

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, JUNE 6TH, 2011**

PRESENT: Mayor McDonald, Councillors Chirico, Koziol, Anthony, Maroosis, Bain, Mayne, Vrebosch-Merry, Vaillancourt, Mendicino, Lawlor

PUBLIC PRESENTATION:

Ryan McMillan re Steve Omischl Field User Fees

CORRESPONDENCE:

REPORTS FROM OFFICERS:

| | |
|--------------|--|
| Burke, M. | re Set Fines/Short Form Wordings – Amending Smoking By-Law 2011-106 (415) |
| Burke, M. | re Revised Set Fines/Short Form Wordings - On & Off Street Parking for Disabled Persons By-Law No. 2007-89 (416) |
| Burke, M. | re Wal-Mart Canada Corp. Assessment Review Board Appeal/Northgate Square (446) |
| Carvell, D. | re Governance Agreement for the Joint Procurement of Transit Buses (418) |
| Hillier, B. | re Plan of Subdivision – North Bay Jack Garland Airport (417) |
| Karpenko, M. | re Tender No. 2011-54, West Ferris Arena Washroom Upgrades (419) |
| Karpenko, M. | re Tender No. 2011-07, Supply of Aggregate Materials (430) |
| Karpenko, M. | re 2010 Consolidated Financial Statements(431) |
| Lang, A. | re Tender No. 2011-44, Supply of Tandem Dump Truck (420) |
| Lang, A. | re Tender No. 2011-45, Supply of 4x4 Dump/Plow Truck (421) |
| Lang, A. | re Tender No. 2011-47, Supply of Trackless Municipal Tractor (422) |
| Lang, A. | re Tender No. 2011-57, Supply of 4x4 All Wheel Drive Sport Utility Vehicles (423) |
| Lang, A. | re Tender No. 2011-58, Supply of Pick-up Truck, 4 Wheel Drive Extended Cab, complete with Plow (424) |
| Lang, A. | re Tender No. 2011-41, Supply of Water-works, Manhole & Sewer Supplies (425) |
| Lang, A. | re Tender No. 2011-51, Supply & Placement of Plant Cold Recycled Asphalt Pavement on various City Roads (426) |
| Lang, A. | re Tender No. 2011-49, Supply of Tandem Truck with Dump Body, Snow Plow & Hydraulic System (427) |
| Lang, A. | re Tender No. 2011-48, Supply of S2400 Igloo E-poke (428) |
| Linkie, D. | re Appointment of Lea Janisse, Managing Director of Corporate Services (445) |
| Mimee, R. | re 2010-2011Dedicated Gas Tax Funds for Public Transportation Program (429) |
| McArthur, S. | re Laneway Closure – 11 & 19 Shannon Avenue (447) |

Res. #2011-411: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino That minutes for the public meetings held on:

- Monday, May 16, 2011; and
- Tuesday, May 24, 2011

be adopted as presented.

“CARRIED”

Res. #2011-412: Moved by Councillor Vaillancourt, seconded by Councillor Maroosis
That minutes for the closed meeting held on:

- Tuesday, May 24, 2011

be adopted as presented.

“CARRIED”

Res. #2011-413: Moved by Councillor Chirico, seconded by Councillor Koziol
That General Government Committee Report No. 2011-15 relating to:

- Procedural By-Law Amendments

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-15

June 6, 2011

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-15 and recommends:

1. WHEREAS By-Law No 2007-218, being the Procedural By-Law for the City of North Bay, is intended among other matters to prescribe rules for the orderly conduct of meetings of City Council;

AND WHEREAS Article 36.1 subsections (a) to (d) inclusive are unclear as to their purpose and application and further contradict the standing practice of Council;

AND WHEREAS Article 18.1 subsection (a) of By-Law No. 2007-218 states “It is the duty of Councillors to attend all meetings of Council, and to prepare for meetings, including reviewing the agenda and background information prior to the meeting;

AND WHEREAS the time for debate, discussion, and questions is prior to the Presiding Officer calling the vote;

AND WHEREAS Section 37 of the Procedural By-Law does not make provision for Questions and Enquiries;

BE IT THEREFORE RESOLVED THAT staff be required to review By-Law No. 2007-218 to determine if any further housekeeping items need to be addressed;

AND FURTHER THAT By-Law No. 2007-218 be hereby amended by deleting Article 36.1 subsections (a) to (d) inclusively and further by re-lettering existing subsections 36.1 (e) and (f) to new subsections 36.1(a) and (b) respectively;

AND FURTHER THAT the standing agenda for Council meetings be amended by removing the heading “Questions and Enquiries” as contained therein.

All of which is respectfully submitted.

ASSENTS
CHIRICO
KOZIOL
ANTHONY
MAROOSIS
McDONALD

DISSENTS

Res. #2011-414a: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Community Services Committee Report No. 2011-14 relating to:

- User Fees for Steve Omischl Sports Complex

be adopted as presented.

“CARRIED AS AMENDED”

Res. #2011-414b: Moved by Councillor Chirico, seconded by Councillor Koziol
That paragraph (a) of Community Services Committee Report No. 2011-14
be amended as follows:

- (a) the City of North Bay User Fee By-Law be amended to include an increase in the current Capital Reserve Fund (CRF) fee of \$10.00 per hour which is applicable to the use of all sports fields. The fee increase is to be implemented through a staged process over three (3) years beginning in 2012 as follows:

- 2012 increase of \$2.00 per hour for a total of \$4.00 per hour;
- 2013 increase of \$4.00 per hour for a total of \$8.00 per hour; and
- 2014 increase of \$4.00 per hour for a total of \$12.00 per hour.

Harmonized Sales Tax (HST) of 13% is applicable to these fees.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-14

June 6, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-14 and recommends:

- That
- a) the City of North Bay User Fee By-Law be amended to include an increase in the current Capital Reserve Fund (CRF) fee of \$10.00 per hour which is applicable to the use of all sport fields. The fee increase is to be implemented through a staged process over three (3) years beginning in 2011 as follows:

- 2011 increase of \$2.00 per hour for a total of \$4.00 per hour;
- 2012 increase of \$4.00 per hour for a total of \$8.00 per hour;
- 2013 increase of \$4.00 per hour for a total of \$12.00 per hour; and
- 2014 a total of \$12 per hour.

Harmonized Sales Tax (HST) of 13% is applicable to these fees;

- b) the City of North Bay User Fee By-Law be amended to include 2011 field rates for the Steve Omischl Sports Complex fields as follows:

| | | |
|---|------------------|-----------------|
| Artificial turf, soccer/football athletic fields | \$35.40/hr unlit | \$39.82/hr lit; |
| Natural turf, ball fields and soccer/football athletic fields | \$25.00/hr unlit | \$30.00/hr lit. |

Harmonized Sales Tax (HST) of 13% is applicable to these fees; and

- c) the amendment to the City of North Bay’s User Fee By-Law be presented for three (3) readings at the next Regular Meeting of Council.”

All of which is respectfully submitted.

ASSENTS
LAWLOR
MENDICINO
VAILLANCOURT
McDONALD

DISSENTS

Res. #2011-415: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council authorize an application for approval of set fines and short form wordings for offences contrary to the Smoking in Public Places By-Law No. 2003-05, and amendments as set out in Schedule "A" of Report to Council No. CORP 2011-88.

"CARRIED"

Res. #2011-416: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council authorize an application for approval of revised set fines and short form wordings for On and Off Street Parking for Disabled Persons By-Law No. 2007-89, as set out in Schedule "A" of Report to Council No. CORP 2011-94.

"CARRIED"

Res. #2011-417: Moved by Councillor Lawlor, seconded by Councillor Vaillancourt
That the Plan of Subdivision application by the City of North Bay be received and referred to the Community Services Committee for a Public Meeting.

"CARRIED"

Res. #2011-418: Moved by Councillor Lawlor, seconded by Councillor Vaillancourt
That 1) Council enter into a Governance Agreement for the Joint Procurement of six (6) Transit Buses (2-2011, 2-2012, 2-2013), with the Province of Ontario represented by the Minister of Transportation for the Province of Ontario; and
2) the City Clerk by authorized to prepare and present a By-Law to authorize the execution of the Governance Agreement.

"CARRIED"

Res. #2011-419: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That City Council approve the award of a contract to Darren Davies o/a D.S. Contracting in the amount of \$178,887.00 (HST not included), for the washroom upgrades at West Ferris Arena.

"CARRIED"

Res. #2011-420: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That City Council approve a contract be issued to Canadian Fleet Services in the amount of \$148,257.80 (HST included), for the supply of one (1) Tandem Dump Truck.

Councillor Chirico declared a conflict of interest as Canadian Fleet Services is a client of his employer, The Royal Bank of Canada.

"CARRIED"

Res. #2011-421: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That City Council approve a contract be issued to George Stockfish Ford Sales (1987) Ltd. in the amount of \$80,250.34 (HST included), for the supply of one (1) 4x4 Dump/Plow Truck.

"CARRIED"

Res. #2011-422: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne That City Council approve a contract be issued to Work Equipment Ltd. in the amount of \$133,763.75 (HST included), for the supply of one (1) Trackless Municipal Tractor with attachments.

“CARRIED”

Res. #2011-423: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne That City Council approve a contract be issued to George Stockfish Ford Sales (1987) Ltd. in the amount of \$89,031.57 (HST included), for the supply of three (3) 4x4 All Wheel Drive Sport Utility Vehicles.

“CARRIED”

Res. #2011-424: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne That City Council approve a contract be issued to George Stockfish Ford Sales (1987) Ltd. in the amount of \$42,269.91 (HST included), for the supply of one (1) Pick-up Truck, 4 Wheel Drive Extended Cab, complete with Plow.

“CARRIED”

Res. #2011-425: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne That City Council approve a contract be awarded to Wamco Waterworks Northern Inc. in the amount of \$138,164.57 (HST included), to supply waterworks, manhole and sewer supplies on an as and when requested basis from the date of contract to June 30, 2012.

“CARRIED”

Res. #2011-426: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne That City Council approve a contract be awarded to Miller Paving North Bay, a Division of Miller Paving Limited in the estimated amount of \$388,500.00 (HST extra), for the supply and placement of Plant Cold Recycled Asphalt Pavement on various City roads.

“CARRIED”

Res. #2011-427: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne That City Council approve a contract be issued to Canadian Fleet Services in the amount of \$324,935.27 (HST included), for the supply of one (1) Tandem Truck complete with Dump Body, Snow Plow and Hydraulic System.

Councillor Chirico declared a conflict of interest as Canadian Fleet Services is a client of his employer, The Royal Bank of Canada.

“CARRIED”

Res. #2011-428a: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne That City Council approve a contract be issued to Joe Johnson Equipment Inc. in the amount of \$68,588.74 (HST included), for the supply of one (1) S2400 Igloo E-poke.

“CARRIED AS AMENDED”

Res. #2011-428b: Moved by Councillor Vaillancourt, seconded by Councillor Anthony That the report from Al Lang dated May 27, 2011 re Tender No. 2011-48, supply of one (1) S2400 Igloo E-poke be referred to the Engineering & Works Committee.

“CARRIED”

- Res. #2011-429: Moved by Councillor Chirico, seconded by Councillor Koziol
That 1) the Mayor and Chief Financial Officer be authorized to sign the Letter of Agreement on behalf of the City of North Bay relating to funding provided by the Province of Ontario to the City of North Bay under the Dedicated Gas Tax Funds for Public Transportation Program; and
- 2) the Execution By-Law be presented for three (3) readings on June 6, 2011 permitting The Corporation of the City of North Bay to enter into a Letter of Agreement with the Province of Ontario related to funding under the Dedicated Gas Tax Funds for Public Transportation Program.

“CARRIED”

- Res. #2011-430: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That 1) City Council repeal By-Law No. 2011-111, being a by-law to authorize the execution of an agreement with 2212880 Ontario Ltd. relating to the supply of aggregate materials; and
- 2) City Council approve a contract be awarded to Pioneer Construction Inc. in the estimated amount of \$420,050.00 (HST extra), for the supply of aggregate materials on an as and when requested basis from the date of contract to October 30, 2011.

“CARRIED”

- Res. #2011-431: Moved by Councillor Chirico, seconded by Councillor Koziol
That 1) the 2010 Consolidated Financial Statements be received; and
- 2) the Mayor and Chief Financial Officer of the City of North Bay be authorize to approve the 2010 Consolidated Financial Statements.

“CARRIED”

- Res. #2011-432: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a first and second time:
- By-Law No. 2011-136 to provide an exemption from Municipal Taxation for Veterans' Organizations within the City of North Bay.

Councillor Vrebosch-Merry declared a conflict of interest as she is employed occasionally by the Royal Canadian Legion.

“CARRIED”

- Res. #2011-433: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a third time and passed:
- By-Law No. 2011-136 to provide an exemption from Municipal Taxation for Veterans' Organizations within the City of North Bay.

Councillor Vrebosch-Merry declared a conflict of interest as she is employed occasionally by the Royal Canadian Legion.

“CARRIED”

- Res. #2011-434: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a first and second time:
- By-Law No. 2011-137 as amended by Community Services Committee Report 2011-14, to amend By-Law No. 2011-123, (being a by-law to authorize User Fees for City Departments – Athletic Fields).

“CARRIED”

Res. #2011-435: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2011-137, as amended by Committee Services Committee Report 2011-14, to amend By-Law No. 2011-123, (being a by-law to authorize User Fees for City Departments – Athletic Fields).

“CARRIED”

Res. #2011-436: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-laws be read a first and second time:

By-Law No. 2011-142 to execute an Agreement with Nipissing First Nation relating to Fire Protection Services for residential, commercial and industrial properties.

By-Law No. 2011-143 to execute an Agreement with Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation relating to Dedicated Gas Tax Funds for Public Transportation Program.

“CARRIED”

Res. #2011-437: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-laws be read a third time and passed:

By-Law No. 2011-142 to execute an Agreement with Nipissing First Nation relating to Fire Protection Services for residential, commercial and industrial properties.

By-Law No. 2011-143 to execute an Agreement with Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation relating to Dedicated Gas Tax Funds for Public Transportation Program.

“CARRIED”

Res. #2011-438: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2011-122 to stop up, close and convey a portion of the laneway in a block bounded by Greenwood Avenue, Browning Street, Norwood Avenue and Algonquin Avenue.

“CARRIED”

Res. #2011-439: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2011-141 to execute an Agreement with Nipissing University relating to Transit Services.

By-Law No. 2011-144 to execute a Governance Agreement with Her Majesty the Queen in Right of the Province of Ontario as represented by the Minister of Transportation relating to Joint Procurement of Transit Buses.

Councillor Anthony declared a conflict of interest (By-Law No. 2011-141) as Nipissing University is a client of his employer.

“CARRIED”

Res. #2011-440: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2011-141 to execute an Agreement with Nipissing University relating to Transit Services.

By-Law No. 2011-144 to execute a Governance Agreement with Her Majesty the Queen in Right of the Province of Ontario as represented by the Minister of Transportation relating to Joint Procurement of Transit Buses.

Councillor Anthony declared a conflict of interest (By-Law No. 2011-141) as Nipissing University is a client of his employer.

“CARRIED”

Res. 2011-441: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That the following by-laws be read a first and second time:

By-Law No. 2011-140 to amend Traffic & Parking By-Law No. 2002-001 (Schedule 10 – Speed Limits).

By-Law No. 2011-145 to execute an Agreement with Robert Roy and Yves Roy, operating as Camrock Crushing relating to the Crushing of Reclaimed Asphalt Pavement.

“CARRIED”

Res. 2011-442: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
That the following by-laws be read a third time and passed:

By-Law No. 2011-140 to amend Traffic & Parking By-Law No. 2002-001 (Schedule 10 – Speed Limits).

By-Law No. 2011-145 to execute an Agreement with Robert Roy and Yves Roy, operating as Camrock Crushing relating to the Crushing of Reclaimed Asphalt Pavement.

“CARRIED”

Res. #2011-443: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council adjourn *in-camera* pursuant to section 239(2) of the *Municipal Act, 2001*, as amended, at 8:03 p.m. for the following reasons: Item #18, being a personal matter about identifiable individuals; Item #19, being potential litigation; Item #20, being a proposed acquisition of lands by the Municipality; and Item #21, being a proposed disposition of lands by the Municipality.

“CARRIED”

Res. #2011-444: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council reconvene at 8:23 p.m.

“CARRIED”

Res. #2011-445: Moved by Councillor Chirico, seconded by Councillor Koziol
That the City Clerk be directed to bring forward a by-law appointing Lea Janisse to the position of Managing Director of Corporate Services for the City of North Bay effective July 1, 2011.

“CARRIED”

- Res. #2011-446: Moved by Councillor Chirico, seconded by Councillor Koziol
That
- 1) Council support Municipal Property Assessment in defending the current value assessment of Northgate Square which is subject to Assessment Review Board appeals filed by Wal-Mart Canada Corporation (Tenant) and HOOP Realty Inc. (Owner) for the 2009-2012 taxation years; and
 - 2) this resolution be circulated to the Council for the cities of Timmins, Greater Sudbury, Sault Ste. Marie and Thunder Bay for their support.

Councillor Anthony declared a conflict of interest as some of the businesses are clients of his employer.

“CARRIED”

- Res. #2011-447: Moved by Councillor Chirico, seconded by Councillor Koziol
That
- 1) Council declare the lands in the block bounded by Shannon Avenue, Whitney Avenue, Brock Avenue and Lakeshore Drive as surplus:
 - 2) the application by Heather Cote & Ken Wood to transfer surplus City-owned lands to abutting property owners in the block bounded by Shannon Avenue, Whitney Avenue, Brock Avenue and Lakeshore Drive in the City of North Bay, as shown on Schedules “A” & “B” attached to Report to Council CSBU 2011-58, be approved;
 - 3) the transfer of these lands be subject to the granting of any required easements; and
 - 4) the Chief Administrative Officer be authorized by Council to initiate normal procedures for the transfer of the subject lands.

“CARRIED”

- Res. #2011-448: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino
That this Regular Meeting of Council do now adjourn at 8:25 p.m.

“CARRIED”

CLOSED MEETING CONFLICT OF INTEREST

Regular Agenda Item #19 - Councillor Anthony declared a conflict of interest as some of the businesses are clients of his employer and left meeting for the discussion of this matter.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD