

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, MARCH 16TH, 2009**

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

CORRESPONDENCE:

| | | |
|--------------------------|---|-------|
| 2125069 Ontario Inc. | re Freezing of tipping fees for demolition of Nordfibre building | (175) |
| Celtfest | re Celtfest - June 2009 | (180) |
| Kenalex Development Inc. | re Plan of Subdivision application, Booth Road | (185) |
| Norman, Raymond | re Rezoning & Plan of Subdivision applications Bain Drive and Golf Club Road | (167) |
| Tucker, Rosanne | re Rezoning & Plan of Subdivision applications Bain Drive and Golf Club Road | (167) |

REPORTS FROM OFFICERS:

| | | |
|---------------|--|-------|
| Burke, M.B. | re Land acquisition from 616 Front Street | (201) |
| Burke, M.B. | re Land exchange at 543 McLaren Street | (202) |
| Burke, M.B. | re Land exchange at 573 Galt Street | (203) |
| Kitlar, S. | re Celtfest | (180) |
| Korell, A. | re Freezing of tipping fees for demolition of Nordfibre building | (175) |
| Manning, J. | re Tender 2009-07, Memorial Gardens Roof Replacement Project - Phase 1 | (178) |
| Manning, J. | re RFP 2009-06, Design, contract preparation & tendering services for Trout Lake Road resurfacing | (179) |
| Manning, J. | re Tender 2009-14, Supply of tandem truck | (183) |
| McArthur, S. | re Plan of Subdivision by Eton Homes Ltd. Sugar Bush, Stage 1 | (168) |
| McArthur, S. | re Rezoning application by City of North Bay and private land owners - CNR right-of-way Algonquin Avenue to Front Street | (184) |
| Rochefort, L. | re Reduction, cancellation or refund of taxes Section 357, <i>Municipal Act</i> | (176) |
| Rochefort, L. | re Reduction, cancellation or refund of taxes Section 358, <i>Municipal Act</i> | (177) |
| Rochefort, L. | re Municipal Housing Facilities Agreement - 1732859 Ontario Inc. | (181) |
| Rochefort, L. | re Municipal Housing Facilities Agreement - Castle Arms Non-Profit Apartment Corp. | (182) |
| Schroeder, D. | re Recreation Facilities Rehabilitation & Development Program | (170) |
| Schroeder, D. | re Parks Trail System Development Program | (171) |
| Schroeder, D. | re Parks Vehicle & Equipment Replacement Program | (172) |
| Schroeder, D. | re Downtown Sidewalk Rehabilitation Program | (173) |
| Schroeder, D. | re Pete Palangio/West Ferris Rehabilitation Program | (174) |

Res. #2009-163: Moved by Councillor Vaillancourt, seconded by Councillor Graham That minutes for the public meeting held on:

- Monday, March 2, 2009

be adopted as presented.

"CARRIED"

Res. #2009-164: Moved by Councillor Vaillancourt, seconded by Councillor Graham
That minutes for the closed meetings held on:

- Monday, March 2, 2009

be adopted as presented.

“CARRIED”

Res. #2009-165: Moved by Councillor Chirico, seconded by Councillor Campbell
That General Government Committee Report No. 2009-03 relating to:

- the Carbon Monoxide Alarms By-Law

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2009-03

March 16, 2009

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2009-03 and recommends:

1. That By-Law No. 2009-16 being a by-law to require the installation and maintenance of carbon monoxide alarms in all residential occupancies containing fuel fired appliances and/or have attached garage(s) be presented to Council for second and third readings.

All of which is respectfully submitted.

ASSENTS
 CHIRICO
 CAMPBELL
 VAILLANCOURT
 VREBOSCH-MERRY
 FEDELI

DISSENTS

Res. #2009-166: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2009-07 relating to:

- 2008 Municipal Heritage Committee Annual Report

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-07

March 16, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-07 and recommends:

1. That
 - a) the Municipal Heritage Committee be thanked for their work; and
 - b) the 2008 Municipal Heritage Committee Annual report be noted and filed.

All of which is respectfully submitted.

ASSENTS
 ANTHONY
 MENDICINO
 GRAHAM
 FEDELI

DISSENTS

Res. #2009-167: Moved by Councillor Anthony, seconded by Councillor Mendicino
 That the Plan of Subdivision and Rezoning applications by Miller & Urso
 Surveying Inc. on behalf of Rosanne Tucker & Raymond Norman - Bain
 Drive and Golf Club road, be received.

“CARRIED”

Res. #2009-168: Moved by Councillor Anthony, seconded by Councillor Mendicino
 That

- 1) the Mayor and City Clerk be authorized to sign the Subdivision
 Agreement with Eton Homes Ltd. for the Sugar Bush
 Subdivision Agreement for the creation of a nineteen (19) lot
 subdivision on Tower Drive, Sugarbush Street and Enza
 Court, in the City of North Bay upon receipt of all security and
 required easements; and
- 2) Council grant Final Approval to the Draft Approved Plan of
 Subdivision - Tower Drive, Sugarbush Street and Enza Court -
 City File No. 48T-92102.

“CARRIED”

Res. #2009-169: Moved by Councillor Chirico, seconded by Councillor Campbell
 That accounts totaling \$20,560,638.91 for February 2009 be approved.

“CARRIED”

Res. #2009-170: 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 Recreation Facilities Rehabilitation and
 Development Program, being 2009 Capital Budget Project No. 72, at a net
 debenture cost of \$225,000.00.

“CARRIED”

Res. #2009-171: 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 Parks Trail System Development Program,
 being 2009 Capital Budget Project No. 79, at a net debenture cost of
 \$150,000.00.

“CARRIED”

Res. #2009-172: 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 Parks Vehicle and Equipment Replacement
 Program, being 2009 Capital Budget Project No. 75, at a net debenture
 cost of \$295,000.00.

“CARRIED”

Res. #2009-173: 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 Downtown Sidewalk Rehabilitation Program, being 2009 Capital Budget Project No. 81, at a net debenture cost of \$75,000.00.

“CARRIED”

Res. #2009-174: 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 Pete Palangio/West Ferris Rehabilitation Program, being 2009 Capital Budget Project No. 70, at a net debenture cost of \$550,000.00.

“CARRIED”

Res. #2009-175: Moved by Councillor Bain, seconded by Councillor Mayne
That the request from Mr. Paul Orsi to freeze 2008 tipping fees at the Merrick Landfill Site for demolition waste generated from the Nordfibre site at \$65/tonne be approved subject to the following conditions:

- 1) the special tipping fee of \$65.00 per tonne be frozen until December 31, 2009 for this project only;
- 2) the reduced tipping fee only apply to waste materials generated from the Nordfibre site and from demolition activities;
- 3) the special handling fee applied to processing asbestos (\$200/load) not be waived;
- 4) acceptance is conditional that the owner is compliant with all applicable Federal, Provincial and Municipal Regulations pertaining to demolition and transportation of waste materials from the site; and
- 5) the owner provide the City with a copy of its recycling plan prior to project initiation at which time staff be authorized to negotiate final tipping fee rates of not less that \$60.00 per tonne.

“CARRIED”

Res. #2009-176: Moved by Councillor Chirico, seconded by Councillor Campbell
That the tax appeal applications attached to CORP Report No. 2009-42 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 of the *Municipal Act*, S.O. 2001, c.25.

“CARRIED”

Res. #2009-177: Moved by Councillor Chirico, seconded by Councillor Campbell
That the tax appeal application attached to CORP Report No. 2009-43 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 358 of the *Municipal Act*, S.O. 2001, c.25.

“CARRIED”

Res. #2009-178: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve the award of a contract to Blanchfield Roofing Company Ltd. in the amount of \$269,310.00 (GST extra), to install a PVC style roof on Memorial Gardens during Phase 1 of the project.

“CARRIED”

Res. #2009-179: Moved by Councillor Bain, seconded by Councillor Mayne
that 1) North Bay City Council approve the award of a contract to AECOM Canada Ltd. in the amount of \$28,875.00 (GST included), for the design of the rehabilitation of Trout Lake Road from Highway 11/17 to Connaught Avenue; and
2) Council authorize the City Engineer to proceed with the design of the removal of the traffic signals at the Twin Pines Mall entrance, as identified in RFP 2009-06.

“CARRIED”

Res. #2009-180: Moved by Councillor Anthony, seconded by Councillor Mendicino
That, in order to facilitate the undertaking of the 2009 Celfest, the following requests be approved:

- 1) a temporary exemption from Section D, Regulation 3B of the Municipal Alcohol Policy attached to Report CSBU 2009-36 is approved, allowing the establishment of a licensed area to serve alcohol on June 6, 2009 between the hours of 11:30 am to 6:00 pm in an area mutually agreed upon by Celfest and the Municipal representative and subject to meeting the additional security and site management requirements; and
- 2) that Celfest be granted exclusivity in Champlain Park from 5:00 pm on Friday, June 5, 2009 until Saturday, June 6, 2009 7:00 pm both inclusive, within the areas defined on the map attached to Report CSBU 2009-36.

“CARRIED”

Res. #2009-181: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That 1) the City enter into a Municipal Housing Facilities Agreement between the District of Nipissing Social Services Administration Board (DNSSAB) and 1732859 Ontario Inc;
2) the City implement a Municipal Housing Facilities By-Law for a 12 unit affordable housing project located at 2469 Trout Lake Road, which will include the following financial incentive:
a) a portion of the assessed value for the property shall be exempt from taxation each year for a twenty (20) year term, so that the total of the property taxes payable for the property will be equal to the total taxes which would be payable if the property were assessed in the residential class as implemented by the Municipal Housing Facilities By-Law specific to the 1732859 Ontario Inc. (Ron Girard) Trout Lake Road project;
3) a by-law to execute a Municipal Housing Facilities Agreement between the DNSSAB and 1732859 Ontario Inc. and By-Law No. 2009-51, being a by-law to provide the Municipal Housing Facilities, be given three (3) readings on March 16, 2009.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as 1732859 Ontario Inc. is a client of his employer.

- Res. #2009-182: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That
- 1) the City enter into a Municipal Housing Facilities Agreement between the District of Nipissing Social Services Administration Board (DNSSAB) and Castle Arms Non-Profit Apartment Corporation;
 - 2) the City implement a Municipal Housing Facilities By-Law for a 55 unit affordable housing project located at 350 Olive Street which will include the following financial incentive:
 - a) a portion of the assessed value for the property shall be exempt from taxation each year for a twenty (20) year term, so that the total of the property taxes payable for the property will be equal to the total taxes which would be payable if the property were assessed in the residential class as implemented by the Municipal Housing Facilities By-Law specific to the Castle Arms Non-Profit Apartment Corporation project;
 - 3) a by-law to execute a Municipal Housing Facilities Agreement between DNSSAB and Castle Arms Non-Profit Apartment Corporation and By-Law No. 2009-52, being a by-law to provide the Municipal Housing Facilities, be given three (3) readings on March 16, 2009.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as Castle Arms Non-Profit Apartment Corporation is a client of his employer.

- Res. #2009-183: Moved by Councillor Bain, seconded by Councillor Mayne
That North Bay City Council approve a contract be issued to Canadian Fleet Services in the amount of \$342,481.53 (taxes included), for the supply of one tandem truck c/w dump body, plow and hydraulic system.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as Canadian Fleet Services is a client of his employer.

- Res. #2009-184: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the rezoning by the City of North Bay and private land owners for Algonquin Avenue to Front Street be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

- Res. #2009-185: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the recommendation from the Planning Advisory Committee regarding the Draft Plan of Subdivision by Miller & Urso Surveying Inc. on behalf of Kenalex Development Inc. - Phase 1, Booth Road, be received and referred to the Community Services Committee for a Public Meeting.

“CARRIED”

- Res. #2009-186: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:

By-Law No. 2009-47 to authorize the Fire Facilities Maintenance Program.

By-Law No. 2009-48 to authorize the Vehicle & Equipment Replacement Program for the Water & Sanitary Sewer Department.

By-Law No. 2009-49 to authorize the Rural Road Culvert Replacement Program.

By-Law No. 2009-50 to authorize the Public Works Vehicle and Equipment Replacement Program.

By-Law No. 2009-54 to authorize the acquisition of title to Eloy's Road.

"CARRIED"

Res. #2009-187: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:

By-Law No. 2009-47 to authorize the Fire Facilities Maintenance Program.

By-Law No. 2009-48 to authorize the Vehicle & Equipment Replacement Program for the Water & Sanitary Sewer Department.

By-Law No. 2009-49 to authorize the Rural Road Culvert Replacement Program.

By-Law No. 2009-50 to authorize the Public Works Vehicle and Equipment Replacement Program.

By-Law No. 2009-54 to authorize the acquisition of title to Eloy's Road.

"CARRIED"

Res. #2009-188: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-laws be read a first and second time:

By-Law No. 2009-51 to provide for Municipal Housing Facilities - 1732859 Ontario Inc. (Girard).

By-Law No. 2009-52 to provide for Municipal Housing Facilities - Castle Arms Non-Profit Apartment Corporation.

By-Law No. 2009-57 to execute an Agreement with the District of Nipissing Social Services Administration Board and Castle Arms Non-Profit Apartment Corporation relating to the provision of a Municipal Housing Facility.

By-Law No. 2009-58 to execute an Agreement with the District of Nipissing Social Services Administration Board and 1732859 Ontario Inc. relating to the provision of a Municipal Housing Facility.

"CARRIED"

Councillor Chirico declared a conflict of interest on the above matter as 1732859 Ontario Inc. and Castle Arms Non-Profit Apartment Corporation are clients of his employer.

Res. #2009-189: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That the following by-laws be read a third time and passed:

By-Law No. 2009-51 to provide for Municipal Housing Facilities - 1732859 Ontario Inc. (Girard).

By-Law No. 2009-52 to provide for Municipal Housing Facilities - Castle Arms Non-Profit Apartment Corporation.

By-Law No. 2009-57 to execute an Agreement with the District of Nipissing Social Services Administration Board and Castle Arms Non-Profit Apartment Corporation relating to the provision of a Municipal Housing Facility.

By-Law No. 2009-58 to execute an Agreement with the District of Nipissing Social Services Administration Board and 1732859 Ontario Inc. relating to the provision of a Municipal Housing Facility.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as 1732859 Ontario Inc. and Castle Arms Non-Profit Apartment Corporation are clients of his employer.

Res. #2009-190: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a first and second time:

By-Law No. 2009-55 to authorize the Universal Water Metering Implementation Program.

“CARRIED”

Res. #2009-191: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a third time and passed:

By-Law No. 2009-55 to authorize the Universal Water Metering Implementation Program.

“CARRIED”

Res. #2009-192: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a second time:

By-Law No. 2009-16 to require the installation and maintenance of carbon monoxide alarms in all residential occupancies containing fuel fired appliances and/or have attached garage(s).

“CARRIED”

Res. #2009-193: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a third time and passed:

By-Law No. 2009-16 to require the installation and maintenance of carbon monoxide alarms in all residential occupancies containing fuel fired appliances and/or have attached garage(s).

“CARRIED”

Res. #2009-194: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a third time and passed:

By-Law No. 2009-28 to stop up, close and convey a portion of the unopened Dashnay Street road allowance.

“CARRIED”

Res. #2009-195: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2009-53 to deem Part Lot 3, Plan 56 designated as Parts 12, 13, 14 and 15, Plan 36R-12076 as not being subject to part lot control pursuant to section 50(7) of the *Planning Act*.

By-Law No. 2009-59 to execute a Subdivision Agreement with Eton Homes Ltd. relating to Sugar Bush.

“CARRIED”

Res. #2009-196: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2009-53 to deem Part Lot 3, Plan 56 designated as Parts 12, 13, 14 and 15, Plan 36R-12076 as not being subject to part lot control pursuant to section 50(7) of the *Planning Act*.

By-Law No. 2009-59 to execute a Subdivision Agreement with Eton Homes Ltd. relating to Sugar Bush.

“CARRIED”

Res. #2009-197: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2009-12 to amend Zoning By-Law No. 28-80 to implement changes to the policies and regulations (boarding, lodging and rooming houses).

“CARRIED”

Res. #2009-198: Moved by Councillor Bain, seconded by Councillor Mayne
WHEREAS sound transportation infrastructure has been identified as critical to sustainable growth and economic development in Northern Ontario;

AND WHEREAS all of Northern Ontario benefits by strategic investment in major transportation improvements;

AND WHEREAS North Bay has recently received significant funding approval in support of maintaining its 10,000 foot airport runway thereby meeting the need for one component of the transportation network;

AND WHEREAS the City of Sault Ste. Marie has recently identified a critical need to update and expand its local port and harbour facilities as a means of improving another necessary mode of the overall transportation infrastructure in the North;

AND WHEREAS the City of Sault Ste. Marie has sought support for this initiative;

THEREFORE the Council of the City of North Bay hereby supports the efforts of the City of Sault Ste. Marie and its private sector partners to solicit funding from senior levels of government for the purposes of improving and enhancing their harbour facilities;

AND further that a copy of this resolution be forwarded to FONOM and to the City of Sault Ste. Marie for distribution as they see fit.

“CARRIED”

Res. #2009-199: 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 8:06 p.m. to discuss Items 20, 21, 22, 23 and 24, being proposed or pending acquisitions or disposals of land by the municipality; Item 25, being a litigation matter affecting the municipality;

and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

“CARRIED”

Res. #2009-200: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council reconvene at 8:27 p.m.

“CARRIED”

Res. #2009-201: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize a land acquisition to square off the City’s CNR lands from surplus property at 616 Front Street for the sum of \$13,500.00.

“CARRIED”

Res. #2009-202: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize a land exchange to square off the City’s CNR lands at the property at 543 McLaren Street.

“CARRIED”

Res. #2009-203: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize a land exchange to square off the City’s CNR lands at the property at 573 Galt Street.

“CARRIED”

Res. #2009-204: Moved by Councillor Graham, seconded by Councillor Vaillancourt
That this Regular Meeting of Council do now adjourn at 8:28 p.m.

“CARRIED”

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD