

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, JANUARY 9TH, 2012**

PRESENT: Mayor McDonald, Councillors Chirico, Koziol, Maroosis, Bain, Mayne, Vrebosch, Vaillancourt, Mendicino, Lawlor

PUBLIC PRESENTATIONS:

CORRESPONDENCE:

North Bay Elk's Lodge #25	re Liquor License Extension	(08)
Southshore Investments Inc.	re Rezoning application – 1704, 1710, 1720 & 1730 Main Street West	(12)
McArthur, S.	re Laneway closure – 1023 McLeod Street	(15)

REPORTS FROM OFFICERS:

Acs, E.	re Rezoning application by Harriman & Associates o/b 2046304 Ontario Ltd. – 342 Percy Street	(09)
Acs, E.	re Rezoning application by Goodridge Planning & Surveying o/b NBGH – 685 Bloem Street	(10)
Acs, E.	re Rezoning application by Orlando Rosales & Mabel Hernandez – 403 Worthington Street East	(11)
Burke, M.	re Appeal to OMB – Jack & Helen Norman	(30)
Carvell, D.	re Purchase of Electrical Cooling System Units (EMP)	(13)
Conrad, C.	re Citizen appointment to the North Bay Public Library Board	(28)
McArthur, S.	re Surplus Lands – Mud Lake Road	(29)
Rochefort, L.	re Interim Tax Rates By-Law & 2012 Adjustments to Interim Taxes By-Law	(14)

Res. #2012-03: Moved by Councillor Vaillancourt, seconded by Councillor Maroosis
That minutes for the public meetings held on:

- Monday, November 28, 2011
- Monday, December 12, 2011; and
- Monday, December 19, 2011

be adopted as presented.

"CARRIED"

Res. #2012-04: Moved by Councillor Chirico, seconded by Councillor Koziol
That General Government Committee Report No. 2011-19 relating to:

- the 2012 General Capital Budget, 2012 Water and Sanitary Sewer
Capital Budget with the 2013-2021 Ten-Year Capital Forecasts and
Long-Term Capital Funding, excluding the Memorial Gardens
Rehabilitation Program and the Cedar Heights Standpipe & Sanitary
Expansion – Cedar Heights Road

be adopted as presented.

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

Yeas: Councillors Chirico, Mendicino, Vaillancourt, Maroosis, Koziol, Mayne, Lawlor,
Bain, Vrebosch, Mayor McDonald

Nays: Nil

"CARRIED"

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-19

January 9, 2012

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-19 and recommends:

1. That
 - a) City Council adopt the 2012 Capital Budget as presented in Schedule "A" for Capital Projects to be funded from Debentures, Capital Levy, Development Charges, Federal and Provincial Government Grant Programs, Reserves and other contributions totaling \$28,013,620, save and except Project 6065RF (Memorial Gardens Rehabilitation Program);
 - b) City Council authorize the Chief Financial Officer to review and sign each Report to Council that requests approval of a Capital Project to ensure the approvals do not exceed the Proposed Capital Funding Policy Expenditure Limit of \$22,622,814;
 - c) City Council adopt the Capital Forecast (2013-2021) for Capital Projects as presented in Schedule "A", save and except Project 6065RF (Memorial Gardens Rehabilitation Program);
 - d) City Council adopt the 2012 Water and Sewer Capital Budget as presented in Schedule "B" for Water and Sewer Capital Projects to be funded from Water and Sanitary Sewer Rates, Debentures, Development Charges, Federal and Provincial Government Grant Programs, Reserves and other contributions totaling \$16,627,000, save and except Project 2803 W&S (Cedar Heights Standpipe & Sanitary Expansion – Cedar Heights Road);
 - e) City Council authorize the Chief Financial Officer/Treasurer to review and sign each Report to Council that requests approval of a Capital Project to ensure the approvals do not exceed the Proposed Capital Funding Policy Expenditure Limit of \$11,369,000;
 - f) City Council adopt the Water and Sewer Capital Forecast (2013-2021) for Water and Sewer Capital Projects as presented in Schedule "B", save and except Project 2803 W&S (Cedar Heights Standpipe & Sanitary Expansion - Cedar Heights Road);
 - g) City Council approve the required transfers to and from the various funds in accordance with the 2012 Adopted Capital Budget;
 - h) City Council authorize the Chief Financial Officer/Treasurer to process the budget transfers during the fiscal year, which do not change the overall approved Net Budget;
 - i) The 2010 Long Term Capital Funding Policy and the 2011 Water and Sewer Long Term Capital Funding Policy be amended as outlined in Report to Council CORP 2011-183 as follows:
 1. Any unused debt in any given year may be carried forward up to a maximum of two years while still adhering to the annual Net Capital Budget total.
 2. A capital project that is approved in any given year's budget must have by-law approval and begin incurring substantial costs within a two year period; otherwise, the project must be re-submitted for budget approval in a future year. The initial approval is then considered cancelled and will not be allocated to other projects.

3. Addition of a capital project called Capital Financing within the current capital plan that equates to 2% of the funding envelope.
4. That the monitoring of debt servicing costs (principal and interest payments), as a percentage of total tax levy not exceed 15% be calculated as a total of levy, water and sewer rates and that levy, water and sewer debt servicing costs when measured independently not exceed the rate established by the Ministry of Municipal Affairs.
5. Clarification to definitions of inflationary allowances, 1% of levy and 2% of water bill revenues.
 - 5.1. Inflationary Allowances shall be the twelve month percentage change in the total Consumer Price Index (CPI) (Table 1- Core Items CPI) as determined from the most current Statistics Canada report. This percentage is to be applied to the previous year's long term capital funding allowance in the operating budget.
 - 5.2. 1% of the tax levy shall be 1% on the previous year's budgeted tax levy.
 - 5.3. 2% of the water bills revenues shall be 2% of the previous year's total water and sanitary user fee budgeted revenues excluding any capital surcharges.
6. Reallocate by function, the current Water and Sanitary Sewer (99522R) Reserve into four individual reserves as follows:
 - 1) Water Rate Stabilization;
 - 2) Sanitary Sewer Rate Stabilization;
 - 3) Water Capital; and
 - 4) Sanitary Sewer Capital. "

All of which is respectfully submitted.

ASSENTS
 CHIRICO
 KOZIOL
 MAROOSIS

DISSENTS

Res. #2012-05: Moved by Councillor Chirico, seconded by Councillor Koziol
 That General Government Committee Report No. 2011-20 relating to:

- the 2012 General Capital Budget for the Memorial Gardens Rehabilitation Program and the Cedar Heights Standpipe & Sanitary Expansion – Cedar Heights Road

be adopted as presented.

Mayor McDonald declared a conflict of interest as he is involved with a local hockey team that leases Memorial Gardens and owns property on Cedar Heights Road.

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

Yeas: Councillors Chirico, Lawlor, Bain, Maroosis, Vaillancourt, Mendicino, Koziol, Mayne, Vrebosch

Nays: Nil

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-20

January 9, 2012

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-20 and recommends:

1. That
 - a) City Council adopt the 2012 Capital Budget Project 6065RF being the Memorial Gardens Rehabilitation Program in the amount of \$300,000.00 as contained in Schedule "A" to the Capital Budget;
 - b) City Council adopt the Capital Forecast (2013-2021) for Project 6065RF as contained in Schedule "A" to the Capital Budget;
 - c) City Council adopt the Capital Forecast (2013-2021) for Project 2803 W&S being the Cedar Heights Standpipe & Sanitary Expansion - Cedar Heights Road in the amount of \$3,500,000.00 as contained in Schedule "B" to the Capital Budget; and
 - d) City Council adopt the Capital Forecast (2013-2021) for Project 2803 W&S as contained in Schedule "B" to the Capital Budget.

All of which is respectfully submitted.

ASSENTS
CHIRICO
KOZOIL
MAROOSIS

DISSENTS

Res. #2012-06: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Community Services Committee Report No. 2012-01 relating to:

- Rezoning application by 2277111 Ontario Inc. – 489 McIntyre Street West

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-01

January 9, 2012

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2012-01 and recommends:

1. That
 - a) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of 2277111 Ontario Inc. for the property legally described as Plan 13, North Part Lot 104, known locally as 489 McIntyre Street West in the City of North Bay (former PEP Place), 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 management, drainage, ingress, egress, and fencing as required.

All of which is respectfully submitted.

ASSENTS

DISSENTS

LAWLOR
MENDICINO
VAILLANCOURT
MAYOR McDONALD

Res. #2012-07: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Community Services Committee Report No. 2012-02 relating to:

- Official Plan Amendment and Rezoning applications by Belisle Investments Ltd. – 1781 Cassells Street

be adopted as presented.

Councillor Chirico declared a conflict of interest as the proponent is a client of his employer, The Royal Bank of Canada.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-02

January 9, 2012

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2012-02 and recommends:

1. That
 - a) the proposed Official Plan Amendment by Miller & Urso Surveying Inc. on behalf of Belisle Investments Ltd. to change the designation on the subject lands from “Residential” to “District Commercial” for the property legally described as Registered Plan No. 57, Lots 454, 455 and 456, and Part of Lane, Reference Plan 36R-5315, Parts 1 & 2, being PIN #49151-007(LT), known locally as the former site of Corpus Christi Church at 1781 Cassells Street in the City of North Bay, be approved;
 - b) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Belisle Investments Ltd. to change the zoning designation from a “Residential Second Density (R2)” zone and a “Residential Multiple Second Density (RM2)” zone to a “District Commercial Special Zone No. 80 (C4 Sp.80)” for the property legally described as Registered Plan No. 57, Lots 454, 455 and 456, and Part of Lane, Reference Plan 36R-5315, Parts 1 & 2, being PIN #49151-007(LT), known locally as the former site of Corpus Christi Church at 1781 Cassells Street in the City of North Bay, 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 building massing, parking, lighting, landscaping, stormwater management, servicing, drainage, ingress, egress and fencing as required.

All of which is respectfully submitted.

ASSENTS
LAWLOR
MENDICINO
VAILLANCOURT
MAYOR McDONALD

DISSENTS

Res. #2012-08: Moved by Councillor Chirico, seconded by Councillor Koziol
That the City of North Bay offers no objection to the temporary extension of the Liquor License for the 7th Annual Outdoor Jug Curling Funspiel at the North Bay Elk's Lodge on Saturday, February 11th, 2012 from 11:00 am to 7:00 pm., provided that the operation continues to comply with all other municipal by-laws.

"CARRIED"

Res. #2012-09: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the recommendation from the Planning Advisory Committee regarding the rezoning application by Harriman & Associates on behalf of 2046304 Ontario Ltd. – 342 Percy Street be referred to the Community Services Committee for a Public Meeting.

"CARRIED"

Res. #2012-10: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the recommendation from the Planning Advisory Committee regarding the rezoning application by Goodridge Planning & Surveying on behalf of the North Bay General Hospital - 685 Bloem Street be referred to the Community Services Committee for a Public Meeting.

"CARRIED"

Res. #2012-11: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the recommendation from the Planning Advisory Committee regarding the rezoning application by Orlando Rosales & Mabel Hernandez – 403 Worthington Street East be referred to the Community Services Committee for a Public Meeting.

"CARRIED"

Res. #2012-12: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the rezoning application by Southshore Investments Inc. – 1704, 1710, 1720 and 1730 Main Street West be received.

"CARRIED"

Res. #2012-13: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Council authorize the Chief Financial Officer to apply unused 2011 Capital funding in the amount of \$129,539.00 for the purchase of six EMP units.

"CARRIED"

Res. #2012-14: Moved by Councillor Chirico, seconded by Councillor Koziol
That 1) Council enacts By-Law No. 2012-02, being a by-law to levy certain interim rates, taxes and charges and that the by-law be given three (3) readings on January 23, 2012; and
2) Council enacts By-Law No. 2012-03, being a by-law to adjust interim taxes on certain properties that would be levied too high or too low in relation to total taxes that will be levied on the property and that the by-law be given three (3) readings on January 23, 2012.

"CARRIED"

Res. #2012-15: Moved by Councillor Chirico, seconded by Councillor Koziol
That 1) the application by Philippe & Louise Marion to close a portion of the laneway in the block bounded by McLeod Street, Delaware Avenue, Douglas Street and Hutcheson Avenue in the City of North Bay, legally described as Plan No. M-177, abutting Lot 288 and Part of Lot 287, Parcel 3973 in the former Township of Widdifield, as shown on Schedule "A" attached to Report to Council CSBU 2012-03 be approved;

- 2) the closure of the laneway be subject to the granting of any required easements; and
- 3) the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject laneway.

"CARRIED"

Res. #2012-16: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a first and second time:

By-Law No. 2012-04 to confirm proceedings of the Meeting of Council on December 19, 2011.

"CARRIED"

Res. #2012-17: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2012-04 to confirm proceedings of the Meeting of Council on December 19, 2011.

"CARRIED"

Res. #2012-18: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2011-242 to stop up, close and convey a portion of the laneway in block bounded by King Street West, High Street and McPhail Street.

"CARRIED"

Res. #2012-19: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2011-239 to adopt Official Plan Amendment No. 118 (Belisle Investments Ltd. – 1781 Cassells Street).

By-Law No. 2011-240 to rezone certain lands on Cassells Street (Belisle Investments Ltd. – 1781 Cassells Street).

Councillor Chirico declared a conflict of interest as the proponent is a client of his employer, The Royal Bank of Canada.

"CARRIED"

Res. #2012-20: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2011-253 to rezone certain lands on McIntyre Street West (2277111 Ontario Inc. – 489 McIntyre Street West).

"CARRIED"

Res. #2012-21: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2011-241 to designate a Site Plan Control on certain lands on Cassells Street (Belisle Investments Ltd. – 1781 Cassells Street).

Councillor Chirico declared a conflict of interest as the proponent is a client of his employer, The Royal Bank of Canada.

“CARRIED”

Res. #2012-22: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2011-241 to designate a Site Plan Control on certain lands on Cassells Street (Belisle Investments Ltd. – 1781 Cassells Street).

Councillor Chirico declared a conflict of interest as the proponent is a client of his employer, The Royal Bank of Canada.

“CARRIED”

Res. #2012-23: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2011-254 to designate a Site Plan Control Area on certain lands on McIntyre Street West (2277111 Ontario Inc. – 489 McIntyre Street West).

“CARRIED”

Res. #2012-24: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read and third time and passed:

By-Law No. 2011-254 to designate a Site Plan Control Area on certain lands on McIntyre Street West (2277111 Ontario Inc. – 489 McIntyre Street West).

“CARRIED”

Res. #2012-25: Moved by Councillor Bain, seconded by Councillor Vaillancourt
WHEREAS contraband tobacco products are easily accessible in our community;

AND WHEREAS consumption of tobacco products increases when tobacco prices are lower;

AND WHEREAS 42.0% of smokers in the North have purchased at least one pack of cigarettes from an outlet not paying full Federal and Provincial taxes in the past six months;

AND WHEREAS 53% of students in Ontario who smoke (grades 7-12) have smoked contraband cigarettes in the past year;

AND WHEREAS the current government’s election platform stated that “we’ll build on our contraband strategy to choke off the supply of cheap, illegal tobacco sold to our kids by doubling our enforcement efforts”;

NOW THEREFORE BE IT RESOLVED THAT the City of North Bay send a copy of this resolution to The Honourable Deb Matthews, Minister of Health and Long-Term Care, and The Honourable Dwight

Duncan, Minister of Finance encouraging these Ministries to maintain a strong focus on tobacco control and to work with local law enforcement agencies in this regard;

AND FURTHER BE IT RESOLVED THAT a copy of this resolution be forwarded to Vic Fedeli, MPP for Nipissing; Jay Aspin, MP for Nipissing-Temiskaming; Tim Hudak, Leader of Progressive Conservative Party of Ontario; Andrea Horwath, Leader of New Democratic Party of Ontario; the Municipalities within the District of Nipissing; the Federation of Northern Ontario Municipalities; North Bay Police Chief Paul Cook, and to the North Bay Detachment of the Ontario Provincial Police.

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

Yeas: Councillors Bain, Chirico, Koziol, Lawlor, Mendicino, Vrebosch, Maroosis, Vaillancourt, Mayne, Mayor McDonald

Nays: Nil

“CARRIED”

Res. #2012-26: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council adjourn in-camera pursuant to section 239.(2) of the *Municipal Act, 2001*, as amended at 7:29 p.m. for the following reasons: Items 9 and 12, being personal matters about identifiable individuals; Item 10, being a potential disposition of lands by the Municipality; and Item 11, being litigation including matters before administrative tribunals, affecting the Municipality.

“CARRIED”

Res. #2012-27: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council reconvene at 9:03 p.m.

Councillor Bain left the meeting. He did not reconvene with Council.

“CARRIED”

Res. #2012-28: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council appoint Richard Smith to the North Bay Public Library Board for a term to expire November 30, 2014.

“CARRIED”

Res. #2012-29: Moved by Councillor Chirico, seconded by Councillor Koziol
That

- 1) Council agree to declare surplus and sell the estimated 9.5 acres of surplus Mud Lake Road lands via a Request for Proposal process;
- 2) all other costs associated with the sale including but not limited to the costs of surveys, legal fees and advertising be borne by the purchaser; and
- 3) the City Solicitor be authorized to prepare and present an Agreement of Purchase and Sale for By-Law approval.

“CARRIED”

Res. #2012-30: Moved by Councillor Koziol, seconded by Councillor Maroosis
That

- 1) Council direct City staff and Corporate Counsel to defend its decision to deny the Norman Subdivision, Zoning and Official Plan applications at the Ontario Municipal Board hearing to be held on the Norman's appeals.

Mayor McDonald declared a conflict of interest as he owns property in the subject area.

“CARRIED”

Res. #2012-31: Moved by Councillor Vaillancourt, seconded by Councillor Marosis
That this Regular Meeting of Council do now adjourn at 9:05 p.m.

“CARRIED”

CLOSED MEETING CONFLICT OF INTEREST

Regular Agenda Item #11 - Mayor McDonald declared a conflict of interest as he owns property in the area and left the meeting for the discussion of this item.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD