of Railway Street lands (818)
Conrad, C.M. re Council appointment to Capitol Centre (819)
Lang, A. re Long-Term Bank Loan for the Airport Hill (799)
Standpipe and Watermain Project
Marshall, R. re State of the Infrastructure Report (793)
McArthur, S. re Nipissing Condominium Corporation #10, (792)
810 Main Street West
Rogers, B.A. re Capital Project Status Report - December (800)
2007

Res. #2008-788: Moved by Councillor Graham, seconded by Councillor Bain
That minutes for the public meetings held on:

- Monday, November 17, 2008;
- Monday, December 1, 2008;
- Friday, December 5, 2008;
- Monday, December 8, 2008;
- Tuesday, December 9, 2008; and
- Wednesday, December 10, 2008

be adopted as presented.

"CARRIED"

Res. #2008-789: Moved by Councillor Graham, seconded by Councillor Bain
That minutes for the closed meetings held on:

- Monday, December 1, 2008; and
- Monday, December 8, 2008

be adopted as presented.

"CARRIED"

Res. #2008-790: Moved by Councillor Chirico, seconded by Councillor Campbell
That General Government Committee Report No. 2008-08 relating to:

- Water and Sanitary Sewer Rates

be adopted as presented.

"CARRIED"

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2008-08

December 15, 2008

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2008-08 and recommends:

1. That
 - a) in accordance with the direction contained in the *Sustainable Water and Sewage Systems Act 2002*, the current policy of recovering all water and sanitary system operating, capital and financing costs from user rates be maintained;
 - b) a new Water Rates By-Law be presented increasing all water rates by 6.3% effective January 1, 2009;
 - c) the sanitary sewer surcharge remain at 106% of water charges;
 - d) the Water Filtration Capital Surcharge as authorized in Clause 3e) of Water Rates By-Law No. 2007-224 remain at 10% of the gross water component of water accounts effective January 1, 2009; and
 - e) the net increase on a typical flat rate residential account be 6.3% or \$3.50 per month.

All of which is respectfully submitted.

ASSETS
 CHIRICO
 CAMPBELL
 VAILLANCOURT
 VREBOSCH-MERRY
 FEDELI

DISSENTS

Res. #2008-791: Moved by Councillor Chirico, seconded by Councillor Campbell
 That General Government Committee Report No. 2008-09 relating to:

- 2009 Capital Budget and 2009-2013 Five-Year Capital Forecast and Long-Term Capital Funding Policies

be adopted as presented.

“CARRIED”

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

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

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2008-09

December 15, 2008

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2008-09 and recommends:

1. That
 - a) the 2009 Capital Budget for Capital Projects to be funded from Debentures, Capital Levy, Federal and Provincial Government Grants Programs, Reserves and other contributions totaling \$49,905,000 as set out in Report to Council CORP 2008-172 be adopted;
 - b) the Chief Financial Officer review and sign each Report to Council that requests approval of a Capital Project to ensure the approvals do not exceed the proposed Capital Funding Policy Expenditure Limit of \$21,547,772; and
 - c) the Five-Year Capital Forecast (2009 - 2013) for Capital Projects to be funded from Debentures, Capital Levy, Federal and Provincial Government Grants Programs, Reserves and other contributions totaling \$145,287,000 as set out in Report to Council CORP 2008-172 be adopted.
2. That
 - a) the 2009 Capital Budget for Capital Projects to be funded from Water and Sanitary Sewer Rates, Federal and Provincial Government Grants Programs, Reserves and other contributions totaling \$15,267,000, as set out in Report to Council CORP 2008-172 be adopted;
 - b) the Chief Financial Officer review and sign each Report to Council that request approval of a Capital Project to ensure the approvals do not exceed the proposed Capital Funding Policy Expenditure Limit of \$8,661,000;
 - c) the Five-Year Capital Forecast (2009-2013) for Capital Projects to be funded from Water and Sanitary Sewer Rates, Federal and Provincial Government Grants Programs, Reserves and other contributions totaling \$57,907,000 as set out in Report to Council CORP 2008-172 be adopted; and
 - d) any debenture debt required to fund Water and Sanitary Sewer Projects be presented to City Council for approval before undertaking the project.
3. That the Long-Term Capital Funding Policy be amended as follows:
 - a) Long-Term Capital Funding allowance in the Operating Budget be increased by \$600,000 each year instead of the \$100,000 in the current policy;
 - b) the annual debenture funding be increased by \$2,000,000; and
 - c) the Capital Expenditure Limits be set based on the capital revenue sources generated by the policy.
4. That the Long-Term Capital Funding Policy be reviewed in detail to address the infrastructure investment deficit identified in the Stantec State of the Infrastructure Report.
5. That the Water and Sanitary Sewer Long-Term Capital Funding Policy be amended as follows:
 - a) Long-Term Capital Funding allowance in the Operating Budget be increased by \$300,000 each year;
 - b) the annual debenture funding be increased by \$2,000,000; and
 - c) the Capital Expenditure Limits be set based on the capital revenue sources generated by the policy.
6. That the Water and Sanitary Sewer Long-Term Capital Funding Policy be reviewed in detail to address the infrastructure investment deficit identified in the Stantec State of the Infrastructure Report.

All of which is respectfully submitted.

ASSENTS
CHIRICO
CAMPBELL
VAILLANCOURT
VREBOSCH-MERRY
FEDELI

DISSENTS

Res. #2008-792: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the Condominium Application by Nipissing Condominium Corporation #10 for the property described as Concessions "C" and "D", Lot 21, Plan 13, Lots 51 & 52, Plan 36R-6478, Parts 1 & 2, in the former Township of Widdifield, known locally as 810 Main Street West, requesting an exemption from Section 51 of the *Planning Act* to grant approval of a Plan of Condominium, as represented on Schedules "A" & "B" attached to Report to Council No. CSBU 2008-117, be approved upon receiving Final Plans to amend Nipissing Condominium Corporation #10.

"CARRIED"

Res. #2008-793: Moved by Councillor Koziol, seconded by Councillor Bain
That Report to Council EEW 2008-48 from Ray Marshall dated December 5, 2008 re State of the Infrastructure Report be referred to the Engineering & Works Committee.

"CARRIED"

Res. #2008-794: Moved by Councillor Chirico, seconded by Councillor Campbell
That pre-authorized accounts totaling \$3,933,829.10 for October 2008 be approved.

"CARRIED"

Res. #2008-795: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That accounts for Royal Bank totaling \$1,463.90 for October 2008 be approved.

"CARRIED"

Councillor Chirico declared a conflict of interest on the above matter as he is employed by the Royal Bank.

Res. #2008-796: Moved by Councillor Chirico, seconded by Councillor Campbell
That accounts totaling \$12,906,709.46 for November 2008 be approved.

"CARRIED"

Res. #2008-797: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That accounts for Royal Bank totaling \$1,904.40 for November 2008 be approved.

"CARRIED"

Councillor Chirico declared a conflict of interest on the above matter as he is employed by the Royal Bank.

Res. #2008-798: Moved by Councillor Chirico, seconded by Councillor Campbell
That the resignation of Councillor Mike Anthony from the Capitol Centre Board of Directors be accepted with regret and Councillor Anthony be thanked for his involvement on the Board.

"CARRIED"

Res. #2008-799: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That 1) the City enter into a long-term bank loan agreement with the

Royal Bank of Canada to borrow \$2,000,000 amortized over a ten year term to finance the Airport Hill Standpipe and Watermain Project; and

- 2) an Execution By-Law be presented for three readings on December 15, 2008 authorizing the Mayor and Chief Financial Officer to execute the bank agreement.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as he is employed by the Royal Bank.

- Res. #2008-800: Moved by Councillor Chirico, seconded by Councillor Campbell
That
- 1) the Capital Projects Status Report – December 2007 Report No. CORP 2008-171 from the Chief Financial Officer be received;
 - 2) the 20 projects listed on Appendix “A” attached to Report No. CORP 2008-171 be closed and that the small surplus balance of \$9,464 be transferred as follows: \$41,623 to the Completed Capital Works Reserve Fund and \$(32,159) to the Water and Sanitary Sewer Reserve Fund;
 - 3) the 25 projects listed on Appendix “B” attached to Report No. CORP 2008-171 be closed and that the surplus balance of \$1,168,822 be transferred to other open Capital Projects as noted on Appendix “B”; and
 - 4) the 3 projects listed on Appendix “C” attached to Report No. CORP 2008-171 be closed and that the surplus balance of \$237,428 be transferred as follows: \$148,111 to the Stormwater Management Reserve (#99799R), \$75,857 to the New Development Services Reserve (#99565R) and \$13,460 to the Information Systems Reserve (#99561R).

“CARRIED”

- Res. #2008-801: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:
- By-Law No. 2008-248 to establish rates or charges for the supply of water and sanitary sewer for domestic, commercial and manufacturing use, and including other related matters.
- By-Law No. 2008-252 to amend By-Law No. 1980-82 being a by-law to regulate the use of locomotive whistles.
- By-Law No. 2008-257 to execute an Agreement with Commonwealth Plywood Company Limited relating to fire protection services.
- By-Law No. 2008-258 to execute an Agreement with Mid-Range relating to a new ERP Server.

“CARRIED”

- Res. #2008-802: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:
- By-Law No. 2008-248 to establish rates or charges for the supply of water and sanitary sewer for domestic, commercial and manufacturing use, and including other related matters.
- By-Law No. 2008-252 to amend By-Law No. 1980-82 being a by-law to regulate the use of locomotive whistles.

By-Law No. 2008-257 to execute an Agreement with Commonwealth Plywood Company Limited relating to fire protection services.

By-Law No. 2008-258 to execute an Agreement with Mid-Range relating to a new ERP Server.

“CARRIED”

Res. #2008-803: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-law be read a first and second time:

By-Law No. 2008-259 to execute a Long-Term Bank Loan Agreement with the Royal Bank of Canada relating to the Airport Hill Water System Upgrade and Expansion.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as he is employed by the Royal Bank.

Res. #2008-804: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-law be read a third time and passed:

By-Law No. 2008-259 to execute a Long-Term Bank Loan Agreement with the Royal Bank of Canada relating to the Airport Hill Water System Upgrade and Expansion.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as he is employed by the Royal Bank.

Res. #2008-805: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2008-255 to execute an Agreement with Monteith Building Group relating to Sunset Park washroom renovations.

“CARRIED”

Res. #2008-806: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2008-255 to execute an Agreement with Monteith Building Group relating to Sunset Park washroom renovations.

“CARRIED”

Res. #2008-807: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2008-14 to rezone certain lands on Burrows Street (Guy Laferriere - 140-144 Burrows Street).

By-Law No. 2008-83 to rezone certain lands on Lakeshore Drive (C. Canarino Holdings Ltd. - 230 to 258 Lakeshore Drive).

By-Law No. 2008-205 to rezone certain lands on Highway 63 (Descon Development Corp. - 6625 Highway 63).

“CARRIED”

Res. #2008-808: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-laws be read a first and second time:

By-Law No. 2008-253 to amend Traffic & Parking By-Law No. 2002-001 (Schedule 12 - Loading Zones).

By-Law No. 2008-254 to execute an Agreement with Pioneer Construction Inc. relating to the supply of emulsified asphalt patching material.

By-Law No. 2008-256 to execute an Agreement with the Municipality of Powassan relating to the use of the Household Hazardous Waste Depot.

“CARRIED”

Res. #2008-809:

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

By-Law No. 2008-253 to amend Traffic & Parking By-Law No. 2002-001 (Schedule 12 - Loading Zones).

By-Law No. 2008-254 to execute an Agreement with Pioneer Construction Inc. relating to the supply of emulsified asphalt patching material.

By-Law No. 2008-256 to execute an Agreement with the Municipality of Powassan relating to the use of the Household Hazardous Waste Depot.

“CARRIED”

Res. #2008-810:

Moved by Councillor Vaillancourt, seconded by Councillor Chirico
WHEREAS the City of North Bay assumed ownership of the assets of the North Bay Jack Garland Airport in 1998 from Transport Canada;

AND WHEREAS the Jack Garland Airport functions as a regional airport and provides air services for the Nipissing District as well as a large secondary catchment area including Northwestern Quebec;

AND WHEREAS the Aviation Industry annually contributes in excess of \$70 million to the regional economy;

AND WHEREAS the North Bay Jack Garland Airport is 1 of 15 public airports in Canada and 1 of 4 in Ontario with a 10,000 foot runway enabling the airport to receive virtually any size aircraft;

AND WHEREAS the ability to receive these aircraft is not only critical to supporting current and future regional industry but also provides a tremendous safety benefit as a preferred diversion destination for natural and man made crisis;

AND WHEREAS it is important to the economies of the Region, Province of Ontario and Canada to protect and maintain this existing unique infrastructure;

AND WHEREAS the 10,000 foot runway surface is nearing its end of life and requires resurfacing within the next 3 years;

AND WHEREAS Transport Canada and other government agencies provide funding assistance for maintaining airport infrastructure;

BE IT THEREFORE RESOLVED THAT Council of the City of North Bay and the Jack Garland Airport Corporation respectfully requests that both the Federal and Provincial governments recognize this invaluable resource by way of funding for the resurfacing of the existing 10,000 foot runway;

AND FURTHER THAT a copy of this resolution be forwarded Anthony Rota, MP for Nipissing-Timiskaming; Hon. Tony Clement, Minister of Industry; Hon. John Baird, Minister of Transport, Infrastructure and

Communities; Hon. George Smitherman, Minister of Energy & Infrastructure; Hon. Jim Bradley, Minister of Transportation; Hon. Michael Gravelle, Minister of Northern Development & Mines; Monique Smith, MPP for Nipissing; the Association of Municipalities of Ontario and the Federation of Northern Ontario Municipalities.

“CARRIED”

Res. #2008-811: Moved by Councillor Bain, seconded by Councillor Graham
WHEREAS Section 10.2, of the *Municipal Act* (the “Act”) provides that a municipality may pass by-laws for the health, safety, and well-being of persons;

AND WHEREAS Section 425.(1) of the *Act* provides that a person who contravenes a by-law of the municipality passed under this *Act* is guilty of an offence;

AND WHEREAS Council has been saddened by a recent tragedy;

THEREFORE BE IT RESOLVED THAT the Council of the City of North Bay requires carbon monoxide detectors to be installed in residential buildings, which will reduce the health risks to our citizens;

AND FURTHER BE IT RESOLVED THAT City Staff be directed to draft a by-law for Councils approval, for implementation by January 1, 2010.

“CARRIED”

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

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

Res. #2008-812: Moved by Councillor Bain, seconded by Councillor Chirico
WHEREAS the Provincial Municipal Fiscal and Service Delivery Review (PMFSDR) final report was released on October 31, 2008;

AND WHEREAS the PMFSDR Infrastructure Table concluded that the infrastructure investment gap per household for Northern Ontario municipalities is generally higher than other regions in Ontario;

AND WHEREAS the PMFSDR Fiscal Health Table concluded that the fiscal health of Northern municipalities is poorer than other regions of Ontario;

AND WHEREAS Northern Ontario municipalities are more reliant on funding from the Ontario Municipal Partnership Fund (OMPF) than other regions of Ontario;

AND WHEREAS many municipalities in Northern Ontario will see a reduction in their OMPF equal to their upload benefits resulting in very little net upload benefit for several years;

AND WHEREAS the net upload benefits per household for the Northern Ontario region are forecast to be well below the net upload benefits per household for all other regions of the Province;

AND WHEREAS the Province has committed to review the formula for distribution of the OMPF, or its successor unconditional funding program, before 2010;

THEREFORE BE IT RESOLVED THAT the Province of Ontario increase the Northern Communities Grant by \$50.00 per-household, to ensure all Municipalities in the North will receive the necessary "Required Support";

AND FURTHER BE IT RESOLVED THAT a copy of this resolution be forwarded to Premier Dalton McGuinty; Hon. Dwight Duncan, Minister of Finance; Hon. Monique Smith, MPP for Nipissing; the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities; Northern Ontario Municipal Association; Northern members of the Liberal Caucus and to the Provincial Leaders of the Opposition.

“CARRIED”

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

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

Res. #2008-813: 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 8:30 p.m. to discuss Items 10, 11, 12, 13, 14 and 15, being potential disposal of lands by the municipality; Item 16, being a personal matter about an identifiable individual, including municipal employees; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

“CARRIED”

Res. #2008-814: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council reconvene at 9:59 p.m.

“CARRIED”

Res. #2008-815: Moved by Councillor Chirico, seconded by Councillor Campbell
That

- 1) Council declare Part Lot 162, Plan 13 and Part Lot 91, Plan 15, as shown on the sketch attached to Report No. CORP 2008-180 as surplus;
- 2) Council agree to sell Part Lot 162, Plan 13 and Part Lot 91, Plan 15 between Timmins and Cormack Streets to the abutting owner, Clarisse Blomme for the sum of \$17,500.00; and
- 3) the Chief Administrative Officer be authorized to execute the Agreement of Purchase and Sale.

“CARRIED”

Res. #2008-816: Moved by Councillor Chirico, seconded by Councillor Campbell
That

- 1) Council approve the proposed restrictive covenants submitted by Debra Sweetman and the Friends of Sweetman Gardens as represented by Adelaide Saeger and Stuart Bailey;
- 2) Council maintain its position that the City is entitled to payment for Part Lots 158 to 161, Plan 13, fixed at \$40,000; and
- 3) Council authorize a by-law to open Cormack Street between McIntyre Street and Copeland Street.

“CARRIED”

Res. #2008-817: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council

- 1) declare Dashnay Street road allowance south of McIntyre Street West to be closed and declared surplus; and

- 2) approve an Agreement of Purchase and Sale with North Bay Hydro Distribution Limited for the proposed Pinewood Substation on the unopened Dashnay Street road allowance south of McIntyre Street West for the sum of \$35,000.00, subject to any easement requirements.

"CARRIED"

- Res. #2008-818: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) Council authorize the sale to the abutting owners of the Railway Street road allowance for the appraised values, subject to the passage of the required Road Closing By-Law; and
- 2) the Chief Administrative Officer be authorized to execute the Agreement of Purchase and Sale.

"CARRIED"

- Res. #2008-819: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize the City Clerk to bring forward a Striking Committee Report to appoint Councillor Vrebosch-Merry to the Capitol Centre, for a term to expire November 30, 2010.

"CARRIED"

- Res. #2008-820: Moved by Councillor Graham, seconded by Councillor Bain
That this Regular Meeting of Council do now adjourn at 10:02 p.m.

"CARRIED"

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD