

**MINUTES OF THE REGULAR MEETING  
OF CITY COUNCIL  
HELD MONDAY, APRIL 25<sup>TH</sup>, 2005**

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

**CORRESPONDENCE:**

Kiwanis Club of Nipissing	re Temporary road closure	(290)
Petrie, Dorothy & Linda	re Rezoning application and Plan of Subdivision - Airport Road	(285)
St. Rita Parish	re St. Anthony's Festival	(281)
Zorba's Grill	re Temporary extension to Liquor License	(280)

**REPORTS FROM OFFICERS:**

Burke, M.B.	re Community Policing Partnership Agreement 2005-2007	(283)
Burke, M.B.	re Sale of CN Lands to Ecole Secondaire Algonquin	(320)
Hall, B.	re Rezoning application - 1259542 Ontario Inc., 701 Graham Drive	(302)
Hall, B.	re Rezoning application - Millford Developments - Gordon Drive and Norman Avenue	(303)
Houston, J.	re Parks Vehicle & Equipment Replacement Program	(282)
Killins, S.	re Enforcement Officers	(294)
Killins, S.	re Municipal By-Law Enforcement Officers	(295)
Knox, J.D.	re North Bay Jack Garland Airport	(291)
Knox, J.D.	re Acquisition of land - New Transit Terminal	(321)
Knox, J.D.	re Chief Commanda ? and Waterfront Lease Agreement	(323b)
Korell, A.	re Rural Roadway Reconstruction Program	(287)
Korell, A.	re Sidewalk Replacement Program	(288)
Korell, A.	re Road Culvert Replacement Program	(289)
Korell, A.	re Temporary road closure - Kiwanis Club of Nipissing	(290)
Korell, A.	re Works Centre Operational Study and Improvements	(299)
Kraemer, L.	re Property Tax Rebate Program	(292)
Kraemer, L.	re Reduction, Cancellation or Refund of Taxes	(293)
Manning, J.	re RFP 2005-01 - Marathon Beach Redevelopment and Water Improvement Project	(298)
McCullough, E.A.	re North Bay Fire Department Provincial Grant	(284)
Ringler, T.G.	re Downtown Farmers' Market	(304)
Rogers, B.A.	re Ontario Municipal Partnership Fund	(296)
Rogers, B.A.	re Ontario Municipal Partnership Fund	(297)
Rogers, B.A.	re Capital Projects Status Report	(301)
Rogers, B.A.	re Capital Project Approvals Update	(300)
Seguin, C.	re Memorial Gardens Improvement Program	(286)
Simmonds, J.C.	re Subdivision Agreement - Laurentian Heights, Lot 48, Surrey Drive	(305)

**Res. #2005-273:** Moved by Councillor Mendicino, seconded by Councillor Chirico That minutes for the meetings held:

- Monday, April 18, 2005

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be adopted as presented.

“CARRIED”

Res. #2005-274: Moved by Councillor Chirico, seconded by Councillor Anthony  
That General Government Committee Report No. 2005-07 relating to:

- Reserve Funds

be adopted as presented.

“CARRIED”

**GENERAL GOVERNMENT COMMITTEE REPORT NO. 2005-07**

April 25, 2005

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2005-07 and recommends:

1. That
  - a) the Reserve Fund Policy #5-04 attached to Report CORP 2005-128 be adopted; and
  - b) the reserve funds listed on the “Summary of Reserve Balances - 1996 to 2004” totalling \$11,276,808 as at December 31, 2004 be accepted and the recommendations adopted.

All of which is respectfully submitted.

ASSENTS  
CHIRICO  
ANTHONY  
BAIN  
VAILLANCOURT  
FEDELI

DISSENTS

Res. #2005-275: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That Community Services Committee Report No. 2005-15 relating to:

- Rezoning application by City of North Bay - Little Down Lane

be adopted as presented.

“CARRIED”

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2005-15**

April 25, 2005

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2005-15 and recommends:

1. That the proposed Zoning By-Law amendment by the City of North Bay to rezone

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properties along Little Down Lane from an "Industrial Holding (MH)" zone to a "Residential First Density (R1)" zone be approved.

All of which is respectfully submitted.

ASSENTS  
MENDICINO  
KOZIOL  
MAROOSIS  
FEDELI

DISSENTS

Res. #2005-276: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That Community Services Committee Report No. 2005-16 relating to:

- Rezoning application by City of North Bay - Waterfront Park

be adopted as presented.

"CARRIED"

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2005-16**

April 25, 2005

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2005-16 and recommends:

1. That the proposed Zoning By-Law amendment by the City of North Bay to rezone a portion of the City's waterfront, as shown on Schedule "A" to the Planning Report by Beverley Hall dated November 29, 2004 from a "General Commercial Inner Core (C1)" zone to an "Open Space (O)" zone be approved.

All of which is respectfully submitted.

ASSENTS  
MENDICINO  
KOZIOL  
MAROOSIS  
FEDELI

DISSENTS

Res. #2005-277: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That Community Services Committee Report No. 2005-17 relating to:

- Rezoning application by City of North Bay - Algonquin Avenue

be adopted as presented.

"CARRIED"

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2005-17**

April 25, 2005

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

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Your Worship and Councillors:

The Community Services Committee presents Report No. 2005-17 and recommends:

1. That the proposed Zoning By-Law amendment by the City of North Bay to rezone Plan 13, Part Lot 204, Plan 36R-7040, Part 2 (Algonquin Avenue, Plouffe Street and Copeland Street) from a "Residential Multiple Six Density (RM6)" zone to a "Residential First Density Special Zone (R1 Sp.)" be approved.

All of which is respectfully submitted.

ASSENTS  
MENDICINO  
KOZIOL  
MAROOSIS  
FEDELI

DISSENTS

Res. #2005-278: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That Community Services Committee Report No. 2005-18 relating to:

- Plan of Subdivision - Gap Construction, Larocque Road

be adopted as presented.

"CARRIED"

**COMMUNITY SERVICES COMMITTEE REPORT NO. 2005-18**

April 25, 2005

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2005-18 and recommends:

1. That
  - a) the proposed Plan of Subdivision by Rick Miller on behalf of Gap Construction Company Limited, Concession 1, East ½ Lot 23, Parcel 4371 W/F (Larocque Road) be given *Draft Approval* subject to the conditions contained in Appendix A to the Planning Report by Beverley Hall dated March 1, 2005; and
  - b) the owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address site servicing, lot grading, stormwater management (including a hydrology study) and water supply for fire fighting purposes.

All of which is respectfully submitted.

ASSENTS  
MENDICINO  
KOZIOL  
MAROOSIS

DISSENTS

FEDELI

Res. #2005-279: Moved by Councillor Mendicino, seconded by Councillor Maroosis That Community Services Committee Report No. 2005-19 relating to:

- Official Plan Amendment and Rezoning applications by Award Construction (Hamilton) Limited, Laurentian Avenue

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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. 2005-19**

April 25, 2005

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2005-19 and recommends:

1. That a) the proposed Official Plan Amendment by Rick Miller, OLS on behalf of Award Construction (Hamilton) Limited to change the designation on the property described as Plan M-189, 36R-5650, Part 3, Parcel 15559 W&F (Laurentian Avenue) from a “Flood and Erosion One Zone” to “District Commercial” be approved;
- b) the proposed Zoning By-Law Amendment by Rick Miller, OLS on behalf of Award Construction (Hamilton) Limited to rezone Plan M-189, 36R-5650, Part 3, Parcel 15559 W&F (Laurentian Avenue) from a “Floodplain and Erosion (O2)” zone to a “District Commercial Holding Special Zone (C4H Sp.)” be approved; and
- c) the property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, as amended, in order to regulate stormwater management, flood proofing, lot grading, lighting, parking locations, garbage facilities and fencing.

All of which is respectfully submitted.

ASSENTS  
MENDICINO  
MAROOSIS  
FEDELI

DISSENTS

Res. #2005-280: Moved by Councillor Chirico, seconded by Councillor Anthony That Council offers no objections to the extension of the liquor license for Zorba’s Grill on May 28, 2005 from 11:00 a.m. to 2:00 a.m. the following day, for the use of the side exterior portion of the location, 561 Lakeshore Drive, for a charitable event.

“CARRIED”

Res. #2005-281: Moved by Councillor Chirico, seconded by Councillor Anthony That Council declare the St. Anthony’s Festival on Sunday, June 13, 2005 as a Community Event.

“CARRIED”

Res. #2005-282: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That a Capital Expenditure By-Law be prepared for the consideration of  
City Council to authorize the Parks Vehicle and Equipment Replacement  
Program, being 2005 Capital Budget Project No. 63, at a net debentured  
cost of \$200,000.00.

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“CARRIED”  
**April 25, 2005**

Res. #2005-283: Moved by Councillor Chirico, seconded by Councillor Anthony  
That Council approve the renewal of the Community Policing Partnership  
Agreement between the Ministry of Community Safety & Correctional  
Services, the North Bay Police Services Board and the City for the period  
April 1, 2005 to March 31, 2007.

“CARRIED”

Res. #2005-284: Moved by Councillor Chirico, seconded by Councillor Anthony  
That one-time funding from the Ministry of Community Safety and  
Correctional Services to the North Bay Fire Department in the amount of  
\$178,000.00 be placed in a Fire Department Training and Equipment  
Reserve account to be used by the North Bay Fire Department to fund fire  
department training and equipment acquisition in 2005 and subsequent  
years. In addition, the Fire Chief is directed to report back to Council on  
training initiatives and equipment acquisitions, where reserve funds are  
spent.

“CARRIED”

Res. #2005-285: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That the Rezoning Application and Plan of Subdivision by Rick Miller on  
behalf of Dorothy & Linda Petrie - Airport Road be received and referred to  
the Community Services Committee for a Public Meeting.

“CARRIED”

Res. #2005-286: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That a Capital Expenditure By-Law be prepared for consideration by City  
Council to authorize the Memorial Gardens Improvement Program, being  
2005 Capital Budget Project No. 56, at a net debentured cost of  
\$75,000.00.

“CARRIED”

Res. #2005-287: Moved by Councillor Mason, seconded by Councillor Boldt  
That a Capital Expenditure By-Law be prepared for the consideration of  
City Council to authorize the Rural Roadway Reconstruction Program for  
2005, being 2005 Capital Budget Line No. 46 (HTE Project No. 2546), at a  
net debentured cost of \$450,000.00.

“CARRIED”

Res. #2005-288: Moved by Councillor Mason, seconded by Councillor Boldt  
That a Capital Expenditure By-Law be prepared for the consideration of  
City Council to authorize the Sidewalk Replacement Program, being 2005  
Capital Budget Project Line No. 52 (HTE Project No. 2552), at a net  
debentured cost of \$75,000.00.

“CARRIED”

Res. #2005-289: Moved by Councillor Mason, seconded by Councillor Boldt

That a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the replacement of various rural road culverts, being 2005 Capital Budget Project Line No. 45 (HTE Project No. 2545), at a net debentured cost of \$75,000.00.

“CARRIED”

Res. #2005-290: Moved by Councillor Mason, seconded by Councillor Boldt  
That approval be given to close a portion of Lakeside Drive to vehicular traffic, between the hours of 8:00 a.m. and 1:00 p.m., on Sunday, July 3,

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2005 and also a partial closure of Lees Road from 9:30 a.m. to 12:30 p.m. on Sunday July 3, 2005.

“CARRIED”

Res. #2005-291: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That 1) the Airport's original 2005 Capital Budget request of \$229,000.00 as approved by City Council be revised and approved at \$189,000.00; and  
2) the City Clerk prepare a Capital Expenditure By-Law for consideration by City Council for improvements at the North Bay Jack Garland Airport, being 2005 Capital Budget Project No. 75, at a net debentured cost of \$189,000.00.

“CARRIED”

Res. #2005-292: Moved by Councillor Chirico, seconded by Councillor Anthony  
That 1) Council enact a by-law to establish a Tax Rebate Program for the vacancies in buildings in the Commercial and/or Industrial Property Classes; and  
2) the Tax Rebate Program By-Law be presented for three readings on May 9, 2005.

“CARRIED”

Res. #2005-293: Moved by Councillor Chirico, seconded by Councillor Anthony  
That the tax appeals attached to Report No. CORP 2005-49 under Sections 357 and 358 of the *Municipal Act*, be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded with the exception of the application that did not receive a positive recommendation from the Municipal Property Assessment Corporation.

“CARRIED”

Res. #2005-294: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That Council directs the City Clerk to prepare a new appointment schedule for enforcement officers to amend Schedule “E” of By-Law 47-95, being a by-law to Regulate the Administration of Building Permits.

“CARRIED”

Res. #2005-295: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That Council directs the City Clerk to prepare an amendment to By-Law 2004-188, being a by-law to appoint Municipal Law Enforcement Officers as outlined under the provisions of the *Police Services Act*.

“CARRIED”

Res. #2005-296: Moved by Councillor Chirico, seconded by Councillor Anthony  
That 1) there be no adjustment to the approved Operating Budget and  
the resultant tax rates approved February 28, 2005; and  
2) the City Clerk present the budget and tax rate by-laws for  
adoption at the Regular Meeting of City Council on May 9,  
2005.

“CARRIED”

Res. #2005-297: Moved by Councillor Chirico, seconded by Councillor Anthony  
That the report from Brian Rogers dated April 18, 2005 re Ontario  
Municipal Partnership Fund (OMPF) be referred to the General  
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Government Committee.

“CARRIED”

Res. #2005-298: Moved by Councillor Mason, seconded by Councillor Boldt  
That North Bay City Council approve the award of a contract to Pinestone  
Engineering Ltd. in the amount of \$46,000.00 (GST extra), to Review and  
Renew Class Environmental Assessment Approval for the Marathon Beach  
Redevelopment and Water Improvement Project; conditional upon approval  
of a Heritage North Bay funding agreement with the City of North Bay that  
commits Heritage North Bay to cover all the project costs.

“CARRIED”

Res. #2005-299: Moved by Councillor Mason, seconded by Councillor Boldt  
That 1) a Capital Expenditure By-Law be prepared for the  
consideration of City Council to authorize the Works Centre  
Geotechnical and Environmental Studies and Improvements,  
being 2005 Project Line No. 49 (HTE Project No. 2549), at a  
cost of \$100,000.00 to be funded from the proceeds of the  
sale; and  
2) individual reports be provided to City Council with respect to  
the various components of this project.

“CARRIED”

Res. #2005-300: Moved by Councillor Chirico, seconded by Councillor Vaillancourt  
That the report from Brian Rogers dated April 20, 2005 re Capital Project  
Approvals Update to April 25, 2005 be referred to the General Government  
Committee.

“CARRIED”

Res. #2005-301: Moved by Councillor Chirico, seconded by Councillor Anthony  
That 1) the Capital Project Status Report - December 2004 - March  
2005 (Report No. CORP 2005-54) from the Chief Financial  
Officer be received; and  
2) the 10 projects listed on Appendix “A” attached to Report No.  
CORP 2005-54 be closed to the Completed Capital Works  
Reserve Fund.

“CARRIED”

Res. #2005-302: Moved by Councillor Mendicino, seconded by Councillor Maroosis  
That the recommendations from the Planning Advisory Committee  
regarding the rezoning application by Christian Fortin on behalf of 1259542



Ontario Inc. - 701 Graham Drive be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”

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

Res. #2005-303: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That the recommendation from the Planning Advisory Committee regarding the rezoning application by Rick Miller on behalf of Millford Developments- Gordon Drive and Norman Avenue be referred to the Community Services Committee and for a Public Meeting.

“CARRIED”  
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Res. #2005-304: Moved by Councillor Chirico, seconded by Councillor Anthony  
That the Downtown Farmers’ Market be granted permission to encroach on the rail lands as indicated in their correspondence and plan dated April 18, 2005.

“CARRIED”

Res. #2005-305: Moved by Councillor Mason, seconded by Councillor Boldt  
That the City enter into a Subdivision Agreement with Laurentian Heights Limited in a form satisfactory to the City Solicitor for the installation of underground and above ground municipal services to Lot 48, Surrey Drive on Redlined Draft Plan April 11, 2005 (CSBU 2005-30), subject to any conditions contained in Report No. EES 2005-19 from the City Engineer.

“CARRIED”

Res. #2005-306: Moved by Councillor Chirico, seconded by Councillor Anthony  
That the following by-laws be read a first and second time:

By-Law No. 2005-63 to authorize the purchase and lease of new vehicles and equipment for the Public Works & Services Division.

By-Law No. 2005-64 to authorize the purchase and lease of new vehicles and equipment for the water and sanitary sewer maintenance activities of the Public Works & Services Division.

By-Law No. 2005-65 to authorize the Hydrant Rehabilitation Program.

By-Law No. 2005-66 to authorize the Parks Trail System Maintenance and Replacement Program.

By-Law No. 2005-67 to authorize the Main Street and Parks Tree Planting Program (Stage 2).

By-Law No. 2005-68 to authorize the Aquatic Centre/YMCA Improvement Program.

By-Law No. 2005-69 to authorize the Parks and Playgrounds Rehabilitation Program.

By-Law No. 2005-70 to authorize the Sewer and Water Reconstruction Program.

By-Law No. 2005-71 to execute an Agreement with Desmond Anthony and Gale Anthony relating to an Encroachment Agreement for 181 Main Street West.

By-Law No. 2005-74 to execute an Agreement with Community Waterfront Friends (North Bay) Inc. and the North Bay and Area Museum relating to the CP Station renovations.

By-Law No. 2005-82 to execute an Agreement of Purchase and Sale with Marshall Park Development Limited (Birch's Road, Summit Drive easement and Parks Creek).

"CARRIED"

Res. #2005-307: Moved by Councillor Chirico, seconded by Councillor Anthony  
That the following by-laws be read a third time and passed:

By-Law No. 2005-63 to authorize the purchase and lease of new vehicles and equipment for the Public Works & Services Division.

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By-Law No. 2005-64 to authorize the purchase and lease of new vehicles and equipment for the water and sanitary sewer maintenance activities of the Public Works & Services Division.

By-Law No. 2005-65 to authorize the Hydrant Rehabilitation Program.

By-Law No. 2005-66 to authorize the Parks Trail System Maintenance and Replacement Program.

By-Law No. 2005-67 to authorize the Main Street and Parks Tree Planting Program (Stage 2).

By-Law No. 2005-68 to authorize the Aquatic Centre/YMCA Improvement Program.

By-Law No. 2005-69 to authorize the Parks and Playgrounds Rehabilitation Program.

By-Law No. 2005-70 to authorize the Sewer and Water Reconstruction Program.

By-Law No. 2005-71 to execute an Agreement with Desmond Anthony and Gale Anthony relating to an Encroachment Agreement for 181 Main Street West.

By-Law No. 2005-74 to execute an Agreement with Community Waterfront Friends (North Bay) Inc. and the North Bay and Area Museum relating to the CP Station renovations.

By-Law No. 2005-82 to execute an Agreement of Purchase and Sale with Marshall Park Development Limited (Birch's Road, Summit Drive easement and Parks Creek).

"CARRIED"

Res. #2005-308: Moved by Councillor Mendicino, seconded by Councillor Maroosis  
That the following by-laws be read a first and second time:

By-Law No. 2005-76 to adopt Official Plan Amendment No. 105 (Award Construction (Hamilton) Ltd. - Laurentian Avenue.

By-Law No. 2005-77 to rezone certain lands on Laurentian Avenue (Award Construction (Hamilton) Ltd. - Laurentian Avenue.

"CARRIED"

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

Res. #2005-309: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That the following by-laws be read a first and second time:

By-Law No. 2005-79 to rezone certain lands on Oak Street (City of North Bay - Community Waterfront Park).

By-Law No. 2005-80 to rezone certain lands on Little Down Lane (City of North Bay).

By-Law No. 2005-81 to rezone certain lands on Algonquin Avenue (City of North Bay).

“CARRIED”

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Res. #2005-310: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That the following by-laws be read a first and second time:

By-Law No. 2005-73 to execute an Agreement with the Near North District School Board relating to the use of W.J. Fricker field.

By-Law No. 2005-78 to designate a Site Plan Control Area on certain lands on Laurentian Avenue (Award Construction (Hamilton) Ltd.).

“CARRIED”

Res. #2005-311: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That the following by-laws be read a third time and passed:

By-Law No. 2005-73 to execute an Agreement with the Near North District School Board relating to the use of W.J. Fricker field.

By-Law No. 2005-78 to designate a Site Plan Control Area on certain lands on Laurentian Avenue (Award Construction (Hamilton) Ltd.).

“CARRIED”

Res. #2005-312: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That the following by-law be read a first and second time:

By-Law No. 2005-83 to execute a Subdivision Agreement with Laurentian Heights Limited relating to Lot 48, Surrey Drive.

“CARRIED”

Res. #2005-313: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That the following by-law be read a third time and passed:

By-Law No. 2005-83 to execute a Subdivision Agreement with Laurentian Heights Limited relating to Lot 48, Surrey Drive.

“CARRIED”

Res. #2005-314: Moved by Councillor Mendicino, seconded by Councillor Koziol  
That the following by-laws be read a third time and passed:

By-Law No. 2005-53 to adopt Official Plan Amendment No. 101 (Gap Construction Company Ltd. - Larocque Road).

By-Law No. 2005-54 to rezone certain lands on Larocque Road (Gap Construction Company Ltd.).

By-Law No. 2005-55 to rezone certain lands on Cartier Street (2023725 Ontario Ltd.).

By-Law No. 2005-57 to rezone certain lands on Algonquin Avenue (Glenn and Deborah Turcotte - 918 Algonquin Avenue).

By-Law No. 2005-59 to rezone certain lands on Main Street West (Ian Malcolm/Power Sports and Marine - 1912 Main Street West).

“CARRIED”

Res. #2005-315: Moved by Councillor Mason, seconded by Councillor Boldt  
That the following by-laws be read a first and second time:

By-Law No. 2005-72 to execute an Agreement with Drain-All Limited relating to the removal and disposal of Household Hazardous Wastes.

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By-Law No. 2005-75 to execute an Agreement with Earth Tech Canada Inc. relating to consulting services for the Canadian Forces Base Reservoir and Pumping Station.

“CARRIED”

Res. #2005-316: Moved by Councillor Mason, seconded by Councillor Boldt  
That the following by-laws be read a third time and passed:

By-Law No. 2005-72 to execute an Agreement with Drain-All Limited relating to the removal and disposal of Household Hazardous Wastes.

By-Law No. 2005-75 to execute an Agreement with Earth Tech Canada Inc. relating to consulting services for the Canadian Forces Base Reservoir and Pumping Station.

“CARRIED”

Res. #2005-317: Moved by Councillor Mendicino, seconded by Councillor Bain  
WHEREAS the City of North Bay is forecasting to spend \$363,000 in its Parks/Trail Maintenance and Replacement Program over the next five (5) years;

AND WHEREAS municipalities have invested substantial public funds in the development of trails;

AND WHEREAS the public has made very significant use of trail systems for fitness and recreation to substantially improve their quality of life during all four (4) seasons;

AND WHEREAS those using trail systems have historically done so at their own risk;

AND WHEREAS the cost to maintain and police trail systems would be so prohibitive as to require their closure if made mandatory, whether by case law or statute;

AND WHEREAS various lawsuits have been filed claiming liability against municipalities and other trail owners;

AND WHEREAS the cost of insurance for the use of trail systems has already proven so expensive to be prohibitive;

NOW THEREFORE BE IT RESOLVED THAT Council request through our M.P.P. Monique Smith that the Minister of Municipal Affairs and Housing move to amend the *Occupiers Liability Act* so as to clearly establish that those using trail systems are deemed to do so at their own risk, so that owners and volunteer organizations will not be held liable in any way for any damages arising from the use of trails by the public;

AND FURTHER THAT this resolution be circulated to all other municipalities greater than 50,000 in population, to all municipalities in the Blue Sky Region, to AMO, FONOM, NEOMAG and the North Bay and District Chamber of Commerce with the request that they pass similar resolutions of support.

“CARRIED”

Res. #2005-318a: Moved by Councillor Bain, seconded by Councillor Campbell  
WHEREAS the Social Planning Council gives direction of guidance to Community Groups;

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AND WHEREAS the City of North Bay funded the Social Planning Council at one time for the amount of \$20,000 for two (2) years (2002 and 2003);

AND WHEREAS the City asked the District of Nipissing Social Services Administration Board to fund the Social Planning Council;

AND WHEREAS the District of Nipissing Social Services Administration Board has decided not to fund the Social Planning Council for the 2005 budget year;

THEREFORE BE IT RESOLVED THAT the City of North Bay fund the Social Planning Council in the amount of \$20,000 for the 2005 budget year.

“CARRIED AS AMENDED”

Res. #2005-318b: Moved by Councillor Chirico, seconded by Councillor Mason  
That the motion regarding Social Planning Council funding for 2005 be referred to the General Government Committee.

“CARRIED”

Res. #2005-319: Moved by Councillor Chirico, seconded by Councillor Anthony  
That Council adjourn in-camera to discuss litigation matter #27 and property matters #28 and #29.

“CARRIED”

Res. #2005-320: Moved by Councillor Chirico, seconded by Councillor Anthony  
That Council approve:

1. the application by the City to close a portion of Harvey Street described as Parts 1, 2 and 3 on Plan 36R-11863, subject to completion of a site plan control agreement;
2. that the Harvey Street lands be sold to the abutting owned Conseil Scolaire de District Catholique Franco-Nord (CSDCFN) for the same pro rata price as the adjacent CN lands;
3. the application by the City to close a portion of a laneway bounded on the east by Lot 521 and on the west by Lot 541, Plan 64 (Paula

Brooks)

4. the closure and sale of the laneway to Paula Brooks and the CSDCFN, subject to the granting of any required easements for utility purposes;
5. that Parts 1 and 2 on Plan 36R-11864 be conveyed to the abutting owner, Paula Brooks, for the sum of \$2,500.00;
6. that the Chief Administrative Officer be authorized to negotiate a resolution of the Bell Canada easement issues, if required; and
7. a 10 foot road widening be reserved along the CN boundary with Algonquin Avenue, together with an easement for the existing storm sewer and Bell Canada fibre line.

“CARRIED”

Res. #2005-321:

Moved by Councillor Anthony, seconded by Councillor Vaillancourt

That 1) Council authorize staff to negotiate an agreement to purchase the subject property, more particularly described as Plan 36R-6599, Parts 1 to 5 inclusive and 36R-5206,

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April 25, 2005

Part 8 and 9, for \$600,000.00 with a possession date in 2006, in addition to any transfer and carrying costs, the Agreement would be conditional upon the successful completion of any required environmental assessment;

- 2) a Capital Expenditure By-Law be prepared for the consideration of City Council to authorize the down payment and commencement of the design of a Transit Terminal, being 2005 Capital Budget Project No. 74, \$100,000.00 to be funded from the Dedicated Gas Tax Transit Reserve Fund; and
- 3) staff be directed to examine options to ensure there is no net loss of available parking spaces resulting from the development of a transit facility on the subject property.

“CARRIED”

Res. #2005-322:

Moved by Councillor Vaillancourt, seconded by Councillor Mendicino

That the matter relating to the Chief Commanda ? and Waterfront Lease Agreement be reconsidered.

“CARRIED”

Councillor Chirico declared a conflict of interest on the above matter as Mr. Kolios is a client.

Record of Vote (*Procedural By-Law*)

Yeas: Councillors Vaillancourt, Mendicino, Boldt, Mason, Bain, Mayor Fedeli

Nays: Councillors Maroosis, Campbell, Koziol, Anthony

Res. #2005-323a:

Moved by Councillor Maroosis, seconded by Councillor Koziol

That the report from Jerry Knox dated April 4, 2005 re Chief Commanda ? and Waterfront Lease Agreement be referred to the Community Services Committee.

“LOST”

Councillor Chirico declared a conflict of interest on the above matter as Mr. Kolios is a client.

Res. #2005-323b: Moved by Councillor Mendicino, seconded by Councillor Vaillancourt  
That Council authorizes staff to amend and finalize the existing Lease Agreement between the City of North Bay and Mr. James Kolios, to provide for:

- a) the construction of a permanent complementary structure as illustrated in the diagrams presented at Council's April 11, 2005 meeting, pending final approval of the Director of Parks, Recreation and Leisure Services while consulting with other staff;
- b) an unencumbered access to the break wall in the event of repairs or general access;
- c) Lessee agrees to ensure compliance with all licenses, permits and by-law requirements; and
- d) an increase in the rent and other Lease changes, as outlined in Report No. CSBU 2005-33.

"CARRIED"

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Councillor Chirico declared a conflict of interest on the above matter as Mr. Kolios is a client.

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

Yeas: Councillors Vaillancourt, Mendicino, Boldt, Mason, Bain, Mayor Fedeli

Nays: Councillors Maroosis, Campbell, Koziol, Anthony

Res. #2005-324: Moved by Councillor Chirico, seconded by Councillor Bain  
That this meeting do now adjourn.

"CARRIED"

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MAYOR

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CITY CLERK