

**Minutes of the Regular Meeting
of City Council
Held Tuesday, May 21, 2019**

Present:

Mayor McDonald, Councillors B. Vrebosch, King, Bain, Tignanelli, Anthony, Mendicino, Mayne, Robertson, Brousseau

Public Presentations:

Ellen Faulkner	re Toilet Paper North Bay (Food Bank)
Alix Voz	re Public Art Policy
Jaymie Lathem	re Public Art Policy

Correspondence:

Stuart Kidd	re Resignation from the North Bay Public Library Board	(209)
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Reports from Officers:

Bechard, J.	re Issuer of Licenses under Business Licensing By-Law No. 2012-225	(206)
Carello, P.	re Ski Ridge Estates Final Approval	(215)
Carello, P.	re Final Approval of Draft Plan of Subdivision – Northmount Road (unaddressed) – 1851477 Ontario Inc.	(217)
Gauthier, M.	re 2019 Tax Capping Report	(214)
Hillier, B.	re Amendment to By-Law No. 2008-42, Division Fence By-Law	(207)
Hillier, B.	re Request to Remove a Holding Zone Symbol – 105 Drury Street	(216)
Jackowski, D.	re Tender 2019-47, Amelia Park Washroom Facility and Armstrong Park Washroom/Lifeguard Facility	(212)
Kimber, B.	re Canada Day Celebration 2019	(208)
Kotylak, MA.	re Tender 2019-47, Amelia Park Washroom Facility and Armstrong Park Washroom/Lifeguard Facility	(212)
Kotylak, MA.	re Tender 2019-24, Cassells Street Reconstruction	(213)
Leckie, P.	re Proposed sale of lands to MG Valenti Holdings Inc. – 65 Voodoo Crescent	(226)
McCloskey, P.	re Amelia Rising Pebble Stone Mosaic Monument Project	(211)
McCrank, G.	re Tender 2017-02, Hwy #11&17 and Seymour Street Intersection Reconstruction	(210)
McCrank, G.	re Tender 2019-24, Cassells Street Reconstruction	(213)

Res. #2019-204: Moved by Councillor Mendicino, seconded by Councillor B. Vrebosch That Council suspend the rules of the City of North Bay's Procedural By-Law 2017-01, as amended, to allow the Regular Meeting of Council to commence at 6:50 p.m.

"Carried"

Res. #2019-205: Moved by Councillor Mendicino, seconded by Councillor Tignanelli
That minutes for the public meetings held on:

- Tuesday, May 7, 2019

be adopted as presented.

“Carried”

Res. #2019-206: Moved by Councillor B. Vrebosch, seconded by Councillor King
That Council authorize an amendment to the Business Licensing By-Law No. 2012-225, as set out in Report to Council CORP 2019-65 dated April 30, 2019 from Judy Bechard.

“Carried”

Res. #2019-207: Moved by Councillor Brousseau, seconded by Councillor Robertson
That 1) City Council authorize the amendment to By-Law No. 2008-42, Division Fence By-Law, as outlined in Appendix “A” attached to Report to Council CSBU 2019-16 dated May 6, 2019 from Beverley Hillier; and

2) By-Law No. 2019-42 be brought forward for three (3) readings at the next regular Council Meeting.

“Carried”

Res. #2019-208: Moved by Councillor Brousseau, seconded by Councillor Robertson
That 1) the O’ Canada Day Committee be granted permission to hold the 2019 Canada Day Celebrations in and about the Waterfront Park on July 1, 2019 pursuant to By-Law No. 2014-53; and

2) the requests by the O’ Canada Day Committee regarding exemption from the Noise By-Law, and exclusivity over the event and grounds be approved as follows:

a) having approved Recommendation No. 1 granting permission to hold the public celebration known as the 2019 O’ Canada Day Event, the event becomes exempt from the noise control provisions contained in By-Law No. 2014-53, as amended, pursuant to the operation of Section 6 and Schedule 3 thereof, as defined in Attachment 1, in Report to Council CSBU 2019-15 dated May 1, 2019 from Bryan Kimber; and

b) exclusivity be granted on July 1, 2019, on and over the City-owned or controlled lands (except the North Bay Wastewater Treatment Facility Lands) within the area defined as, extending from, and inclusive of the waterfront beaches starting at Tenth Street and both sides of Memorial Drive from the Uniroc site up to and including Lee Park.

“Carried”

Res. #2019-209: Moved by Councillor B. Vrebosch, seconded by Councillor King
That the email from Stuart Kidd dated May 13, 2019 relating to his resignation from the North Bay Public Library Board be received and Stuart Kidd be thanked for his involvement on the Board.

“Carried”

Res. #2019-210: Moved by Councillor Mayne, seconded by Councillor Anthony That Council approve additional engineering fees for J.L. Richards & Associates Limited in the amount of \$75,000.00 for completing additional scope of work relating to Ministry of Transportation requests for added construction staging and traffic illumination design.

“Carried”

Res. #2019-211: Moved by Councillor Brousseau, seconded by Councillor Robertson That Council approve the Amelia Rising Assault Centre of Nipissing’s request to create a Pebble Stone Mosaic Monument in the City’s Fisher Street Parkette, for the purpose of honoring survivors of sexual violence in our region and agree to provide the required site preparation work for the Monument, as outlined in Report to Council CSBU 2019-18 dated May 14, 2019 from Paula McCloskey.

“Carried”

Res. #2019-212: Moved by Councillor Mayne, seconded by Councillor Anthony That City Council approve the award of a contract to Venasse Building Group Inc. in the amount of \$495,000.00 (plus HST), for the construction of a new Amelia Park washroom facility and Armstrong Park washroom/lifeguard facility.

“Carried”

Res. #2019-213: Moved by Councillor Mayne, seconded by Councillor Anthony That City Council approve the award of a contract to Kenalex Construction Company Limited in the amount of \$10,883,701.97 (plus HST), for the reconstruction of Cassells Street and that financing be approved, as outlined in Report to Council CORP 2019-70 dated May10, 2019 from Mary-Ann Kotylak and Gerry McCrank.

“Carried”

Res. #2019-214: Moved by Councillor B. Vrebosch, seconded by Councillor King That the 2019 Tax Capping report be received and the following options be approved:

2019 Capping options include –

- the costs of the commercial program to be borne from within the class;
- 10% of annualized tax limit;
- 10% prior year Current Value Assessment (CVA) or whichever was greater;
- excluding current cycle reassessment increases;
- Current Value Assessment (CVA) tax threshold for capped properties - \$500.00;
- excluding properties from the capping program that were at Current Value Assessment (CVA) in 2018 and that cross Current Value Assessment (CVA) from 2018 to 2019; and
- continued phase out option of commercial class.

“Carried”

Res. #2019-215: Moved by Councillor Brousseau, seconded by Councillor Robertson That 1) Council grant Final Approval to Phase I of the Draft Approved Plan of Subdivision along Janey Avenue by Janey Avenue Inc. and Ski Ridge Estates Inc. – City File No. 48T-17101; and

- 2) the Mayor and City Clerk be authorized to sign a Subdivision Agreement with Janey Avenue Inc. and Ski Ridge Estates Inc. for a property located along Janey Avenue, consisting of twenty (20) lots, upon receipt of all security, easements and all other Subdivision Agreement requirements.

“Carried”

- Res. #2019-216: Moved by Councillor Brousseau, seconded by Councillor Robertson
That
- 1) City Council pass a by-law to remove the Holding (H) Zone Symbol from the lands zoned “Industrial Commercial Holding (MCH)” through By-Law No. 2006-160 for the property shown on Schedule “A” attached to Report to Council CSBU 2019-20 dated May 15, 2019 from Beverley Hillier;
 - 2) the by-law be brought forward on June 18, 2019 for three (3) readings; and
 - 3) 14 days’ notice of the intention of amending by-law to remove a holding symbol from a zoning by-law under Subsection 36(4) of the *Planning Act* be given by ordinary mail to all property owners within 120 meters of the subject property containing the information prescribed in Section 8 of Regulation 545/06.

“Carried”

- Res. #2019-217: Moved by Councillor Brousseau, seconded by Councillor Robertson
That
- 1) Council grant Final Approval to the Draft Approved Plan of Subdivision along Northmount Road (11 lots) by 1851477 Ontario Inc. – City File No. 48T-91102; and
 - 2) the Mayor and City Clerk be authorized to sign a Subdivision Agreement with 1851477 Ontario Inc. for a property located along Northmount Road, consisting of eleven (11) lots, upon receipt of all security, easements and all other Subdivision Agreement requirements.

“Carried”

- Res. #2019-218: Moved by Councillor B. Vrebosch, seconded by Councillor King
That the following by-laws be read a first and second time:
- By-Law No. 2019-43, being a by-law to amend By-Law No. 2012-225 (a by-law for licensing, regulating and governing business in the City of North Bay).
- By-Law No. 2019-46 to set 2019 tax ratios for prescribed property classes.
- By-Law No. 2019-47 to set 2019 tax rates and to levy taxes for the year 2019.
- By-Law No. 2019-48 to adopt municipal options related to Part IX of the *Municipal Act*, 2001: Limitation on Taxes for Certain Property Classes”.
- By-Law No. 2019-50 to set 2019 tax rates reductions for prescribed property subclasses.
- By-Law No. 2019-52 to authorize the execution of a Subdivision Agreement with Janey Avenue Inc. and Ski Ridge Estates Inc. relating to Ski Ridge – Phase I.

By-Law No. 2019-53 to authorize the execution of a Subdivision Agreement with 1851477 Ontario Inc. relating to Northmount Road.

“Carried”

Res. #2019-219: Moved by Councillor B. Vrebosch, seconded by Councillor King
That the following by-laws be read a third time and passed:

By-Law No. 2019-43, being a by-law to amend By-Law No. 2012-225 (a by-law for licensing, regulating and governing business in the City of North Bay).

By-Law No. 2019-46 to set 2019 tax ratios for prescribed property classes.

By-Law No. 2019-47 to set 2019 tax rates and to levy taxes for the year 2019.

By-Law No. 2019-48 to adopt municipal options related to Part IX of the *Municipal Act, 2001: Limitation on Taxes for Certain Property Classes*”.

By-Law No. 2019-50 to set 2019 tax rates reductions for prescribed property subclasses.

By-Law No. 2019-52 to authorize the execution of a Subdivision Agreement with Janey Avenue Inc. and Ski Ridge Estates Inc. relating to Ski Ridge – Phase I.

By-Law No. 2019-53 to authorize the execution of a Subdivision Agreement with 1851477 Ontario Inc. relating to Northmount Road.

“Carried”

Res. #2019-220(a): Moved by Councillor B. Vrebosch, seconded by Councillor Brousseau
That the following by-laws be read a first and second time:

By-Law No. 2019-45, being a by-law to amend By-Law No. 2012-97, (being a by-law to regulate smoking in public places and workplaces).

“Carried as amended”

Res. #2019-220(b): Moved by Councillor B. Vrebosch, seconded by Councillor Brousseau
That By-Law No. 2019-45, being a by-law to amend By-Law No. 2012-97, (being a by-law to regulate smoking in public places and workplaces) be referred to the General Government Committee.

“Carried”

Res. #2019-221: Moved by Councillor B. Vrebosch, seconded by Councillor King
Whereas Regional Airports are an important regional asset for regional community development and essential transportation connectivity to the world;

And Whereas Municipalities can’t be expected to carry the burden of maintaining regional airports on their own;

And Whereas the Airport Capital Assistance Program (ACAP) is a fund of only 38 million dollars to support over 200 smaller regional airports in the country;

And Whereas ACAP funding has not been increased since its inception in 1998;

And Whereas Transport Canada needs to re-evaluate funding levels to ensure the continued efficient and safe regional airport operations without being a drain on the local taxpayers;

Therefore Be it Resolved that the City of North Bay request the public support from all Federal Party leaders to review and to increase ACAP funding for regional airports in Canada.

And Further that a copy of this Motion be forwarded to MP Anthony Rota; The Honourable Marc Garneau, Minister of Transport; the Leaders of all Federal Parties; Regional Community Airports of Canada; The Federation of Northern Ontario Municipalities; Northwestern Ontario Municipal Association; The Rural Ontario Municipal Association; The Association of Municipalities Ontario and L'Association française des municipalités de l'Ontario.

“Carried”

Res. #2019-222(a): Moved by Councillor Tignanelli, seconded by Councillor Mendicino
Whereas Council wishes to establish a Public Art Advisory Committee to create a public art policy for the City of North Bay;

And Whereas the Cultural Plan and the Downtown Waterfront Master Plan recommended that Council create a public art policy for the City of North Bay;

And Whereas membership of the Public Art Advisory Committee will be compromised of one (1) member of Council, one (1) representative of Creative Industries, one (1) representative of the Capitol Centre, one (1) representative of the Downtown Improvement Area (DIA), and up to three (3) citizen members with experience in public art including visual artists, architects, landscape architects, urban designers, curators, arts educators, art historians, business representatives and other knowledgeable individuals;

And Whereas the Manager, Arts, Culture, Recreation and Leisure Services will be the staff representative on the Committee, additional staff may be engaged if required;

And Whereas the mandate of the Public Art Advisory Committee is:

- To provide expert community input on City of North Bay public art policies, projects and procedures;
- To promote awareness and understanding of the importance of high-quality public art;
- Assist with the development of a city-wide Public Art Policy which will identify priority projects, locations and site selection, criteria and selection processes, and review conservation and maintenance of artworks;
- Assist with the implementation of the Public Art Policy (once completed) to determine prioritization, implementation, and budget considerations for public art projects;
- Promote the activities of the Public Art Advisory Committee and raise public awareness and importance of public art in North Bay;
- Make recommendations for the striking of public art juries and the development of Terms of Reference for juries;
- Review and assist with the development of Call for Artists;

- Advise and recommend to staff on proposed gifts, donations and bequests to the City in accordance with the Public Art Policy and other City guidelines;
- Advise and recommend to staff the accessioning and de-accessioning of works associated with the City of North Bay's Public Art Collection;
- Advise and provide recommendations regarding applications for community group-driven public art projects.

And Whereas the Draft Terms of Reference for the Public Art Advisory Committee is attached hereto as Appendix "A";

And Whereas Council hereby adopts the Terms of Reference for the Public Art Advisory Committee.

"Carried as amend"

APPENDIX "A"

Terms of Reference – Public Art Advisory Committee (PAAC)

Mandate:

- To provide expert community input on City of North Bay public art policies, projects and procedures;
- To promote awareness and understanding of the importance of high-quality public art;
- Assist with the development of a city-wide Public Art Policy which will identify priority projects, locations and site selection, criteria and selection processes, and review conservation and maintenance of artworks;
- Assist with the implementation of the Public Art Policy (once completed) to determine prioritization, implementation, and budget considerations for public art projects;
- Promote the activities of the Public Art Advisory Committee and raise public awareness and importance of public art in North Bay;
- Make recommendations for the striking of public art juries and the development of Terms of Reference for juries;
- Review and assist with the development of Call for Artists;
- Advise and recommend to staff on proposed gifts, donations and bequests to the City in accordance with the Public Art Policy and other City guidelines;
- Advise and recommend to staff the accessioning and de-accessioning of works associated with the City of North Bay's Public Art Collection;
- Review and provide recommendations regarding applications for community group-driven public art projects.

Membership:

The Public Art Advisory Committee shall be comprised of 7 members:

- One (1) City Councillor;
- One (1) representative of the Creative Industries;
- One (1) representative of Capitol Centre;
- One (1) representative of Downtown Improvement Area (DIA);
- One (1) Indigenous Representative;
- Two (2) citizen members with experience in public art including visual artists, architects, landscape architects, urban designers, curators, arts educators, art historians, business representatives and other knowledgeable individuals;

Terms of Appointment:

- Citizen members will be appointed for the term of Council;
- A maximum of two terms may be served in succession;
- Retirement and starting dates for citizen members will coincide with the term of Council;
- Any member who misses three meetings in succession, without prior written permission from the Chair, will be deemed to have resigned;
- The members will be appointed in accordance with Council's practice and procedural by-law;
- The Chair and Vice-Chair will be elected by the Committee;

Code of Conduct and Conflict of Interest

- Citizen members are disqualified from directly or indirectly benefiting from their participation on the Commission during their tenure;
- Citizen members are disqualified from submitting to public art projects that will be reviewed by the Committee during their tenure;
- Citizen members may continue to participate in a public art project that was initiated prior to their appointment to the Committee but shall declare a pecuniary interest if the project is under discussion by the Committee and leave the room during the discussion.
- Members of the Public Art Advisory Committee work in partnership with the City of North Bay and for the citizens of North Bay. Members must respect confidential information and declare conflict of interest, when required. As a City of North Bay working group the members of the Public Art Advisory Committee are expected to support and contribute to a safe, respectful, transparent and accountable environment. The City of North Bay has zero tolerance for any form of violence, vandalism, or inappropriate behaviour in its facilities or properties.

Reporting:

- Public Art Advisory Committee advice and policy objectives will inform and be referred to in staff reports going to the appropriate Standing Committee or Community Council;
- Reports concerning public art on City lands will be prepared by the Arts, Culture, Recreation and Leisure Services Department;
- City staff will seek the advice of the Public Art Advisory Committee or its designated subcommittees prior to submitting reports dealing with public art on City property to Committee and Council.

Remuneration

- There will be no remuneration for participation on the Public Art Advisory Committee. However, members are entitled to reimbursement for any reasonable out-of-pocket expenses incurred on behalf of the Committee that were previously approved by the Arts, Culture, Recreation and Leisure Services Department.

Administration:

- Meeting quorum is five (5) Public Art Advisory Committee members;
- The Committee will primarily use the consensus model for decision making;
- The Committee will meet once a month, except during July and August, or at the call of the Chair.

Staff Support:

- Primary administrative support for the Public Art Advisory Committee will be provided by the Arts, Culture, Recreation and Leisure Services Department;
- The Arts, Culture, Recreation and Leisure Services Department will manage issues relating to public art on City lands.

Res. #2019-222(b): Moved by Councillor King, seconded by Councillor Tignanelli
That the membership of the Public Art Advisory Committee be amended as follows:

- (i) delete the reference "to three (3) citizen members" and add in lieu thereof "two (2) citizen members"; and
- (ii) add as a member "one (1) Indigenous Representative".

Record of Vote (*Upon request from Councillor Mendicino*)

Yeas: Councillors Mendicino, King, Mayne, Bain, Tignanelli, Anthony, B. Vrebosch, Brousseau, Robertson, Mayor McDonald

Nays: Nil

"Carried"

Res. #2019-223: Moved by Councillor B. Vrebosch, seconded by Councillor King
Whereas FedNor is the Government of Canada's economic development organization for Northern Ontario;

And Whereas through its programs and services, and through its financial support of projects that lead to job creation and economic growth, FedNor works with businesses and community partners to build a stronger Northern Ontario;

And Whereas FedNor funding is less than half of the funding envelope of its Provincial counterpart; Northern Ontario Heritage Fund;

And Whereas the Ministry of Innovation, Science and Economic Development needs to re-evaluate funding levels that are no longer sufficient to handle the needs or volume of applications;

Therefore Be it Resolved that the City of North Bay request the public support from all Federal Party leaders to review and to increase FedNor funding.

And Further that a copy of this Motion be forwarded to MP Anthony Rota; The Honourable Navdeep Singh Bains. Minister of Innovation, Science and Economic Development; The Federation of Northern Ontario Municipalities; Northwestern Ontario Municipal Association; The Rural Ontario Municipal Association; The Association of Municipalities Ontario and L'Association française des municipalités de l'Ontario.

"Carried"

Res. #2019-224: Moved by Councillor B. Vrebosch, seconded by Councillor King
That Council adjourn in-camera pursuant to section 239.(2) of the *Municipal Act, 2001*, as amended, at 7:48 p.m. for the following reasons:

Item #13, being advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

Item #14, being a pending disposition of land by the municipality.

“Carried”

Res. #2019-225: Moved by Councillor B. Vrebosch, seconded by Councillor King That Council reconvene at 8:26 p.m.

“Carried”

Res. #2019-226: Moved by Councillor B. Vrebosch, seconded by Councillor King That Council 1) approve the sale of City-owned property know municipally as 65 Voodoo Crescent and legally described as Block 4, Plan 36M671 save and except Part 1 36R13320, Part 1 36R13451 and Part 1 36R14184; together with an easement as in LT367637; together with an easement over Pts 2 and 4, 36R11056 as in LT391111; City of North Bay on terms and conditions, as set out in the Offer to Purchase presented by MG Valenti Holdings Inc.;

- 2) authorize the Mayor, City Clerk and City Solicitor to execute the Offer to Purchase and all appropriate sale documents as may be required;
- 3) authorize that the net proceeds of the sale be placed in the North Bay Jack Garland Airport Lands Reserve (99521); and
- 4) authorize the by-law of the sale of the property be given three (3) readings on May 21, 2019.

“Carried”

Res. #2019-227: Moved by Councillor B. Vrebosch, seconded by Councillor King That the following by-law be read a first and second time:

By-Law No. 2019-49 to authorize the execution of an Agreement of Purchase and Sale with MG Valenti Holdings Inc. relating to Part of Block 4, Plan 36R671, 65 Voodoo Crescent (Airport Industrial Park).

“Carried”

Res. #2019-228: Moved by Councillor B. Vrebosch, seconded by Councillor King That the following by-law be read a third time and passed:

By-Law No. 2019-49 to authorize the execution of an Agreement of Purchase and Sale with MG Valenti Holdings Inc. relating to Part of Block 4, Plan 36R671, 65 Voodoo Crescent (Airport Industrial Park).

“Carried”

Res. #2019-229: Moved by Councillor B. Vrebosch, seconded by Councillor King That the following by-law be read a first and second time:

By-Law No. 2019-44 to confirm proceedings of the Regular Meeting of Council held on May 21, 2019.

“Carried”

Res. #2019-230: Moved by Councillor B. Vrebosch, seconded by Councillor King
That the following by-law be read a third time and passed:

By-Law No. 2019-44 to confirm proceedings of the Regular Meeting of
Council held on May 21, 2019.

“Carried”

Res. #2019-231: Moved by Councillor Mendicino, seconded by Councillor Tignanelli
That this Regular Meeting of Council do now adjourn at 8:28 p.m.

“Carried”

Mayor Allan McDonald

City Clerk Karen McIsaac