

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, JULY 13TH, 2009**

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

PUBLIC PRESENTATIONS:

Don Fudge	re Rezoning application - Tarmagon Construction, Hwy 17 East
Fred McNutt	re LaVase Portage and quarry rezoning
Dave McMillan	re Rezoning application - Tarmagon Construction and Provincially Significant Wetland
Sandy O'Grady	re LaVase Portage (Rezoning application - Tarmagon Construction)
Christine Whatmore	re LaVase Portage - 200m buffer be imposed (Rezoning application - Tarmagon Construction)

CORRESPONDENCE:

Luoma, Kathy	re Rezoning application - 805 & 817 Fisher Street	(462)
North Bay Jack Garland Airport	re Appointments to Board	(466)
Vossos, James	re Rezoning application - 805 & 817 Fisher Street	(462)

REPORTS FROM OFFICERS:

Bullock, P.	re Agreement to sell Merrick Landfill Gas Destruction Carbon Credits	(489)
Burke, M.B.	re Firearms Discharge By-Law	(464)
Burke, M.B.	re Purchase of 330 Main Street East	(490)
Carello, P.	re Northern Ontario Heritage Fund Application - Recycling Centre	(467)
Cox, A.	re Asphalt Resurfacing Sheeting Program	(463)
Manning, J.	re Tender 2009-59, Storm and sanitary Sewer inspections	(468)
McGrath, R.	re Non-Union Salary By-Law	(487)
McGrath, R.	re Mileage rates	(488)
Tomek, A.	re 3R's Maximization Review	(465)

Res. #2009-458: Moved by Councillor Vaillancourt, seconded by Councillor Graham
That minutes for the public meetings held on:

- Monday, June 29, 2009

be adopted as presented.

"CARRIED"

Res. #2009-459: Moved by Councillor Vaillancourt, seconded by Councillor Graham
That minutes for the closed meetings held on:

- Monday, June 29, 2009

be adopted as presented.

"CARRIED"

Res. #2009-460a: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2009-18 relating to:

- Rezoning application by 1081751 Ontario Inc., Concession 16, Lot 30

be adopted as presented.

“CARRIED AS AMENDED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-18

July 13, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-18 and recommends:

1. That
 - a) the proposed amendment to Zoning By-Law No. 28-80 by 1081751 Ontario Inc. (Tarmagon Aggregates/Don Fudge), to rezone Concession 16, Lot 30 in the former Township of West Ferris, now in the City of North Bay (Highway 17 East) from a “Rural (A)” zone to a “Rural Extractive Industrial (RME)” zone be approved;
 - b) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act, R.S.O. 1990*, in order to regulate servicing, access, buffer zones and that the applicant prepare a Stormwater Management Report and a Reinstatement/Closeout Plan for the review and approval of the City of North Bay and the North Bay-Mattawa Conservation Authority before construction commences on the site; and
 - c) a 90 metre buffer be maintained along the easterly property boundary abutting the LaVase River.

All of which is respectfully submitted.

ASSENTS
ANTHONY
MENDICINO
GRAHAM

DISSENTS

Res. #2009-460b: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne That Community Services Committee Report No. 2009-18 be amended as follows:

1. c) a 120 metre buffer be maintained along the easterly property boundary abutting the LaVase River.

“LOST”

Res. #2009-460c: Moved by Councillor Chirico (having stepped down), seconded by Councillor Bain That Community Services Committee Report No. 2009-18 be amended as follows:

1. c) be deleted to remove any reference to a buffer along the easterly property boundary abutting the LaVase River.

“CARRIED”

Res. #2009-461: Moved by Councillor Anthony, seconded by Councillor Mendicino That Community Services Committee Report No. 2009-19 relating to:

- Rezoning application by 1489549 Ontario Limited, 48 Exeter Street; and

- Official Plan Amendment and Rezoning applications by Hilre Investments Limited

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-19

July 13, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-19 and recommends:

1. That
 - a) the Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of 1489549 Ontario Limited to rezone Plan M-472, Part of Block C, Reference Plan 36R-11907, Parts 2 to 5, Parcel 14965 W/F (48 Exeter Street) from an “Industrial-Commercial Special Zone No. 55 (MC Sp.55)” to a “Light Industrial Three Special (M3. Sp.)” zone be approved; and.
 - b) 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 parking, lighting, landscaping, stormwater, drainage, ingress and egress and fencing as required.
2. That
 - a) the Official Plan Amendment application by Miller & Urso Surveying Inc. on behalf of Hilre Investments Limited to amend Concession 15, Part of Lot 36 (Birch’s Road) from a “Flood & Erosion One Zone” designation to a “General Industry” designation be approved;
 - b) the Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Hilre Investment Limited to rezone Concession 15, Part of Lot 36, (Birch’s Road) from a “Floodplain & Erosion (O2)” zone to a “Light Industrial Three (M3)” 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 parking, lighting, landscaping, stormwater drainage, ingress and egress and fencing as required.

All of which is respectfully submitted.

ASSENTS
ANTHONY
MENDICINO
GRAHAM

DISSENTS

Res. #2009-462: Moved by Councillor Anthony, seconded by Councillor Mendicino That the Rezoning application by Dmitri Ioungtanov on behalf of James Peter Vossos and Katherine Ann Luoma - 805 and 817 Fisher Street, be received and referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2009-463: Moved by Councillor Koziol, seconded by Councillor Bain
That a Capital Expenditure By-Law be prepared for Council's consideration to authorize the Asphalt Resurfacing Sheeting Program, being 2009 Capital Budget Line Item #50, with a net debenture cost of \$100,000.00.

"CARRIED"

Res. #2009-464: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry
That Council authorize an amendment to the Firearms Discharge By-Law to allow the discharge of pyrotechnic scare pistols where done by an authorized pest control person under the authorize of a permit issued by the Canadian Wildlife Service.

"CARRIED"

Res. #2009-465: Moved by Councillor Koziol, seconded by Councillor Bain
That City Council approve the 2009 3R's Maximization Plan Update and that a copy be forwarded to the Ministry of the Environment in compliance with Environmental Assessment Conditions of Approval for the Merrick Landfill Site.

"CARRIED"

Res. #2009-466: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry
That the following citizens be confirmed to the North Bay Jack Garland Airport - Board of Directors for a three year term:

John Severino, Max Shapiro, Bill Carswell, Gord Cardwell, Daryl Vaillancourt, Ewen Cornick, Ron Miller.

"CARRIED"

Res. #2009-467: Moved by Councillor Koziol, seconded by Councillor Bain
That 1) Council authorize City staff to submit an application to the Northern Ontario Heritage Fund for capital works and equipment related to the expansion of the Recycling Centre; and
2) in the event the funding application is approved, Council will proceed with the City's required contribution of \$900,000 from the Capital Budget.

"CARRIED"

Res. #2009-468: Moved by Councillor Koziol, seconded by Councillor Bain
That 1) North Bay City Council approve a contract be awarded to Infratech Sewer & Water Services Inc. in the amount of \$262,578.75 (GST included), to provide Storm and Sanitary Sewer Inspections; and
2) the City Clerk present a Capital Expenditure By-Law for consideration by City Council for the Storm and Sanitary Sewer Visual Inspection (Capital Budget Line W37 - Asset Management Program), with a net debenture cost of \$250,000.00.

"CARRIED"

Res. #2009-469: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry
That the following by-laws be read a first and second time:

By-Law No. 2009-160 to authorize the 2009 Transit Coach Replacement Program.

By-Law No. 2009-161 to authorize improvements to the North Bay Jack Garland Airport.

“CARRIED”

Res. #2009-470: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry That the following by-laws be read a third time and passed:

By-Law No. 2009-160 to authorize the 2009 Transit Coach Replacement Program.

By-Law No. 2009-161 to authorize improvements to the North Bay Jack Garland Airport.

“CARRIED”

Res. #2009-471: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry That the following by-laws be read a third time and passed:

By-Law No. 2009-135 to stop up, close and convey a portion of a laneway in a block bounded by Montrose Avenue, Harrison Street, Bromley Avenue and Frost Street.

By-Law No. 2009-142 to stop up, close and convey a portion of a laneway in a block bounded by Durrill Street, McLaren Street, Bloem Street and Bourke Street.

“CARRIED”

Res. #2009-472: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry That the following by-law be read a first and second time:

By-Law No. 2009-169 to execute an Agreement of Purchase and Sale with 943674 Ontario Inc. (Kenalex Builders Ltd.) relating to CN Right-of-Way lands, Third Avenue and Fisher Street.

“CARRIED”

Res. #2009-473: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry That the following by-law be read a third time and passed:

By-Law No. 2009-169 to execute an Agreement of Purchase and Sale with 943674 Ontario Inc. (Kenalex Builders Ltd.) relating to CN Right-of-Way lands, Third Avenue and Fisher Street.

“CARRIED”

Res. #2009-474: Moved by Councillor Anthony, seconded by Councillor Mendicino That the following by-laws be read a first and second time:

By-Law No. 2009-136 to adopt Official Plan Amendment No. 100 (Hilre Investments Limited - Birch's Road).

By-Law No. 2009-137 to rezone certain lands on Birch's Road (Hilre Investments Limited).

By-Law No. 2009-139 to rezone certain lands on Exeter Street (1489549 Ontario Limited - 48 Exeter Street).

By-Law No. 2009-158 to rezone Concession 16, Lot 30 (Tarmagon Construction).

“CARRIED”

Res. #2009-475: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2009-138 to designate a Site Plan Control Area on certain lands on Birch’s Road (Hilre Investments Limited).

By-Law No. 2009-140 to designate a Site Plan Control Area on certain lands on Exeter Street (1489549 Ontario Limited - 48 Exeter Street).

By-Law No. 2009-162 to deem Lots 5, 6, 7 & 8, Plan 20, except Part 1, Plan 36R-12328 as not being subject to Part Lot Control (Third Avenue).

By-Law No. 2009-163 to execute an Agreement with 2199609 Ontario Ltd. relating to the supply and installation of a gateway highway sign support.

“CARRIED”

Res. #2009-476: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2009-138 to designate a Site Plan Control Area on certain lands on Birch’s Road (Hilre Investments Limited).

By-Law No. 2009-140 to designate a Site Plan Control Area on certain lands on Exeter Street (1489549 Ontario Limited - 48 Exeter Street).

By-Law No. 2009-162 to deem Lots 5, 6, 7 & 8, Plan 20, except Part 1, Plan 36R-12328 as not being subject to Part Lot Control (Third Avenue).

By-Law No. 2009-163 to execute an Agreement with 2199609 Ontario Ltd. relating to the supply and installation of a gateway highway sign support.

“CARRIED”

Res. #2009-477: Moved by Councillor Vaillancourt, seconded by Councillor Koziol
That the following by-law be read a first and second time:

By-Law No. 2009-159 to designate a Site Plan Control Area on Concession 16, Lot 30 (Tarmagon Construction), having been amended to remove the reference to a buffer area.

“CARRIED”

Record of Vote (Upon Request of Councillor Vaillancourt)

Yeas: Councillors Vrebosch-Merry, Koziol, Graham, Bain, Mayne, Deputy Mayor Chirico

Nays: Councillors Vaillancourt, Mendicino, Anthony

Res. #2009-478: Moved by Councillor Vaillancourt, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2009-159 to designate a Site Plan Control Area on Concession 16, Lot 30 (Tarmagon Construction), having been amended

to remove the reference to a buffer area.

“CARRIED”

Res. #2009-479: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2009-168 to execute an Agreement with Nipissing University and North Bay Skyhawks Hockey Club relating to the use of Memorial Gardens.

“CARRIED”

Res. #2009-480: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2009-168 to execute an Agreement with Nipissing University and North Bay Skyhawks Hockey Club relating to the use of Memorial Gardens.

“CARRIED”

Res. #2009-481: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-laws be read a first and second time:

By-Law No. 2009-164 to execute an Agreement with Conestoga-Rovers & Associates relating to Leachate treatment at the Merrick Landfill.

By-Law No. 2009-165 to execute an Agreement with Miller Paving North Bay, a division of Miller Paving Limited, relating to the paving of Hughes Road.

By-Law No. 2009-166 to execute an Agreement with David Booker, carrying on business as Coordinated Traffic Solutions relating to traffic signal timing and optimization services.

“CARRIED”

Res. #2009-482: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-laws be read a third time and passed:

By-Law No. 2009-164 to execute an Agreement with Conestoga-Rovers & Associates relating to Leachate treatment at the Merrick Landfill.

By-Law No. 2009-165 to execute an Agreement with Miller Paving North Bay, a division of Miller Paving Limited, relating to the paving of Hughes Road.

By-Law No. 2009-166 to execute an Agreement with David Booker, carrying on business as Coordinated Traffic Solutions relating to traffic signal timing and optimization services.

“CARRIED”

Res. #2009-483: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a first and second time:

By-Law No. 2009-167 to execute an Agreement with Ontario Northland Transportation Commission relating to underground pipe crossing and ditch maintenance and culvert for St. John’s Village.

“CARRIED”

Res. #2009-484: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a third time and passed:

By-Law No. 2009-167 to execute an Agreement with Ontario Northland Transportation Commission relating to underground pipe crossing and ditch maintenance and culvert for St. John's Village.

"CARRIED"

Res. #2009-485: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry
That Council adjourn in-camera pursuant to section 239 of the *Municipal Act, 2001*, as amended, at 8:47 p.m. for the following reasons: Items 8 & 9, being matters involving employee negotiations; Item 10, being a matter that is subject to solicitor-client privilege, including communications necessary for that purpose; and Item 11, being a litigation matter affecting the municipality.

"CARRIED"

Res. #2009-486: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry
That Council reconvene at 9:16 p.m.

"CARRIED"

Res. #2009-487: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry
That the Non-Union Salary By-Law be amended to reflect an across the board increase of 2.6% for 2009, 2.6% for 2010 and 2.6% for 2011.

"CARRIED"

Res. #2009-488: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry
That Council amend Mileage Rate By-Law No. 2005-108 for non-union staff as reflected in Report to Council CORP 2009-120.

"CARRIED"

Res. #2009-489: Moved by Councillor Koziol, seconded by Councillor Bain
That

- 1) the EPCOR Merchant and Capital L.P. offer to purchase Verified Emission Reductions (VERs) from the destruction of landfill gas at the Merrick Landfill be accepted in principle and that the Chief Administrative Officer be authorized to sign the Letter of Intent regarding an Emission Reduction (ER) Transaction with EPCOR Merchant and Capital L.P.;
- 2) the City of North Bay approve payment of its pro rata share of the costs incurred by Federation of Canadian Municipalities (FCM) to negotiate the above agreement on our behalf; and
- 3) an Agreement for FCM's continued advice and verification services be forwarded for approval when details have been worked out.

"CARRIED"

Res. #2009-490: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry
That Council authorize an Agreement of Purchase and Sale dated July 13, 2009 for the premises at 330 Main Street East for the sum of \$315,000.00 for use as a municipal parking lot, subject to environmental approvals.

"CARRIED"

Res. #2009-491: Moved by Councillor Vaillancourt, seconded by Councillor Graham
That the Regular Meeting of Council do now adjourn at 9:18 p.m.

“CARRIED”

DEPUTY MAYOR PETER CHIRICO

CITY CLERK CATHERINE CONRAD