

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD TUESDAY, MAY 24TH, 2005**

PRESENT: Mayor Fedeli, Councillors Chirico, Vaillancourt, Anthony, Bain, Campbell, Boldt, Mason, Koziol, Maroosis, Mendicino

CORRESPONDENCE:

Chartrand, Guy	re	ONR Pedestrian Underpass - Lakeside Dr.	(367)
Gravelle, Stephan & Dominique		re Rezoning application - 559 King Street W.	(376)
North Bay Motorsports		re Waiving of Tipping Fees	(377)
Rotary Club of Nipissing		re Beer tent - King of the Hill Drag Races	(371)
Royal Canadian Naval Association		re Request to fly the Royal Canadian Navy Flag	(370)
Valente, Tony, Carlo, Vince		re Rezoning application - 899 O'Brien St.	(375)

REPORTS FROM OFFICERS:

Bullock, P.		re New Water Filtration Plant	(373)
Burke, M.B.		re ONR Pedestrian Underpass - Lakeside Dr.	(367)
Burke, M.B.		re Identification of applicants for <i>Planning Act</i> matters	(369)
Burke, M.B.		re Application against Daniel Seguin	(395)
Burke, M.B.		re Widdifield Station Road parcels	(397)
Celentano, J.J.		re Sale of City land (Johnston Rd. /Giroux St.)	(398)
Cormier, D.		re North Bay Heritage Festival - Event requests	(380)
Kilgour, I.G.		re Final Approval - Trout Lake Subdivision Northshore Road, Eastview Development Limited	(382)
Killins, S.		re Building Permit Fee System and HTE software changes	(372)
Kitlar, S.		re Request to fly the Royal Canadian Navy flag	(370)
Kitlar, S.		re Beer tent - King of the Hill Drag Races	(371)
Linkie, D.G.		re Appointment of Deputy Fire Chief	(396)
Manning, J.		re Tender 2005-25, Supply of one grader - Class 7 articulated	(378)
Mathieu, E.		re Sign variance - Mr. & Mrs. Ed Eng, 168 Oak Street W.	(381)
Rogers, B.A.		re 2005 Capital Budget allocations for local boards	(374)
Schroeder, D.		re Parks and Recreation Facilities audit	(379)
Scully, L.M.		re Adequate heat in rented accommodations	(366)
Simmonds, J.C.		re Waiving of Tipping Fees	(377)
Simmonds, J.C.		re Final Approval - Trout Lake Subdivision Northshore Road, Eastview Development Limited	(382)
Tomek, A.		re 3R's Maximization Review - 2005 Update	(368)

Res. #2005-362: Moved by Councillor Bain, seconded by Councillor Chirico
That minutes for the meeting held:

- Monday, May 9, 2005; and
- Monday, May 16, 2005

be adopted as presented.

"CARRIED"

Res. #2005-363: Moved by Councillor Mendicino, seconded by Councillor Maroosis
That Community Services Committee Report No. 2005-22 relating to
- Rezoning application by 1259542 Ontario Inc., 701 Graham Drive

be adopted as presented.

“CARRIED”

Councillor Koziol declared a conflict of interest on the above matter as she owns property within the Route 6 area.

COMMUNITY SERVICES COMMITTEE REPORT NO. 2005-22

May 24, 2005

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2005-22 and recommends:

1. That the proposed Zoning By-Law amendment by Christian Fortin on behalf of 1259542 Ontario Inc. to rezone the property located at 701 Graham Drive from a “Light Industrial One (M1)” zone to an “Industrial Commercial (MC)” zone be approved.

All of which is respectfully submitted.

ASSENTS
MENDICINO
MAROOSIS
FEDELI

DISSENTS

Res. #2005-364: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2005-23 relating to:

- Rezoning application by Millford Development Limited, Gordon Drive
and Norman Avenue

be adopted as presented.

“CARRIED”

COMMUNITY SERVICES COMMITTEE REPORT NO. 2005-23

May 24, 2005

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2005-23 and recommends:

1. That the proposed Zoning By-Law amendment by Rick Miller, OLS on behalf of

Millford Developments to rezone Part of Lot 18, Concession D W/F (Gordon Drive and Norman Avenue) from an "Open Space (O)" zone, a "Residential Second Density (R2)" zone, a "Residential Third Density (R3)" zone and a "Residential

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Multiple Second Density Special Zone No. 24A (RM2 Sp.24A)" to a "Residential Fifth Density Special Zone (R5 Sp.)", a "Residential Third Density (R3)" zone and a "Neighbourhood Commercial (C5)" zone be approved.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
MAROOSIS
FEDELI

DISSENTS

Res. #2005-365: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Community Services Committee Report No. 2005-25 relating to:

- 2004 Annual Report - Council's Downtown Community Improvement Plan

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2005-25

May 24, 2005

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2005-25 and recommends:

1. That the 2004 Annual Report for the Council's Downtown Community Improvement Plan be noted and filed.

All of which is respectfully submitted.

ASSENTS
MENDICINO
KOZIOL
MAROOSIS
FEDELI

DISSENTS

Res. #2005-366: Moved by Councillor Chirico, seconded by Councillor Anthony
That the City Clerk be directed to prepare a by-law to repeal By-Law No. 193-81, being a by-law for requiring adequate heat accommodation, and amending By-Law No. 110-93, as these by-laws are redundant due to the passing of the new Property Standards By-Law No. 1999-06.

"CARRIED"

Councillor Koziol declared a conflict of interest on the above matter as she is a multi-residential property owner.

Res. #2005-367: Moved by Councillor Chirico, seconded by Councillor Anthony
That 1) Council deny the request from Mr. Chartrand to remove certain

concrete blocks; and

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- 2) Council confirm that the ONR Pedestrian Tunnel at Lakeside Drive and Trout Lake Road be used strictly for pedestrian use in the summertime.

“CARRIED”

Res. #2005-368: Moved by Councillor Mason, seconded by Councillor Boldt
That City Council approve the 2005 3’R’s Maximization Plan Update and that a copy be forwarded to the Ministry of the Environment in compliance with Environmental Assessment Conditions of Approval for the Merrick Landfill Site.

“CARRIED”

Res. #2005-369: Moved by Councillor Chirico, seconded by Councillor Anthony
Council has the authority to enact a By-Law pursuant to Sections 22(5), 34(10.2), 51(18) and 53(3) of the *Planning Act* to require the identification of the name, address and telephone number of the principle owner of any numbered or otherwise unidentifiable companies submitting applications for *Planning Act* approvals.

“CARRIED”

Res. #2005-370: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the request by the Royal Canadian Naval Association (RCNA) to fly the White Ensign of the Royal Canadian Navy at the designated waterfront location be approved under the condition that all costs associated with the supply of the flags, flag pole and plaque be paid for by the RNCA.

“CARRIED”

Res. #2005-371: Moved by Councillor Mendicino, seconded by Councillor Koziol
That a temporary exclusion to Regulation 3B of the Municipal Alcohol Policy be approved in order to permit the establishment of a licensed area to serve alcohol at the North Bay Airport on June 24, 25 and 26, 2005 in support of the Drag Races, under the following conditions:

- a) the group reviews the details of the Municipal Alcohol Policy;
- b) the beer tent organizer meets with staff to review the policy and sign the Special Occasion Permit Agreement at least fifteen (15) days prior to the event;
- c) a part-time City security person be retained by the event host, during the event hours, with costs borne by the host; and
- d) all other relevant sections of the Municipal Alcohol Policy be satisfied.

“CARRIED”

Res. #2005-372: Moved by Councillor Mendicino, seconded by Councillor Koziol
That 1) Council authorizes the request of Building Services to draw on the reserve fund in the amount of \$10,000.00 to secure the services of an outside expert to develop a new “Building Permit Fee System”;

- 2) Council authorizes the request for Building Services to draw on the reserve fund in the amount of \$45,000.00 to cover the cost implications with our HTE Software Program, as a result of the new building permit fee system; and

- 3) the Chief Financial Officer be authorized to transfer up to \$55,000.00 from the Tax Rebate Stabilization Reserve Fund, as a loan, to be repaid from building permit revenues.

“CARRIED”

Res. #2005-373:

Moved by Councillor Mason, seconded by Councillor Boldt

- That
- 1) a Capital By-Law authorizing \$45,500,000 in expenditures and a net debenture cost of \$9,000,000 be prepared based on the cost and funding set out in Report No. EES 2005-020;
 - 2) a Purchase Order in the amount of \$6,621,958.15 be issued to Pall Canada to supply a membrane filtration system and provide related engineering services to execute the agreement as approved by Resolution No. 2004-422;
 - 3) the Director of Human Resources be authorized to advertise for a Contract Construction Engineer for a three (3) year contract to be funded from the Water Filtration Capital Program;
 - 4) an amendment of the City of North Bay Certificate of Approval for the North Bay Drinking Water System be filed with the MOE to change the compliance date for implementing water filtration to December 31, 2007; and
 - 5) Council accept the contributions from the Province and the Federal Government as follows:

Provincial Funding - OSTAR (1/3 of costs incurred prior to May 2004)	\$ 116,263
Provincial Funding - COMRIF	14,998,333
Provincial Funding - NOHFC (4,000,000 less \$269,225 for UV System)	3,730,775
Federal Funding - COMRIF	<u>14,998,333</u>
 TOTAL PROVINCIAL AND FEDERAL FUNDING	 \$ 33,843,704 =====.

“CARRIED”

Res. #2005-374:

Moved by Councillor Chirico, seconded by Councillor Anthony
That the City Clerk prepare Capital By-Laws for consideration by City Council for the following 2005 Capital allocations:

Capitol Centre	\$200,000
North Bay-Mattawa Conservation Authority	<u>\$125,000</u>
	\$325,000

“CARRIED”

Res. #2005-375:

Moved by Councillor Mendicino, seconded by Councillor Koziol
That the rezoning application by Tony Valente, Carlo Valente and Vince Valente - 899 O'Brien Street be received.

“CARRIED”

Res. #2005-376:

Moved by Councillor Mendicino, seconded by Councillor Koziol
That the rezoning application by Stephan & Dominique Gravelle - 559 King

Street West be received.

“CARRIED”

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Res. #2005-377: Moved by Councillor Mason, seconded by Councillor Boldt
That the request from North Bay Motorsports to waive landfill tipping fees be denied.

“CARRIED”

Res. #2005-378: Moved by Councillor Mason, seconded by Councillor Boldt
That North Bay City Council approve a contract be issued to Toromont Cat for a 60 month lease of a Motor Grader - Class 7 Articulated. The total value of the lease payments shall be \$145,852.88 (taxes inc.).

“CARRIED”

Res. #2005-379: Moved by Councillor Mendicino, seconded by Councillor Koziol
That 1) a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the undertaking of a Building Condition and Requirement Assessment of buildings within the Parks, Recreation and Leisure Services Department, being 2005 Capital Project No. 58, at a net debenture cost of \$100,000.00; and

2) Fire Stations 2, 3 and 4 be included in this assessment.

“CARRIED”

Res. #2005-380: Moved by Councillor Mendicino, seconded by Councillor Koziol
That 1) the Management Committee of the North Bay Heritage Festival be granted permission to hold the 2005 event in and about Lee Park and Waterfront Park from Friday, July 29, 2005 until Monday, August 1, 2005, both inclusive, with subsidiary activities occurring from Tuesday, July 26, 2005 until Tuesday, August 2, 2005, both inclusive;

2) to facilitate the undertaking of the 2005 North Bay Heritage Festival, the following requests be approved:

a) The North Bay Heritage Festival Management Committee be granted exclusivity from Friday, July 22, 2005 until Thursday, August 4, 2005, both inclusive, in, 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, both sides of Memorial Drive from the Uniroc Site to and including Lee Park; Veterans Soccer and Ball Fields; ONR Soccer Field; Amelia Park; and CP Raillands, as defined in Attachment 1 to Report No. CSBU 2005-31.

b) The Kate Pace Way be closed from Lee Avenue at the ONR Soccer Field, through Lee Park, and along Memorial Drive to the Uniroc Site from 8:00 a.m. on Wednesday, July 27, 2005 until 4:00 p.m. on Tuesday, August 2, 2005, subject to the erection of appropriate signage and barricades by the North Bay Heritage Festival Management Committee, as defined in

- c) The following streets be closed temporarily from 8:00 a.m. on Wednesday, July 27, 2005 until 4:00 p.m. on Tuesday, August 2, 2005, as defined in Attachment 3 to Report No. CSBU 2005-31:

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- i) Memorial Drive between Oak Street West and Judge Avenue
- ii) Monk Street between Stanley Street and Memorial Drive
- iii) Regina Street between Stanley Street and Memorial Drive
- iv) Stanley Street between Memorial Drive and Regina Street

with the abovementioned being subject to the provision of access passes as well as information to businesses and residents in the affected area, and the erection of appropriate signage, barricades and control gates by the North Bay Heritage Festival Management Committee.

- d) Oak Street East between John Street and Main Street East be closed temporarily from 5:30 p.m. on Friday, July 29, 2005 until 11:00 p.m. on Monday, August 1, 2005, subject to the erection of appropriate signage and barricades by the North Bay Heritage Festival Management Committee, as defined in Attachment 3 to Report No. CSBU 2005-31.
- e) The Marina Parking Lot be closed from 8:00 a.m. on Tuesday, July 26, 2005 until 4:00 p.m. on Tuesday, August 2, 2005, subject to the provision of an alternate parking location, for marina tenants by the North Bay Heritage Festival Management Committee, as defined in Attachment 4 to Report No. CSBU 2005-31.
- f) Parking be prohibited from 9:00 a.m. on Friday, July 29, 2005 until 11:00 p.m. on Monday, August 1, 2005, on the odd numbered sides of Amelia Street, Beth Street, Bunyan Avenue, Colgan Avenue, George Street, Gladstone Avenue (100 block only), James Avenue, Judge Avenue, Leask Avenue, Lee Avenue (100 block only), Pollard Avenue, Queen Street, and Rose Avenue, Oak Street between Algonquin Avenue and Memorial Drive, Franklin Street between Main Street East and the CP tracks, subject to the installation of appropriate signage by the North Bay Heritage Festival Management Committee, as defined in Attachment 5 to Report No. CSBU 2005-31.
- g) A temporary exclusion to Section D, Regulation #3B of the Municipal Alcohol Policy (Attachment 6 to Report No. CSBU 2005-31) be approved, allowing the establishment of a licensed area to serve alcohol from Friday, July 29, 2005 up to and inclusive of Monday, August 1, 2005 from 11:00 a.m. to 11:00 p.m. in conjunction with the event at the location as defined in Attachment 7 to Report No. CSBU 2005-31.
- h) Having approved Recommendation 1 granting

permission to hold the public celebration known as the 2005 North Bay Heritage Festival, 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, as defined in Attachment 8 to Report No. CSBU 2005-31.

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“CARRIED”
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Res. #2005-381: Moved by Councillor Mendicino, seconded by Councillor Koziol
That Council approve the request for a variance to Sign By-Law No. 25-97, to permit the installation of a projecting hanging sign at 168 Oak Street West.

“CARRIED”

Res. #2005-382: Moved by Councillor Mendicino, seconded by Councillor Koziol
That

- 1) the Mayor and City Clerk be authorized to sign the Northshore Road Subdivision Agreement for the creation of thirteen (13) lots at the easterly terminus of Northshore Road;
- 2) Council grant Final Approval to the Draft Approved thirteen (13) lot Plan of Subdivision at the terminus of Northshore Road by Eastview Development Limited - City Subdivision File No. 48T-02103; and
- 3) the Mayor and City Clerk be authorized to sign the Final Plan of Subdivision subject to receipt of all Easement and Subdivision Agreement requirements.

“CARRIED”

Res. #2005-383: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-law be read a first and second time:

By-Law No. 2005-103 to close, stop up and convey a portion of Harvey Street and part of a laneway, Plan 64.

“CARRIED”

Res. #2005-384: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-laws be read a first and second time:

By-Law No. 2005-104 to authorize the improvement to the Waterfront Park.

By-Law No. 2005-105 to authorize the rehabilitation of the McIntyre Street Parking Garage.

By-Law No. 2005-106 to authorize the reconstruction of the Worthington Street culvert.

By-Law No. 2005-107 to authorize the Transit Coach Replacement and Refurbishment Program.

By-Law No. 2005-108 to set out-of-town mileage rates.

“CARRIED”

Res. #2005-385: Moved by Councillor Chirico, seconded by Councillor Anthony
That the following by-laws be read a third time and passed:

By-Law No. 2005-104 to authorize the improvement to the Waterfront Park.

By-Law No. 2005-105 to authorize the rehabilitation of the McIntyre Street Parking Garage.

By-Law No. 2005-106 to authorize the reconstruction of the Worthington Street culvert.

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By-Law No. 2005-107 to authorize the Transit Coach Replacement and Refurbishment Program.

By-Law No. 2005-108 to set out-of-town mileage rates.

“CARRIED”

Res. #2005-386: Moved by Councillor Mendicino, seconded by Councillor Maroosis
That the following by-laws be read a first and second time:

By-Law No. 2005-110 to rezone certain lands on Connaught Avenue and Norman Avenue (Millford Development Limited).

By-Law No. 2005-111 to rezone certain lands on Graham Drive (1259542 Ontario Inc. - 701 Graham Drive).

“CARRIED”

Councillor Koziol declared a conflict of interest on By-Law No. 2005-111 as she owns property within the Route 6 area.

Res. #2005-387: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2005-96 to rezone certain lands on Gordon Drive (City of North Bay).

“CARRIED”

Res. #2005-388: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-law be read a first and second time:

By-Law No. 2005-113 to execute a Subdivision Agreement with Eastview Development Limited relating to Trout Lake Subdivision (Northshore Road).

“CARRIED”

Res. #2005-389: Moved by Councillor Mendicino, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2005-113 to execute a Subdivision Agreement with Eastview Development Limited relating to Trout Lake Subdivision (Northshore Road).

“CARRIED”

Res. #2005-390: Moved by Councillor Mason, seconded by Councillor Boldt
That the following by-law be read a first and second time:

By-Law No. 2005-112 to execute an Agreement with Miller Paving Limited relating to the supply of aggregate materials.

“CARRIED”

Res. #2005-391: Moved by Councillor Mason, seconded by Councillor Boldt
That the following by-law be read a third time and passed:

By-Law No. 2005-112 to execute an Agreement with Miller Paving Limited relating to the supply of aggregate materials.

“CARRIED”

Res. #2005-392a: Moved by Councillor Mendicino, seconded by Councillor Anthony
WHEREAS the Province has confirmed a completion date of seven (7) years for the remaining 41 km of the four-laning of Highway 11;

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AND WHEREAS the City of North Bay has always stated the completion of the four-laning will be a large economic boost to the region and will help alleviate safety concerns of traveling Highway 11;

BE IT THEREFORE RESOLVED that the City of North Bay send a letter of thanks to the Minister of Transportation, Minister of Northern Development and Mines and Monique Smith, MPP for Nipissing;

AND FURTHER BE IT RESOLVED THAT The City of North Bay respectfully requests a completion schedule for each remaining section of Highway 11.

“CARRIED AS AMENDED”

Res. #2005-398b: Moved by Councillor Boldt, seconded by Councillor Mason
That the motion by Councillor Mendicino regarding the four-laning of Highway 11 be amended to delete the last paragraph.

“CARRIED”

Notice of Reconsideration by Councillor Anthony.

Res. #2005-393: Moved by Councillor Mason, seconded by Councillor Boldt
That the Waste Resources Liaison Committee Report be referred to the Engineering & Works Committee for further review.

“CARRIED”

Res. #2005-394: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council adjourn in-camera to discuss litigation matter #16, personnel matter #17 and property matters #18 and #19.

“CARRIED”

Res. #2005-395: Moved by Councillor Chirico, seconded by Councillor Anthony
That Council authorize an Application to the Superior Court of Justice for a Mandatory Order to compel Mr. Seguin to remove the outside storage; an Injunction to prohibit Mr. Seguin from committing the offence in the future and a Declaration finding Mr. Seguin in Contempt of Court for continuing to have outside storage at his premises at 1135 Cassells Street, North Bay, contrary to the Provincial Offences Court Orders.

“CARRIED”

Res. #2005-396: Moved by Councillor Chirico, seconded by Councillor Anthony
That the City Clerk be directed to bring forward a by-law appointing Grant Love to the position of Deputy Fire Chief effective June 1, 2005.

“CARRIED”

Res. #2005-397: Moved by Councillor Chirico, seconded by Councillor Anthony

That Council authorize the sale of Parcel 1730 Widdifield and Ferris and Parcel 487 Widdifield and Ferris on Widdifield Station Road at a value of \$8,500.00 each.

“CARRIED”

Res. #2005-398: Moved by Councillor Chirico, seconded by Councillor Anthony
That 1) the property known as Part of Lots 18-32, Plan M-85 and the unopened portion of the Lindsay Street road allowance be declared surplus and offered for sale subject to Procedural By-Law provisions;

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- 2) the City Solicitor be authorized to commission an appraisal for the subject lands; and
- 3) Planning Services staff be directed to commence the necessary road closure approvals as required.

“CARRIED”

Res. #2005-399: Moved by Councillor Bain, seconded by Councillor Chirico
That this meeting do now adjourn.

“CARRIED”

MAYOR VIC FEDELI

CITY CLERK CATHERINE CONRAD