

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, OCTOBER 5TH, 2009**

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

PUBLIC PRESENTATION:

Derek Shogren	re Summer in the Park	
Don Drysdale	re North Bay Symphony 2009 - 2010	
Suzanne Brooks & Michelle Trudeau	re Council invitation to National Independence Day - Small Business October 17	

CORRESPONDENCE:

2023725 Ontario Limited	re Rezoning and Plan of Condominium applications - Cartier Street	(625)
Barreiro, Vilma Maice Salas	re Rezoning application - 490 Algonquin Avenue	(626)
Madisen, Katie	re Resignation from Municipal Heritage Committee	(623)
North Bay Jack Garland Airport Corporation	re Board appointments	(624)
Suarez, Hernandez	re Rezoning application - 490 Algonquin Avenue	(626)

REPORTS FROM OFFICERS:

Burke, M.B.	re Traffic By-Law amendment	(638)
Burke, M.B.	re Sale of lands - John Street & Third Avenue	(651)
Burke, M.B.	re Land exchange - Algonquin Avenue	(652)
Carvell, D.	re Pre-purchase of Cummins engines	(636)
Conrad, C.M.	re 2010 Council and Standing Committees Meeting Schedule	(629)
Janisse, L	re Benefits renewal	(639)
Kitlar, S.	re 2009 Summer in the Park financial	(635)
Knox, J.D.	re North Bay Jack Garland Airport land sales	(653)
Manning, J.	re Tender 2009-109, Supply, treat and Stockpile screened sand	(630)
Manning, J.	re Tender 2009-92, Cormack Street road reconstruction	(631)
Manning, J.	re Tender 2009-101, Supply of wheelchair Accessible vehicle	(634)
McArthur, S.	re Rezoning application by Duane Feltz - Collins Drive	(627)
McArthur, S.	re Rezoning application by Jack Santarossa 344 Third Avenue West	(628)
Rochefort, L.	re Tax Extension Agreement - Sheila Marie Youmansdonatella - 629 Morin Street	(637)

Res. #2009-618: Moved by Councillor Vaillancourt, seconded by Councillor Chirico
That minutes for the public meetings held on:

- Monday, September 21, 2009; and
- Monday, September 28, 2009

be adopted as presented.

"CARRIED"

Res. #2009-619: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt
That minutes for the closed meeting held on:

- Monday, September 21, 2009

be adopted as presented.

“CARRIED”

Res. #2009-620: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2009-23 relating to:

- Rezoning application by James Vossos and Katherine Luoma, 805 and 817 Fisher Street

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-23

October 5, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-23 and recommends:

1. That
 - a) the Zoning By-Law Amendment by Dmitri Iounatanov on behalf of James Vossos and Katherine Luoma to rezone the properties legally described as Plan 96, Part Lots 4 & 5, Reference Plan 36R-12138, Part 1 (805 and 817 Fisher Street) from a “Residential Third Density (R3)” zone to a “Neighbourhood Commercial Special Zone No. 77 (C5 Sp.77)” 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, in order to regulate parking, lighting, landscaping, stormwater management, ingress and egress and fencing as required; and
 - c) the application be processed under the “Statutory Planning Process” pursuant to Council Resolution No. 2001-706 and therefore, the by-law be read three (3) times and passed at the next Regular Meeting of Council.

All of which is respectfully submitted.

ASSENTS
ANTHONY
MENDICINO
GRAHAM
FEDELI

DISSENTS

Res. #2009-621: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2009-24 relating to:

- Official Plan Amendment and Rezoning application by 2183126 Ontario Limited - Pinewood Park Drive and Fairway Drive

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-24

October 5, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-24 and recommends:

1. That
 - a) the Official Plan Amendment by Miller & Urso Surveying Inc. on behalf of 2183126 Ontario Limited to change the designation from "Rural" to "Rural Residential Estate" on land legally described as Concession 11, Part Lot 32, Parcel 6087 W/F, PIN #49180-0216 (LT) (Fairway Drive and Pinewood Park Drive), be approved;
 - b) the Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of 2183126 Ontario Limited to rezone certain lands from a "Rural (A)" zone to a "Rural Residential Estate Special (RRE Sp.)" zone, specifically Lots 1 to 5 fronting on Fairway Drive and Pinewood Park Drive, as shown on Schedule "A" attached to the Planning Report prepared by Steve McArthur dated July 31, 2009, be approved.

All of which is respectfully submitted.

ASSENTS
ANTHONY
MENDICINO
GRAHAM
FEDELI

DISSENTS

Res. #2009-622: Moved by Councillor Anthony, seconded by Councillor Mendicino
That Community Services Committee Report No. 2009-25 relating to:

- North Bay Jack Garland Industrial Park Subdivision and Community Improvement Plan

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2009-25

October 5, 2009

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2009-25 and recommends:

1. That
 - a) a Plan of Subdivision be prepared for City owned Airport land under the Provincial Statute of the *Planning Act* in conjunction with other City departments and Senior Management for Council's approval; and
 - b) Staff prepare an Airport Industrial Community Improvement Plan for approval under the *Planning Act* to assist in implementing the investment strategy and action plan for Council's approval.

All of which is respectfully submitted.

ASSENTS
ANTHONY
MENDICINO
GRAHAM
FEDELI

DISSENTS

Res. #2009-623: Moved by Councillor Chirico, seconded by Councillor Campbell
That the resignation of Katie Madisen from the Municipal Heritage
Committee be received and Ms. Madisen be thanked for her involvement
on the Committee.

“CARRIED”

Res. #2009-624: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) Council accept the resignation of Stephan Corriveau from the
North Bay Jack Garland Airport Board of Directors and that
Mr. Corriveau be thanked for this involvement on the Board;
and
2) Council confirm the appointment of Peter Argue to replace
Stephan Corriveau.

“CARRIED”

Res. #2009-625: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the Rezoning and Condominium applications by Goodridge Planning
Solutions on behalf of 2023725 Ontario Limited - Cartier Street, be
received.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as the applicant is a client
of his employer.

Res. #2009-626: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the rezoning application by Fernando Hernandez Suarez & Vilma
Maice Salas Barreiro - 490 Algonquin Avenue, be received.

“CARRIED”

Res. #2009-627: 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 Duane Feltz - Collins Drive, be referred to the Community
Services Committee and for a Public Meeting.

“CARRIED”

Res. #2009-628: 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 Jack Santarossa - 344 Third Avenue West, be referred to the
Community Services Committee and for a Public Meeting.

“CARRIED”

Res. #2009-629: Moved by Councillor Chirico, seconded by Councillor Campbell
That City Council adopts the “2010 Council and Standing Committees
Meeting Schedule” attached to Report to Council No. CORP-160 dated
September 28, 2009.

“CARRIED”

Res. #2009-630: Moved by Councillor Koziol, seconded by Councillor Bain
That North Bay City Council award a contract to Miller Paving North Bay, a division of Miller Paving Limited for an estimated amount of \$140,250.00 (GST extra), to supply, treat and stockpile sand for the year ending December 31, 2009, with the provision of a one year option if mutually agreeable to both parties.

“CARRIED”

Res. #2009-631: Moved by Councillor Koziol, seconded by Councillor Bain
That North Bay City Council approve a contract be awarded to R.M. Bélanger Limited in the amount of \$133,555.80 (GST included) for the Cormack Street road reconstruction.

“CARRIED”

Res. #2009-632: Moved by Councillor Chirico, seconded by Councillor Campbell
That accounts totaling \$14,201,349.35 for August 2009, be approved.

“CARRIED”

Res. #2009-633: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That accounts for Royal Bank totaling \$1,714.15 for August 2009, be approved.

“CARRIED”

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

Res. #2009-634: Moved by Councillor Anthony, seconded by Councillor Mendicino
That North Bay City Council approve the award of a contract to Overland Custom Coach (2007), Inc. in the amount of \$91,630.80 (taxes included), for the supply of one (1) wheelchair accessible vehicle.

“CARRIED”

Res. #2009-635: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) the Chief Financial Officer be authorized to transfer any surplus funds from the 2009 Summer in the Park event to the Summer Festival Reserve Fund, upon payment of outstanding invoices; and

2) City staff proceed with a 2010 Summer in the Park event.

“CARRIED”

Res. #2009-636: Moved by Councillor Anthony, seconded by Councillor Mendicino
That 1) Council approve the pre purchase of two 2007 Cummins engines for North Bay 2010 Bus Purchase Order;
2) the City Clerk be authorized to prepare and present a Debenture By-Law; and
3) Council directs the Chief Financial Officer to utilize and allocate funds in the most effective manner to support the purchase of the engines.

“CARRIED”

Res. #2009-637: Moved by Councillor Chirico, seconded by Councillor Campbell
That The Corporation of the City of North Bay enter into a Tax Extension

Agreement with Sheila Marie Youmansdonatella for the purpose of extending the October 8, 2009 redemption date for a period of thirty (30) days, being November 8, 2009 for payment of all outstanding penalties, interest and costs on the property known as Plan M-28, Pt. 37, Parcel 3480 W/F, being 629 Morin Street, North Bay, Ontario and Roll No. 4844-010-013-08300.

“CARRIED”

Res. #2009-638: Moved by Councillor Koziol, seconded by Councillor Bain
That Council authorize an amendment to Traffic By-Law No. 2002-001 to provide for tow away zones where official signs are on display for cars parked in contravention of the Traffic By-Law.

“CARRIED”

Res. #2009-639: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council approve the renewal of the Employee Group Benefit Programs with Medavie Blue Cross and Manulife Financial effective October 1, 2009 with an overall annual increase of 6.2% or \$131,500.00.

“CARRIED”

Res. #2009-640: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:

By-Law No. 2009-202 to stop up, close and convey a portion of the laneway in a block bounded by Montrose Avenue, Carruthers Street, Robarts Avenue and Harrison Street.

By-Law No. 2009-203 to stop up, close and convey a portion of the unopened Pope Street road allowance in a block bounded by Lakeshore Drive, Junction Street, South Street and West Avenue.

“CARRIED”

Res. #2009-641: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:

By-Law No. 2009-194 to authorize the Hydrant and Water Valve Rehabilitation Program.

By-Law No. 2009-195 to authorize the Parking Lot Maintenance and Improvement Program.

By-Law No. 2009-196 to authorize the Sanitary Sewer Rehabilitation Program.

By-Law No. 2009-197 to authorize the Trout Lake Road Resurfacing Program.

By-Law No. 2009-199 to authorize the sale of lands to 2034646 Ontario Limited (CN Right-of-Way lands).

By-Law No. 2009-200 to authorize the purchase of lands from the Ministry of Transportation for the traffic roundabout (Gormanville Road and McKeown Avenue).

By-Law No. 2009-201 to authorize the execution of a Transfer of Easement with Union Gas Limited (Part 1, Plan 36R-6557).

By-Law No. 2009-208 to amend By-Law No. 2007-228 being a by-law to adopt the Delegation of Powers and Duties Policy.

By-Law No. 2009-214 to execute an agreement with Meridian Planning Consultants Inc. relating to the preparation of a Development Charges Background Study.

“CARRIED”

Res. #2009-642: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:

By-Law No. 2009-194 to authorize the Hydrant and Water Valve Rehabilitation Program.

By-Law No. 2009-195 to authorize the Parking Lot Maintenance and Improvement Program.

By-Law No. 2009-196 to authorize the Sanitary Sewer Rehabilitation Program.

By-Law No. 2009-197 to authorize the Trout Lake Road Resurfacing Program.

By-Law No. 2009-199 to authorize the sale of lands to 2034646 Ontario Limited (CN Right-of-Way lands).

By-Law No. 2009-200 to authorize the purchase of lands from the Ministry of Transportation for the traffic roundabout (Gormanville Road and McKeown Avenue).

By-Law No. 2009-201 to authorize the execution of a Transfer of Easement with Union Gas Limited (Part 1, Plan 36R-6557).

By-Law No. 2009-208 to amend By-Law No. 2007-228 being a by-law to adopt the Delegation of Powers and Duties Policy.

By-Law No. 2009-214 to execute an agreement with Meridian Planning Consultants Inc. relating to the preparation of a Development Charges Background Study.

“CARRIED”

Res. #2009-643: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2009-205 to adopt Official Plan Amendment No. 113 (2183126 Ontario Limited - Fairway Drive)

By-Law No. 2009-206 to rezone certain lands on Fairway Drive and Pinewood Park Drive (2183126 Ontario Limited).

“CARRIED”

Res. #2009-644: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2009-173 to rezone certain lands on Fisher Street (Dmitri Iounatanov - 805 and 817 Fisher Street).

By-Law No. 2009-174 to designate a Site Plan Control Area on certain lands on Fisher Street (Dmitri Iounatanov - 805 and 817 Fisher Street).

“CARRIED”

Res. #2009-645: Moved by Councillor Anthony, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2009-173 to rezone certain lands on Fisher Street (Dmitri Iounatanov - 805 and 817 Fisher Street).

By-Law No. 2009-174 to designate a Site Plan Control Area on certain lands on Fisher Street (Dmitri Iounatanov - 805 and 817 Fisher Street).

“CARRIED”

Res. #2009-646a: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-laws be read a first and second time:

By-Law No. 2009-198 to amend Waste Management By-Law No. 2009-56.

By-Law No. 2009-207 to amend Noise Control By-Law No. 142-76.

By-Law No. 2009-210 to execute an agreement with Trow Associates Inc., Trow Northern Ontario Region relating to construction inspection services for the Algonquin Avenue and Front Street reconstruction.

By-Law No. 2009-211 to execute an agreement with Jeff Maki Trucking relating to the haulage of bulk road salt.

By-Law No. 2009-212 to execute an agreement with Sturgeon Falls Brush & Contracting Limited relating to the Lakeshore Drive fill site preparation work.

By-Law No. 2009-215 to execute an agreement with 1297909 Ontario Inc. o/a Northern Survey Supply Canada Ltd. relating to the supply of a GNSS Satellite Surveying System.

“CARRIED”

Res. #2009-646b: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a first and second time:

By-Law No. 2009-213 to execute an agreement with Gap Construction Co. Ltd. relating to the Algonquin Avenue and area road reconstruction - Phases 2, 5 and 6.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as Gap Construction Co. Ltd. is a client of his employer.

Res. #2009-647a: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-laws be read a third time and passed:

By-Law No. 2009-198 to amend Waste Management By-Law No. 2009-56.

By-Law No. 2009-207 to amend Noise Control By-Law No. 142-76.

By-Law No. 2009-210 to execute an agreement with Trow Associates Inc., Trow Northern Ontario Region relating to construction inspection services for the Algonquin Avenue and Front Street reconstruction.

By-Law No. 2009-211 to execute an agreement with Jeff Maki Trucking relating to the haulage of bulk road salt.

By-Law No. 2009-212 to execute an agreement with Sturgeon Falls Brush & Contracting Limited relating to the Lakeshore Drive fill site preparation work.

By-Law No. 2009-215 to execute an agreement with 1297909 Ontario Inc. o/a Northern Survey Supply Canada Ltd. relating to the supply of a GNSS Satellite Surveying System.

“CARRIED”

Res. #2009-647b: Moved by Councillor Koziol, seconded by Councillor Bain
That the following by-law be read a first and second time:

By-Law No. 2009-213 to execute an agreement with Gap Construction Co. Ltd. relating to the Algonquin Avenue and area road reconstruction - Phases 2, 5 and 6.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as Gap Construction Co. Ltd. is a client of his employer.

Res. #2009-648: Moved by Councillor Campbell, seconded by Councillor Bain
WHEREAS the Province of Ontario has released the fifth and final proposed Standard regarding the Built Environment under the *Accessibility for Ontarians with Disability Act (AODA)* on July 14th, 2009;

AND WHEREAS the Province has sought stakeholder input up to October 16th, 2009;

AND WHEREAS the Association of Municipalities of Ontario (AMO) has strongly encouraged its member municipalities to participate in this process;

AND WHEREAS there is consensus amongst municipalities that the proposed standard would impose undue and unreasonable hardship on both the public and private sector as it is currently crafted;

AND WHEREAS the proposed Built Environment Standard would apply to all new construction, extensive renovations and barriers found in the existing built environment;

AND WHEREAS the proposed Standard comprises over 800 accessibility requirements coming into law that will require that:

1. New Construction must comply within 12 months;
2. Extensive renovations and changes in the use of a built environment would have to comply within 12 to 36 months; and
3. Buildings constructed before the Built Environment Standard would have to comply within with 5 -13 years after the Standard has become law, with publicly funded Institutional Buildings being the first to comply within 5 years;

AND WHEREAS The IBI Group completed a report on the estimated cost impact of the Proposed Built Environment Standard and concluded that the cost premiums for most retrofit accessibility requirements could add 45% to 100% to the usual annual investment on Capitol repairs and replacement over 5 years,

BE IT THEREFORE RESOLVED that the Council of the City of North Bay:

1. supports the need for increased and improved accessibility for its Citizens in policy in a manner that eliminates barriers for those Citizens with disabilities and has implemented policy in respect of services, accommodation, employment, building and structures in consultation with members of the municipal accessibility committee;
2. objects to the issues of applicability of the standard, the cost impact on Municipalities and its taxpayers, the timelines and those requirements for implementing all of the requirements of the proposed standards that may undermine efforts to improve accessibility for people with disabilities and conflict with the Provincial and Municipal objective of being "Open for Business";
3. having reviewed the position from AMO in its correspondence to all Municipalities of Ontario agrees to the case for Harmonization of AODA Standards
4. strongly supports the AMO position that in the absence of financial support to Municipalities to implement AODA the Province should eliminate the need for retrofit requirements. In addition, the Government should conduct a thorough Impact Analysis on the economic implications of implementing the standard proposed.
5. takes the stand on rather than a specific definition for compliance, degrees of accommodation should be considered. Prior to any acceptance of the standard into regulation, high minimum thresholds for compliance must be developed in consultation with the building sector and construction industry representatives.
6. asks that the maintenance be removed from the proposed built environment standard as standards currently exist in Municipal by-laws and Provincial regulation.
7. asks that the technical requirements set out in the proposed standard be reviewed by Industry experts prior to finalizing any aspects of the standard. That timelines be understood by way of the Financial Impact Analysis and cost implications and be considered in timelines to implement through appropriate Provincial funding.
8. asks that the administration responsibilities be significantly reduced and administered by the Provincial Government and their processes. And, that increased administrative cost and impacts resulting from implementation and compliance review of the standard be paid for by the Provincial Government and not by the local taxpayer property tax.
9. directs that a copy of this motion be forwarded to Minister Meilleur, Premier McGuinty, Leaders of the Opposition, the Association of Municipalities of Ontario and to the North Bay Chamber of Commerce.

"CARRIED"

Record of Vote (Upon Request of Councillor Campbell)

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

Res. #2009-649: 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 8:07 p.m. to discuss Items 19 to 25, being proposed dispositions or acquisition of land by the municipality and Item 26, being a potential litigation matter affecting the municipality.

“CARRIED”

Res. #2009-650: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council reconvene at 9:16 p.m.

“CARRIED”

Res. 2009-651: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) Council decline the offer dated September 23, 2009 from the Algonquin Child and Family Services (HANDS), for the sale of CN Right-of-Way lands at John Street and Third Avenue; and
2) the lands be offered for sale by tender.

“CARRIED”

Res. #2009-652: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize the Exchange of Lands Agreement with the Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie dated as of October 5, 2009 (Pro-Cathedral of the Assumption - Algonquin Avenue).

“CARRIED”

Res. #2009-653: Moved by Councillor Chirico, seconded by Councillor Campbell
That 1) Council adopts the Aviation/Industrial Land Sale Guidelines and uses such guidelines when considering the sale of airport land; and
2) Council not accept the Offer to Purchase 1.1 acres of land to Joseph Wesley for the appraised value of \$105,000.00.

“CARRIED”

Res. #2009-654: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt
That this Regular Meeting of Council do now adjourn at 9:18 p.m.

“CARRIED”

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD