

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, AUGUST 23RD, 2010**

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

PUBLIC PRESENTATION:

Michael Taylor	re Concerned Citizens' Committee
Charles Campbell	re Tweedsmuir Park Rezoning
Betty Thomson	re Tweedsmuir Park Rezoning
Lorna Bauman Wyss	re Tweedsmuir Park Rezoning
Victor McClenaghan	re Tweedsmuir Park Rezoning
Chris Croghan	re Tweedsmuir Park Rezoning
Sherry McQuaid	re Tweedsmuir Park Rezoning
Joan Edworthy	re Tweedsmuir Park Rezoning
Scott Haig	re Tweedsmuir Park Rezoning
Manfred May	re Tweedsmuir Park Rezoning
Green Space North Bay, Donna Sinclair	re Tweedsmuir Park Rezoning
Richard Falconi	re Tweedsmuir Park Rezoning
Emily Clayton	re Tweedsmuir Park Rezoning
Krystal Pottelberg	re Tweedsmuir Park Rezoning
Garth Goodhew	re Tweedsmuir Park Rezoning

CORRESPONDENCE:

Allison, Dylan	re Fence Variance - 1688 Jane Street (550)
J.L. Richards & Associates	re OPA & Rezoning application o/b of Terrence Lucenti - Hwy#11N (548)
Kennedy, Neil	re Fence Variance - 375 Elmwood Ave. (551)
Miller & Urso Surveying Inc.	re Rezoning application o/b Robert Bainbridge / Betty Lamorie - 40 Four Mile Lake Road (549)
The Salvation Army	re Christmas Kettle Campaign 2010 (547)

REPORTS FROM OFFICERS:

Bellehumeur, R.	re Kate Pace Way Extension - Marshall Avenue to Lakeshore Drive (553)
Bradford, S.	re 2010 Information Systems Technology Capital Project (557)
Burke, M.	re City Purchase from C & C Properties Inc. - 347 McIntyre Street East - POA Parking (569)
Carello, P.	re Francis Street Subdivision (552)
Killins, S.	re Fence Variance - 1688 Jane Street (550)
Killins, S.	re Fence Variance - 375 Elmwood Ave. (551)
Lang, A.	re 2010 Debenture Issue & By-Law Delegate Authority to Outgoing Council (558)
McArthur, S.	re Five Year Review of the Provincial Policy Statement (554)
Mimee, R.	re Year End Financial Project - June 30, 2010 (555)
Scully, L.	re Amendment to Traffic & Parking By-Law 2002-01 (556)

Res. #2010-544: Moved by Councillor Vaillancourt, seconded by Councilor Graham
That minutes for the public meeting held on:

- Monday, August 9, 2010

be adopted as presented.

"CARRIED"

Res. #2010-545: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino
That minutes for the closed meeting held on:

- Monday, August 9, 2010

be adopted as presented.

“CARRIED”

Res. #2010-546a: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2010-17 relating to:

- Rezoning application by the City of North Bay, Gertrude Street East, Ethel Street and Strathcona Drive,

be adopted as presented.

“CARRIED AS AMENDED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2010-17

August 23, 2010

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2010-17 and recommends:

1. That the proposed Zoning By-Law Amendment by the City of North Bay for a portion of the property legally described as Concession 18, Registered Plan M-172, Lots 62 to 82, Part of Lots 39 and 40, Reference Plan 36R-4001, Part 1, in the former Township of West Ferris (Gertrude Street East, Ethel Street and Strathcona Drive), from a “Open Space (O)” zone to a “Residential Third Density (R3)” zone be approved.

All of which is respectfully submitted.

ASSENTS

DISSENTS

MENDICINO

ANTHONY

FEDELI

GRAHAM

Res. #2010-546b: Moved by Councillor Anthony, seconded by Councillor Graham
That 1) the rezoning application by the City of North Bay – Gertrude Street East, Ethel Street and Strathcona Drive (Tweedsmuir Development) be withdrawn; and

- 2) the existing ball fields be maintained.

“CARRIED AS AMENDED”

Res. #2010-546c: Moved by Councillor Mendicino, seconded by Councillor Campbell
WHEREAS the intent of the original recommendation was to create a balance of limited residential development abutting a neighbourhood park;

AND WHEREAS the neighbourhood has requested that Council respect the intent of the original covenant and ensure that the proposed park is visible for safety purposes;

BE IT THEREFORE RESOLVED THAT Community Services Committee Report No. 201-17 be amended as follows:

- 1) that the legal description be amended to include only Lots 62 to 82, Plan M-172 and part of the Ethel Street road allowance abutting lots 34 & 237, Plan M-327, in the former Twp. of West Ferris; and
- 2) that the following be added:
 - i) four (4) lots be created along Strathcona Drive and one (1) additional lot be created on the Ethel Street road allowance in a manner that respects the spirit of the former covenant and creates a 3.4 acre park with open sight lines from the adjacent streets; and
 - ii) the existing ball fields remain in use until the new ball fields located at the Outdoor Sports Complex are constructed and ready for use.

“CARRIED”

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

Yeas: Councillors Bain, Koziol, Chirico, Campbell, Vaillancourt, Mendicino, Mayor Fedeli

Nays: Councillors Graham, Anthony, Verbosch-Merry, Mayne

Notice of Reconsideration given by Councillor Graham.

Res. #2010-547: Moved by Councillor Chirico, seconded by Councillor Campbell That Council consent to The Salvation Army Christmas Kettle Campaign commencing on Thursday, November 18, 2010 and running daily to Friday, December 24, 2010 (excluding Sundays).

“CARRIED”

Res. #2010-548: Moved by Councillor Anthony, seconded by Councillor Mendicino That Official Plan Amendment and Rezoning applications by J.L. Richards & Associates on behalf of Terrence Lucenti – Hwy 11 North, North Bay be received.

“CARRIED”

Res. #2010-549: Moved by Councillor Anthony, seconded by Councillor Mendicino That the Rezoning application by Miller & Urso Surveying Inc. on behalf of Robert Bainbridge and Betty Lamorie – 40 Four Mile Lake Road be received.

”CARRIED”

Res. #2010-550: Moved by Councillor Anthony, seconded by Councillor Mendicino That Council approve the request for a variance to Fence By-Law 2002-105 to permit a fence located in the front yard to increase in height from the permitted 4’0” to 6’0”. The proposed fence is located at 1688 Jane Street, North Bay.

“CARRIED”

Res. #2010-551: Moved by Councillor Anthony, seconded by Councillor Mendicino That Council approve the request for a variance to Fence By-Law 2002-105 to permit a fence located in the exterior rear yard to be void of at least 25% openings for passage of air and light. The fence is located at 375 Elmwood Avenue, North Bay.

“CARRIED”

- Res. #2010-552: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) the Mayor and City Clerk be authorized to sign the Subdivision Agreement with 914542 Ontario Inc. for the Francis Street Subdivision to permit the creation of an eleven (11) lot subdivision on Francis Street in the City of North Bay upon receipt of all security and required easements; and
- 2) Council grant Final Approval to the Draft Approved Plan of Subdivision, Francis Street – File No. 48T-06101.

“CARRIED”

- Res. #2010-553: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) Council authorize that \$140,000.00 be reallocated from Community Services Capital Budget Line No. 12, Project No. 3038PR Parks – Trail System & Supporting Hard Surfaces Rehabilitation Program approved by Council under By-Law 2010-21 to Community Services Capital Budget Line No. 13, Project No. 3039PR Parks – Trail System Development Program;
- 2) a Capital Expenditure By-Law be prepared for the consideration of Council to authorize the 2010 Engineering, Environmental & Works Capital Budget Line No. 61, Project No. 3017PR – Asphalt Resurfacing Program, at a net debenture cost of \$800,000.00; and
- 3) North Bay City Council approve the award of a contract to Miller Paving North Bay, a Division of Miller Paving Limited in the amount of \$1,770,808.37 (HST included) to extend the Kate Pace Way along Booth Road from Marshall Avenue to Lakeshore Drive. The scope of the contract with Miller Paving will be reduced by adjusting work completed with Part B Miscellaneous Items and Part C Additional Items, as outlined in Tender 2010-88. The contract costs will be adjusted to the amount of \$1,296,707.00 plus HST.

“CARRIED”

- Res. #2010-554: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Report to Council CSBU 2010-92 regarding the Five Year Review of the Provincial Policy Statement dated August 18, 2010 by Steve McArthur be received for information purposes only.

“CARRIED”

- Res. #2010-555: Moved by Councillor Chirico, seconded by Councillor Campbell
That the City of North Bay’s Year End Financial Projection for the period ending June 30th, 2010 be received and filed.

“CARRIED”

- Res. #2010-556: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council pass a By-Law to amend Traffic & Parking By-Law 2002-001, to prohibit pedestrians from obstructing highways so as to interfere with the movement of vehicles, as contained in the Schedule “A” attached to Report to Council CORP 2010-135 dated August 12, 2010.

“CARRIED”

Res. #2010-557: Moved by Councillor Chirico, seconded by Councillor Campbell
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the 2010 Information Systems Technology Capital Project, being Corporate Services Capital Budget Project No. 3027GG, Line #1, and the Water and Sanitary Sewer Capital Budget Project No. 3027WS-SS, Line #W59, at a combined net debenture cost of \$640,000.00.

“CARRIED”

Res. #2010-558: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) the City of North Bay agree to sell up to \$10,000,000.00 of installment debentures in any one of the following manners or combination thereof:

- ◆ Installment debentures
- ◆ Long-term loan with a banking institution
- ◆ Infrastructure Ontario debenture

when market conditions are favourable, with maturity dates over ten years beginning one year after the closing date and subject to terms and conditions acceptable to the Chief Financial Officer and the fiscal agent, CIBC World Markets Inc. or the lending institution;

- 2) a By-Law to delegate authority to the outgoing Council to pass a By-Law to authorize the issue of debentures for capital works of the City of North Bay be presented for three readings on September 7, 2010;
- 3) this delegation of authority will only take place and be limited to the “lame duck period” and shall expire on Monday, December 6, 2010; and
- 4) notice of the exercise of any such authority shall be given to the Council at a meeting prior to the exercise of such authority.

“CARRIED”

Res. #2010-559: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a first and second time:

By-Law No. 2010-189 to stop up, close and convey a portion of a laneway in a block bounded by Regina Street, Ellis Street, Franklin Street and Laurier Avenue.

“CARRIED”

Res. #2010-560: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a first and second time:

By-Law No. 2010-193 to authorize the CN Land – Preparation for Sale /Embankment Removal Project.

“CARRIED”

Res. #2010-561: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-law be read a third time and passed:

By-Law No. 2010-193 to authorize the CN Land – Preparation for Sale /Embankment Removal Project.

“CARRIED”

Res. #2010-562: Moved by Councillor Anthony, seconded by Councillor Graham
That the following by-laws be read a first and second time:

By-Law No. 2010-194 to execute an Agreement with Kenalex Construction Company Limited relating to the construction of a washroom building/parking lot at the Outdoor Sports Complex.

By-Law No. 2010-195 to execute an Agreement with 2199609 Ontario Limited, operating as Peak Construction Company relating to renovations to the washrooms at the West Ferris Arena auditorium.

By-Law No. 2010-197 to execute a Subdivision Agreement with 914542 Ontario Inc. and Caisse Populaire North Bay Limitee relating to Francis Avenue.

“CARRIED”

Res. #2010-563: Moved by Councillor Anthony, seconded by Councillor Graham
That the following by-laws be read a third time and passed:

By-Law No. 2010-194 to execute an Agreement with Kenalex Construction Company Limited relating to the construction of a washroom building/parking lot at the Outdoor Sports Complex.

By-Law No. 2010-195 to execute an Agreement with 2199609 Ontario Limited, operating as Peak Construction Company relating to renovations to the washrooms at the West Ferris Arena auditorium.

By-Law No. 2010-197 to execute a Subdivision Agreement with 914542 Ontario Inc. and Caisse Populaire North Bay Limitee relating to Francis Avenue.

“CARRIED”

Res. #2010-564: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a first and second time:

By-Law No. 2010-196 to execute an Agreement with Pioneer Construction Inc. relating to the supply of aggregate materials.

“CARRIED”

Res. #2010-565: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a third time and passed:

By-Law No. 2010-196 to execute an Agreement with Pioneer Construction Inc. relating to the supply of aggregate materials.

“CARRIED”

Res. #2010-566: Moved by Councillor Anthony, seconded by Councillor Vrebosch-Merry
WHEREAS the CONCERNED CITIZENS COMMITTEE (CCC) continues to meet, and continues to hear family concerns over the proposed move of 31 mental health beds, patients and jobs from North Bay to Sudbury;

AND WHEREAS the CCC continues to feel that questions have not been satisfactorily answered, nor the public properly consulted;

AND WHEREAS the CCC has officially asked that the Ontario Ombudsman consider looking into the decision to move the beds, made by the Local Health Integration Network (LHIN) for this region;

AND WHEREAS the same Ombudsman has just released a scathing report called "LHIN SPIN" that focuses on a decision made in the Hamilton/Niagara region, and which also speaks critically of the decisions and behavior of ALL 14 LHINS across Ontario;

AND WHEREAS the CCC has officially asked the Council representatives who are attending members of the CCC to craft a motion and bring it forward to the full Council of the City of North Bay for support;

BE IT THEREFORE RESOLVED THAT the City of North Bay officially put a request forward that any action to move the 31 beds, patients and jobs from North Bay to Sudbury BE PUT ON HOLD, and that NO FURTHER ACTION be taken on this matter until some resolution can be found and community consensus reached;

AND FURTHER THAT this request be sent to Louise Paquette, CEO of North East LHIN; Hon. Deb Matthews, Minister of Health; Hon. Monique Smith, MPP Nipissing; Premier Dalton McGuinty; and Leaders of the Opposition Parties;

AND FURTHER THAT we send a request to our neighbouring Municipal Councils in the District of Nipissing, as well as the Federation of Northern Ontario Municipalities; Rural Ontario Municipal Association and the Association of Municipalities of Ontario, seeking their support as well.

"CARRIED"

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

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

Res. #2010-567: Moved by Councillor Chirico, seconded by Councillor Campbell That Council adjourn in-camera pursuant to section 239.(2) of the *Municipal Act, 2001*, as amended, at 9:30 p.m. for the following reasons: Item #13, being the potential acquisition of lands by the municipality.

"CARRIED"

Councillor Graham left the meeting. He did not attend the Closed Meeting.

Res. #2010-568: Moved by Councillor Chirico, seconded by Councillor Campbell That Council reconvene at 9:38 p.m.

"CARRIED"

Res. #2010-569: Moved by Councillor Chirico, seconded by Councillor Campbell That 1) Council approve an Agreement of Purchase & Sale for the purchase of parking lot land from C & C Properties Inc. at 347 McIntyre Street East for \$112,500.00; and
2) the purchase be funded from the Surplus Property Land Reserve Fund.

"CARRIED"

Res. #2010-570: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino
That this Regular Meeting of Council do now adjourn at 9:38 p.m.

“CARRIED”

MAYOR VICTOR FEDELI

CITY CLERK CATHERINE CONRAD