

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, MAY 11, 2009**

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

CORRESPONDENCE:

Nipissing Country Music Association	re Northern Ontario Open Country Singing Contest	(327)
North Bay Snowmobiler's Club	re Use of city land	(349)

REPORTS FROM OFFICERS:

Bullock, P.	re Green Fleet Plan	(332)
Burke, M.B.	re Use of city land - North Bay Snowmobiler's Club	(349)
Courville, E.	re Sign By-Law variance - Hampton Inn	(325)
Courville, E.	re Sign By-Law variance - Clarion Resort	(330)
Houston, J.	re Amendment to Parks Plan Update	(323)
Kilgour, I.G.	re Amendment to Parks Plan Update	(323)
Kitlar, S.	re Northern Ontario Open Country Singing Contest	(327)
Kitlar, S.	re 2009 North Rocks the Bay	(328)
Kitlar, S.	re 2009 North Bay Summer in the Park	(329)
Korell, A.	re Municipal Energy Conservation Officer	(321)
Korell, A.	re Leachate treatment at Merrick Landfill	(351)
Lang, A.	re Audit Services - 2009 Fiscal Year	(322)
Manning, J.	re RFP 2009-35, Telematics data recorder And information system	(324)
Manning, J.	re Tender 2009-47, Asphalt Resurfacing Program	(326)
Manning, J.	re Tender 2009-45, Supply of waterworks, Manhole & sewer supplies	(331)
Manning, J.	re Tender 2009-20, Supply of GNSS Satellite Surveying System	(333)
Manning, J.	re RFP 2009-38, Purchase and development of City land - Third Avenue at Fisher Street	(350)
Rocheffort, L.	re 2009 Tax Capping Policy	(334)

Res. #2009-317: Moved by Councillor Vaillancourt, seconded by Councillor Bain
That minutes for the public meetings held on:

- Monday, April 27, 2009; and
- Monday, May 4, 2009

be adopted as presented.

"CARRIED"

Res. #2009-318: Moved by Councillor Bain, seconded by Councillor Vaillancourt
That minutes for the closed meetings held on:

- Monday, April 27, 2009; and
- Monday, May 4, 2009

Be adopted as presented.

"CARRIED"

Res. #2009-319: Moved by Councillor Chirico, seconded by Councillor Campbell
That General Government Committee Report No. 2009-05 relating to:

- the 2008 Corporate Energy Conservation Annual Report

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2009-05

May 11, 2009

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2009-05 and recommends:

1. That the 2008 Corporate Energy Conservation Annual Report dated March 2009 be noted and filed.

All of which is respectfully submitted.

ASSENTS

CHIRICO
CAMPBELL
VAILLANCOURT
VREBOSCH-MERRY
FEDELI

DISSENTS

Res. #2009-320: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2009-15 relating to:

- the 2008 Municipal Accessibility Plan Update;
- the 2008 Annual Report on Building Permit Fees;
- Building Department User Fees; and
- the City of North Bay Population, Housing and Employment Forecast Update

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-15

May 11, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-15 and recommends:

1. That the 2008 Update - Municipal Accessibility Plan attached to Report to Council CSBU 2009-18 be noted and filed.

- 2. That the 2008 Annual Report on Building Permit Fees attached to Report to Council CSBU 2009-37 be noted and filed.
- 3. That
 - a) the user fees to be charged under the *Ontario Building Code* as outlined in Report No. CSBU 2009-41, be approved; and
 - b) a by-law to authorize user fees under the *Ontario Building Code* be presented to Council for three (3) readings.
- 4. That the Final Draft of the City of North Bay Population, Housing and Employment Forecast Update dated March 30, 2009 (revised update dated May 6, 2009) be received and approved pending updated Forecast Employment Data being included.

All of which is respectfully submitted.

ASSENTS
 ANTHONY
 MENDICINO
 GRAHAM
 FEDELI

DISSENTS

Res. #2009-321: Moved by Councillor Koziol, seconded by Councillor Bain
 That 1) the Manager of Environmental Services be appointed as the City's Energy Conservation Officer; and

2) a letter be sent to Peter Love, Chief Conservation Officer for Ontario, advising him of the appointment.

"CARRIED"

Res. #2009-322: Moved by Councillor Chirico, seconded by Councillor Campbell
 That North Bay City Council reappoint BDO Dunwoody LLP as Auditors for the City of North Bay and its Agencies and Boards for the 2009 fiscal year.

"CARRIED"

Res. #2009-323: Moved by Councillor Anthony, seconded by Councillor Mendicino
 That 1) Council accept and approve the amended Parks Plan Update, April 2009, attached to Report to Council CSBU 2009-51, as received; and

2) a copy of the Parks Plan Update, April 2009 be forwarded to the North Bay Real Estate Board for dissemination to their members.

"CARRIED"

Res. #2009-324: Moved by Councillor Anthony, seconded by Councilor Mendicino
 That North Bay City Council approve a contract be issued to Tach West Technologies Ltd. In the amount of \$56,637.50 (taxes extra), for the supply, installation and configuration of an on-board Data Collectors and Information System for 25 transit bases.

"CARRIED"

Res. #2009-325: Moved by Councillor Anthony, seconded by Councillor Mendicino
 That Council approve the request from Teksign Inc., agent on behalf of 3155328 Ontario Limited, o/a Hampton Inn by Hilton North Bay requesting

a variance from Sign By-Law No. 2006-143, Section 8.4.2 to permit a fascia sign on each side of the hotel where it is not a corner lot.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as 2155328 Ontario Limited is a client of his employer.

- Res. #2009-326: Moved by Councillor Koziol, seconded by Councillor Bain
That 1) North Bay City Council approve a contract be awarded to Pioneer Construction Inc. in the estimated amount of \$1,698,475.97 (GST included), for the rehabilitation and/or reconstruction of 8.5 lane kilometers of various urban roads within the City of North Bay; and
- 2) the City Clerk present a Capital Expenditure By-Law for consideration by City Council for the 2009 Asphalt Resurfacing program (Capital Budget Line 49), with a net debenture cost of \$1,600,000.00.

“CARRIED”

- Res. #2009-327: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) the Nipissing Country Music Association be granted permission to hold the 2009 Northern Ontario Open Country Singing Contest on August 27th, 28th, 29th and 30th, 2009 in Lee Park pursuant to By-Law No. 142-76 (Noise By-Law); and
- 2) the request from the Nipissing Country Music Association regarding exemption from the Noise By-Law, exclusivity over the event and grounds and a temporary closure of the Kate Pace Way through the event area be approved as outlined in Report to Council CSBU 2009-53.

“CARRIED”

- Res. #2009-328: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) the Symphony of Sound be granted permission to hold the 2009 North Rocks the Bay event in and about the Waterfront Park from Friday, July 31st to Sunday, August 2nd, 2009 both inclusive, with subsidiary activities occurring from Monday, July 27th, 2009 until Tuesday, August 4th, 2009, both inclusive, as outlined in Report to Council CSBU 2009-52;
- 2) the event is therefore confirmed to be exempt from the noise control provisions contained in Noise By-Law 142-76, as amended, pursuant to the operation of Section 6 and Schedule 3 thereof;
- 3) the Kate Pace Way be closed as outlined in Report to Council CSBU 2009-52;
- 4) temporary road closures be approved as outlined in Report to Council CSBU 2009-52;
- 5) the Waterfront Parking Lots be closed as outlined in Report to Council CSBU 2009-52; and
- 6) a temporary exemption to Regulation 5B of the Municipal Alcohol Policy be approved, allowing the establishment of licensed areas to serve alcohol on July 31st, August 1st, and

2nd, 2009 between the hours of 12:00 noon and 12:00 am at locations to be identified within the concert area as defined in Attachment 5 to Report to Council CSBU 2009-52.

“CARRIED”

- Res. #2009-329: Moved by Councillor Anthony, seconded by Councillor Mendicino
That
- 1) the Event Committee of North Bay Summer in the Park be granted permission to hold the 2009 event in and about Lee Park from Friday, July 31st, to Sunday, August 2nd, 2009, both inclusive, with subsidiary activities occurring from Monday, July 27th, 2009 until Tuesday, August 4th, 2009 both inclusive, as outlined in Report to Council CSBU 2009-45;
 - 2) the event is therefore confirmed to be exempt from the noise control provisions contained in Noise By-Law 142-76, as amended, pursuant to the operation of Section 6 and Schedule 3 thereof;
 - 3) North Bay Summer in the Park Committee be granted exclusivity for the areas outlined in Report to Council CSBU 2009-45;
 - 4) the Kate Pace Way be closed as outlined in Report to Council CSBU 2009-45;
 - 5) temporary road closures be approved as outlined in Report to Council CSBU 2009-45; and
 - 6) Prohibited parking be established as outlined in Report to Council CSBU 2009-45.

“CARRIED”

- Res. #2009-330: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Council approve the request from Rod Coles, Price Electric Signs on behalf of Clarion Resort Pinewood Park requesting a variance from Sign By-Law No. 2006-143, Section 8.4.3(e), to permit more than one sign per building.

“CARRIED”

- Res. #2009-331: Moved by Councillor Koziol, seconded by Councillor Bain
That North Bay City Council approve a contract be awarded to Wamco Waterworks Northern Inc. in the amount of \$100,166.87 (taxes included), to supply waterworks, manhole and sewer supplies on an as and when requested basis from date of contract to June 30, 2010.

“CARRIED”

- Res. #2009-332: Moved by Councillor Koziol, seconded by Councillor Bain
That Report EESW 2009-033 from Peter Bullock relating to a Green Fleet Plan be referred to the Engineering & Works Committee.

“CARRIED”

- Res. #2009-333: Moved by Councillor Koziol, seconded by Councillor Bain
That North Bay City Council approve a contract be awarded to Northern Survey Supply in the amount of \$64,290.00 (GST extra), for the supply of a GNSS Satellite Surveying System.

“CARRIED”

Res. #2009-334:

Moved by Councillor Chirico, seconded by Councillor Campbell

That 1) Council adopts the 2009 Tax Policy recommendations as follows:

That the 2009 capping program incorporate the following options:

- i) increase the capping percentage from 5% to 10% for all capped classes
- ii) apply a minimum increase threshold of \$250.00 to all capped classes
- iii) exempt from capping, properties that were subject to CVA tax in 2008
- iv) exempt from capping, properties that were capped in 2008 and would otherwise be subject to claw back in 2009
- v) exempt from capping, properties that were subject to claw back in 2008 and would otherwise be subject to capping protection in 2009
- vi) adopt a threshold tax level for new construction properties of 100%

That the cost of providing the legislated caps on assessment related increases for individual properties in 2009 be funded as follows:

- i) for the commercial class, the cost be borne from within the class
 - ii) for the industrial and multi-residential classes, the cost to be funded 100% from the Tax Policy Development Reserve Fund; and
- 2) Council enacts the following by-laws and that they be given three (3) readings on May 11, 2009:

By-Law 2009-114, a by-law to adopt the 2009 tax capping program

By-Law 2009-115, a by-law to adopt optional tools – New Construction

By-Law 2009-116, a by-law to establish decreased limits for certain property classes.

“CARRIED”

Res. #2009-335:

Moved by Councillor Koziol, seconded by Councillor Bain

That Council delay the discussion of Regular Agenda Addendum Item No. 18 until the In-Camera Correspondence has been dealt with.

“CARRIED”

Res. #2009-336:

Moved by Councillor Chirico, seconded by Councillor Campbell

That the following by-laws be read a first and second time:

By-Law No. 2009-40 to provide for the levy and collection of special charges in respect of certain business improvement areas.

By-Law No. 2009-96 to authorize the North Bay-Mattawa Conservation Authority's 2009 Capital Projects.

By-Law No. 2009-98 to execute an Agreement with the Union of Ontario Indians relating to fire protection services.

By-Law No. 2009-107 to authorize the Bridge Rehabilitation Project.

By-Law No. 2009-108 to authorize the Digester Cleaning & Grit Removal Program.

By-Law No. 2009-109 to authorize the Lakeside Drive Trunk Watermain Project.

By-Law No. 2009-110 to authorize the City's Share of New Development Costs (Water & Sewer).

By-Law No. 2009-111 to authorize the City's Share of New Development Costs.

By-Law No. 2009-113 to amend By-Law No. 74-88 (being a by-law to regulate owners of dogs - stoop and scoop).

"CARRIED"

Res. #2009-337: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:

By-Law No. 2009-40 to provide for the levy and collection of special charges in respect of certain business improvement areas.

By-Law No. 2009-96 to authorize the North Bay-Mattawa Conservation Authority's 2009 Capital Projects.

By-Law No. 2009-98 to execute an Agreement with the Union of Ontario Indians relating to fire protection services.

By-Law No. 2009-107 to authorize the Bridge Rehabilitation Project.

By-Law No. 2009-108 to authorize the Digester Cleaning & Grit Removal Program.

By-Law No. 2009-109 to authorize the Lakeside Drive Trunk Watermain Project.

By-Law No. 2009-110 to authorize the City's Share of New Development Costs (Water & Sewer).

By-Law No. 2009-111 to authorize the City's Share of New Development Costs.

By-Law No. 2009-113 to amend By-Law No. 74-88 (being a by-law to regulate owners of dogs - stoop and scoop).

"CARRIED"

Res. #2009-338: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:

By-Law No. 2009-114 to adopt optional tools for 2009 for the purposes of administering limits for the Commercial, Industrial and Multi-Residential Property Classes Tax Capping Program.

By-Law No. 2009-115 to adopt optional tools for 2009 for the purposes of administering limits for eligible properties in the commercial, industrial and multi-residential property classes (new construction).

By-Law No. 2009-116 to establish decrease limits for certain property classes for 2009.

“CARRIED”

Councillor Koziol declared a conflict of interest on the above matters and she is a multi-residential property owner.

Res. #2009-339: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:

By-Law No. 2009-114 to adopt optional tools for 2009 for the purposes of administering limits for the Commercial, Industrial and Multi-Residential Property Classes Tax Capping Program.

By-Law No. 2009-115 to adopt optional tools for 2009 for the purposes of administering limits for eligible properties in the commercial, industrial and multi-residential property classes (new construction).

By-Law No. 2009-116 to establish decrease limits for certain property classes for 2009.

“CARRIED”

Councillor Koziol declared a conflict of interest on the above matters and she is a multi-residential property owner.

Res. #2009-340: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2009-117 to amend By-Law No. 2007-07 (being a by-law to regulate the administration of Building Permits).

By-Law No. 2009-118 to execute an Agreement with Garival Inc. relating to the supply and installation of a farebox receiver and vault.

“CARRIED”

Res. #2009-341: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2009-117 to amend By-Law No. 2007-07 (being a by-law to regulate the administration of Building Permits).

By-Law No. 2009-118 to execute an Agreement with Garival Inc. relating to the supply and installation of a farebox receiver and vault.

“CARRIED”

Res. #2009-342: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2009-65 to rezone certain lands on Cedar Street (Mario Luigi Perrotta - 764 Cedar Street).

“CARRIED”

Res. #2009-343: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a first and second time:

By-Law No. 2009-112 to execute an Agreement with Miller Paving North Bay, a division of Miller Paving Limited relating to the supply of asphalt concrete pavement patching material.

“CARRIED”

Res. #2009-344: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a third time and passed:

By-Law No. 2009-112 to execute an Agreement with Miller Paving North Bay, a division of Miller Paving Limited relating to the supply of asphalt concrete pavement patching material.

“CARRIED”

Res. #2009-345: Moved by Councillor Mayne, seconded by Councillor Graham
That “Casual Wear Months” be in effect from Tuesday, May 19, 2009 until Monday, September 7, 2009 inclusive.

“CARRIED”

Res. #2009-346a: Moved by Councillor Anthony, seconded by Councillor Koziol
WHEREAS the Province of Ontario has announced plans for a Harmonized Sales Tax, combining the GST and PST into what will be known as “HST”;

AND WHEREAS up to this point in time the Government of Canada has seen fit to exempt all municipalities in Canada from paying the Goods and Services Tax (“GST”) resulting in approximately \$700,000 per year benefit to the City of North Bay in 2008 figures;

AND WHEREAS the City of North Bay paid approximately \$800,000 per year in Provincial Sales Tax (“PST”) in 2008 figures;

BE IT THEREFORE RESOLVED THAT the Council of The Corporation of the City of North Bay request the Province also implement a 100% rebate of the Provincial portion of the new HST, instead of the proposed 78% rebate, with the understanding that the savings realized be mandated to fund existing infrastructure renewal in local municipalities;

AND FURTHER THAT a copy of this resolution be forwarded to Hon. Monique Smith, Nipissing MPP & Tourism Minister; MP Anthony Rota, and Dalton McGuinty, Premier of Ontario as well as the following provincial ministers: Hon. George Smitherman, Minister of Energy and Infrastructure, Hon. Dwight Duncan, Minister of Finance; Hon. James Bradley, Minister of Transportation; and Hon. Jim Watson, Minister of Municipal Affairs & Housing;

AND FURTHER THAT a copy of this resolution asking for support be forwarded to the leaders of the Provincial opposition, Federation of Northern Ontario Municipalities, Association of Municipalities of Ontario and the Federation of Canadian Municipalities.

“CARRIED AS AMENDED”

Res. #2009-346b: Moved by Councillor Chirico, seconded by Councillor Campbell
That Councillor Anthony’s motion regarding the Harmonized Sales Tax be referred to the General Government Committee.

“CARRIED”

Res. #2009-347: 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 7:41 p.m. to discuss Item # 15, being a proposed lease of land by the municipality; Item # 16, being a litigation matter affecting the municipality; Item # 17, being a proposed disposition of land by the municipality; and Item # 18, being a matter that is subject to solicitor-client privilege.

“CARRIED”

Res. #2009-348: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council reconvene at 8:09 p.m.

“CARRIED”

Res. #2009-349: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize the preparation of a five (5) year licence, for a building on the Merrick Township Landfill site, so long as it is outside the gate, to the North Bay Snowmobiler’s Club renewable for three (3) further terms of five (5) years each, upon mutual consent for \$1.00 per year.

“CARRIED”

Res. #2009-350: Moved by Councillor Chirico, seconded by Councillor Campbell
That

- 1) the proposal submitted by Kenalex Builders Ltd. Be accepted by North Bay City Council, conditional upon acceptance of a Development Agreement;
- 2) the City accepts the cash offer of \$150,000.00 for the 5 low density lots plus payment of the servicing fee of \$70,000.00 (GST extra); and
- 3) the Chief Administrative Officer be authorized to complete a Development Agreement to implement the proposal by by-law approval.

“CARRIED”

Res. #2009-351: Moved by Councillor Koziol, seconded by Councillor Bain
That

- 1) the Conestoga-Rovers & Associates proposal to develop Leachate treatment for the Merrick Landfill be accepted as proposed;
- 2) a Capital Expenditure By-Law be prepared for Council’s consideration based on the details provided herein to an upset limit of \$500,000 to develop Leachate treatment.

“CARRIED”

Res. #2009-352: Moved by Councillor Vaillancourt, seconded by Councillor Graham
That this Regular Meeting of Council do now adjourn at 8:12 p.m.

“CARRIED”