

**MINUTES OF THE REGULAR MEETING  
OF CITY COUNCIL  
HELD MONDAY, DECEMBER 14<sup>TH</sup>, 2009**

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

**PUBLIC PRESENTATION:**

Tim Salidas, et al ( <i>Pics 'n' Facts</i> )	re Happy Holidays	
Stan Lawlor	re Rezoning application by Henry's Excavating Limited - Marshall Avenue at Prince Edward Drive	

**CORRESPONDENCE:**

Highland Woods Developments Inc.	re Rezoning application - Airport Road and Golf Club Road	(795)
Speirs, Alexander	re Resignation from North Bay Hydro Distribution Limited	(782)
Weckwerth, Glen	re Resignation from North Bay Hydro Distribution Limited	(781)

**REPORTS FROM OFFICERS:**

Burke, M.B.	re Insurance renewal with JLT/MIS	(791)
Carvell, D.	re Canadore College Student Bus Pass Program	(792)
Conrad, C.M.	re City Hall Building Rehabilitation Program	(783)
Cox, A.	re Francis Street Storm Outlet and Airport Road Drainage Project	(787)
Elliott, G.	re Gormanville Road Reconstruction	(786)
Lang, A.	re Long-Term Bank Loan for Water Capital Projects	(790)
Manning, J.	re RFP 2009-131, Design, Contract Preparation and Tendering Services - Kate Pace Way	(793)
Manning, J.	re RFP 2009-86 - Landfill Gas utilization by production of electricity	(794)
McArthur, S.	re Rezoning application by John & Judith O'Rourke - 719 Fisher Street and 414 to 420 Second Avenue East	(784)
Mimee, R.	re 2008 Reserve Fund Annual Report	(785)
Rogers, B.A.	re 2008 Reserve Fund Annual Report	(785)
Rogers, B.A.	re 2009 Capital Budget approvals	(788)
Rogers, B.A.	re Community Waterfront Park Project	(789)

**Res. #2009-775:** Moved by Councillor Chirico, seconded by Councillor Vrebosch-Merry That minutes for the public meetings held on:

- Friday, December 4, 2009
- Monday, December 7, 2009
- Wednesday, December 9, 2009

be adopted as presented.

"CARRIED"

**Res. #2009-776:** Moved by Councillor Vaillancourt, seconded by Councillor Graham That minutes for the closed meetings held on:

- Monday, November 30, 2009; and
- Monday, December 7, 2009

be adopted as presented.

"CARRIED"

Res. #2009-777: Moved by Councillor Chirico, seconded by Councillor Campbell  
That General Government Committee Report No. 2009-09 relating to:

- 2010 Water and Sanitary Sewer Rates

be adopted as presented.

“CARRIED”

**GENERAL GOVERNMENT COMMITTEE REPORT NO. 2009-09**

December 14, 2009

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2009-09 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) the 2010 Water Rates By-Law be presented increasing all water rates by 6.9% effective January 1, 2010;
  - c) the Sanitary Sewer Surcharge remain at 106% of water charges;
  - d) the Water Filtration Capital Surcharge, authorized in clause 3.e) of By-Law No. 2008-248 remain at 10% of the gross water component of water accounts effective January 1, 2010; and
  - e) the net increase on a typical flat rate residential account be 6.9% or \$4.08 per month.

All of which is respectfully submitted.

ASSENTS  
 CHIRICO  
 CAMPBELL  
 VAILLANCOURT  
 VREBOSCH-MERRY  
 FEDELI

DISSENTS

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

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

Res. #2009-778: Moved by Councillor Chirico, seconded by Councillor Campbell  
That General Government Committee Report No. 2009-10 relating to:

- Development Charges

be adopted as presented.

“CARRIED”

**GENERAL GOVERNMENT COMMITTEE REPORT NO. 2009-10**

December 14, 2009

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2009-10 and recommends:

1. That
  - a) Development Charges Background Study completed by Meridian Planning Consultants Inc. dated November 11, 2009, be accepted;
  - b) the calculated development charge fees be discounted to a level equal to 79.02% of the fees as determined in the study;
  - c) the resultant increase in development charges be phased in over a five (5) year period;
  - d) the urban area single family dwelling and semi-detached dwelling development charges be as follows:
 

2010	\$5,032
2011	\$6,099
2012	\$7,167
2013	\$8,235
2014	\$9,303
  - e) a new category of development charge be established for "entry-level dwelling units" to be charged at 85% of the development charge for a single family and semi-detached dwelling;
  - f) the development charge for multiple dwelling units be charged at 82.15% of the charge for a single family and semi-detached dwelling unit, and the development charge for apartment units be charged at 47.5% of the charge for a single family and semi-detached dwelling unit;
  - g) Development Charges By-Law No. 2009-252 be presented to Council for three (3) readings on December 14, 2009; and
  - h) the City shall consult with the development community each year in the 4<sup>th</sup> quarter and prepare a report to the Council outlining the development trends of North Bay and surrounding communities.

All of which is respectfully submitted.

ASSENTS  
CHIRICO  
CAMPBELL  
VAILLANCOURT,  
VREBOSCH-MERRY  
FEDELI

DISSENTS

Res. #2009-779: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That Community Services Committee Report No. 2009-29 relating to:

- Rezoning application by Henry's Excavating Limited, Marshall Avenue at Prince Edward Drive

be adopted as presented.

"CARRIED"

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-29**

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-29 and recommends:

1. That
  - a) the proposed Zoning By-Law Amendment by Stan Lawlor on behalf of Henry's Excavating Limited to rezone the property described as Plan 36M-454, Block A, Part of Block C, RP 36R6637, Parts 1, 2, 3 and 6 to 26 (Marshall Avenue and Prince Edward Drive) from a "Residential Third Density (R3)" zone to a "Residential Multiple Second Density Special (RM2 Sp.)" zone be approved; and
  - b) the 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 lighting, ingress and egress, building location, landscaping, lot grading, lot drainage and storm water management.

All of which is respectfully submitted.

ASSENTS  
 ANTHONY  
 MENDICINO  
 GRAHAM  
 FEDELI

DISSENTS

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

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

Res. #2009-780: Moved by Councillor Anthony, seconded by Councillor Mendicino That Community Services Committee Report No. 2009-30 relating to:

- Ontario's Long-Term Affordable Housing Consultation

be adopted as presented.

"CARRIED"

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

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-30**

December 14, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-30 and recommends:

1. That
  - a) Council support the consultation response contained in Appendix A to Report to Council CSBU 2009-106; and
  - b) the Planning Services Department be directed to submit the comments contained in Appendix A to Report to Council CSBU 2009-106 to the Ministry of Municipal Affairs with respect to their public consultation on Ontario's Long-Term Affordable Housing Consultation.

All of which is respectfully submitted.

ASSENTS  
ANTHONY  
MENDICINO  
GRAHAM  
FEDELI

DISSENTS

Res. #2009-781: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the resignation of Glen Weckwerth from North Bay Hydro Distribution Limited be accepted with regret and Mr. Weckwerth be thanked for his involvement on the board.

“CARRIED”

Res. #2009-782: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the resignation of Alexander Speirs from North Bay Hydro Distribution Limited be accepted with regret and Mr. Speirs be thanked for his involvement on the board.

“CARRIED”

Res. #2009-783: Moved by Councillor Chirico, seconded by Councillor Campbell  
That a Capital Expenditure By-Law be presented to Council to authorize the City Hall Building Rehabilitation Program, being 2009 Capital Budget Project No. 66 at a net debenture cost of \$80,000.

“CARRIED”

Res. #2009-784: 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 John & Judith O'Rourke - 719 Fisher Street and 414 to 420 Second Avenue East, be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2009-785: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the 2008 Reserve Fund Annual Report be received and referred to the General Government Committee pending a supplementary report from the Chief Financial Officer updating the Reserve Fund Policy.

“CARRIED”

Res. #2009-786: Moved by Councillor Koziol, seconded by Councillor Bain  
That

- 1) the City Engineer be authorized to negotiate a Cost Share Agreement with the Ministry of Transportation in support of highway intersection improvements being completed within the Gormanville Road Reconstruction Contract with Clearway Construction;
- 2) the City Clerk prepare a by-law for the execution of a Cost Share Agreement with the Ministry of Transportation for highway improvement works; and
- 3) a copy of this report and resolution be forwarded to Mike Pearsall of the Ministry of Transportation, for information.

“CARRIED”

Res. #2009-787: Moved by Councillor Koziol, seconded by Councillor Bain  
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Francis Street Storm Outlet and Airport Road

Drainage Project, being 2009 Project Line Item #35, at a net debenture cost of \$250,000.

“CARRIED”

Res. #2009-788: Moved by Councillor Chirico, seconded by Councillor Campbell  
That Report to Council No. CORP 2009-193 dated November 30, 2009 from Brian Rogers relating to the 2009 Capital Budget approvals be received.

“CARRIED”

Res. #2009-789: Moved by Councillor Chirico, seconded by Councillor Campbell  
That a Capital Expenditure By-Law be presented for three readings December 14, 2009 to authorize expenditures totaling \$500,000 for the Community Waterfront Parks Design Projects included on Line #32 and Line #64 of the 2009 Capital Budget.

“CARRIED”

Res. #2009-790: 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 at a fixed interest rate amortized over a ten year term to finance the Airport Hill Standpipe and Watermain Project and the Lakeside Drive Trunk Watermain Project; and  
2) Execution By-Law No. 2009-249 be presented for three (3) readings on December 14, 2009 authorizing the Mayor and Chief Financial Officer to execute the bank loan agreement.

“CARRIED”

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

Res. #2009-791: Moved by Councillor Chirico, seconded by Councillor Campbell  
That Council approve the renewal of the JLT/MIS Municipal Insurance Program for 2010 for the sum of \$771,166.00 plus GST.

“CARRIED”

Res. #2009-792: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That Council endorses the proposed Transit Service Agreement with Canadore College at the starting rate of \$181.00 for all full time students for the school term September to April, beginning with the 2010/2011 school year, included the Aviation students Early Start/Late Finish Passes.

“CARRIED”

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

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

Nays: Councillor Graham

Notice of Reconsideration by Councillor Graham

Res. #2009-793: Moved by Councillor Koziol, seconded by Councillor Bain  
That North Bay City Council approve a contract be awarded to Trow Associates Inc. in the amount of \$65,137.00 (GST included), for Design, Contract Preparation and Tendering Services for the construction of the

Kate Pace Way Extension along Booth Road and Lakeshore Drive, as detailed in Request for Proposal No. 2009-131.

“CARRIED”

Res. #2009-794:

Moved by Councillor Koziol, seconded by Councillor Bain

That 1) the North Bay City Council approve the award of a contract to Toromont Cat Power Systems, a division of Toromont Industries Ltd. at a Design Build Cost of \$2,802,575.14 and an Operation Cost for a 10 Year Cost of \$3,044,462.67, conditional upon:

- (i) the approval of a Feed In Tariff Sale Contract from Ontario Power Authority (OPA); and
- (ii) a Transfer/Operating Agreement with North Bay Hydro;

2) the City of North Bay approve in principle the transfer of ownership of this project to North Bay Hydro and that an Operating Agreement between the City and North Bay Hydro be prepared and submitted to Council for approval prior to commercial operation;

3) the City of North Bay loan North Bay Hydro \$3,200,000.00 for 20 years at 4.9% (repayment schedule attached to Report No. CORP 2009-207), to finance this project subject to the approval of a Feed In Tariff Sale Contract from the Ontario Power Authority; and

4) the City acknowledges and consents to the OPA’s request for the Emissions Credits arising from this project from start up to 2016.

“CARRIED”

Res. #2009-795:

Moved by Councillor Anthony, seconded by Councillor Mendicino

That the rezoning application by Miller & Urso Surveying Inc. on behalf of Highland Woods Development Inc. - Airport Road & Golf Club Road, be received and referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2009-796:

Moved by Councillor Chirico, seconded by Councillor Campbell

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

By-Law No. 2009-251 to authorize the City Hall Building Rehabilitation Program.

By-Law No. 2009-254 to execute an Agreement with North Bay-Mattawa Conservation Authority relating to a radio tower located on the Lookout Tower.

By-Law No. 2009-257 to amend No Idling By-Law No. 2009-134.

By-Law No. 2009-259 to authorize the Francis Street Storm Outlet Project.

By-Law No. 2009-260 to authorize the Community Waterfront Parks Design Project.

“CARRIED”

Res. #2009-797:

Moved by Councillor Chirico, seconded by Councillor Campbell

That the following by-laws be read a third time and passed:

By-Law No. 2009-251 to authorize the City Hall Building Rehabilitation Program.

By-Law No. 2009-254 to execute an Agreement with North Bay-Mattawa Conservation Authority relating to a radio tower located on the Lookout Tower.

By-Law No. 2009-257 to amend No Idling By-Law No. 2009-134.

By-Law No. 2009-259 to authorize the Francis Street Storm Outlet Project.

By-Law No. 2009-260 to authorize the Community Waterfront Parks Design Project.

“CARRIED”

Res. #2009-798: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the following by-law be read a first and second time:

By-Law No. 2009-235 to establish rates or charges for the supply of water and sanitary sewer for domestic, commercial and manufacturing use, and including other related matters (and to repeal By-Law No. 2008-248).

“CARRIED”

Res. #2009-799: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the following by-law be read a third time and passed:

By-Law No. 2009-235 to establish rates or charges for the supply of water and sanitary sewer for domestic, commercial and manufacturing use, and including other related matters (and to repeal By-Law No. 2008-248).

“CARRIED”

Res. #2009-800: Moved by Councillor Campbell, seconded by Councillor Vaillancourt  
That the following by-law be read a first and second time:

By-Law No. 2009-249 to execute a Long-Term Bank Loan Agreement with the Royal Bank of Canada relating to the Airport Hill Water System Upgrade Project and the Lakeside Drive Trunk Watermain Project.

“CARRIED”

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

Res. #2009-801: Moved by Councillor Campbell, seconded by Councillor Vaillancourt  
That the following by-law be read a third time and passed:

By-Law No. 2009-249 to execute a Long-Term Bank Loan Agreement with the Royal Bank of Canada relating to the Airport Hill Water System Upgrade Project and the Lakeside Drive Trunk Watermain Project.

“CARRIED”

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

Res. #2009-802: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the following by-law be read a first and second time:

By-Law No. 2009-252 to establish Development Charges.

“CARRIED”

Res. #2009-803: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the following by-law be read a third time and passed:

By-Law No. 2009-252 to establish Development Charges.

“CARRIED”

Res. #2009-804: Moved by Councillor Chirico, seconded by Councillor Campbell  
That the following by-law be read a third time and passed:

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. #2009-805: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That the following by-law be read a first and second time:

By-Law No. 2009-225 to rezone certain lands on Marshall Avenue (Henry’s Excavating Limited).

“CARRIED”

Res. #2009-806: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That the following by-law be read a first and second time:

By-Law No. 2009-256 to designate a Site Plan Control Area on certain lands on Marshall Avenue (Henry’s Excavating Limited).

“CARRIED”

Res. #2009-807: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That the following by-law be read a third time and passed:

By-Law No. 2009-256 to designate a Site Plan Control Area on certain lands on Marshall Avenue (Henry’s Excavating Limited).

“CARRIED”

Res. #2009-808: Moved by Councillor Anthony, seconded by Councillor Mendicino  
That the following by-law be read a third time and passed:

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

“CARRIED”

Res. #2009-809: Moved by Councillor Koziol, seconded by Councillor Bain  
That the following by-laws be read a first and second time:

By-Law No. 2009-250 to amend Traffic & Parking By-Law No. 2002-001 (to provide for Tow Away Zones).

By-Law No. 2009-253 to execute an Agreement with R.M. Bélanger Limited relating to site preparation on Memorial Drive at the former Kenroc/Uniroc Plant.

By-Law No. 2009-258 to execute an Agreement with AECOM Canada Ltd. relating to contract inspection services for the Lakeside Drive Trunk Watermain Project.

“CARRIED”

Res. #2009-810: Moved by Councillor Koziol, seconded by Councillor Bain  
That the following by-laws be read a third time and passed:

By-Law No. 2009-250 to amend Traffic & Parking By-Law No. 2002-001  
(to provide for Tow Away Zones).

By-Law No. 2009-253 to execute an Agreement with R.M. Bélanger  
Limited relating to site preparation on Memorial Drive at the former  
Kenroc/Uniroc Plant.

By-Law No. 2009-258 to execute an Agreement with AECOM Canada Ltd.  
relating to contract inspection services for the Lakeside Drive Trunk  
Watermain Project.

“CARRIED”

Res. #2009-811: 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 7:47 p.m. to discuss Item 16, being a proposed  
lease of land by the Municipality; and Items 17 and 18 and Addendum  
Item 19, being litigation matters affecting the municipality.

“CARRIED”

Res. #2009-812: Moved by Councillor Chirico, seconded by Councillor Campbell  
That Council reconvene at 8:29 p.m.

“CARRIED”

Councillor Graham did not reconvene.

Res. #2009-813: Moved by Councillor Vaillancourt, seconded by Councillor Vrebosch-Merry  
That this Regular Meeting of Council do now adjourn at 8:29 p.m.

“CARRIED”

**CLOSED MEETING CONFLICT OF INTEREST:**

*Regular Agenda Addendum Item #17 - Councillor Campbell declared a conflict of interest as  
her step-daughter is employed by appellant. Councillor Campbell left the room for the  
discussion of this item.*

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MAYOR VIC FEDELI

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CITY CLERK CATHERINE CONRAD