

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, MAY 16TH, 2011**

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

PUBLIC PRESENTATION:

Bill Wilkins/Howe Saunders re Legion Branch No. 23 – Tax Relief
Zel Artan re Community Garden/Illegal Dumping

CORRESPONDENCE:

J.C. Etches re Trapping Rights – Lavase River (353)

REPORTS FROM OFFICERS:

Burke, M. re Trapping Rights – Lavase River (353)
Burke, M. re Re-opening of Patton Street (354)
Burke, M. re Le Bon Marché Outdoor Summer Patio –
130 Main Street West (363)
Burke, M. re Waterfront Convention Centre Proposal (378)
Burke, M. re The Gathering Place – Garden Plot (379)
Carvell, D. re Accessibility Awareness Week Celebration
& Transit Promotional Initiative (362)
Linkie, D. re Waiving of Development Charges & Portion
of Municipal Taxes – Canadore College
New Student Residence (355)
McArthur, S. re Rezoning application – Nipissing-Parry
Sound Catholic District School Board –
1140 Front Street (357)
McArthur, S. re Designation of Site Plan Control Area –
Francis Street (361)
Rochefort, L. re Reduction, Cancellation & Refund of Taxes (358)
Rochefort, L. re Reduction, Cancellation & Refund of Taxes (359)
Rochefort, L. re Tax Capping Policy (360)
Scully, L. re Set Fines & Short Form Wordings –
“Pedestrian Obstruct Highway” (356)

Res. #2011-344: Moved by Councillor Chirico, seconded by Councillor Maroosis
That the Council of the City of North Bay waive the municipal portion of
Tax Assessment for Legion Branch 23, 406 Squadron & West Ferris
Legion, Branch 599 pursuant to Section 6.1 of the *Assessment Act*.

Councillor Vrebosch-Merry declared a conflict as her family is employed occasionally by the Legion.

“CARRIED”

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

Yeas: Councillors Chirico, Koziol, Mendicino, Anthony, Lawlor, Mayne,
Vaillancourt, Maroosis, Bain, Mayor McDonald

Nays: Nil

Res. #2011-345a: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino
That minutes for the public meetings held on:

- Tuesday, May 3, 2011; and
- Monday, May 9, 2011

be adopted as presented.

“CARRIED”

Res. #2011-345b: Moved by Councillor Vaillancourt, seconded by Councillor Bain
That minutes for the closed meeting held on:

- Tuesday, May 3, 2011

be adopted as presented.

“CARRIED”

Res. #2011-346: Moved by Councillor Chirico, seconded by Councillor Koziol
That General Government Committee Report No. 2011-13 relating to:

- User Fees for Open Air Burning

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-13

May 16, 2011

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-13 and recommends:

1. That
 - a) the draft by-law attached as Schedule “A” to Report to Council CORP 2010-150 from Lauren M. Scully to regulate Open Air Burning in the City of North Bay be presented to Council for three (3) readings; and
 - b) By-Law No. 2007-116, being a by-law to authorize user fees for North Bay Fire and Emergency Services be amended to include a fee of \$410 per fire truck for the first hour and \$205 for each additional half hour for a response by the North Bay Fire and Emergency Services Department, to an open air burn without a permit or that is otherwise not in compliance with the by-law, as attached to Schedule “B” to Report to Council CORP 2010-150 from Lauren M. Scully.

All of which is respectfully submitted.

ASSENTS
CHIRICO
KOZIOL
ANTHONY
MAROOSIS
McDONALD

DISSENTS

Res. #2011-347: Moved by Councillor Chirico, seconded by Councillor Koziol
That General Government Committee Report No. 2011-14 relating to:

- User Fees for Various City Departments and North Bay Fire & Emergency Services

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-14

May 16, 2011

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-14 and recommends:

1. That Council authorize the City Clerk to amend the user fees charged by various City Departments (By-Law No. 2007-115), (save and except user fees for the Steve Omischl Sports Complex and Capital Reserve Fees for athletic fields), and by the North Bay Fire & Emergency Services Department (By-Law No. 2007-116), effective June 1, 2011 as outlined in Report to Council CORP 2011-54 dated March 28, 2011.

All of which is respectfully submitted.

ASSENTS
 CHIRICO
 KOZIOL
 ANTHONY
 MAROOSIS
 McDONALD

DISSENTS

Res. #2011-348: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Community Services Committee Report No. 2011-10 relating to:

- User Fee for Variance to Sign By-Law

be adopted as presented.

Mayor McDonald declared a conflict of interest as one of his teams sells sign space.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-10

May 16, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-10 and recommends:

1. That Council confirms the user fee increase for a variance to the Sign By-Law as adopted by Community Services Committee Report No. 2010-06, passed by Council on Monday, March 22, 2010.

All of which is respectfully submitted.

ASSENTS
LAWLOR
MENDICINO
VAILLANCOURT

DISSENTS

Res. #2011-349: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Community Services Committee Report No. 2011-11 relating to:

- Plan of Subdivision – 2221864 Ontario Inc. - 482 Lakeshore Drive
be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-11

May 16, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-11 and recommends:

1. That
 - a) the proposed Plan of Subdivision (8 Lots, File #48T-11108) by Miller & Urso Surveying Inc., on behalf of 2221864 Ontario Inc., for Concession 16, Lot 40, Reference Plan 36R-4704, Part 2, PIN 49174-0060(LT) and 49174-0040(LT) in the former Township of West Ferris, be given Draft Approval subject to the conditions in Appendix “A” to the Planning Report prepared by Steve McArthur dated February 2, 2011; and
 - b) the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication.

All of which is respectfully submitted.

ASSENTS
LAWLOR
MENDICINO
VAILLANCOURT
McDONALD

DISSENTS

Res. #2011-350: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Community Services Committee Report No. 2011-12 relating to:

- Rental Housing Licensing Report
be adopted as presented.

Councillor Koziol declared a conflict of interest as she is in the property management business.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-12

May 16, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-12 and recommends:

- 1. That a) Council receive Report to Council CORP 2011-48 dated May 5, 2011 from Michael Burke, being the Supplementary Rental Housing Licensing Report; and
- b) the City Clerk be directed to schedule a Public Meeting.

All of which is respectfully submitted.

ASSENTS
 LAWLOR
 MENDICINO
 VAILLANCOURT
 McDONALD

DISSENTS

Res. #2011-351: Moved by Councillor Lawlor, seconded by Councillor Mendicino That Community Services Committee Report No. 2011-13 relating to:

- User Fee for Waterfront Marina
- be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-13

May 16, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-13 and recommends:

- 1. That a) User Fee By-Law No. 2007-115 be amended to increase Marina rates to provide licensed Security Guard services by the following amounts:

Seasonal tenant	\$50.00
Monthly tenant	\$20.00
Weekly tenant	\$12.00
Daily tenant	\$ 1.00; and
- b) User Fee By-Law No. 2007-115 be amended to include a 3% increase to the 2010 established rates.

All of which is respectfully submitted.

ASSENTS
 LAWLOR
 MENDICINO
 VAILLANCOURT
 McDONALD

DISSENTS

Res. #2011-352: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne That Engineering & Works Committee Report No. 2011-03 relating to:

- Waste Management User Fees
- be adopted as presented.

“CARRIED”

ENGINEERING & WORKS COMMITTEE REPORT NO. 2011-03

May 16, 2011

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2011-03 and recommends:

1. That
 - a) City Council approve the increase in tipping fees for solid waste from the industrial, commercial and institutional sources to \$75.00 per metric tonne effective June 1, 2011; and
 - b) other Waste Management User Fees remain the same and are stated for the public record.

All of which is respectfully submitted.

ASSENTS
 VREBOSCH-MERRY
 MAYNE
 BAIN
 McDONALD

DISSENTS

Res. #2011-353: Moved by Councillor Chirico, seconded by Councillor Koziol
 That Council renew the permission for J.C. Etches to have exclusive trapping rights for the area known as the south side of the Lavase River, for a three (3) year period commencing June 1, 2011, subject to the receipt of proof of insurance satisfactory to the City Solicitor.

“CARRIED”

Res. #2011-354: Moved by Councillor Vrebosch-Merry, seconded by Councillor Mayne
 That Council authorize a By-Law to alter Patton Street by re-opening the Patton Street extension to Station Road near the Station and to accept a transfer of Part 1 on Plan 36R-8621 from Daymis Properties Inc., for \$1.00.

”CARRIED”

Res. #2011-355: Moved by Councillor Chirico, seconded by Councillor Anthony
 That

- 1) City Council approve the request from Canadore College to exempt the proposed new 6 storey student residence from development charges;
- 2) Council further agree to rebate the municipal portion of the property taxes provided the building continues to be used for college or university housing; and
- 3) the Mayor and City Clerk be authorized to enter into an Agreement with Canadore College and Campus Living Centres to waive the development charges and rebate the municipal portion of the property taxes as contemplated in Report to Council CAO 2011-03.

Councillor Koziol declared a conflict of interest as she is the property management business.

“CARRIED”

Res. #2011-356: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council authorize an application for approval of a set fine and short form wording for the new offence contrary to Traffic and Parking By-Law No. 2002-01 of "Pedestrian obstruct highway" as set out in Schedule "A" of Report to Council CORP 2011-84.

"CARRIED"

Res. #2011-357: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt
That the recommendation from the Planning Advisory Committee regarding the rezoning application by Miller & Urso Surveying Inc., on behalf of the Nipissing-Parry Sound Catholic District School Board – 1140 Front Street be referred to the Community Services Committee for a Public Meeting.

Councillor Lawlor declared a conflict of interest as one of his clients has an interest in purchasing the property.

"CARRIED"

Res. #2011-358: Moved by Councillor Chirico, seconded by Councillor Koziol
That Tax Appeal Application No. 2011-3 attached to Report to Council CORP 2011-75 dated April 27, 2011 be approved and adjusted for the period set out on the application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the *Municipal Act*, S.O. 2001, c.25.

"CARRIED"

Res. #2011-359: Moved by Councillor Koziol, seconded by Councillor Anthony
That the Tax Appeal Applications attached to Report to Council 2011-74 that have been returned with a positive recommendation from the Municipal Property Assessment Corporation, be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the *Municipal Act*, S.O. 2001, c.25.

Councillor Chirico declared a conflict of interest as one of the applicants is a client of his employer, The Royal Bank of Canada.

"CARRIED"

Res. #2011-360: Moved by Councillor Chirico, seconded by Councillor Anthony
That 1) Council adopt the 2011 Tax Policy recommendations as outlined in Report to Council CORP 2011-81 dated May 2, 2011; and
2) By-Law No. 2011-118, 2011-119 and 2011-120 be given three (3) readings at the Regular Meeting of Council on May 16, 2011.

Councillor Koziol declared a conflict of interest as she is the property management business.

"CARRIED"

Res. #2011-361: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That 1) Council support Planning staff's recommendation to designate a Site Plan Control Area on certain lands on Francis Street and to repeal By-Law No. 2011-105; and
2) By-Law No. 2011-124 be presented for three (3) readings at the Regular Meeting of Council on May 16, 2011.

"CARRIED"

Res. #2011-362: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That 1) City Council supports The Accessibility Awareness Week Celebration and Clean Air Day to be held on June 8, 2011; and
2) Council authorizes Transit staff to proceed with a Transit promotional activity designed to provide awareness to Parabus clients as to the equipment and opportunities in utilizing conventional Transit.

“CARRIED”

Res. #2011-363: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council approve a six foot (6') wide sidewalk patio for Glenn Sheridan, owner of Le Bon Marché restaurant, to operate an outdoor summer patio on a portion of the sidewalk located at 130 Main Street West.

“CARRIED”

Res. #2011-364: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a first and second time:

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. #2011-365: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a first and second time:

By-Law No. 2011-116 to amend Development Charges By-Law No. 2009-252 – Schedules “B” and “C”.

“CARRIED”

Res. #2011-366: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2011-116 to amend Development Charges By-Law No. 2009-252 – Schedules “B” and “C”.

“CARRIED”

Res. #2011-367: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-laws be read a first and second time:

By-Law No. 2011-118 to adopt optional tools for 2011 for the purpose of administering limits for the commercial, industrial and multi-residential property classes Tax Capping Program.

By-Law No. 2011-119 to adopt optional tools for 2011 for the purpose of administering limits for eligible properties in the commercial, industrial and multi-residential property classes (new construction).

By-Law No. 2011-120 to establish decrease limits for the certain property classes for 2011.

Councillor Koziol declared a conflict of interest as she is in the property management business.

“CARRIED”

Res. #2011-368: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-laws be read a third time and passed:

By-Law No. 2011-118 to adopt optional tools for 2011 for the purpose of administering limits for the commercial, industrial and multi-residential property classes Tax Capping Program.

By-Law No. 2011-119 to adopt optional tools for 2011 for the purpose of administering limits for eligible properties in the commercial, industrial and multi-residential property classes (new construction).

By-Law No. 2011-120 to establish decrease limits for the certain property classes for 2011.

Councillor Koziol declared a conflict of interest as she is in the property management business.

“CARRIED”

Res. #2011-369: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-laws be read a first and second time:

By-Law No. 2011-117 to authorize the upgrade to the City of North Bay Radio Communication System.

By-Law No. 2011-126 to execute an Agreement of Purchase and Sale with Steve Crea Homes Limited relating to 541, 543, 545 and 547 Ann Street.

By-Law No. 2011-127 to execute an Agreement of Purchase and Sale with 943674 Ontario Inc. relating to 534, 536 Ann Street and 559 to 567 Galt Street.

“CARRIED”

Res. #2011-370: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-laws be read a third time and passed:

By-Law No. 2011-117 to authorize the upgrade to the City of North Bay Radio Communication System.

By-Law No. 2011-126 to execute an Agreement of Purchase and Sale with Steve Crea Homes Limited relating to 541, 543, 545 and 547 Ann Street.

By-Law No. 2011-127 to execute an Agreement of Purchase and Sale with 943374 Ontario Inc. relating to 534, 536 Ann Street and 559 to 567 Galt Street.

“CARRIED”

Res. #2011-371: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a first and second time:

By-Law No. 2011-125 to authorize the purchase of 1099 Lakeshore Drive (Harold Fleury).

Councillor Maroosis declared a conflict of interest as his partner is employed by the President of the North Bay Real Estate Board.

“CARRIED”

Res. #2011-372: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2011-125 to authorize the purchase of 1099 Lakeshore Drive (Harold Fleury).

Councillor Maroosis declared a conflict of interest as his partner is employed by the President of the North Bay Real Estate Board.

“CARRIED”

Res. #2011-373: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2011-121 to amend By-Law No. 2007-07 (being a by-law to regulate the administration of Building Permits).

By-Law No. 2011-124 to designate a Site Plan Control Area on certain lands on Francis Street and to Repeal By-Law No. 2011-105 (914542 Ontario Inc. – Francis Street).

“CARRIED”

Res. #2011-374: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2011-121 to amend By-Law No. 2007-07 (being a by-law to regulate the administration of Building Permits).

By-Law No. 2011-124 to designate a Site Plan Control Area on certain lands on Francis Street and to Repeal By-Law No. 2011-105 (914542 Ontario Inc. – Francis Street).

“CARRIED”

Res. #2011-375: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino
That “Casual Wear Months” be in effect from Tuesday, May 24, 2011 until Monday, September 5, 2011 inclusive.

“CARRIED”

Res. #2011-376: 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 8:00 p.m. for the following reasons: Item #12, being the pending sale of lands by the municipality; and Item #13, being the proposed lease of lands by the municipality.

“CARRIED”

Res. #2011-377: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council reconvene at 8:21 p.m.

“CARRIED”

Res. #2011-378: Moved by Councillor Koziol, seconded by Councillor Anthony
That

- 1) Council not accept the revised proposal from Vrancor Development Corporation for the Waterfront Convention Centre;
- 2) no further steps be taken on the expired Development Agreement;
- 3) the City purchase the Environmental Report on the subject lands from DCS, for the actual cost of \$172,119.40, using funds from the Land Sales Reserve Fund; and
- 4) staff be directed to issue a formal Request for Proposal for the disposition of the subject lands.

Councillor Chirico declared a conflict of interest as one of the developers is a client of his employer, The Royal Bank of Canada.

“CARRIED”

Res. #2011-379: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council agree to lease for \$1.00 per year, the lands fronting on
Algonquin Avenue from the CN right-of-way for use by The Gathering
Place to grow vegetables.

“CARRIED”

Res. #2011-380: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino
That this Regular Meeting of Council do now adjourn at 8:23 p.m.

“CARRIED”

CLOSED MEETING CONFLICT OF INTEREST

Regular Agenda Item #12 - Councillor Chirico declared a conflict of interest as the proponent is a client of his employer and left meeting for the discussion of this matter.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD