

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, APRIL 16th, 2012**

PRESENT: Mayor McDonald, Councillors Koziol, Maroosis, Bain, Mayne, Vrebosch, Vaillancourt, Mendicino, Lawlor

PUBLIC PRESENTATIONS:

Kimberly Keech/Megan Davidson re 44th North Bay Guides
Brian Kelly re ONTC

REPORTS FROM OFFICERS:

Conrad, C.	re Appointment of Chief Administrative Officer	(255)
Kitlar, S.	re 2012 World's Finest Show Spring Event	(265)
Kitlar, S.	re 2012 O'Canada Day Event	(266)
Kitlar, S.	re Municipal Alcohol Policy Amendment	(267)
McArthur, S.	re Rezoning application by North Bay Daycare	(257)
Murphy, C.	re Wording for Smoking By-Law No. 2012-97	(256)
Rochefort, L.	re Reduction, Cancellation or Refund of Taxes	(260)
Valenti, P.	re Tender No. 2012-20 Asphalt Concrete Pavement Patching	(261)
Valenti, P.	re Tender No. 2012-21 Ready Mix Concrete	(262)
Valenti, P.	re Tender No. 2012-22 Sidewalk Replacement	(263)
Valenti, P.	re Tender No. 2012-23 Supply of Aggregates	(264)
Valenti, P.	re RFP No. 2012-13 – Mud Lake Road	(281)

Res. #2012-251: Moved by Councillor Vaillancourt, seconded by Councillor Bain
That minutes for the public meetings held on:

- Monday, April 2, 2012; and
- Monday, April 10, 2012

be adopted as presented.

"CARRIED"

Res. #2012-252: Moved by Councillor Vaillancourt, seconded by Councillor Bain
That minutes for the closed meetings held on:

- Monday, April 2, 2012

be adopted as presented.

"CARRIED"

Res. #2012-253: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That Community Services Committee Report No. 2012-08 relating to:

- Rezoning application by the City of North Bay – North Bay Jack Garland Airport – Airport Road

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-08

April 16, 2012

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2012-08 and recommends:

1. That
 - 1) the proposed Zoning By-Law Amendment by the City of North Bay for lands at the North Bay Jack Garland Airport be approved;
 - 2) Section 3 of the City of North Bay’s Zoning By-Law No. 28-80 be amended to revise the definition for “Corporate Administrative Office,” and
 - 3) Section 7.11.1.1 of the City of North Bay’s Zoning By-Law No. 28-80 be amended to add “Corporate Administrative Office” as a Permitted Use in the “Industrial Air Park – Groundside (MAP-G)” zone.”

All of which is respectfully submitted.

ASSENTS
LAWLOR
MENDICINO
VAILLANCOURT
McDONALD

DISSENTS

Res. #2012-254: Moved by Councillor Lawlor, seconded by Councillor Mendicino That Community Services Committee Report No. 2012-09 relating to:

- Plan of Subdivision application by Dimitrios & Tracy Kolios – Carmichael Drive

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-09

April 16, 2012

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2012-09 and recommends:

1. That
 - 1) the proposed Plan of Subdivision (7 Lots, File #48T-12111) by Goodridge Planning & Surveying on behalf of Dimitrios and Tracy Kolios, for Concession A, Lot 16, Reference Plan NR-33 Part 4, and 36R-12000 Parts 1 & 2, PIN 49127-0928 (LT) and 49127-0933 (LT), in the former Township of Widdifield, shown as Lots 1 to 7 and Block 8 for the subject lands on Carmichael Drive, as

shown on Schedule "B" attached hereto, be given draft approval subject to the conditions in Appendix "A" attached to the report to the Planning Advisory Committee dated March 1, 2012; and

- 2) 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

DISSENTS

LAWLOR
MENDICINO
VAILLANCOURT
McDONALD

- Res. #2012-255: Moved by Councillor Koziol, seconded by Councillor Maroosis
That 1) Council appoint Jerry Knox as Chief Administrative Officer, effective July 30, 2012;
- 2) the by-law confirming the appointment be brought forward for three (3) readings on Monday, April 16, 2012; and
 - 3) the by-law authorizing the execution of an employment Agreement be brought forward for three (3) readings on Monday, April 16, 2012

Record of Vote (Upon Request of Councillor Koziol)

Yeas: Councillors Koziol, Vaillancourt, Mayne, Vrebosch, Maroosis, Bain, Mendicino, Lawlor, McDonald

Nays: Nil

"CARRIED"

- Res. #2012-256: Moved by Councillor Koziol, seconded by Councillor Maroosis
That Council authorize an application for approval of set fines and short form wordings for offences contrary to the Smoking By-Law, as set out in Schedule "A" of Report to Council CORP 2012-49.

"CARRIED"

- Res. #2012-257: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the recommendation from the Planning Advisory Committee regarding the Rezoning application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada - 449 Laurier Avenue be referred to the Community Services Committee for a Public Meeting.

"CARRIED"

- Res. #2012-258: Moved by Councillor Koziol, seconded by Councillor Maroosis
That accounts totalling \$14,102,884.24 for March 2012 be approved.

"CARRIED"

Res. #2012-259: Moved by Councillor Koziol, seconded by Councillor Maroosis That accounts for Royal Bank and Toronto Dominion Bank totalling \$3,624.71 for March 2012 be approved.

"CARRIED"

Res. #2012-260: Moved By Councillor Koziol, seconded by councillor Maroosis That the Tax Appeal applications attached to CORP Report No. 2012-48 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.

"CARRIED"

Res. #2012-261: Moved by Councillor Vrebosch, seconded by Councillor Mayne That City Council approve the award of a contract to Miller Paving North Bay, a Division of Miller Paving Limited in the estimated amount of \$1,558,312.50 (HST excluded), to supply Asphalt Concrete Pavement Patching material from the time of award to December 1, 2012.

"CARRIED"

Res. #2012-262: Moved by Councillor Vrebosch, seconded by Councillor Mayne That City Council approve a contract be awarded to Lafarge Canada Inc., in the estimated amount of \$91,992.10 (excluding HST), for the supply of Ready Mix Concrete on an as and when requested basis from the date of contract to October 1, 2012.

"CARRIED"

Res. #2012-263: Moved by Councillor Vrebosch, seconded by Councillor Mayne That City Council approve a contract be awarded to First North Enterprise Inc., in the estimated amount of \$108,000.00 (HST excluded), to replace sidewalks on a requested basis from the date of contract to October 31, 2012.

"CARRIED"

Res. #2012-264: Moved by Councillor Vrebosch, seconded by Councillor Mayne That City Council approve a contract be awarded to Pioneer Construction Inc., in the estimated amount of \$399,988.00 (HST excluded), for the supply of Aggregate Materials on an as and when requested basis from the date of contract to October 30, 2012.

Councillor Maroosis declared a conflict of interest as his son-in-law is employed by an unsuccessful bidder.

"CARRIED"

Res. #2012-265: Moved by Councillor Lawlor, seconded by Councillor Mendicino That the World's Finest Shows be granted exclusivity within the following defined city parkland, roadways and sidewalks for their spring show which is scheduled to take place in Lee Park on May 30 to June 3, 2012, with setup taking place May 27 - 29, 2012. The exclusive area is defined as Lee Park inclusive; Memorial Drive roadway and associated sidewalks along the borders of Lee Park from Stanley Street to Judge Avenue; Judge Avenue and associated sidewalks from Leask Street to Lee Avenue;

Lakeshore Drive roadway and the associated sidewalks beginning at the north border of Lee Park extending to 100 meters south past the intersection at Judge Avenue.

"CARRIED"

- Res. #2012-266: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That 1) the O'Canada Day Committee be granted permission to hold the 2012 Canada Day Celebrations in and about the Waterfront Park on July 1, 2012 pursuant to By-Law No. 142-76 (Noise By-Law);
- 2) the requests by the O'Canada Day Committee regarding exemption from the Noise By-Law, exclusivity over the event and grounds be approved as per the following:
- a) having approved Recommendation No. 1 granting permission to hold the public celebration known as the 2012 O'Canada Day Event, the event becomes exempt from the noise control provisions contained in By-Law No. 142-76 (Noise By-Law), as amended, pursuant to the operation of Section 6 and Schedule 3 thereof;
 - b) exclusivity be granted on July 1, 2012 on and over the City-owned or controlled lands (except the North Bay Wastewater Treatment Facility Lands) within the area defined as, extending from, and inclusive of the waterfront beaches starting at Tenth Street and both sides of Memorial Drive from the Uniroc Site up to and including Lee Park.

"CARRIED"

- Res.# 2012-267: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That City Council approve the amendment to the Municipal Alcohol Policy Regulation 3 attached to Report to Council CSBU 2012-38 dated April 12, 2012 to include the Steve Omischl Sports Field Complex, as a facility that is eligible to host liquor licensed events.

"CARRIED"

- Res. #2012-268: Moved by Councillor Koziol, seconded by Councillor Maroosis
That the following by-laws be read a first and second time:
- By-Law No. 2012-76 to authorize the sale of lands no longer required for municipal purposes to Dan Burke and Ruth Burke (Part of Bourke Street Road Allowance).
- By-Law No. 2012-106 to confirm proceedings on the Meeting of Council on April 2, 2012.
- By-Law No. 2012-107 to authorize the sale of lands no longer required for municipal purposes (Part of the Bourke Street Road Allowance).
- By-Law No. 2012-112 to confirm proceedings of the Meeting of Council on March 26, 2012.
- By-Law No. 2012-116 to authorize the sale of Parts 1 & 2 on Plan 36R-13218, Part of Alexander Road Allowance.

By-Law No. 2012-117 to authorize the execution of an Agreement with 1650939 Ontario Ltd. o/a Dominion Construction relating to Leger Square Reconstruction.

"CARRIED"

Res. #2012-269: Moved by Councillor Koziol, seconded by Councillor Maroosis
That the following by-laws be read a third time and passed:

By-Law No. 2012-76 to authorize the sale of lands no longer required for municipal purposes to Dan Burke and Ruth Burke (Part of Bourke Street Road Allowance).

By-Law No. 2012-106 to confirm proceedings on the Meeting of Council on April 2, 2012.

By-Law No. 2012-107 to authorize the sale of lands no longer required for municipal purposes (Part of the Bourke Street Road Allowance).

By-Law No. 2012-112 to confirm proceedings of the Meeting of Council on March 26, 2012.

By-Law No. 2012-116 to authorize the sale of Parts 1 & 2 on Plan 36R-13218, Part of Alexander Road Allowance.

By-Law No. 2012-117 to authorize the execution of an Agreement with 1650939 Ontario Ltd. o/a Dominion Construction relating to Leger Square Reconstruction.

"CARRIED"

Res. #2012-270: Moved by Councillor Koziol, seconded by Councillor Maroosis
That the following by-law be read a first and second time:

By-Law No. 2012-110 to appoint a Chief Administrative Officer.

"CARRIED"

Res. #2012-271: Moved by Councillor Koziol, seconded by Councillor Maroosis
That the following by-law be read a third time and passed:

By-Law No. 2012-110 to appoint a Chief Administrative Officer.

"CARRIED"

Res. #2012-272: Moved by Councillor Koziol, seconded by Councillor Maroosis
That the following by-law be read a first and second time:

By-Law No. 2012-111 to authorize the execution of an Employment Agreement with Jerry D. Knox.

"CARRIED"

Res. # 2012-273: Moved by Councillor Koziol, seconded by Councillor Maroosis
That the following by-law be read a third time and passed:

By-Law No. 2012-111 to authorize the execution of an Employment Agreement with Jerry D. Knox.

"CARRIED"

Res. #2012-274: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2012-100 to rezone certain lands on Airport Road (Jack Garland Airport).

"CARRIED"

Res. # 2012-275: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2012-113 being a by-law to amend By-Law No. 1999-06, The Property Standards & Vital Services By-Law.

Councillor Koziol declared a conflict of interest as by-law may affect her business.

"CARRIED"

Res. #2012-276: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2012-113 being a by-law to amend By-Law No. 1999-06, The Property Standards & Vital Services By-Law.

Councillor Koziol declared a conflict of interest as by-law may affect her business.

"CARRIED"

Res. #2012-277: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:
By-Law No. 2012-36 to rezone certain lands on Main Street West (Southshore Investments Inc. - 1704 to 1730 Main Street West).

"CARRIED"

Res. #2012-278: Moved by Councillor Mendicino, seconded by Councillor Bain

WHEREAS NDP Leader Andrea Horwath has requested that the Provincial Government stop the divestment process for the Ontario Northland Transportation Commission (ONTC) thereby retaining this critical piece of Northern Ontario infrastructure in public ownership; and

WHEREAS Premier McGuinty has stated that his government still intends to proceed with this ill conceived plan to sell off the ONTC; and

WHEREAS Premier McGuinty's government released a Growth Plan for Northern Ontario to much fan fare with the Growth Plan designed to set the North's economy on a strong, globally competitive footing; and

WHEREAS then Minister of Northern Development, Mines and Forestry Michael Gravelle stated "*The true strength of the North is its people, their resourcefulness and their entrepreneurial spirit. We're harnessing these qualities to develop a Growth Plan for Northern Ontario that is built by northerners, for northerners. We look forward to reaping the benefits in an innovative, robust and competitive northern economy.*" and

WHEREAS current Minister of Northern Development and Mines Rick Bartolucci stated *"Keeping Northern Ontario strong and prosperous today and in the future is important to all of us, and a Growth Plan for Northern Ontario will give greater opportunities for economic prosperity in our community."* and

WHEREAS the Northern Growth Plan contains extensive acknowledgement that the success of the Plan's stated purpose of creating a "stronger, more prosperous North for generations to come" is dependent upon "delivering a complete network of transportation, energy, communications, social and learning infrastructure to support strong, vibrant communities" as stated in the Guiding Principles; and

WHEREAS the Province recently commenced a Northern Multi Modal Transportation study as one of the first significant initiatives under the Growth Plan; and

WHEREAS this Multi Modal Transportation Study is not yet sufficiently developed to fully understand the implications of the ONTC divestiture; and

WHEREAS the Province has established a Northern Advisory Committee (NAC) comprised of prominent Northerners to provide a Northern perspective on significant Provincial decisions impacting Northern Ontario; and

WHEREAS a core function of the NAC is to provide advice to the Province on strategies to ensure the success of regional economic development including the role of transportation in contributing to this success; and

WHEREAS the Northern Growth Plan states: *"This Plan marks a new era of closer collaboration. The Province will play a leading role in realizing this Plan's vision, but the Province will not be acting alone. The residents, local governments, Aboriginal peoples, businesses and institutions of the North will be leaders in this transformation as well;"* and

WHEREAS the decision to divest the ONTC was made unilaterally by the Province with absolutely no consultation with local governments, Aboriginal peoples, businesses or any other stakeholder including the Provincially appointed NAC; and

WHEREAS this heavy handed decision brings into question the Government's commitment to the laudable goals stated in the Northern Growth Plan and is an affront to those Northerners committed to improving the regions economy and quality of life as part of the Northern Advisory Committee.

BE IT THEREFORE RESOLVED THAT the Mayor and Council of the City of North Bay strongly request that Premiere McGuinty immediately terminate the planned divestment of the ONTC and meet with Northern stakeholders as requested in correspondence from Northern Mayors dated April 2nd, 2012; and

BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to the Honourable Premier Dalton McGuinty; the Honourable Rick Bartolucci, Minister of Northern Development and Mines; the Honourable Bob Chiarelli, Minister of Infrastructure and the Minister of Transportation;

the Honourable Dwight Duncan, Minister of Finance; the Ontario Northland Transportation Commission – Administration and Unions; the Federation of Northern Ontario Municipalities; all municipalities in the ONTC catchment area; all affected First Nation communities in Northeastern Ontario; Victor Fedeli MPP; Jay Aspin MP; Tim Hudak, Leader of the Progressive Conservative Party of Ontario; Andrea Horwath, Leader of the Ontario New Democratic Party; and to the North Bay and District Chamber of Commerce.

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

Yeas: Councillors Mendicino, Mayne, Maroosis, Vrebosch, Vaillancourt, Bain, Lawlor, Koziol, McDonald

Nays: Nil

“CARRIED”

Res. #2012-279: Moved by Councillor Koziol, seconded by Councillor Maroosis That Council adjourn in-camera pursuant to section 239.(2) of the *Municipal Act, 2001*, as amended, at 8:07 p.m. for the following reasons: Item 14, being personal matters about identifiable individuals, including municipal employees; and Item 15, being the proposed disposition of lands by the Municipality

“CARRIED”

Res. #2012-280: Moved by Councillor Koziol, seconded by Councillor Maroosis That Council reconvene at 8:31 p.m.

“CARRIED”

Res. #2012-281: Moved by Councillor Koziol, seconded by Councillor Maroosis That 1) City Council approve the sale to Micor Holdings Ontario Ltd., for a parcel of vacant City-owned land described as Concession D, Part of Lot 18, Parcels 238 and 10108, Reference Plan 36R-5553, Parts 15 & 30 in the former Township of Widdifield, in the amount of \$128,900.00 (HST extra); and

2) the funds from the sale be placed in the Property Development Reserve Fund.

“CARRIED”

Res. #2012-282: Moved by Councillor Bain, seconded by Councillor Vaillancourt That this Regular Meeting of Council do now adjourn at 8:32 p.m.

“CARRIED”

original signature on file

MAYOR ALLAN McDONALD

original signature on file

DEPUTY CITY CLERK KAREN McISAAC