

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, APRIL 7TH, 2003**

PRESENT: Mayor Burrows, Councillors Bennett, Kidd, Chirico, Campbell, Anthony, Church, Boldt, Maroosis, Handley

CORRESPONDENCE:

Consolidated Homes Ltd./Golden Estates Limited	re Rezoning application – O'Brien St. and Airport Road intersection	(186)
Near North District School Board	re Rezoning application – First Avenue East	(185)
North Bay-Mattawa Conservation Authority	re Request for Road Closures	(188)
O'Reilly, Ken & Violet	re Water Services – 14 Shelp Avenue	(189)
Rivet, Sharon	re Fence Variance – 492 Norwood Avenue	(191)
Trottier, Kevin	re Purchase Road Allowance – Delaney St.	(192)

REPORTS FROM OFFICERS:

Bullock, P.	re N.B. Water Treatment and Distribution System-Annual Compliance Report 2002	(187)
Bullock, P.	re Merrick Landfill Tipping Fee – Large Quantity Projects	(209)
Burke, M.	re Community Policing Partnership Program	(190)
Burke, M.	re Purchase Road Allowance – Delaney St.	(192)
Burke, M.	re Request to Purchase Property - Lot 82, Plan M165 (King Street)	(210)
Cox, Angela	re N.B.-Mattawa Conservation Authority – Road Closure	(188)
Horsman, B.	re Fence Variance – 492 Norwood Avenue	(191)
Houston, J.	re Pete Palangio/West Ferris Arenas Safety Upgrades	(196)
McCullough, T.	re Emergency Management Act (Bill 148)	(193)
Manning, J.	re RFP 2003-11, Water Analysis Program	(194)
Rogers, B.	re NBMCA – Deficit Reduction Plan	(195)
Sheffield, T.	re Heritage Festival and Airshow	(184)
Simmonds, J.	re Water Services – 14 Shelp Avenue	(189)

Res. #2003-183: Moved by Councillor Bennett, seconded by Councillor Handley
That minutes for the meeting held:

- Monday, January 13, 2003

be adopted as presented.

“CARRIED”

Res. #2003-184: Moved by Councillor Bennett, seconded by Councillor Kidd
That 1) the City Treasurer be authorized to write-off up to \$165,000, being the deficit of the Heritage Festival and Airshow, accumulated over 2000, 2001 and 2002; and,

2) Council approve the Budget for the 2003 North Bay Heritage Festival and Airshow attached to Report to Council CAO 2003-06, as presented by the Festival Management Committee.

“CARRIED”

Res. #2003-185: Moved by Councillor Church, seconded by Councillor Anthony
That the rezoning application by Dimitrios Kolios on behalf of the Near North
District School Board, First Avenue East be received.

“CARRIED”

Res. #2003-186: Moved by Councillor Church, seconded by Councillor Anthony
That the rezoning application by Consolidated Homes Ltd./Golden Estates
Limited, O’Brien Street and Airport Road intersection be received.

“CARRIED”

Res. #2003-187: Moved by Councillor Handley, seconded by Councillor Maroosis
That 1) North Bay City Council receive *the “City of North Bay Water
Treatment and Distribution System: Annual Compliance
Report 2002”* as completed in compliance with Certificate of
Approval 4118-55JMHT Section 4; and,

- 2) a resolution indicating that the 2002 Compliance Report has
been received by North Bay City Council be sent to the Director
of Environmental Monitoring and Reporting Branch of the
Ontario Ministry of Environment.

“CARRIED”

Res. #2003-188: Moved by Councillor Handley, seconded by Councillor Maroosis
That 1) approval be given to temporarily close Ski Club Road from
Chapais Street to Bolton Street and to close Janey Avenue from
Greenhill Avenue to Vermont Street from the Jack Pine Hill
Snowmobile Hillcross Race on Saturday, April 12th, 2003 from
8:00 a.m. to 7:00 p.m.;

- 2) as a condition of approval, the Jack Pine Hill Organization
provide personnel to assist in directing local traffic on Ski Club
Road safely past crossing snowmobile traffic;
- 3) as a condition of approval, the Jack Pine Hill Organization pay
for any overtime costs associated with the setting out of traffic
signage by City personnel; and,
- 4) Council grant Jack Pine Hill an exception from the Noise By-Law
142-76, commencing at 9:00 a.m. on Friday, April 11th, 2003 to
9:00 p.m. Saturday, April 12th, 2003.

“CARRIED”

Res. #2003-189: Moved by Councillor Handley, seconded by Councillor Maroosis
That 1) a copy of the Report No. JS-2003-05 from the City Engineer be
forwarded to Violet & Ken O’Reilly of 14 Shelp Street; and,

- 2) they be informed that the City cannot extend water or sewer
services to Shelp Street except through the normal development
process or under the Local Improvement Act.

“CARRIED”

Res. #2003-190: Moved by Councillor Bennett, seconded by Councillor Kidd
That Council approve the renewal of a 1998 Agreement with the Province of
Ontario under the Community Policing Partnership Program for continued
funding assistance for nine (9) police officers.

“CARRIED”

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Res. #2003-191: Moved by Councillor Church, seconded by Councillor Anthony
That Council approve the request for a variance from Fence By-Law 2002-105:

- 1) to permit a fence located in the exterior side yard (flankage street side) to increase in height from 4'0" to 6'0" at 492 Norwood Avenue;
- 2) subject to the owner complying with location, use and other applicable law issues for two accessory buildings constructed without a building permit; and,
- 3) that the remaining fencing comply with By-Law 2002-105 to properly safeguard the in-ground pool also constructed without a permit.

“CARRIED”

Res. #2003-192: Moved by Councillor Bennett, seconded by Councillor Kidd
That Council deny the request of Mr. Trottier to purchase the road allowance along Delaney Street.

“CARRIED”

Res. #2003-193: Moved by Councillor Church, seconded by Councillor Anthony
That to comply with the Emergency Management Act (Bill 148) “Essential Program”, the City of North Bay adopt a By-Law to enact the following:

- 1) the Fire Chief be named the Community Emergency Management Co-ordinator for the City of North Bay;
- 2) the “extended” Emergency Operations Control Group be named to the “Community Emergency Management Program Committee; and,
- 3) the approved Community Emergency Response Plan be published and copies be made available through the City of North Bay Clerk’s office. The City of North Bay Community Emergency Plan (previously adopted under By-Law 1-93) to include:
 - identification of an appropriate Emergency Operations Centre and suitable back-up
 - identification of critical infrastructure
 - an appropriate community emergency response capability
 - identification of individuals to act as community emergency information staff

“CARRIED”

Res. #2003-194: Moved by Councillor Handley, seconded by Councillor Maroosis
That North Bay City Council approve a contract be issued to KMK Consultants Limited in the amount of \$59,000 (taxes extra) to provide the Engineer portion for a Water Analysis Program/Unidirectional Flushing Program.

“CARRIED”

Res. #2003-195: Moved by Councillor Bennett, seconded by Councillor Kidd
That 1) subject to a review of the proposed surplus properties by the

Board of Directors March 26, as described in Report to Council CORP 2003-31, dated March 27, 2003, be accepted as the plan required in the Supplementary Financing Agreement dated December 18, 2002; and,

- 2) the North Bay-Mattawa Conservation Authority "Quarterly Treasurer's Report" as attached to Report to Council CORP 2003-31 dated March 27, 2003, be accepted as the financial reporting format required in the Supplementary Financing Agreement dated December 18, 2002.

"CARRIED"

Councillor Maroosis Challenged the Chair on his ruling of "no further discussions" as the matter would be referred to the General Government Committee.

Record of Vote re: Challenge of the Chair upon the request of Councillor Maroosis

Yeas: Mayor Burrows, Councillors Boldt, Church, Anthony

Nays: Councillors Handley, Maroosis, Campbell, Chirico, Kidd, Bennett,

Council does not support the decision of the Chair.

Res. #2003-196: Moved by Councillor Church, seconded by Councillor Anthony
That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the Safety Upgrades required at Pete Palangio and West Ferris Arenas, being 2003 Capital Budget Project No. 32 at a net debentured cost of \$100,000.

"CARRIED"

Res. #2003-197: Moved by Councillor Church, seconded by Councillor Boldt
That Mr. Shannon's presentation regarding snowmobile access be referred to the Community Services Committee and the Snowmobile Advisory Committee.

"CARRIED"

Res. #2003-198: Moved by Councillor Bennett, seconded by Councillor Kidd
That the following by-laws be read a first and second time:

By-Law No. 2003-33 to authorize the expenditure of funds for the purpose of a Transit Coach Replacement/Refurbishment Program.

By-Law No. 2003-34 to set 2003 tax ratios and tax rates and to levy taxes for the year 2003 and to repeal By-Law No. 2002-90.

By-Law No. 2003-35 to authorize the adoption of the 2003 Operating and Capital Budgets.

"CARRIED"

Res. #2003-199: Moved by Councillor Bennett, seconded by Councillor Kidd
That the following by-laws be read a third time and passed:

By-Law No. 2003-33 to authorize the expenditure of funds for the purpose of a Transit Coach Replacement/Refurbishment Program.

By-Law No. 2003-34 to set 2003 tax ratios and tax rates and to levy taxes for the year 2003 and to repeal By-Law No. 2002-90.

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By-Law No. 2003-35 to authorize the adoption of the 2003 Operating and Capital Budgets.

“CARRIED”

Res. #2003-200: Moved by Councillor Bennett, seconded by Councillor Kidd
That the following by-laws be read a second time:

By-Law No. 2003-20 to stop up, close and convey a portion of the laneway between Corbett Street and Mulligan Street.

By-Law No. 2003-21 to stop up, close and convey a portion of the laneway between Sixth Avenue and Seventh Avenue.

“CARRIED”

Res. #2003-201: Moved by Councillor Bennett, seconded by Councillor Kidd
That the following by-laws be read a third time and passed:

By-Law No. 2003-20 to stop up, close and convey a portion of the laneway between Corbett Street and Mulligan Street.

By-Law No. 2003-21 to stop up, close and convey a portion of the laneway between Sixth Avenue and Seventh Avenue.

“CARRIED”

Res. #2003-202: Moved by Councillor Church, seconded by Councillor Anthony
That the following by-laws be read a second time:

By-Law No. 2003-31 to rezone certain lands on Northshore Road (Eastview Developments – Northshore Road).

By-Law No. 2003-32 to adopt Official Plan Amendment No. 93 (Eastview Estates).

“CARRIED”

Res. #2003-203: Moved by Councillor Church, seconded by Councillor Anthony
That the following by-laws be read a third time and passed:

By-Law No. 2003-31 to rezone certain lands on Northshore Road (Eastview Developments – Northshore Road).

By-Law No. 2003-32 to adopt Official Plan Amendment No. 93 (Eastview Estates).

“CARRIED”

Res. #2003-204: Moved by Councillor Handley, seconded by Councillor Maroosis
That the following by-law be read a first and second time:

By-Law No. 2003-36 to execute an Agreement with Northern Ontario Heritage Fund Corporation relating to Water Treatment Plant UV and related upgrades.

“CARRIED”

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Res. #2003-205: Moved by Councillor Handley, seconded by Councillor Maroosis
That the following by-law be read a third time and passed:

By-Law No. 2003-36 to execute an Agreement with Northern Ontario Heritage Fund Corporation relating to Water Treatment Plant UV and related upgrades.

“CARRIED”

Res. #2003-206: Moved by Councillor Chirico, seconded by Councillor Kidd
WHEREAS the Provincial Government has set out objectives regarding the service improvement strategy for the Ontario Northland Railway to include:

- Providing access to quality telecommunications
- Supporting and enhancing economic development
- Protecting current employment and fostering growth of new jobs
- Ensuring competitive pricing for customers, and
- Maintaining or enhancing service levels

AND WHEREAS the economic prosperity of many vendor companies based in North Bay and throughout the North depend on the valuable business from the ONTC and,

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of North Bay demand that Premier Ernie Eves and the Provincial Government,

- i) Honour their objectives in any future negotiations regarding the future of ONTC;
- ii) Ensure that there is long term sustainability for ONTC transportation and telecommunication jobs and business in North Bay and indeed throughout the North;
- iii) Adhere to the promise made that no job losses will occur or be transferred as a result of the sale of the ONTC;
- iv) Release the original ISG and CN plans for public review and evaluation; and,
- v) A copy of this resolution be forwarded to the Honourable Ernie Eves, the Honourable Jim Wilson, Al McDonald, M.P.P. Nipissing, Ontario Northland Transportation Commission, NEOMAG, NEOMA, FONOM, AMO, Chambers of Commerce in the region and the Economic Development Commissions in the region.

“CARRIED”

Councillor Campbell declared a conflict of interest on the above matter as her spouse is employed with Ontario Northland.

Res. #2003-207: Moved by Councillor Handley, seconded by Councillor Maroosis
WHEREAS the Province of Ontario adopt Bill 195, the *Safe Drinking Water*

Act and Bill 175, the *Sustainable Water and Sewage System Act* on December 13, 2002;

AND WHEREAS specific Regulations related to each of these Acts are still forthcoming;

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AND WHEREAS Part 3, Section 19 “Standard of Care, Municipal Drinking-Water System” of the *Safe Drinking Water Act*, Bill 195, outlines that owners, and every person who, on behalf of the municipal drinking-water system, oversees the accredited operating authority of the system or exercises decision-making authority of the system, are required to exercise a level of care, diligence and skill that a reasonably prudent person would be expected to exercise;

AND WHEREAS there are no specific Regulations to define the term “reasonably prudent person”;

AND WHEREAS an individual’s decision to run for a Municipal Council position will be influenced by their concern regarding personal exposure to liability claims and fines associated with violations of the *Safe Drinking Water Act* and the *Sustainable Water and Sewage System Act* as a result of the lack of a clear-cut definition of a “reasonably prudent person” in relation to these Acts;

NOW THEREFORE BE IT THEREFORE RESOLVED THAT the Council of The Corporation of the City of North Bay requests that the Ministry of the Environment clarify the meaning of a “reasonably prudent person” detailing the specific actions that a “reasonably prudent person” would be expected to exercise in the course of their duties with respect to each of these Acts;

AND FURTHER BE IT RESOLVED THAT this Resolution be circulated to the Premier of Ontario, the Ministry of the Environment, the Ministry of Municipal Affairs and Housing, the Honourable Al McDonald, M.P.P., and the Association of Municipalities of Ontario.

“CARRIED”

Res. #2003-208: Moved by Councillor Handley, seconded by Councillor Bennett
That Council adjourn to an *in-camera* meeting to discuss a financial matter and a property matter.

“CARRIED”

Res. #2003-209: Moved by Councillor Handley, seconded by Councillor Maroosis
That

- 1) the City Engineer be authorized to negotiate lower tipping rates up to 20% of the net tipping fees for Merrick Landfill, for contaminated fill projects of over 2,500 tonnes; and,
- 2) a full written report be given to the CAO and Council whenever this occurs.

“CARRIED”

Res. #2003-210: Moved by Councillor Bennett, seconded by Councillor Kidd
That

- 1) Council declare Lot 82, Plan M165 as surplus; and,
- 2) Council authorize the sale by tender of Lot 82, Plan M165 being an unserved lot.

"CARRIED"

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Res. #2003-211: Moved by Councillor Bennett, seconded by Councillor Boldt
That this meeting do now adjourn.

"CARRIED"

MAYOR

CITY CLERK