

**MINUTES OF THE REGULAR MEETING  
OF CITY COUNCIL  
HELD MONDAY, JANUARY 23<sup>RD</sup>, 2012**

**PRESENT:** Councillors Chirico, Koziol, Anthony, Maroosis, Bain, Mayne, Vrebosch, Vaillancourt, Mendicino, Lawlor

**PUBLIC PRESENTATIONS:**

Dr. Rod Johnston / Harriet Madigan re Community Waterfront Friends

**CORRESPONDENCE:**

Nil

**REPORTS FROM OFFICERS:**

Bellehumeur, R.	re Parks Building Rehabilitation Program	(37)
Bellehumeur, R.	re Pete Palangio / West Ferris Rehabilitation Program	(38)
Bellehumeur, R.	re Memorial Gardens Rehabilitation Program	(39)
Bellehumeur, R.	re Recreation Facilities Rehabilitation & Development Program	(40)
Bellehumeur, R.	re Parking Lot Maintenance & Improvement Program	(41)
Bellehumeur, R.	re Aquatic Centre Rehabilitation Program	(42)
Bellehumeur, R.	re Park Vehicle & Equipment Replacement Program	(43)
Bellehumeur, R.	re Trail & Supporting Hard Surfaces Rehabilitation Program	(44)
Bellehumeur, R.	re City Hall Grounds Rehabilitation Program	(45)
Bellehumeur, R.	re Downtown Sidewalk Rehabilitation Program	(46)
Bellehumeur, R.	re Waterfront Rehabilitation Program	(47)
Bellehumeur, R.	re Park & Playground Rehabilitation Program	(48)
Conrad, C.	re City Hall Building Rehabilitation Program	(35)
Evans, R.	re Deposition of Property on Ferris Drive & Legault Street	(66)
Hillier, B.	re New Official Plan Approval	(36)
Leckie, P.	re Anita Avenue Drainage – Estate of Edward J. Labreche	(63)
Leckie, P.	re Miller Technology Incorporation Agreement re Second Street	(64)
Leckie, P.	re North Bay General Hospital – Bourke Street Playground / Parking Area	(65)
Love, G.	re Vehicle & Equipment Replacement Program	(34)
McArthur, S.	re Condominium Final Approval – Shore Haven Terrace Condominiums – 40 Judge Avenue	(49)
Valenti, P.	re Tender No. 2011-110, Sanitary Trunk Sewer Extension – Morgan Ave. to Birch's Road	(50)
Valenti, P.	re Final Survey Work – Plan of Subdivision - Airport Property	(51)
Valenti, P.	re RFP 2011-102, Multi-Use Recreational Facility Feasibility Study	(52)

**Res. #2012-32:** Moved by Councillor Vaillancourt, seconded by Councillor Koziol That minutes for the public meetings held on:

- Friday, January 6, 2012; and
- Monday, January 9, 2012

be adopted as presented.

"CARRIED"

Res. #2012-33: Moved by Councillor Vaillancourt, seconded by Councillor Koziol  
That minutes for the closed meetings held on:

- Friday, January 6, 2012; and
- Monday, January 9, 2012

be adopted as presented.

“CARRIED”

Res. #2012-34: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That Council directs the City Clerk to prepare a by-law for approval to fund the Fire Department Vehicle and Equipment Replacement Program, in the 2012 Capital Budget Fire Department, Project No. 6063FD, at a net debenture cost of \$570,000.00.

“CARRIED”

Res. #2012-35: Moved by Councillor Koziol, seconded by Councillor Anthony  
That a Capital Expenditure By-Law be presented to Council to authorize the City Hall Building Rehabilitation (On-going), being 2012 Capital Budget Project No. 6083GG, at a net debenture cost of \$145,476.00.

“CARRIED”

Res. #2012-36: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That Report to Council CSBU 2012-25 dated January 11, 2012 from Beverley Hillier regarding the New Official Plan Approval be received for information purposes and referred to the Community Services Committee.

“CARRIED”

Res. #2012-37: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Parks Building Rehabilitation Program, being 2012 Community Services Capital Budget, Project No. 6068PR, at a net debenture cost of \$1,300,000.00.

“CARRIED”

Res. #2012-38: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Pete Palangio / West Ferris Rehabilitation Program, being 2012 Community Services Capital Budget, Project No. 6066RF, at a net debenture cost of \$400,000.00.

“CARRIED”

Res. #2012-39: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Memorial Gardens Rehabilitation Program, being 2012 Community Services Capital Budget, Project No. 6065RF, at a net debenture cost of \$300,000.00.

“CARRIED”

Res. #2012-40: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Recreational Facilities Rehabilitation and Development Program, being 2012 Community Services Capital Budget, Project No. 6069RF, at a net debenture cost of \$300,000.00.

“CARRIED”

Res. #2012-41: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration  
of City Council to authorize the Parking Lot Maintenance &  
Improvement Program, being 2012 Community Services Capital  
Budget, Project No. 6079PK, at a net debenture cost of \$800,000.00.

“CARRIED”

Res. #2012-42: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration  
of City Council to authorize the Aquatic Centre Rehabilitation Program,  
being 2012 Community Services Capital Budget, Project No. 6078PR,  
at a net debenture cost of \$60,000.00.

“CARRIED”

Res. #2012-43: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration  
of City Council to authorize the Park Vehicle & Equipment  
Replacement Program, being 2012 Community Services Capital  
Budget, Project No. 6077PR, at a net debenture cost of \$284,000.00.

“CARRIED”

Res. #2012-44: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration  
of City Council to authorize the Trail & Supporting Hard Surfaces  
Rehabilitation Program, being 2012 Community Services Capital  
Budget, Project No. 6076PR, at a net debenture cost of \$170,000.00.

“CARRIED”

Res. #2012-45: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration  
of City Council to authorize the City Hall Grounds Rehabilitation  
Program, being 2012 Community Services Capital Budget, Project No.  
6074PR, at a net debenture cost of \$91,000.00.

“CARRIED”

Res. #2012-46: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration  
of City Council to authorize the Downtown Sidewalk Rehabilitation  
Program, being 2012 Community Services Capital Budget, Project No.  
6073PR, at a net debenture cost of \$95,000.00.

“CARRIED”

Res. #2012-47: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration  
of City Council to authorize the Waterfront Rehabilitation Program,  
being 2012 Community Services Capital Budget, Project No. 6072PR,  
at a net debenture cost of \$96,000.00.

“CARRIED”

Res. #2012-48: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That a Capital Expenditure By-Law be prepared for the consideration  
of City Council to authorize the Park & Playground Rehabilitation  
Program, being 2012 Community Services Capital Budget, Project No.  
6071PR, at a net debenture cost of \$217,000.00.

“CARRIED”

- Res. #2012-49: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That 1) the Mayor and City Clerk be authorized to sign the Shore Haven Terrace Condominium Agreement by 40 Judge Development Corp. for the approval of a forty-four (44) unit condominium on Judge Avenue in the City of North Bay – City File No. 48CDM-09101; and
- 2) the Mayor, City Clerk and Manager of Planning Services be authorized to sign the Final Plans of Condominium subject to receipt of all fees, easements and condominium agreement requirements.

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

“CARRIED”

- Res. #2012-50: Moved by Councillor Vrebosch, seconded by Councillor Mayne  
That City Council approve the award of a contract to MX Constructors Inc., in the amount of \$709,202.24 (including HST), for the construction of a sanitary trunk sewer extension from Morgan Avenue to Birch’s Road.

Councillor Maroosis declared a conflict of interest as his son-in-law is employed by Kenalex Construction Company Limited.

“CARRIED”

- Res. #2012-51: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That 1) City Council approve the award of a contract to Miller & Urso Surveying Inc., in the amount of \$56,240.00 (excluding HST), for final survey work for the Plan of Subdivision for the Airport Property; and
- 2) all costs associated with this survey work be funded through the Land Sale Reserve, 99535R Property Development Fund.

“CARRIED”

- Res. #2012-52: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That City Council approve the award of a contract to Monteith Brown Planning Consultants Ltd., in the amount of \$111,877.50 (excluding HST), to conduct a study that will assess the need and feasibility of the City to renovate, replace or construct arena facilities as well as the need and feasibility to construct an indoor multi-use recreational facility.

“CARRIED”

- Res. #2012-53: Moved by Councillor Koziol, seconded by Councillor Anthony  
That the following by-laws be read a first and second time:
- By-Law No. 2012-01 to authorize the sale of lands no longer required for municipal purposes (Second Avenue West).
- By-Law No. 2012-02 to levy certain interim rates, taxes and charges.
- By-Law No. 2012-03 to adjust interim taxes for 2012.
- By-Law No. 2012-05 to confirm proceedings of the Meeting of Council on January 9, 2012.

By-Law No. 2012-06 to authorize the purchase of lands from Gold Fleet Investments Ltd., for the purpose of a storm water pond for the Airport Industrial Park (Airport Road and Carmichael Drive).

“CARRIED”

Res. #2012-54: Moved by Councillor Koziol, seconded by Councillor Anthony  
That the following by-laws be read a third time and passed:

By-Law No. 2012-01 to authorize the sale of lands no longer required for municipal purposes (Second Avenue West).

By-Law No. 2012-02 to levy certain interim rates, taxes and charges.

By-Law No. 2012-03 to adjust interim taxes for 2012.

By-Law No. 2012-05 to confirm proceedings of the Meeting of Council on January 9, 2012.

By-Law No. 2012-06 to authorize the purchase of lands from Gold Fleet Investments Ltd., for the purpose of a storm water pond for the Airport Industrial Park (Airport Road and Carmichael Drive).

“CARRIED”

Res. #2012-55: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That the following by-laws be read a third time and passed:

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 Investment Ltd. – 1781 Cassells Street).

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

“CARRIED”

Res. #2012-56: Moved by Councillor Lawlor, seconded by Councillor Mendicino  
That the following by-law be read a third time and passed:

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

“CARRIED”

Res. #2012-57: Moved by Councillor Vrebosch, seconded by Councillor Mayne  
That the following by-law be read a first and second time:

By-Law No. 2012-09 to execute an Agreement with Pioneer Construction Inc., relating to the supply of emulsified asphalt patching material.

“CARRIED”

Res. #2012-58: Moved by Councillor Vrebosch, seconded by Councillor Mayne  
That the following by-law be read a third time and passed:

By-Law No. 2012-09 to execute an Agreement with Pioneer Construction Inc., relating to the supply of emulsified asphalt patching material.

“CARRIED”

Res. #2012-59: Moved by Councillor Vaillancourt, seconded by Councillor Koziol  
WHEREAS the City of North Bay and North Bay District Chamber of  
Commerce have an agreement which includes the operation of the  
Dionne Home;

AND WHEREAS the City's 2012 Capital Budget includes funds for the  
repair of the Dionne Home;

AND WHEREAS ongoing investment will be required to maintain the  
home;

NOW BE IT THEREFORE RESOLVED THAT City Staff prepare a  
report for Council's consideration, outlining options for the Dionne  
Home as well as a longer range plan;

AND FURTHER THAT in preparation of such report, Staff work in  
consultation with the North Bay District Chamber of Commerce.

"CARRIED"

Res. #2012-60: Moved by Councillor Mendicino, seconded by Councillor Vrebosch  
WHEREAS the North Bay-Mattawa Conservation Authority, as the  
principal authority in the Ontario Building Code for Part 8, has advised  
The Corporation of the City of North Bay of a recommended change to the  
Building Code that will require denitrification, phosphorus removal and  
tertiary treatment for on-site septic systems within vulnerable areas as  
described in Drinking Water Source Protection Assessment reports where  
septic systems are deemed to be significant threats;

AND WHEREAS the North Bay-Mattawa Conservation Authority has  
indicated to the Ministry of Municipal Affairs and Housing, in its comments  
as part of the public comment process, that it does not support the  
proposed changes to the Ontario Building Code for tertiary treatment  
systems as a blanket approach to reducing the significance of such  
threats, particularly in light of the new Building Code requirement for  
mandatory maintenance inspections for these same systems;

AND WHEREAS the septic systems proposed through the amendment to  
the Ontario Building Code are significantly more costly than a  
conventional septic system - an additional cost that will have to be borne  
by each property owner in a vulnerable area;

THEREFORE BE IT RESOLVED THAT the Council for The Corporation  
of the City of North Bay requests that the proposed change to Part 8 of  
the Ontario Building Code, recommended by the Ministry of Municipal  
Affairs and Housing, requiring the installation of tertiary treatment systems  
for new or replacement septic systems within vulnerable areas as  
described in Drinking Water Source protection assessment reports, where  
septic systems are deemed to be a significant threat, not be approved;

AND FURTHER THAT a copy of this resolution be forwarded to the  
Minister of Municipal Affairs and Housing; the Minister of the Environment;  
the Minister of Natural Resources; Victor Fedeli, MPP Nipissing; the  
Premier of Ontario; Tim Hudak, Leader of the Progressive Conservative  
Party of Ontario; Andrea Horwath, Leader of the New Democratic Party of  
Ontario; the North Bay-Mattawa Conservation Authority; the Federation of  
Northern Ontario Municipalities and to all municipalities falling under the  
North Bay-Mattawa Conservation Authority's jurisdiction.

"CARRIED"

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

Yeas: Councillors Mendicino, Bain, Lawlor, Vaillancourt, Koziol, Vrebosch, Maroosis  
Anthony, Deputy Mayor Chirico

Nays: Councillor Mayne

"CARRIED"

Res. #2012-61: Moved by Councillor Koziol, seconded by Councillor Anthony  
That Council adjourn in-camera pursuant to section 239.(2) of the  
*Municipal Act, 2001*, as amended at 7:59 p.m. for the following  
reasons: Items 20 and 22, being the potential purchase of lands by the  
Municipality; Item 21, being the potential lease of Municipal property;  
and Item 23, being the potential disposition of lands by the  
Municipality; and Item 24, being advice that is subject to solicitor-client  
privilege, including communications necessary for that purpose.

“CARRIED”

Res. #2012-62: Moved by Councillor Koziol, seconded by Councillor Anthony  
That Council reconvene at 8:21 p.m.

“CARRIED”

Res. #2012-63: Moved by Councillor Koziol, seconded by Councillor Anthony  
That

- 1) the City enter into an Agreement of Purchase and Sale for  
the purchase of Lot 29, Plan 36M-215 (Anita Avenue) for  
consideration of \$12,000.00 net of taxes;
- 2) the purchase price of \$12,000.00 shall be paid out of Land  
Sales Reserve (99535); and
- 3) the Mayor and City Clerk execute all documents necessary  
to effect the purchase and sale of the subject lands.

“CARRIED”

Res. #2012-64: Moved by Councillor Koziol, seconded by Councillor Anthony  
That

- 1) the City enter into a Lease Agreement with Miller  
Technology Incorporated to lease a portion of Second Street  
abutting their property on Eloy Road; and
- 2) the Mayor and City Clerk execute the said lease.

“CARRIED”

Res. #2012-65: Moved by Councillor Koziol, seconded by Councillor Anthony  
That the City ratify the registration of the Transfer of Lots 434-438,  
Plan 78, Widdifield, North Bay, District of Nipissing (Bourke Street  
Playground) from the North Bay Regional Health Centre to The  
Corporation of the City of North Bay.

“CARRIED”

Res. #2012-66: Moved by Councillor Koziol, seconded by Councillor Anthony  
That

- 1) The Corporation of the City of North Bay waives its right of  
first refusal on Parcel 1-6, Section 36M-540, Part Block 1,  
Plan 36M-540, being Parts 1 and 2, Plan 36R-8828, City of  
North Bay, District of Nipissing (Ferris Drive and Legault  
Street); and
- 2) The Corporation of the City of North Bay’s Economic  
Development Department be instructed to include the site on  
its property database to assist in marketing the land.”

“CARRIED”

Res. #2012-67: Moved by Councillor Vaillancourt, seconded by Councillor Bain  
That this Regular Meeting of Council do now adjourn at 8:23 p.m.

“CARRIED”

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DEPUTY MAYOR PETER CHIRICO

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DEPUTY CITY CLERK KAREN McISAAC