

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, JUNE 1, 2009**

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

CORRESPONDENCE:

Cutsey, Kathleen	re Resignation from Downtown Improvement Area Board of Management	(367)
Near North District School Board	re No Idling By-Law	(375)
Sunstrum, Marla	re Fence variance for 1214 Burns Street	(369)

REPORTS FROM OFFICERS:

Bullock, P.	re Noise By-Law exemption for North Bay Jack Garland Airport	(379)
Burke, M.B.	re No Idling By-Law	(375)
Burke, M.B.	re OMB - Lees Road	(397)
Killins, S.	re Fence variance for 1214 Burns Street	(369)
Knox, J.D.	re North Bay Jack Garland Airport Runway Resurfacing Project	(384)
Lang, A.	re 2009-2010 maintenance fees - Sungard Public Sector	(372)
Manning, J.	re RFP 2009-55, Marketing strategies for North Bay Transit	(373)
Manning, J.	re Tender 2009-37, Construction of dressing room and Memorial Gardens	(377)
Manning, J.	re RFP 2009-51, Traffic signal timing and optimization services	(378)
Manning, J.	re Tender 2009-56, Interlocking paving stones at City Hall	(380)
Manning, J.	re Tender 2009-54, Crew cab dump truck	(381)
Manning, J.	re Tender 2009-53, Crew cab and chassis	(382)
Manning, J.	re Tender 2009-52, Catchbasin cleaner/jet rodder	(383)
Manning, J.	re Tender 2009-29, Algonquin Avenue/McKeown Avenue/Airport Road Reconstruction Project	(385)
McArthur, S.	re Rezoning application by 1489549 Ontario Limited - 48 Exeter Street	(364)
McArthur, S.	re Official Plan Amendment and Rezoning applications by Hilre Investments Limited - Birch's Road	(365)
Ringler, T.G.	re Appointment of Provincial Offences Officers	(376)
Rochefort, L.	re Reduction, cancellation or refund of taxes	(366)
Rochefort, L.	re Decrease limits for certain property classes	(374)
Rogers, B.A.	re North Bay Jack Garland Airport Runway Resurfacing Project	(384)
Tomek, A.	re Recycling Policy for organizations using City facilities	(368)

Res. #2009-360: Moved by Councillor Vaillancourt, seconded by Councillor Graham That minutes for the public meetings held on:

- Monday, May 11, 2009; and
- Tuesday, May 19, 2009

Be adopted as presented.

"CARRIED"

Res. #2009-361: Moved by Councillor Vaillancourt, seconded by Councillor Graham
That minutes for the closed meetings held on:

- Monday, May 11, 2009; and
- Tuesday, May 19, 2009

be adopted as presented.

“CARRIED”

Res. #2009-362: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2009-16 relating to:

- Rezoning application by Seavale Inc., 1851 Seymour Street

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-16

June 1, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-16 and recommends:

1. That
 - a) the proposed Zoning By-Law Amendment by Pilot Diamond Tools Ltd on behalf of Seavale Inc. to rezone Plan M-519, Part of Lot 1 and Plan M-541, Part of Block 1, Reference Plans 36R-5424, Parts 5, 11, 12 and 13, Reference Plan 36R-10415, Parts 1 to 5, and Plan NR-752, Part 5 (1851 Seymour Street), from an “Industrial Commercial (MC)” zone to a “Light Industrial Three (M3)” zone be approved;
 - b) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act, R.S.O. 1990*, as amended; and
 - c) the application be processed as a “Fast Track” application pursuant to Council Resolution No. 2001-706 and therefore the by-laws be presented to Council for three (3) readings at the next Regular Meeting of Council.

All of which is respectfully submitted.

ASSENTS
ANTHONY
MENDICINO
GRAHAM
FEDELI

DISSENTS

Res. #2009-363: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2009-17 relating to:

- Rezoning application by Rosanne Tucker and Raymond Norman, Bain Drive and Golf Club Road

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-17

June 1, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-17 and recommends:

1. That the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Rosanne Tucker and Raymond Norman for Concession B, Lot 18, Parcel 49133-0543 (LT) in the former Township of Widdifield (Bain Drive and Golf Club Road) from a "Residential Holding (RH)" zone to a "Residential First Density (R1)" zone, be approved.

All of which is respectfully submitted.

ASSENTS
 ANTHONY
 MENDICINO
 GRAHAM
 FEDELI

DISSENTS

Res. #2009-364: 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 1489549 Ontario Limited - 48 Exeter Street, be referred to the Community Services Committee and for a Public Meeting.

"CARRIED"

Res. #2009-365: Moved by Councillor Anthony, seconded by Councillor Mendicino
 That the recommendation from the Planning Advisory Committee regarding the Rezoning and Official Plan Amendment application by Miller & Urso Surveying Inc. on behalf of Hilre Investments Limited - Birch's Road, be referred to the Community Services Committee and for a Public Meeting.

"CARRIED"

Res. #2009-366: Moved by Councillor Chirico, seconded by Councillor Campbell
 That the report from the Municipal Property Assessment Corporation relating to the tax appeal application attached to Report to Council CORP 2009-80 be accepted and further that the application be denied.

"CARRIED"

Res. #2009-367: Moved by Councillor Chirico, seconded by Councillor Campbell
 That the resignation of Kathleen Cutsey from the Downtown Improvement Area Board of Management be received and she be thanked for her involvement on the board.

"CARRIED"

Res. #2009-368: Moved by Councillor Koziol, seconded by Councillor Bain
 That the resolution from the Waste Resources Liaison Committee regarding a Recycling Policy for organizations using City facilities be noted and filed.

"CARRIED"

Res. #2009-369: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Council approve the request for a variance to Fence By-Law No. 2002-105 to permit a fence located in the exterior side yard to increase in height from the permitted 4'0" to 7'0" at 1214 Burns Street, North Bay.

"CARRIED"

Res. #2009-370: Moved by Councillor Chirico, seconded by Councillor Campbell
That accounts totaling \$7,152,118.30 for April 2009 be approved.

"CARRIED"

Res. #2009-371: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That accounts for Royal Bank totaling \$1,700.65 for April 2009 be approved.

"CARRIED"

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

Res. #2009-372: Moved by Councillor Chirico, seconded by Councillor Campbell
That City Council authorize the payment of the 2009-2010 Sungard Public Sector maintenance fees in the amount of \$125,876.55 to provide annual support services for the City's integrated financial systems.

"CARRIED"

Res. #2009-373: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) North Bay City Council approve the award of contract to TWG Communications in the amount of \$75,000.00 (taxes included), to provide a Student Ridership Campaign (\$50,000) and a North Bay Transit Ridership Growth General Marketing Strategy (\$25,000); and
2) the Chief Financial Officer be authorized to allocate \$25,000 from the Provincial 2008/2009 Dedicated Gas Tax Funds for Public Transportation to fund the North Bay Transit Ridership Growth General Marketing Strategy.

"CARRIED"

Res. #2009-374: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize an amendment to By-Law No. 2009-116 to fine-tune the 2009 decrease limits for the commercial tax class from 90.2669% to 89.3964% (retained) and from 9.7331% to 10.6036%.

"CARRIED"

Res. #2009-375: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize the preparation of a No Idling By-Law as it relates to school property and roads within 100 metres of a school.

"CARRIED"

Res. #2009-376: Moved by Councillor Chirico, seconded by Councillor Campbell
That the individuals identified in Report to Council CORP 2009-107 be appointed as Provincial Offences Officers for the purposes of enforcing the provisions of the Private Property, Fire Routes and the Disabled Parking By-Laws.

"CARRIED"

Res. #2009-377: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve the award of a contract to Monteith Building Group Ltd. In the amount of \$598,325.00 (GST extra), for the construction of a dressing room at Memorial Gardens.

“CARRIED”

Res. #2009-378: Moved by Councillor Koziol, seconded by Councillor Bain
That North Bay City Council approve a contract be awarded to Coordinated Traffic Solutions in the amount of \$62,795.00 (GST extra), to provide traffic signal timing and optimization services.

“CARRIED”

Res. #2009-379: Moved by Councillor Koziol, seconded by Councillor Bain
That 1) a Noise By-Law exemption be granted for construction work related to the milling and paving of North Bay Airport runways and taxiways to permit construction noise daily between 6 a.m. and midnight between June 15th and September 15th, 2009; and

2) the North Bay Jack Garland Airport Corporation pay all costs related to the placement of Public Notices related to this application.

“CARRIED”

Res. #2009-380: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve the award of a contract to Greenstone Landscaping and Design in the amount of \$72,715.88 (GST included), for the supply and installation of interlocking paving stones for two areas of City Hall and the Leger Square Reflecting Pool.

“CARRIED”

Res. #2009-381: Moved by Councillor Koziol, seconded by Councillor Bain
That North Bay City Council approve a contract be issued to George Stockfish Ford (1987) Ltd. In the amount of \$60,251.00 (taxes included), for the supply of one (1) crew cab dump truck.

“CARRIED”

Res. #2009-382: Moved by Councillor Koziol, seconded by Councillor Bain
That North Bay City Council approve the contract be issued to Canadian Fleet Services in the amount of \$67,235.00 (taxes included), for the supply of one (1) crew cab & chassis.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter and Canadian Fleet Services is a client of his employer, Royal Bank.

Res. #2009-383: Moved by Councillor Koziol, seconded by Councillor Bain
That North Bay City Council approve a contract be issued to Joe Johnson Equipment Inc. in the amount of \$445,864.10 (taxes included), for the supply of one (1) catchbasin cleaner/jet rodder.

“CARRIED”

Res. #2009-384: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) Council supports the awarding of the runway resurfacing tender to Miller Paving Limited given the approved ACAP funding and under the strength of Minister Clement’s February

6, 2009 G8 funding announcement;

- 2) a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize 2009 North Bay Jack Garland Airport, being Capital Project No. 85, at a net debenture cost of \$230,000;
- 3) Council approve the interim financing of this project to provide the North Bay Jack Garland Airport Corporation the necessary cash flow to carry out this project; and
- 4) a letter be sent to the Honourable Minister Clement and Honourable Minister Baird confirming the awarding of the tender for the resurfacing of North Bay's 10,000 ft. runway with the expectation of receiving G8 funding as announced by Minister Clement.

"CARRIED"

Res. #2009-385:

Moved by Councillor Koziol, seconded by Councillor Bain

- That
- 1) North Bay City Council approve a contract, conditional upon written confirmation of the funding from the Ministry of Transportation, be awarded to Miller Paving North Bay, a division of Miller Paving Limited, in the amount of \$5,005,174.01 (GST included), for the reconstruction of Algonquin Avenue/McKeown Avenue/Airport Road; and
 - 2) a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the 2009 Algonquin Avenue/McKeown Avenue/Airport Road Reconstruction Project, being Capital Budget Project Line 8, at a net debenture cost of \$4,200,000.00.

"CARRIED"

Res. #2009-386:

Moved by Councillor Chirico, seconded by Councillor Campbell

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

By-Law No. 2009-119 to authorize the 2009 Asphalt Resurfacing Program.

By-Law No. 2009-120 to authorize the Merrick Landfill Site Leachate Treatment Program.

By-Law No. 2009-124 to authorize the exchange of lands no longer required for municipal purposes (CN Right-of-way lands - Ann Street) in return for lands from the Estate of Angela D'Agostino required to square off the City's CN Right-of-Way lands.

By-Law No. 2009-126 to amend By-Law 2009-116 to establish decrease limits for certain property classes for 2009.

By-Law No. 2009-127 to authorize the Pinewood Area - Ditching, Culverts and Road Resurfacing Project.

"CARRIED"

Res. #2009-387:

Moved by Councillor Chirico, seconded by Councillor Campbell

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

By-Law No. 2009-119 to authorize the 2009 Asphalt Resurfacing Program.

By-Law No. 2009-120 to authorize the Merrick Landfill Site Leachate Treatment Program.

By-Law No. 2009-124 to authorize the exchange of lands no longer required for municipal purposes (CN Right-of-way lands - Ann Street) in return for lands from the Estate of Angela D'Agostino required to square off the City's CN Right-of-Way lands.

By-Law No. 2009-126 to amend By-Law 2009-116 to establish decrease limits for certain property classes for 2009.

By-Law No. 2009-127 to authorize the Pinewood Area - Ditching, Culverts and Road Resurfacing Project.

"CARRIED"

Res. #2009-388: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2009-122 to rezone certain lands on Bain Drive and Golf Club Road (Rosanne Tucker and Raymond Norman).

"CARRIED"

Res. #2009-289: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2009-99 to rezone certain lands on Seymour Street (Seavale Inc. - 1851 Seymour Street).

"CARRIED"

Res. #2009-290: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2009-99 to rezone certain lands on Seymour Street (Seavale Inc. - 1851 Seymour Street).

"CARRIED"

Res. #2009-391: Moved by Councillor Koziol, seconded by Councillor Mayne
That the following by-laws be read a first and second time:

By-Law No. 2009-123 to amend By-Law 2002-133 (being a by-law to confirm the roads and streets maintained by the City of North Bay).

By-Law No. 2009-125 to execution an agreement with C.C. Tathem & Associates Ltd. Relating to Pearce Street Reconstruction and Airport Heights Stormwater Management Pond.

By-Law No. 2009-128 to execute an agreement with D.J. Venasse Construction Limited relating to the renovations to the North Bay Recycling Centre.

"CARRIED"

Res. #2009-392: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-laws be read a third time and passed:

By-Law No. 2009-123 to amend By-Law 2002-133 (being a by-law to confirm the roads and streets maintained by the City of North Bay).

By-Law No. 2009-125 to execution an agreement with C.C. Tathem & Associates Ltd. Relating to Pearce Street Reconstruction and Airport Heights Stormwater Management Pond.

By-Law No. 2009-128 to execute an agreement with D.J. Venasse Construction Limited relating to the renovations to the North Bay Recycling Centre.

“CARRIED”

Res. #2009-394: Moved by Councillor Vrebosch-Merry, seconded by Councillor Anthony WHEREAS the re-regulation of Ontario’s Energy Market has opened this market to far greater competition from direct marketing companies;

AND WHEREAS by selling consumers higher cost energy as well as triggering cancellation fees on existing contracts, consumers are incurring debt which often leads to the disconnection of service;

AND WHEREAS in many cases our social service agencies have had to intervene on behalf of clients causing undue financial stress on our government agencies;

AND WHEREAS there is a need for more aggressive and severe penalties and sanctions applied against offending marketing and retail companies when evidence of unfair marketing practices and/or false advertising is found;

THEREFORE BE IT RESOLVED THAT the City of North Bay supports and endorses MPP David Ramsay’s Private Member’s Bill to amend the *Ontario Energy Board Act, 1998*, which is a proactive first step to having better controls on these types of retail companies and states:

That retailers of energy and marketers of gas and hydro be required to provide a reaffirmation letter to the consumer that must be signed and returned to the retailer; and

That, the reaffirmation letter, which is the only means by which the consumer may reaffirm the contract, must contain the following information:

- a. the price the consumer would pay under the new contract
 - b. any penalties that would be triggered by cancelling the current contract with the retailer
 - c. the price the consumer is currently paying
 - d. the price the consumer would pay direct from the distributor;
- and

That if the bill is passed, it would prevent retailers from automatically enrolling consumers into a contract through the cashing of a cheque that was received through direct mail.

AND FURTHER THAT a copy of this motion be sent to David Ramsay, MPP Timiskaming-Cochrane; Hon. Monique Smith, MPP Nipissing and Minister of Tourism, Hon. George Smitherman, Minister of Energy and Infrastructure; Hon. Harinder Takhar, Minister of Small Business and Consumer Services; Hon. Dalton McGuinty, Premier of Ontario; the Federation of Northern Ontario Municipalities; Rural Ontario Municipalities Association; the Association of Municipalities of Ontario; the Ontario Energy Board, Leaders of the Oppositions and to the municipalities in the District of Nipissing

“CARRIED”

Record of Vote (*Upon Request of Councillor Vrebosch-Merry*)

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

Res. #2009-395: 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 8:09 p.m. to discuss Item # 23, being a proposed disposition of land by the municipality and Item # 24, being a litigation matter, including a matter before an administrative tribunal, affecting the municipality.

“CARRIED”

Res. #2009-396: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council reconvene at 8:29 p.m.

“CARRIED”

Res. #2009-397: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize the City Solicitor to represent the City as a party at the Ontario Municipal Board hearing into the minor variance and severance applications by Derek Sinai regarding the premises at Lees Road.

“CARRIED”

Res. #2009-398: Moved by Councillor Graham, seconded by Councillor Vaillancourt
That this Regular Meeting of Council do now adjourn at 8:30 p.m.

“CARRIED”

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD