

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD TUESDAY, AUGUST 7TH, 2007**

PRESENT: Mayor Fedeli, Councillors Chirico, Campbell, Vaillancourt, Graham,
Mendicino, Koziol, Bain, Anthony

CORRESPONDENCE:

North Bay Hydro Services Limited	re Board of Directors Renewal of Term	(531)
North Bay Hydro Distribution Limited	re Board of Directors Renewal of Term	(532)

REPORTS FROM OFFICERS:

Bullock, P.	re Brownfield Community Improvement Plan	(544)
Burke, M.	re Part Lot Control By-Law for North Bay- Mattawa Conservation Authority	(539)
Carvell, D.	re Governance Agreement for the Joint Procurement of Transit Buses	(536)
Conrad, C.	re <i>Municipal Act</i> , 2001 - Provisions for Public Notice	(540)
Elliott, G.	re Street Pattern Redevelopment Concepts - CN Lands - Algonquin to Cassells Area	(538)
Elliott, G.	re Waterfront Park Underpasses	(545)
Hillier, B.	re Property Sale - Ferris Dr. & Legault St.	(557)
Kilgour, I.	re Brownfield Community Improvement Plan	(544)
Kitlar, S.	re 2007 Recreation, Sport & Healthy Active Living Strategy	(533)
Korell, A.	re St. John Village - Stage IV, Perut Place, Phase I	(541)
Linkie, D.	re Road Watch Program	(537)
Manning, J.	re RFP 2007-65, Lamorie Street Bridge	(542)
Manning, J.	re Tender 2007-78, Surface Treatment	(543)
McArthur, S.	re Rezoning Application - Duke St. W.	(530)

Res. #2007-527: Moved by Councillor Vaillancourt, seconded by Councillor Graham
That minutes for the closed meeting held on:

- Monday, July 23, 2007

be adopted as presented.

"CARRIED"

Res. #2007-528: Moved by Councillor Anthony, seconded by Councillor Bain
That Community Services Committee Report No. 2007-19 relating to:

- North Bay Partners In Hockey

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2007-19

August 7, 2007

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2007-19 and recommends:

1. That the North Bay Partners In Hockey recommendation concerning a Feasibility Study to determine the need for an additional ice surface be:
 - a) referred to the 2008 budget process;
 - b) include trends and demographics, and complete cost estimates for the various options; and
 - c) all possible cost sharing opportunities be explored prior to any implementation of such a study.

All of which is respectfully submitted.

ASSENTS
 ANTHONY
 BAIN
 FEDELI

DISSENTS

Res. #2007-529: Moved by Councillor Anthony, seconded by Councillor Bain
 That Community Services Committee Report No. 2007-20 relating to:

- Request from Jack Cockerline for right-of-way access over City parkland

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2007-20

August 7, 2007

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2007-20 and recommends:

1. That City Council deny the request by Jack Cockerline to provide an access right-of-way over City owned parkland.

All of which is respectfully submitted.

ASSENTS
 ANTHONY
 BAIN
 FEDELI

DISSENTS

Res. #2007-530: Moved by Councillor Anthony, seconded by Councillor Bain
That the rezoning application by Miller & Urso Surveying Inc. on behalf of 1038634 Ontario Inc. - Duke Street West be received and referred to the Community Services Committee for a Public Meeting.

“CARRIED”

Res. #2007-531: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council approve the appointment by North Bay Hydro Holdings Limited that John Gallagher’s term on the Board of Directors of North Bay Hydro Services Limited be extended for a further three year term to expire June 30, 2010.

“CARRIED”

Res. #2007-532: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council approve the following appointments by North Bay Hydro Holdings Limited:

- 1) That Carl Crewson’s term on the Board of Directors for North Bay Hydro Distribution Limited be extended for a further three year term to expire June 30, 2010; and
- 2) That Glen Weckwerth’s term on the Board of Directors for North Bay Hydro Distribution Limited be extended for a further three year term to expire June 30, 2010.

“CARRIED”

Res. #2007-533: Moved by Councillor Anthony, seconded by Councillor Bain
That the report regarding the Recreation, Sport and Healthy Active Living Strategy attached to CSBU Report 2007-74, be received by Council and referred to the Community Services Committee for review and discussion.

“CARRIED”

Res. #2007-534: Moved by Councillor Chirico, seconded by Councillor Campbell
That accounts totaling \$8,652,233.88 for June 2007 be approved.

“CARRIED”

Res. #2007-535: Moved by Councillor Campbell, seconded by Councillor Vaillancourt
That accounts for Royal Bank totaling \$1,493.08 for June 2007 be approved.

“CARRIED”

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

Res. #2007-536: Moved by Councillor Anthony, seconded by Councillor Bain
That Council enter into a Governance Agreement for the Joint Procurement of three (3) transit buses (1-2007; 2-2008), with the Province of Ontario represented by the Minister of Transportation for the Province of Ontario.

“CARRIED”

Res. #2007-537: Moved by Councillor Koziol, seconded by Councillor Mendicino
That 1) this matter be noted and filed; and

- 2) a copy of the Road Watch information attached to CAO Report 2007-04 be forwarded to the North Bay Police Services for their consideration.

“CARRIED”

Res. #2007-538: Moved by Councillor Koziol, seconded by Councillor Mendicino
That Council authorize a by-law to approve:

- 1) the proposed realignment concept of Second Avenue and Galt Street to create a common intersection with Front Street near the previous location of the CN Trestle over Front Street;
- 2) the proposed reconnection concept of Ann Street between Cedar Street and Front Street; and
- 3) the proposed four lane reconstruction concept of Cassells Street at the previous CN Trestle location.

“CARRIED”

Res. #2007-539: Moved by Councillor Chirico, seconded by Councillor Campbell
That Council authorize a Part Lot Control Exemption By-Law to deem Lot 262, Plan 57 as not being subject to part lot control pursuant to section 50 (7) of the *Planning Act*.

“CARRIED”

Res. #2007-540: Moved by Councillor Chirico, seconded by Councillor Campbell
That Report to Council No. CORP 2007-120 concerning procedures for public notice be received and referred to the General Government Committee for a public meeting under the *Municipal Act*.

“CARRIED”

Res. #2007-541: Moved by Councillor Koziol, seconded by Councillor Mendicino
That 1) the City enter into a Pre-Servicing Agreement with Perut Construction Limited in a form satisfactory to the City Solicitor, for the installation of underground and above ground services in the proposed St. John Village, Stage IV Subdivision, on Perut Place, subject to the conditions laid out in Report No. EEW 2007-26 dated July 19, 2007, from the Managing Director of Engineering, Environmental Services and Works, Alan Korell, P. Eng;

- 2) funds in the amount of \$20,747.00 plus GST be made available from the City's Completed Capital Works Reserve Fund to pay for the City's share of the oversizing for the storm sewer works on Perut Place; and
- 3) funds be identified in the City's 2008 Five Year Capital Budget for the reconstruction of the Trout Lake Road at Giroux Street intersection in conjunction with the Phase II Perut Place subdivision.

“CARRIED”

Res. #2007-542: Moved by Councillor Koziol, seconded by Councillor Mendicino
That 1) North Bay City Council approve a contract be awarded to Earth Tech Canada Inc. in the amount of \$97,647.20 (GST included), for a Life-Cycle Assessment and Cost Benefit Analysis of the Lamorie Street Bridge; and

- 2) the City Clerk be authorized to present a Capital By-Law to authorize the project with a net debenture cost of \$100,000.00.

“CARRIED”

Res. #2007-543: Moved by Councillor Koziol, seconded by Councillor Mendicino
That North Bay City Council approve a contract be awarded to Miller Paving Ltd. in the estimated amount of \$239,850.00 (GST extra), for the surface treatment of various roads on an as and when requested basis.

“CARRIED”

Res. #2007-544: Moved by Councillor Anthony, seconded by Councillor Bain
That

- 1) the City of North Bay Official Plan be amended to support the development of Brownfield Community Improvement Plans;
- 2) a Brownfields Community Improvement Plan be developed for lands as identified in Report CSBU 2007-72 being lands rimming the CWF Park and North Bay Waterfront/Central Business District and having been impacted by former railway uses at an upset cost of \$50,000;
- 3) the Brownfield Community Improvement Plan preparation be co-ordinated by the Managers of Planning Services and Environmental Services;
- 4) approval be granted to fund \$25,000 for the development of the plan from the Design Work Capital Program line 7a (HTE2735RD); and
- 5) an application be made to the Rural Economic Development program for a grant for \$25,000 to cover eligible costs related to hiring a consultant for the project.

“CARRIED”

Res. #2007-545: Moved by Councillor Koziol, seconded by Councillor Mendicino
That

- 1) Northland Engineering be retained sole sourced to complete the project approvals and coordination to tender the Underpasses Project for a negotiated fee of \$60,000.00 plus taxes per their letter of July 17, 2007;
- 2) the City Engineer issue a Request for Proposal for an engineering consultant for contract administration and inspection services for the Underpasses Project;
- 3) the Chief Financial Officer include an increase in the Waterfront Underpasses project funding of \$250,000.00 in 2008, and adjust the 2008 Capital Budget forecast to maintain current funding target levels; and
- 4) the final waterfront project for all remaining works to complete the park grading, storm sewers, parking lots, environmental monitoring, and Oak Street reconstruction be referred to the 2008 Capital Budget deliberations.

“CARRIED”

Res. #2007-546: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a first and second time:

By-Law No. 2007-175 to authorize the Rural Roadway Reconstruction Program.

By-Law No. 2007-176 to execute an Agreement with Ontario Realty Corporation relating to the North Bay Court House.

By-Law No. 2007-178 to authorize the Purchase of Land from Conseil Scolaire Catholique Franco-Nord (Algonquin Avenue at Jane Street).

“CARRIED”

Res. #2007-547: Moved by Councillor Chirico, seconded by Councillor Campbell
That the following by-laws be read a third time and passed:

By-Law No. 2007-175 to authorize the Rural Roadway Reconstruction Program.

By-Law No. 2007-176 to execute an Agreement with Ontario Realty Corporation relating to the North Bay Court House.

By-Law No. 2007-178 to authorize the Purchase of Land from Conseil Scolaire Catholique Franco-Nord (Algonquin Avenue at Jane Street).

“CARRIED”

Res. #2007-548: Moved by Councillor Anthony, seconded by Councilor Bain
That the following by-law be read a first and second time:

By-Law No. 2007-168 to amend By-Law No. 2007-07 (By-Law to Regulate the Administration of Building Permits).

“CARRIED”

Res. #2007-549: Moved by Councillor Anthony, seconded by Councillor Bain
That the following by-law be read a third time and passed:

By-Law No. 2007-168 to amend By-Law No. 2007-07 (By-Law to Regulate the Administration of Building Permits).

“CARRIED”

Res. #2007-550: Moved by Councillor Koziol, seconded by Councillor Mendicino
That the following by-laws be read a first and second time:

By-Law No. 2007-169 to amend By-Law No. 2005-03 being a By-Law to Control the Use of Pesticides in the City of North Bay.

By-Law No. 2007-177 to authorize the Execution of an Agreement with Rainbow Concrete Industries Limited relating to the Supply of Ready Mix Concrete.

By-Law No. 2007-179 to authorize the Execution of a Subdivision Pre-Servicing Agreement with Perut Construction Limited relating to Perut Place, Phase I.

“CARRIED”

Res. #2007-551: Moved by Councillor Koziol, seconded by Councillor Mendicino
That the following by-laws be read a third time and passed:

By-Law No. 2007-169 to amend By-Law No. 2005-03 being a By-Law to Control the Use of Pesticides in the City of North Bay.

By-Law No. 2007-177 to authorize the Execution of an Agreement with Rainbow Concrete Industries Limited relating to the Supply of Ready Mix Concrete.

By-Law No. 2007-179 to authorize the Execution of a Subdivision Pre-Servicing Agreement with Perut Construction Limited relating to Perut Place, Phase I.

“CARRIED”

Res. #2007-552:

Moved by Councillor Chirico, seconded by Councillor Vaillancourt
WHEREAS the Province of Ontario has experienced a significantly increased demand for shared services to meet public safety needs;

AND WHEREAS these increased demands for shared services are the result of public safety requirements beyond the normal and anticipated capacity of any given police service;

AND WHEREAS a constant and unified approach to mutual aid and operational assistance is necessary to meet these increased demands;

AND WHEREAS police leaders in Ontario recognize the need for multi-service preparedness and cooperation for all significant demands, including but not limited to, political, legal, social and environmental exigencies;

AND WHEREAS the Ontario Association of Chiefs of Police has called on the Provincial and/or Federal Government, as the case may be, to support financially police service engaged directly or indirectly with public safety requirements beyond the capacity of police services requiring assistance;

THEREFORE BE IT RESOLVED THAT the Council of the City of North Bay supports the Ontario Association of Chiefs of Police call on the Provincial and/or Federal Government, as the case may be, to support financially police service engaged directly or indirectly with public safety requirements beyond the capacity of police services requiring assistance;

BE IT FURTHER RESOLVED THAT a copy of this resolution in support be forwarded to the Ontario Association of Chiefs of Police, Dalton McGuinty (Premier of Ontario), Monte Kwinter (Minister of Community Safety and Correctional Services), the Leaders of the Opposition, Monique Smith (MPP for Nipissing), Anthony Rota (MP for Nipissing-Timiskaming), the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities and the North Bay Police Services Board.

“CARRIED”

Res. #2007-553:

Moved by Councillor Chirico, seconded by Councillor Vaillancourt
WHEREAS police organizations across Ontario having Court Houses within their jurisdiction have experienced continuous growing expenditures relative to the costs associated with providing security for those facilities;

AND WHEREAS these costs have grown dramatically and today represent an estimated five percent of police budgets;

AND WHEREAS the *Police Services Act* provides the Chief of Police with legislative responsibility to determine the level of court security after consultation with the local Court Security Committee;

AND WHEREAS employees of the Ministry of the Attorney General working in these facilities are utilizing the Ministry of Labour to demand increased security levels within the Court Houses;

AND WHEREAS local Court Advisory Committees established pursuant to the Adequacy Standard Regulation – 03/99 of the *Police Services Act* are demanding increased levels of security without regard or responsibility for police budgets;

AND WHEREAS the core functions for police as established by the *Police Services Act* do not include court security as a core function;

AND WHEREAS police and municipalities in Ontario have, for many years, called on the Government of Ontario to assume its responsibilities for funding court security costs;

AND WHEREAS the Ontario Association of Chiefs of Police has again called upon the Province of Ontario to take immediate steps to provide financial assistance to police services to address these growing fiscal concerns and to assume full responsibility for the provision of court security;

THEREFORE BE IT RESOLVED THAT the Council of the City of North Bay supports the Ontario Association of Chiefs of Police call upon the Province of Ontario to take immediate steps to provide financial assistance to police services to address these growing fiscal concerns and to assume full responsibility for the provision of court security;

BE IT FURTHER RESOLVED THAT a copy of this resolution in support be forwarded to the Ontario Association of Chiefs of Police, Dalton McGuinty (Premier of Ontario), Greg Sorbara (Minister of Finance), Monte Kwinter (Minister of Community Safety and Correctional Services), the Leaders of the Opposition, Monique Smith (MPP for Nipissing), the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities and the North Bay Police Services Board.

“CARRIED”

Res. #2007-554:

Moved by Councillor Chirico, seconded by Councillor Vaillancourt

WHEREAS public confidence in our police services is dependant upon maintaining the trust of the public they serve;

AND WHEREAS maintaining that trust is dependant upon all police officers adhering to the highest standards of public confidence;

AND WHEREAS we recognize and support that the law must protect our police officers in the good faith performance of their duties;

AND WHEREAS it was never intended that such protection would shield police officers from the consequences of serious criminal conduct not related to the performance of their duties;

AND WHEREAS the public has a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are in custody will not be paid for duties they are unable to perform;

AND WHEREAS the Ontario Association of Chiefs of Police has called upon the Government of Ontario to amend the *Police Services Act* to allow for the suspension without pay of police officers charged with serious *Criminal Code of Canada*, *Controlled Drug Substances Act*, and other federal offences not related to their performance of duty and to allow Chiefs of Police to suspend without pay police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a Police Officer;

THEREFORE BE IT RESOLVED THAT the Council of the City of North Bay supports the Ontario Association of Chiefs of Police call upon the Government of Ontario to amend the *Police Services Act* to allow for the suspension without pay of police officers charged with serious *Criminal Code of Canada, Controlled Drug Substances Act*, and other federal offences not related to their performance of duty and to allow Chiefs of Police to suspend without pay police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a Police Officer;

BE IT FURTHER RESOLVED THAT a copy of this resolution in support be forwarded to the Ontario Association of Chiefs of Police, Dalton McGuinty (Premier of Ontario), Michael Bryant (Attorney General), Monte Kwinter (Minister of Community Safety and Correctional Services), the Leaders of the Opposition, Monique Smith (MPP for Nipissing), the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities and the North Bay Police Services Board.

“CARRIED”

Res. #2007-555: Moved by Councillor Chirico, seconded by Councillor Campbell That Council adjourn in-camera at 8:55 p.m. to discuss a proposed or pending acquisition or disposal of land by the municipality or local board and a litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

“CARRIED”

Res. #2007-556: Moved by Councillor Chirico, seconded by Councillor Campbell That Council reconvene at 9:00 p.m.

“CARRIED”

Res. #2007-557: Moved by Councillor Chirico, seconded by Councillor Campbell That

- 1) the property described as Plan 36M540, Part Block 1, RP 36R8828, Parts 1 and 2, Parcel 18036 W/F, in the Gateway Industrial Park, be sold to Niroc Construction Ltd. and/or their designate for \$15,000.00; and
- 2) the terms and conditions of the property sale be negotiated by the City Solicitor and the Chief Administrative Officer.

“CARRIED”

Res. #2007-558: Moved by Councillor Graham, seconded by Councillor Vaillancourt That this Regular Meeting of Council do now adjourn.

“CARRIED”

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD