

**MINUTES OF THE REGULAR MEETING  
OF CITY COUNCIL  
HELD MONDAY, NOVEMBER 30, 2009**

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

**PUBLIC PRESENTATION:**

Jim Klein and Jill Clark re Gathering Place

**CORRESPONDENCE:**

None

**REPORTS FROM OFFICERS:**

Burke, M.B.	re Lease - North Bay-Mattawa Conservation Authority	(744)
Courville, E.	re Billboard signs	(745)
Hillier, B.	re Billboard signs	(745)
Hillier, B.	re Ontario's Long-Term Affordable Housing Consultation	(746)
Killins, S.	re Billboard signs	(745)
Knox, J.D.	re North Rocks the Bay	(747)
Lang, A.	re \$6,200,000 debenture issue	(750)
Lang, A.	re 2010 Capital Budget and 2010-2019 Ten Year Capital Forecast and Long-Term Capital Funding Policies	(752)
Linkie, D.G.	re Draft Northern Growth Plan	(753)
Manning, J.	re RFP 2009-105 - Design, Contract Preparation and Tendering Services for watermain upgrades	(751)
McArthur, S.	re Rezoning application by 1633091 Ontario Ltd. and 1633057 Ontario Ltd., Gormanville Road	(742)
McArthur, S.	re Rezoning application by Henry's Excavating Ltd., Marshall Avenue at Prince Edward Drive	(743)
McArthur, S.	re Plan of Condominium application by Inken Roller - 260 Parsons Avenue	(754)
Rogers, B.A.	re 2010 Capital Budget and 2010-2019 Ten Year Capital Forecast and Long-Term Capital Funding Policies	(752)

**Res. #2009-738:** Moved by Councillor Vaillancourt, seconded by Councillor Graham That minutes for the public meetings held on:

- Monday, November 16, 2009; and
- Monday, November 23, 2009

be adopted as presented.

"CARRIED"

**Res. #2009-739:** Moved by Councillor Vaillancourt, seconded by Councillor Chirico That minutes for the closed meetings held on:

- Monday, November 16, 2009

be adopted as presented.

"CARRIED"

Res. #2009-740: Moved by Councillor Chirico, seconded by Councillor Campbell  
That General Government Committee Report No. 2009-08 relating to:

- Smoking By-Law amendment

be adopted as presented.

“CARRIED”

Councillor Koziol declared a conflict of interest on the above item as she is in the property management business.

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

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

**GENERAL GOVERNMENT COMMITTEE REPORT NO. 2009-08**

November 30, 2009

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2009-08 and recommends:

1. That the City Solicitor prepare and present an amendment to Smoking By-Law 2003-05 for Council’s consideration to impose a 9 metre ban for doorway entrances to:
  - a) all municipal buildings;
  - b) other work place entrances on a request, in writing, basis; and
  - c) the main entrance to apartment buildings containing more than six (6) units, on a request, in writing, basis.”

All of which is respectfully submitted.

ASSENTS  
 CHIRICO  
 CAMPBELL  
 VAILLANCOURT  
 VREBOSCH-MERRY  
 FEDELI

DISSENTS

Res. #2009-741: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That Community Services Committee Report No. 2009-28 relating to:

- Plan of Subdivision application by 2183126 Ontario Limited, Fairway Drive and Pinewood Park Drive;
- Rezoning application by Betty and Harvey Norman, Carmichael Drive; and
- Rezoning application by Fernando Suarez and Vilma Salas, 490 Algonquin Avenue

be adopted as presented.

“CARRIED”

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-28**

November 30, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-28 and recommends:

1. That
  - a) the proposed Plan of Subdivision (City File #48T-08105) by Miller & Urso Surveying Inc. on behalf of 2183126 Ontario Limited for the property legally described as Concession 11, Part Lot 32, Parcel 6087 W/F, PIN #49180-0216(LT) (Fairway Drive and Pinewood Park Drive) be given Draft Approval subject to the conditions in Appendix "A" to the Planning Report prepared by Steve McArthur dated July 31, 2009, and as shown on the Draft Subdivision Plan prepared by Paul Goodridge, OLS dated July 1, 2009 attached as Schedule "A" to the Planning Report prepared by Steve McArthur dated July 31, 2009; and
  - b) the Owner(s) enter into a Subdivision Agreement with the City of North Bay for five (5) lots, being Lots 1 to 4 fronting on Fairway Drive and Lot 5 fronting on Pinewood Park Drive, as shown on the Draft Subdivision Plan prepared by Paul Goodridge, OLS dated July 1, 2009 attached as Schedule "A" to the Planning Report prepared by Steve McArthur dated July 31, 2009, prior to site development to address lot grading, stormwater management, buffer areas, sediment/erosion control, driveway culverts, general drainage considerations and any Hydro-Geological Analysis recommendations for these five (5) lots.
2. That the Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Betty and Harvey Norman to rezone the property legally described as Concession A, Lot 17, Reference Plan 36R-8496, Parts 1 to 3, PIN #49127-0411(LT) in the former Township of Widdifield (Carmichael Drive) from a "Rural (A)" zone to a "Residential First Density (R1)" zone, be approved.
3. That
  - a) the Zoning By-Law Amendment by Fernando Hernandez Suarez and Vilma Maice Salas to rezone the property legally described as Registered Plan 21, Part Lot 663 (490 Algonquin Avenue) from a "Residential Third Density (R3)" zone to a "Residential Multiple First Density Special Zone No. 121 (RM1 Sp.121)", 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 and fencing.

All of which is respectfully submitted.

ASSENTS  
ANTHONY  
MENDICINO  
GRAHAM  
FEDELI

DISSENTS

Res. #2009-742: Moved by Councillor Anthony, seconded by Councillor Mendicino That the recommendation from the Planning Advisory Committee regarding the rezoning application by Miller & Urso Surveying Inc. on

behalf of 1633091 Ontario Limited & 1633057 Ontario Limited - Gormanville Road, be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2009-743: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That the recommendation from the Planning Advisory Committee regarding the rezoning application by Stan Lawlor on behalf of Henry’s Excavating Limited - Marshall Avenue, be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2009-744: Moved by Councillor Chirico, seconded by Councillor Campbell  
That Council authorize the City to enter into a lease with the North Bay-Mattawa Conservation Authority for a radio tower structure located on the Lookout Tower.

“CARRIED”

Res. #2009-745: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That Report to Council CSBU 2009-93 dated November 20, 2009 re City of North Bay Billboard Sign Review be received and referred to the Community Services Committee for a Public Meeting to be held on Monday, December 7, 2009 at 7:00 p.m.

“CARRIED”

Res. #2009-746: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That Report to Council CSBU 2009-106 relating to Ontario’s Long-Term Affordable Housing Consultation be referred to the Community Services Committee.

“CARRIED”

Res. #2009-747: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That

- 1) Council not accept Symphony of Sounds request to renew the contract for 2010;
- 2) Council direct City Staff to review options with the Summer in the Park Committee; and
- 3) City Staff be directed to bring forward to Council, any potential private proposals received.

“CARRIED”

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

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

Nays: Councillor Vaillancourt

Res. #2009-748: Moved by Councillor Chirico, seconded by Councillor Campbell  
That accounts totaling \$16,210,452.09 for October 2009, be approved.

“CARRIED”

Res. #2009-749: Moved by Councillor Campbell, seconded by Councillor Vaillancourt  
That accounts for Royal Bank totaling \$2,051.65 for October 2009, be approved.

“CARRIED”

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

Res. #2009-750: Moved by Councillor Chirico, seconded by Councillor Campbell  
That By-Law No. 2009-241 authorizing the borrowing upon serial debentures in the principal amount of \$6,200,000 be presented to Council for three (3) readings on November 30, 2009.

“CARRIED”

Res. #2009-751: Moved by Councillor Koziol, seconded by Councillor Bain  
That 1) North Bay City Council approve a contract be awarded to Trow Associates Inc. in the amount of \$266,452.00 (GST extra), for Design, Contract Preparation and Tendering Services for the watermain upgrades of various streets as detailed in Request for Proposal #2009-106; and  
2) the City Clerk prepare and present a 2010 Capital By-Law to authorize \$300,000 for this design project.

“CARRIED”

Res. #2009-752: Moved by Councillor Chirico, seconded by Councillor Campbell  
That Report to Council CORP 2009-193 from Al Lang/Brian Rogers dated November 25, 2009 relating to the 2010 Capital Budget and 2010 to 2019 Ten-Year Capital Forecast and Long-Term Capital Funding Policies be received and referred to the General Government Committee.

“CARRIED”

Res. #2009-753: Moved by Councillor Chirico, seconded by Councillor Campbell  
That 1) Council receive Report to Council CAO 2009-03 re Draft Northern Growth Plan for information purposes;  
2) staff be directed to use Report to Council CAO 2009-03 as the basis for a formal written submission to be provided to the Ontario Growth Secretariat on or before February 2, 2010; and  
3) Council directs the Mayor to forward a copy of Report CAO 2009-03 to Minister Gravelle and Minister Phillips.

“CARRIED”

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

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

Res. #2009-754: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That 1) the Condominium application by Miller & Urso Surveying Inc. on behalf of Inken Roller on the property described as Concession 17, Part Lot 40, Remainder of Parcel 5100 W/F, Reference Plan NR-2187 & NR-1982, PIN #49172-0137 (LT) in the former Township of West Ferris (260 Parsons Avenue), requesting an exemption from Section 51 of the *Planning Act*

to grant Draft Approval of a Plan of Condominium as requested on Schedule "B" and subject to the conditions contained in Appendix "A" to Report to Council No. CSBU 2009-100, be approved; and

- 2) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act, R.S.O. 1990*, as amended.

"CARRIED"

Res. #2009-755: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the 2010 Preliminary Operating Budget be received and referred to the General Government Committee.

"CARRIED"

Res. #2009-756: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the following by-law be read a first and second time:

By-Law No. 2009-237 to stop up, close and convey a portion of unopened May Avenue road allowance located in a block bounded by Winters Avenue, Metcalfe Street, Laurier Avenue and the Ontario Northland Railway Line.

"CARRIED"

Res. #2009-757: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the following by-laws be read a first and second time:

By-Law No. 2009-241 to authorize the borrowing upon instalment debentures in the amount of \$6,200,000 for capital works.

By-Law No. 2009-248 to execute an Agreement with Imerge Consulting Inc. relating to an Electronic Records and Document Management Policy and System.

"CARRIED"

Res. #2009-758: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the following by-laws be read a third time and passed:

By-Law No. 2009-241 to authorize the borrowing upon instalment debentures in the amount of \$6,200,000 for capital works.

By-Law No. 2009-248 to execute an Agreement with Imerge Consulting Inc. relating to an Electronic Records and Document Management Policy and System.

"CARRIED"

Res. #2009-759: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That the following by-laws be read a first and second time:

By-Law No. 2009-238 to rezone certain lands on Algonquin Avenue (Fernando Hernandez Suarez - 490 Algonquin Avenue).

By-Law No. 2009-240 to rezone certain lands on Carmichael Drive (Harvey & Betty Norman).

"CARRIED"

Res. #2009-760: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That the following by-law be read a first and second time:

By-Law No. 2009-239 to designate a Site Plan Control area on certain lands on Algonquin Avenue (Fernando Hernandez Suarez - 490 Algonquin Avenue).

“CARRIED”

Res. #2009-761: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That the following by-law be read a third time and passed:

By-Law No. 2009-239 to designate a Site Plan Control area on certain lands on Algonquin Avenue (Fernando Hernandez Suarez - 490 Algonquin Avenue).

“CARRIED”

Res. #2009-762: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That the following by-laws be read a third time and passed:

By-Law No. 2009-217 to rezone certain lands on Third Avenue West (Jack Santarossa - 344 Third Avenue West).

By-Law No. 2009-225 to rezone certain lands on Collins Drive (Duane Feltz - Collins Drive and Highway 11 North).

“CARRIED”

Res. #2009-763: Moved by Councillor Koziol, seconded by Councillor Bain  
That the following by-laws be read a first and second time:

By-Law No. 2009-242 to execute an Agreement with AECOM Canada Ltd. relating to the Trout Lake Road Overpass/Lavase River Pedestrian Bridge.

By-Law No. 2009-243 to execute an Agreement with AECOM Canada Ltd. relating to construction services for Algonquin Avenue and Worthington Street.

By-Law No. 2009-244 to execute an Agreement with Miller Paving North Bay, a division of Miller Paving Limited relating to the supply of emulsified asphalt patching material.

By-Law No. 2009-245 to execute an Amending Agreement with Ontario Clean Water Agency relating to the operation of the Water and Wastewater Treatment Facilities.

By-Law No. 2009-246 to execute Operational Plans relating to the North Bay Water Treatment Plant and Distribution System.

By-Law No. 2009-247 to execute an Agreement with Ontario Clean Water Agency relating to the implementation of a Quality Management System and Computerized Maintenance Management System.

“CARRIED”

Res. #2009-764: Moved by Councillor Koziol, seconded by Councillor Bain  
That the following by-laws be read a third time and passed:

By-Law No. 2009-242 to execute an Agreement with AECOM Canada Ltd. relating to the Trout Lake Road Overpass/Lavase River Pedestrian Bridge.

By-Law No. 2009-243 to execute an Agreement with AECOM Canada Ltd. relating to construction services for Algonquin Avenue and Worthington Street.

By-Law No. 2009-244 to execute an Agreement with Miller Paving North Bay, a division of Miller Paving Limited relating to the supply of emulsified asphalt patching material.

By-Law No. 2009-245 to execute an Amending Agreement with Ontario Clean Water Agency relating to the operation of the Water and Wastewater Treatment Facilities.

By-Law No. 2009-246 to execute Operational Plans relating to the North Bay Water Treatment Plant and Distribution System.

By-Law No. 2009-247 to execute an Agreement with Ontario Clean Water Agency relating to the implementation of a Quality Management System and Computerized Maintenance Management System.

“CARRIED”

Res. #2009-765:

Moved by Councillor Anthony, seconded by Councillor Koziol  
WHEREAS the North Bay City Council has previously approved a motion on September 21, 2009 requesting that the proposed Provincial Harmonized Sales Tax (HST) not create a new tax burden for Ontario citizens;

AND WHEREAS that motion further stated that items that previously had only one level of taxation (GST) on them NOT have new PST levies added through harmonization;

AND WHEREAS the Provincial Government recently showed acknowledgement of the impact of an added tax-burden through HST and took action to lessen that burden on November 12, 2009 by exempting coffee, newspapers, and some fast food meals from the new taxation;

BE IT THEREFORE RESOLVED THAT it is respectfully requested that the Province continue to ensure no new tax burden for Ontario residents and move exempt all single taxation items (for example: gasoline, natural gas, and electricity) from any new levies under the proposed HST;

AND BE IT FURTHER RESOLVED THAT the Province be urged to delay any implementation of the HST until full consultations are held across the Province and not just on Bay Street in Downtown Toronto;

AND BE IT FURTHER RESOLVED THAT that the Hon. Monique Smith, MPP Nipissing be requested to read this motion into the Legislature's Minutes;

AND BE IT FURTHER RESOLVED THAT a copy of this motion be forwarded to the Minister of Revenue; Minister of Finance; Premier of Ontario; Leaders of the Opposition Parties; Hon. Monique Smith, MPP for Nipissing and to the Federation of Northern Ontario Municipalities.

“CARRIED”

Councillor Bain declared a conflict of interest on the above matter as this will affect his employer.

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

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

Res. #2009-766: Moved by Councillor Mendicino, seconded by Councillor Bain  
WHEREAS the Ontario TransCanada Highway from Arnprior through to the Manitoba border is the only portion of the National Highway which is not four-laned;

AND WHEREAS the report titled "A Vision for Ontario TransCanada Highway - North Bay to Manitoba Border" provides one vision of what is possible if the dollars are committed by the Provincial and Federal Governments over a 25 year period;

AND WHEREAS the TransCanada Highway is the only fully year round continuous passable route across Canada and is extensively used by commercial and recreational traffic of North America;

BE IT THEREFORE RESOLVED THAT the City of North Bay asks the Provincial and Federal Governments to make the four-laning of the Ontario TransCanada Highway a priority;

AND FURTHER THAT a copy of this resolution be forwarded to Hon. Monique Smith, MPP Nipissing; Anthony Rota, MP Nipissing-Timiskaming; Provincial Minister of Energy and Infrastructure; Provincial Minister of Northern Development and Mines; Provincial Minister of Transportation; Federal Minister of Transport, Infrastructure and Communities; and municipalities along the Highway 11 North corridor and the Highway 17 East corridor.

"CARRIED"

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

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

Res. #2009-767: 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 8:35 p.m. to discuss Item 15, being a potential litigation matter affecting the municipality; and Addendum Item 16, being a proposed acquisition of land by the municipality.

"CARRIED"

Res. #2009-768: Moved by Councillor Chirico, seconded by Councillor Campbell  
That Council reconvene at 9:03 p.m.

"CARRIED"

Res. #2009-769: Moved by Councillor Vaillancourt, seconded by Councillor Graham  
That this Regular Meeting of Council do now adjourn at 9:03 p.m.

"CARRIED"