



Council

Agenda

**Regular Meeting of Council
May 16, 2011
at 7:00 p.m.**

MEETINGS

**FOR THE WEEK OF
MAY 16TH, 2011**

Monday, May 16, 2011

7:00 p.m.

Regular Meeting of Council
Council Chambers, 2nd Floor

**THE CORPORATION OF THE CITY OF NORTH BAY
REGULAR MEETING OF COUNCIL HELD
MONDAY, MAY 16TH, 2011**

PUBLIC PRESENTATIONS:

Colin Vezina re Legion Branch 23 - Tax Relief

PUBLIC MEETING MINUTES:

Tuesday, May 3, 2011

Monday, May 9, 2011

CLOSED MEETING MINUTES (available for Council viewing in the Clerk's Office):

Tuesday, May 3, 2011

COMMITTEE REPORTS:

General Government Committee Report No. 2011-13
General Government Committee Report No. 2011-14
Community Services Committee Report No. 2011-10
Community Services Committee Report No. 2011-11
Community Services Committee Report No. 2011-12
Community Services Committee Report No. 2011-13
Engineering & Works Committee Report No. 2011-03

CORRESPONDENCE:

1. Letter from J.C. Etches dated April 27, 2011 and report from M.B. Burke dated May 6, 2011 re Request for exclusive trapping rights - south side of Lavase River (L06/2011/INS/JCETCHES).
2. Report from M.B. Burke dated May 6, 2011 re Reopening of Patton Road (L07/2011/LANDP/CNB129).
3. Report from D.G. Linkie dated May 6, 2011 re Waiving of Development Charges and portion of Municipal Taxes for Canadore College New Student Residence (F21/2011/DEVCH/CANADORE).
4. Report from L.M. Scully dated May 9, 2011 re Set fines and short form wordings for Traffic & Parking By-Law No. 2002-001 (C00/2010/BYLAW/TRAFFIC).
5. Report from S. McArthur dated May 11, 2011 re Rezoning application by Miller & Urso Surveying Inc. on behalf of the Nipissing-Parry Sound Catholic District School Board - 1140 Front Street (D14/2011/NECOC/FRONT).
6. Report from L. Rochefort dated April 27, 2011 re Reduction, cancellation or refund of taxes (F22/2011/442/GENERAL).

7. Report from L. Rochefort dated April 27, 2011 re Reduction, cancellation or refund of taxes (F22/2011/442/GENERAL).
8. Report from L. Rochefort dated May 2, 2011 re Tax Capping Policy (F22/2011/TAXR/GENERAL).
9. Report from S. McArthur dated May 11, 2011 re Designation of a Site Plan Control Area on certain lands on Francis Street (D12/2008/91454/FRANCIS).
10. Report from D. Carvell dated May 9, 2011 re Accessibility Awareness Week celebration and Transit promotional initiative (T03/2011/TRANS/GENERAL).
11. Report from M.B. Burke dated May 12, 2011 re Le Bon Marché outdoor summer patio - 130 Main Street West (D16/2011/ENCRO/GENERAL).

BY-LAWS FOR CONSIDERATION:

General Government - First and second readings:

By-Law No. 2011-122 to stop up, close and convey a portion of the laneway in a block bounded by Greenwood Avenue, Browning Street, Norwood Avenue and Algonquin Avenue.

General Government - First, second and third readings:

By-Law No. 2011-116 to amend Development Charges By-Law No. 2009-252 - Schedules "B" and "C".

By-Law No. 2011-117 to authorize the upgrade to the City of North Bay Radio Communication System.

By-Law No. 2011-118 to adopt optional tools for 2011 for the purpose of administering limits for the commercial, industrial and multi-residential property classes Tax Capping Program.

By-Law No. 2011-119 to adopt optional tools for 2011 for the purpose of administering limits for eligible properties in the commercial, industrial and multi-residential property classes (new construction).

By-Law No. 2011-120 to establish decrease limits for the certain property classes for 2011.

By-Law No. 2011-125 to authorize the purchase of 1099 Lakeshore Drive (Harold Fleury).

By-Law No. 2011-126 to execute an Agreement of Purchase and Sale with Steve Crea Homes Limited relating to 541, 543, 545 and 547 Ann Street.

By-Law No. 2011-127 to execute an Agreement of Purchase and Sale with 943674 Ontario Inc. relating to 534, 536 Ann Street and 559 to 567 Galt Street.

Community Services - First, second and third readings:

By-Law No. 2011-121 to amend By-Law No. 2007-07 (being a by-law to regulate the administration of Building Permits).

By-Law No. 2011-124 to designate a Site Plan Control Area on certain lands on Francis Street and to Repeal By-Law No. 2011-105 (914542 Ontario Inc. - Francis Street).

MOTIONS:

Councillor Vaillancourt re Casual Wear Months

MOTION TO ADJOURN IN-CAMERA:

IN-CAMERA CORRESPONDENCE:

12. ***Confidential*** report from M.B. Burke dated April 14, 2011 re Property matter.
13. ***Confidential*** report from M.B. Burke dated February 16, 2011 re Property matter.

MOTION TO RECONVENE:

MOTION FOR RECONSIDERATION:

GIVING NOTICE:

ADJOURNMENT:

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD TUESDAY, MAY 3RD, 2011**

PRESENT: Mayor McDonald, Councillors Chirico, Koziol, Anthony, Maroosis, Bain, Vrebosch-Merry, Vaillancourt, Mendicino, Lawlor

PUBLIC PRESENTATION:

David Briggs	re 20 th Anniversary of North Bay's Blue Box Program
Dick Tafel	re Friends of Laurier Woods
Bill Vrebosch	re MRI Benefit Dance

CORRESPONDENCE:

Nil

REPORTS FROM OFFICERS:

Burke, M.	re Utility Easement to Union Gas – Stanley St.	(317)
Burke, M.	re Purchase of 1099 Lakeshore Drive	(340)
Hillier, B.	re Condominium Final Approval – Turret Construction & Housing Co. Inc. – Madelena Drive, Lake Heights Road & Sylvan Crescent	(324)
Kitlar, S.	re O'Canada Day Event	(325)
Lang, A.	re Amending Contribution Agreement – COMRIF Funding for Water Filtration Plant	(320)
Manning, J.	re Tender 2011-19, Maintenance Garage Building Extension	(321)
Manning, J.	re Tender 2011-21, Landscaping Services	(322)
Manning, J.	re Tender 2011-26, Crushing of Reclaimed Pavement	(323)
Manning, J.	re Tender 2011-28, Supply of One (1) Crew Cab Dump Truck	(326)
Manning, J.	re Supply of One (1) Fire Pumper Apparatus Vehicle	(327)
Manning, J.	re Sale of Vacant City Owned Building Lots – Ann Street 4 Lot Block	(341)
Manning, J.	re Sale of Vacant City Owned Building Lots – Ann & Galt Streets 7 Lot Block	(342)

Res. #2011-312: Moved by Councillor Vaillancourt, seconded by Councillor Maroosis
That minutes for the public meetings held on:

- Monday, April 18, 2011; and
- Tuesday, April 26, 2011

be adopted as presented.

"CARRIED"

Res. #2011-313: Moved by Councillor Vaillancourt, seconded by Councillor Bain
That minutes for the closed meeting held on:

- Monday, April 18, 2011

be adopted as presented.

"CARRIED"

Res. #2011-314: Moved by Councillor Chirico, seconded by Councillor Koziol
That General Government Committee Report No. 2011-11 relating to:

- Collection of Outstanding Provincial Offences Fines; and
- Sale of Part of the Water Street Road Allowance

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-11

May 3, 2011

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-11 and recommends:

1. That Council proceed with a Request for Proposal for the collection of outstanding Provincial Offences Fines.
2. That Council approve the sale of Part of the Water Street Road Allowance designated as Part 1, Plan 36R-13001 to Cassellholme for \$1.00.

All of which is respectfully submitted.

ASSENTS
CHIRICO
KOZIOL
ANTHONY
MAROOSIS
McDONALD

DISSENTS

Res. #2011-315: Moved by Councillor Chirico, seconded by Councillor Koziol
That General Government Committee Report No. 2011-12 relating to:

- Development Charge Rates

be adopted as presented.

“CARRIED”

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-12

May 3, 2011

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-12 and recommends:

1. That a) the Chief Financial Officer be authorized to increase Development Charge Rates in accordance with indexing adjustments of 1.0% as outlined in Report to Council CORP 2011-45; and

- b) the 2010 Treasurer's Statement attached to Report to Council CORP 2011-45 be received.

All of which is respectfully submitted.

ASSENTS
 CHIRICO
 KOZIOL
 ANTHONY
 MAROOSIS
 McDONALD

DISSENTS

Res. #2011-316: Moved by Councillor Lawlor, seconded by Councillor Mendicino
 That Community Services Committee Report No. 2011-09 relating to:

- 2010 Annual Report on Building Permit Fees and 2011 User Fees under the *Ontario Building Code*

be adopted as presented.

"CARRIED"

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-09

May 3, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-09 and recommends:

1. That
 - a) the 2010 Annual Report on Building Permit Fees attached to Report to Council CSBU 2011-45 be noted and filed; and
 - b) the 2011 User Fees to be charged under the *Ontario Building Code* as outlined in Report to Council CSBU 2011-45 be approved.

All of which is respectfully submitted.

ASSENTS
 LAWLOR
 MENDICINO
 VAILLANCOURT
 McDONALD

DISSENTS

Res. #2011-317: Moved by Councillor Vrebosch-Merry, seconded by Councillor Bain
 That Council authorize the transfer of an underground easement to Union Gas along an existing right of way, being Parts 1, 2 & 3, Plan 36R-6557, for a gas connection on Stanley Street.

"CARRIED"

Res. #2011-318: Moved by Councillor Chirico, seconded by Councillor Koziol
 That accounts totaling \$8,471,581.24 for March 2011 be approved.

"CARRIED"

Res. #2011-319: Moved by Councillor Koziol, seconded by Councillor Anthony
 That accounts for Royal Bank totaling \$2,209.09 for 2011 be approved.

Councillor Chirico declared a conflict of interest as he is employed by The Royal Bank of Canada.

"CARRIED"

Res. #2011-320: Moved by Councillor Chirico, seconded by Councillor Koziol
That 1) the Mayor and City Clerk be authorized to sign the Amending Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs and The Corporation of the City of North Bay related to funding of the North Bay Water Filtration Plant; and
2) the Execution By-Law be presented to Council for three (3) readings on Tuesday, May 3, 2011.

"CARRIED"

Res. #2011-321: Moved by Councillor Vrebosch-Merry, seconded by Councillor Bain
That City Council approve the award of a contract to Monteith Building Group Ltd. in the amount of \$484,137.00 (HST incl.), for the design and construction of the building extension of the Public Works Maintenance Garage.

Mayor McDonald declared a conflict of interest as Monteith Building Group Ltd. is one of his tenants.

"CARRIED"

Res. #2011-322: Moved by Councillor Vrebosch-Merry, seconded by Councillor Bain
That City Council approve the award of a contract to 2252466 Ontario Inc. o/a The Grounds Guys for an estimated amount of \$64,775.00 (HST extra), for Landscaping Services. The service shall be performed on an as and when requested basis to October 31, 2012, with the provision of a one (1) year option if mutually agreeable to both parties.

"CARRIED"

Res. #2011-323: Moved by Councillor Vrebosch-Merry, seconded by Councillor Bain
That City Council approve a contract to Camrock Crushing in the estimated amount of \$170,000.00 (HST extra), to crush an estimated amount of 50,000 tonnes of reclaimed asphalt pavement.

"CARRIED"

Res. #2011-324: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That 1) the Mayor and City Clerk be authorized to sign Phase II of the Turret Condominium Agreement by Turret Construction & Housing Co. Inc., Jorah Investments Ltd., and 133494 Canada Inc., for the approval of a 67 unit condominium on Madelena Drive and Lake Heights Road in the City of North Bay – City File No. 48CDM-07101;
2) the Mayor and City Clerk be authorized to sign Phase III of the Turret Condominium Agreement by Turret Construction & Housing Co. Inc., Jorah Investments Ltd., and 133494 Canada Inc., for the approval of a 26 unit condominium on Sylvan Crescent in the City of North Bay – City File No. 48CDM-07101;
3) the Mayor and City Clerk be authorized to sign Phase IV of the Turret Condominium Agreement by Turret Construction & Housing Co. Inc., Jorah Investments Ltd., and 133494 Canada Inc., for the approval of a 69 unit condominium on Sylvan Crescent; and

- 4) the Mayor and City Clerk and Manager of Planning Services be authorized to sign the Final Plans of Condominium subject to receipt of all Easement and Condominium Agreement requirements.

"CARRIED"

- Res. #2011-325: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That
- 1) the O'Canada Day Committee be granted permission to hold the 2011 Canada Day Celebrations in and about the Waterfront Park on July 1, 2011 pursuant to By-Law No. 142-76 (Noise By-Law);
 - 2) the requests by the O'Canada Day Committee regarding exemption from the Noise By-Law, exclusivity over the event and grounds be approved as per the following:
 - a) having approved Recommendation No. 1 granting permission to hold the public celebration known as the 2011 O'Canada Day Event, the event becomes exempt from the noise control provisions contained in By-Law No. 142-76 (Noise By-Law), as amended, pursuant to the operation of Section 6 and Schedule 3 thereof;
 - b) exclusivity be granted on July 1, 2011, on and over the City-owned or controlled lands (except the North Bay Wastewater Treatment Facility Lands) within the area defined as, extending from, and inclusive of the waterfront beaches starting at Tenth Street and both sides of Memorial Drive from the Uniroc Site up to and including Lee Park.

"CARRIED"

- Res. #2011-326: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That City Council approve a contract be issued to George Stockfish Ford (1987) Ltd. in the amount of \$69,600.09 (HST incl.), for the supply of one (1) crew cab dump truck.

"CARRIED"

- Res. #2011-327: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That City Council approve a contract be issued to Dependable Emergency Vehicles, a division of Dependable Truck and Tank Limited, in the negotiated amount of \$371,485.00 (HST extra), for the supply of one (1) new fire pumper apparatus vehicle. The price includes allowances for the trade-in of two (2) surplus fire vehicles.

"CARRIED"

- Res. #2011-328: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-laws be read a first and second time:

By-Law No. 2011-109 to authorize the City Hall Building Rehabilitation Program.

By-Law No. 2011-113 to execute an Amending Agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs relating to the North Bay Water Filtration Plant (COMRIF Funding).

"CARRIED"

- Res. #2011-329: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-laws be read a third time and passed:

By-Law No. 2011-109 to authorize the City Hall Building Rehabilitation Program.

By-Law No. 2011-113 to execute an Amending Agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs relating to the North Bay Water Filtration Plant (COMRIF Funding).

"CARRIED"

Res. #2011-330: Moved by Councillor Koziol, seconded by Councillor Anthony
That the following by-law be read a first and second time:

By-Law No. 2011-114 to execute an Agreement with the North Bay-Mattawa Conservation Authority, Millford Development Limited, Consolidated Homes Ltd., and Golden Estates Ltd., relating to the donation of Escarpment Lands (Thibeault Terrace and Golf Club Road).

Councillor Chirico declared a conflict of interest as the proponent is a client of his employer, The Royal Bank of Canada.

"CARRIED"

Res. #2011-331: Moved by Councillor Koziol, seconded by Councillor Anthony
That the following by-law be read a third time and passed:

By-Law No. 2011-114 to execute an Agreement with the North Bay-Mattawa Conservation Authority, Millford Development Limited, Consolidated Homes Ltd., and Golden Estates Ltd., relating to the donation of Escarpment Lands (Thibeault Terrace and Golf Club Road).

Councillor Chirico declared a conflict of interest as the proponent is a client of his employer, The Royal Bank of Canada.

"CARRIED"

Res. #2011-332: Moved by Councillor Chirico, seconded by Councillor Koziol
That the following by-law be read a third time and passed:

By-Law No. 2011-101 to stop up, close and convey a portion of the laneway in a block bounded by Montrose Avenue, Carruthers Street, Robarts Avenue and Harrison Street.

"CARRIED"

Res. #2011-333: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a first and second time:

By-Law No. 2011-112 to execute a Condominium Agreement with Turret Construction & Housing Co. Inc., Jorah Investments Ltd., and 133494 Canada Inc., relating to Turret Phase II, Turret Phase III, and Turret Phase IV, (Madelena Drive, Lake Heights Road and Sylvan Crescent).

"CARRIED"

Res. #2011-334: Moved by Councillor Lawlor, seconded by Councillor Mendicino
That the following by-law be read a third time and passed:

By-Law No. 2011-112 to execute a Condominium Agreement with Turret Construction & Housing Co. Inc., Jorah Investments Ltd., and 133494 Canada Inc., relating to Turret Phase II, Turret Phase III, and Turret Phase IV, (Madelena Drive, Lake Heights Road and Sylvan Crescent).

"CARRIED"

Res. #2011-335: Moved by Councillor Vrebosch-Merry, seconded by Councillor Bain
That the following by-laws be read a first and second time:

By-Law No. 2011-110 to execute an Agreement with Miller Paving Limited relating to the supply of asphalt concrete pavement patching.

By-Law No. 2011-111 to execute an Agreement with 2212880 Ontario Ltd. relating to the supply of aggregate materials.

By-Law No. 2011-115 to execute an Agreement with Metro Pavement Marketings Ltd. relating to pavement marking services.

"CARRIED"

Res. #2011-336: Moved by Councillor Vrebosch-Merry, seconded by Councillor Bain
That the following by-laws be read a third time and passed:

By-Law No. 2011-110 to execute an Agreement with Miller Paving Limited relating to the supply of asphalt concrete pavement patching.

By-Law No. 2011-111 to execute an Agreement with 2212880 Ontario Ltd. relating to the supply of aggregate materials.

By-Law No. 2011-115 to execute an Agreement with Metro Pavement Markings Ltd. relating to pavement marking services.

"CARRIED"

Res. 2011-337: Moved by Councillor Chirico, seconded by Councillor Bain
WHEREAS Ontario municipalities historically use schools as voting places during municipal elections;

AND WHEREAS the *Municipal Election Act* states that school boards must provide space to be used as voting places free of any charge when requested for use by a municipality;

AND WHEREAS school boards are requesting municipalities provide security at schools being used on Voting Day to ensure the safety of students throughout the entire school when only a small portion of the school is being used as a voting place;

AND WHEREAS concerns regarding student safety at the school during voting hours can be eliminated if the students are not in the school on Voting Day;

THEREFORE BE IT RESOLVED that North Bay City Council requests that the Minister of Education amend the Education Act to declare Voting Day for municipal elections in the Province of Ontario as a Professional Activity Day;

AND THAT a copy of this resolution be forwarded to Hon. Monique Smith, MPP Nipissing; the leaders of the Provincial Opposition Parties; the Association of Municipalities of Ontario; the four school boards in the City of North Bay; and to all municipalities in the District of Nipissing.

"CARRIED"

Res. #2011-338: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council adjourn *in-camera* pursuant to section 239(2) of the *Municipal Act, 2001*, as amended, at 7:46 p.m. for the following reasons: Item #12, being the pending acquisition of lands by the Municipality; Item #13, being a pending disposition of lands by the Municipality; Item #14, being a proposed acquisition of lands by the Municipality; and Items #15 & #16, being the proposed disposition of lands by the Municipality.

"CARRIED"

Res. #2011-339: Moved by Councillor Chirico, seconded by Councillor Koziol
That Council reconvene at 8:01 p.m.

"CARRIED"

Res. #2011-340: Moved by Councillor Chirico, seconded by Councillor Koziol
That 1) Council approve the purchase of 1099 Lakeshore Drive at a cost of \$210,000.00 and that the cost be charged to the Property Development Reserve Fund.

Councillor Maroosis declared a conflict of interest as his partner is employed by the President of the North Bay Real Estate Board.

"CARRIED"

Res. #2011-341: Moved by Councillor Chirico, seconded by Councillor Koziol
That City Council approve the high bid from Steve Crea Homes Limited in the amount of \$180,200.00 (HST extra), for the sale of vacant city owned land described as Registered Plan No. 23, Part of Lots 24 & 25, and Part of Cedar Street, Reference Plan No. 36R-12732, Parts 29-31, 33 & 36-40, beside 537 Ann Street (former CN Rail Lands). The funds from the sale are placed in the Property Development Reserve Fund (99535R) to be used for future endeavors.

"CARRIED"

Res. #2011-342: Moved by Councillor Chirico, seconded by Councillor Koziol
That City Council approve the high bid from 943674 Ontario Inc., in the amount of \$274,500.00 (HST extra), for the sale of vacant city owned land described as Registered Plans M-5 & M-32, Part of Lots 167 to 172, and Part of Galt Street, Reference Plan No. 36R-12732, Parts 2 to 11, 13 to 17, 19 to 21, and 23 to 27, beside 616 Front Street and 573 Galt Street (former CN Rail Lands). The funds from the sale are placed in the Property Development Reserve Fund (99535R) to be used for future endeavors.

"CARRIED"

Res. #2011-343: Moved by Councillor Vaillancourt, seconded by Councillor Mendicino
That this Regular Meeting of Council do now adjourn at 8:03 p.m.

"CARRIED"

CLOSED MEETING CONFLICT OF INTEREST

Regular Agenda Item # 12 -Councillor Maroosis declared a conflict of interest as his partner is employed by the President of the North Bay Real Estate Board and left meeting for the discussion of this matter.

Regular Agenda Item #13 - Councillor Chirico declared a conflict of interest as the proponent is a client of his employer and left meeting for the discussion of this matter.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

**MINUTES OF THE PUBLIC MEETING OF
CITY COUNCIL HELD UNDER THE *MUNICIPAL ACT*
HELD MONDAY, MAY 9, 2011**

PRESENT: Mayor McDonald, Councillors Chirico, Koziol, Anthony, Maroosis, Bain, Mayne, Vrebosch-Merry, Vaillancourt, Mendicino, Lawlor

1. User Fees – Field Rentals (Steve Omischl Sports Complex).

Councillor Lawlor explained the purpose of the meeting.

The Deputy City Clerk advised that notice of the meeting was given by advertisements in the North Bay Nugget on the 9th day of April, 2011 and 16th day of April, 2011.

Jerry Knox and Ian Kilgour explained the purpose of the Meeting.

Councillor Lawlor asked for public presentations.

1. Doug Cameron:
 - President of North Bay Selects Soccer Team (the competitive side of Youth Soccer)
 - Approximately 200 players.
 - With the new fields they expected increases but not so much and not so fast.
 - Increases represent a 74% increase in field rental costs in one year (includes the annual increase + the increase in the capital reserve fee (CRF))
 - They were prepared to make a financial contribution but never heard back from the City. The club was prepared to make a commitment over 10 years but the City staff wanted a commitment over five years. Suggested a \$100,000 contribution over five years with an exemption from the CRF.
 - They will need to increase the registration fees for the children. With the increase some families will not be able to afford the registration costs.
 - In 2009 they organized the first North Bay Challenge Soccer Tournament for visiting teams. Tournament also held in 2010.
 - In 2010 the costs for the fields was \$1,700.00; the increased cost for the fields will be over \$3,000.00. The cost per team in 2010 was \$375.00, to meet the increased charges the cost per team will have to be raised to over \$500.00. This will make it difficult to attract out-of-town teams. With the increased charges they will have to discontinue the Tournament.
 - They put \$25.00 per player aside each year into a "Player Development Fund".

2. Chris Foster – 1073 Brookes Street, North Bay
 - Question: how many ball fields at Sports Complex? (Total of 3)
 - Does not understand the CRF.
 - North Bay Baseball's costs will increase from \$17,000.00 to \$30,000.00.
 - A lot of children will not be able to afford to play baseball.
 - Only 25% of the children will play at the new Complex. Children under 13 years will not use the Complex.
 - In the past they have had a Charity Tournament to raise money for the Food Bank. With the increased charges they would lose money on the Tournament.

3. Chad Lacelle – 467 Bunting Drive, North Bay
Jim Antler – 280 Pearce Street, North Bay
 - Representing North Bay Baseball.
 - Asking that the CRF not apply to Charity Tournament for the Food Bank
 - Were told about the surcharge last year

- Registration fees will have to be increased and they do not want to do this.
 - Asking that the surcharge not apply to T-Ball and Rookie Ball Teams (currently use Rock Street Park and Tapper Gray Field). They fields are under sized and have no lights. They pay the same cost for these fields as the other ball fields and they are not up to par.
 - Do not have the money to make a financial contribution to the Complex.
4. Dave Saad – 469 Maplewood Avenue, North Bay
- Doesn't have a problem with the surcharge if they were getting a real field.
 - The creation of 3 ball fields did not cause the increase in the costs for the Complex.
 - The surcharge will be applied to all fields.
 - Why wasn't the Fee Study completed 2 years ago?
 - Tournament fees need to be reviewed. Why is the City charging the same costs for weekend use? Not the same level of maintenance.
 - Comes down to communication and personalities.
 - The baseball season will be over before the Complex is ready to use this year. Doesn't mind paying for something if they could use it.
5. Al Pellerin – 445 Haig Street, North Bay
- Nipissing Slow-Pitch Association
 - The cost increases will mean higher league fees.
 - They cannot use bingo proceeds as they are an adult league.
 - Have to sign contracts for this year's field rentals and not sure what the rates will be.
 - Were never given a chance to have input into charges.
 - Suggests that City not charge for the Complex this year because the fields are not going to be available.
 - Suggests that City raise the CRF by \$5.00 instead of \$10.00.
6. Paul Goodridge – 116 Byers Road, Callander
- North Bay Youth Soccer
 - Both his daughters played
 - Has been a coach for 16 years and a sponsor for 13 years
 - Health benefits of soccer – fitness for all ages groups
 - North Bay Youth Soccer has made a financial contribution of \$500,000.00 (over 10 years)
 - In addition, North Bay Youth Soccer has contributed volunteer hours to the field maintenance of the City's soccer fields.
 - Compared North Bay's rates to other municipalities and North Bay's are high.
 - This is a City facility that is owned by the taxpayers.
 - If all City Departments are 100% recoverable then the tax rate should be 0%. Taxes are used for these types of activity.
 - Questions regarding the CRF.
 - Soccer and youth baseball are paying for two elite baseball clubs.
7. Sue Knight
- President of North Bay Youth Soccer
 - They have 2,500 children registered
 - Fee increases for the Complex are outrageous.
 - If the fees stay at these rates, North Bay Youth Soccer will not use the Complex.
 - Federal Government's "Cradle to Grave" Program – emphasis on ages 4 to 12 to develop skills.
 - Health benefits of being active.
 - Belleville has a new (domed) facility – their rate is \$40.00 per game (rate per game; not per hour).
 - Very few of the children registered with North Bay Youth Soccer will use the Complex.

- The fees are higher than anticipated – expected \$25.00 to \$30.00 per hour.
- Why did they give the City \$500,000.00? They gave to the City to provide a place for all children to play.
- Hopes Council will reconsider the rates – need to look out for the children.
- Only asked for 5 grass fields – City advised that they only need 2 artificial fields.
- “Asked for a chev, and got a Cadillac”.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

**MINUTES OF THE PUBLIC MEETING OF
CITY COUNCIL HELD UNDER THE *MUNICIPAL ACT*
HELD MONDAY, MAY 9, 2011**

PRESENT: Mayor McDonald, Councillors Chirico, Koziol, Anthony, Maroosis, Bain, Mayne, Vrebosch-Merry, Vaillancourt, Mendicino, Lawlor

1. User Fees – Marina Rentals.

Councillor Lawlor explained the purpose of the meeting.

The Deputy City Clerk advised that notice of the meeting was given by advertisements in the North Bay Nugget on the 9th day of April, 2011 and 16th day of April, 2011.

Jerry Knox and Beverley Hillier explained the purpose of the Meeting.

Councillor Lawlor asked for public presentations.

No public presentations were made.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

**MINUTES OF THE PUBLIC MEETING OF
CITY COUNCIL HELD UNDER THE *MUNICIPAL ACT*
HELD MONDAY, MAY 9, 2011**

PRESENT: Mayor McDonald, Councillors Chirico, Koziol, Anthony, Maroosis, Bain,
Mayne, Vrebosch-Merry, Vaillancourt, Mendicino, Lawlor

1. User Fees - Sign Permits.

Councillor Lawlor explained the purpose of the meeting.

The Deputy City Clerk advised that notice of the meeting was given by advertisements in the North Bay Nugget on the 9th day of April, 2011 and 16th day of April, 2011.

Jerry Knox and Beverley Hillier explained the purpose of the Meeting.

Mayor McDonald declared a conflict of interest as one of his teams sells sign space.

Councillor Lawlor asked for public presentations.

No public presentations were made.

DEPUTY MAYOR PETER CHIRICO

CITY CLERK CATHERINE CONRAD

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-13

May 16, 2011

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-13 and recommends:

1. That a) the draft by-law attached as Schedule "A" to Report to Council CORP 2010-150 from Lauren M. Scully to regulate Open Air Burning in the City of North Bay be presented to Council for three (3) readings; and
b) By-Law No. 2007-116 being a by-law to authorize user fees for North Bay Fire and Emergency Services be amended to include a fee of \$410 per fire truck for the first hour and \$205 for each additional half hour for a response by the North Bay Fire and Emergency Services Department, to an open air burn without a permit or that is otherwise not in compliance with the by-law, as attached to Schedule "B" to Report to Council CORP 2010-150 from Lauren M. Scully.

All of which is respectfully submitted.

	ASSENTS	DISSENTS
CHIRICO (CHAIRMAN)	_____	_____
KOZIOL	_____	_____
ANTHONY	_____	_____
MAROOSIS	_____	_____
MAYOR McDONALD	_____	_____

GENERAL GOVERNMENT COMMITTEE REPORT NO. 2011-14

May 16, 2011

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

Your Worship and Councillors:

The General Government Committee presents Report No. 2011-14 and recommends:

1. That Council authorize the City Clerk to amend the user fees charged by various City Departments (By-Law No. 2007-115) (save and except user fees for the Steve Omischl Sports Complex and Capital Reserve Fees for athletic fields) and by the North Bay Fire & Emergency Services Department (By-Law No. 2007-116), effective June 1, 2011 as outlined in Report to Council CORP 2011-54 dated March 28, 2011.

All of which is respectfully submitted.

	ASSENTS	DISSENTS
CHIRICO (CHAIRMAN)	_____	_____
KOZIOL	_____	_____
ANTHONY	_____	_____
MAROOSIS	_____	_____
MAYOR McDONALD	_____	_____

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-10

May 16, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-10 and recommends:

1. That Council confirms the user fee increase for a variance to the Sign By-Law as adopted by Community Services Committee Report No. 2010-06, passed by Council on Monday, March 22, 2010.

All of which is respectfully submitted.

	ASSENTS	DISSENTS
LAWLOR (CHAIRMAN)	_____	_____
MENDICINO	_____	_____
VAILLANCOURT	_____	_____
MAYOR McDONALD	_____	_____

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-11

May 16, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-11 and recommends:

1. That a) the proposed Plan of Subdivision (8 Lots, File #48T-11108) by Miller & Urso Surveying Inc. on behalf of 2221864 Ontario Inc., for Concession 16, Lot 40, Reference Plan 36R-4704, Part 2, PIN 49174-0060(LT) and 49174-0040(LT) in the former Township of West Ferris, be given Draft Approval subject to the conditions in Appendix "A" to the Planning Report prepared by Steve McArthur dated February 2, 2011; and
b) the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication.

All of which is respectfully submitted.

	ASSENTS	DISSENTS
LAWLOR (CHAIRMAN)	_____	_____
MENDICINO	_____	_____
VAILLANCOURT	_____	_____
MAYOR McDONALD	_____	_____

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-12

May 16, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-12 and recommends:

1. That a) Council receive Report to Council CORP 2011-48 dated May 5, 2011 from Michael Burke, being the Supplementary Rental Housing Licencing Report; and
b) the City Clerk be directed to schedule a Public Meeting.

All of which is respectfully submitted.

	ASSENTS	DISSENTS
LAWLOR (CHAIRMAN)	_____	_____
MENDICINO	_____	_____
VAILLANCOURT	_____	_____
MAYOR McDONALD	_____	_____

COMMUNITY SERVICES COMMITTEE REPORT NO. 2011-13

May 16, 2011

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

Your Worship and Councillors:

The Community Services Committee presents Report No. 2011-13 and recommends:

1. That a) User Fee By-Law No. 2007-115 be amended to increase Marina rates to provide licensed Security Guard services by the following amounts:

Seasonal tenant	\$50.00
Monthly tenant	\$20.00
Weekly tenant	\$12.00
Daily tenant	\$ 1.00; and

- b) User Fee By-Law No. 2007-115 be amended to include a 3% increase to the 2010 established rates.

All of which is respectfully submitted.

	ASSENTS	DISSENTS
LAWLOR (CHAIRMAN)	_____	_____
MENDICINO	_____	_____
VAILLANCOURT	_____	_____
MAYOR McDONALD	_____	_____

ENGINEERING & WORKS COMMITTEE REPORT NO. 2011-03

May 16, 2011

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

Your Worship and Councillors:

The Engineering & Works Committee presents Report No. 2011-03 and recommends:

1. That a) City Council approve the increase in tipping fees for solid waste from the industrial, commercial and institutional sources to \$75.00 per metric tonne effective June 1, 2011; and
b) other Waste Management User Fees remain the same and are stated for the public record.

All of which is respectfully submitted.

	ASSENTS	DISSENTS
VREBOSCH-MERRY (CHAIRMAN)	_____	_____
MAYNE	_____	_____
BAIN	_____	_____
MAYOR McDONALD	_____	_____

CITY OF NORTH BAY
REPORT TO COUNCIL

#1

Report No: CORP 2011-82

Date: May 6, 2011

Originator: MICHAEL B. BURKE

Subject: REQUEST FOR EXCLUSIVE TRAPPING RIGHTS – SOUTH SIDE OF
LAVASE RIVER

Correspondence Code No. MB-2011-06

RECOMMENDATION

That Council renew the permission for J. C. Etches to have exclusive trapping rights for the area known as the south side of the Lavase River, for a three year period commencing June 1, 2011, subject to the receipt of proof of insurance satisfactory to the City Solicitor.

BACKGROUND

Mr. Etches is a licensed trapper under Ontario Trapping License No. NB03214201 and carries at least \$2,000,000.00 worth of liability insurance. For the past thirty (30) years or so Mr. Etches has been given this permission to carry out the trapping. There have been no other requests from any other trappers for this permission.

OPTIONS ANALYSIS

Option 1: To renew the license.

This has long been presented as being generally a community service so as to control the beaver population in the area. There have been no incidents or complaints regarding it and its renewal is recommended.

Option 2: Not to renew the permission.

This may result in the increase of the beaver population and the potential of disease, both of which would represent an additional community nuisance.

RECOMMENDED OPTION

That Council renew the permission for J. C. Etches to have exclusive trapping rights for the area known as the south side of the Lavase River, for a three year period commencing June 1, 2011, subject to the receipt of proof of insurance satisfactory to the City Solicitor.

Respectfully submitted,



MICHAEL B. BURKE
CITY SOLICITOR

I concur in this report and recommendation.



DAVID G. LINKIE
Chief Administrative Officer

MBB/lc

Personnel designated for continuance: Michael Burke, City Solicitor

Attachments: Letter received April 27th, 2011 from J. C. Etches

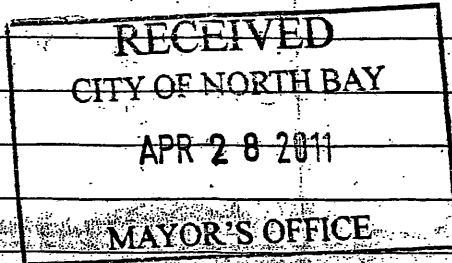
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APRIL 27, 2011

J. C. ETCHES

#12-866 LAKE SHORE DRIVE
NORTH BAY, ONTARIO
P1A-4A3 495-0433

THE OFFICE OF THE MAYOR
THE CORPORATION OF THE CITY OF NORTH BAY
200 MCINTYRE EAST
NORTH BAY, ONTARIO
P1B-8H1A



Dear Sir,

Please consider this letter as a tentative renewal of my exclusive trapping rights for the area known as the SOUTH SIDE OF THE LAVASE RIVER for another 3 YEAR TERM.

I have been trapping the area since DECEMBER, 1981 and my presence there has stopped the poaching of deer, as well as other fur-bearing animals in the area concerned. Beaver damage and diseases have become more controlled as well.

I am fully licensed and insured through ONTARIO FUR MANAGERS and have insurance filed with the CITY CLERKS DEPARTMENT.

Should this request be acceptable to you please reply in writing, as a copy has to be forwarded to the MNR by JUNE 10/2011, along with all permissions involved for the upcoming season.

Thanking you for your prompt attention, I remain

Yours Truly
J. C. ETCHES

CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)
December 30, 2010

BROKER

Canada Brokerlink (Ontario) Inc.
591 Main Street E., Suite 203
North Bay, ON P1B 1B7

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

COMPANIES AFFORDING COVERAGE

COMPANY A	LLOYD'S UNDERWRITERS UNDER AGREEMENT NO. CCG101214(03)
COMPANY B	
COMPANY C	
COMPANY D	

INSURED'S FULL NAME AND MAILING ADDRESS

ONTARIO FUR MANAGERS FED.
LISA OUELLETTE
531 SECOND LINE EAST
SAULT STE MARIE, ON P6B 4K2

FAX NO.: 705-254-3297

COVERAGES

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirements, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.
LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS (Canadian dollars unless indicated otherwise)	
	GENERAL LIABILITY					
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	ON10313	12/31/10	12/31/11	EACH OCCURRENCE	\$ 2,000,000
	<input type="checkbox"/> CLAIMS MADE				GENERAL AGGREGATE	\$
A	<input checked="" type="checkbox"/> OCCURRENCE	ON10313	12/31/10	12/31/11	PRODUCTS-COMP/OP AGGREGATE	\$ 5,000,000
	<input type="checkbox"/> TENANTS LEGAL LIABILITY				TENANT'S LEGAL LIABILITY	\$
	<input type="checkbox"/> NON-OWNED AUTOMOBILE				NON-OWNED AUTOMOBILE	\$
					COMBINED DEDUCTIBLE (BODILY INJURY AND PROPERTY DAMAGE) PER OCCURRENCE	\$ 1,000
						\$
	AUTOMOBILE LIABILITY					
	<input type="checkbox"/> DESCRIBED AUTOS	Not applicable			BODILY INJURY & PROPERTY DAMAGE COMBINED	\$
	<input type="checkbox"/> ALL OWNED AUTOS				COLLISION DEDUCTIBLE	\$
	<input type="checkbox"/> LEASED AUTOS				COMPREHENSIVE DEDUCTIBLE	\$
					ALL PERILS DEDUCTIBLE	\$
	EXCESS/ UMBRELLA					
	<input type="checkbox"/> UMBRELLA FORM	Not applicable			EACH OCCURRENCE	\$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				AGGREGATE	\$
					RETAINED LIMIT	\$
	PROPERTY					
	<input type="checkbox"/> BROAD FORM	Not applicable			LIMIT	\$
	<input type="checkbox"/> NAMED PERILS				DEDUCTIBLE	\$

ADDITIONAL INSURED

Not Applicable

DESCRIPTION OF OPERATIONS/LOCATIONS/ SPECIAL ITEMS

Trapping by member J. Charles Etches for the City of North Bay.

CERTIFICATE HOLDER

The Corporation of the City of North Bay
200 McIntyre St. E.
PO Box 360
North Bay, ON P1B 8H8.

CANCELLATION

Should any of the above described policies be cancelled before the Expiration date thereof, the issuing company will endeavor to mail -- days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

AUTHORIZED REPRESENTATIVE

CANADA BROKERLINK (ONTARIO) INC.



**CITY OF NORTH BAY
REPORT TO COUNCIL****Report No:** CORP 2011-83**Date:** May 6th, 2011**Originator:** MICHAEL B. BURKE**Subject:** Reopening of Patton Road

RECOMMENDATION

That Council authorize a By-Law to alter Patton Road by reopening the Patton Road extension to Station Road near the Station and to accept a transfer of Part 1 on Plan 36R-8621 from Daymis Properties Inc., for \$1.00.

BACKGROUND

When Station Road was built, it was thought that Patton Road was no longer required to circle around to Station Road. As a result of a review of the traffic circulation patterns at the Recycling Centre it has now been determined that Patton Road should be reopened so that the traffic can circulate and exit again by way of Station Road. This is being done primarily in the interest of safety for the Recycling Centre traffic which has expanded over the years and with the Hazardous Waste Depot being open year round.

Most of Patton Road is in the name of the City. A small section of it still has the paper title in the name of private owners. However, given that Patton Road was once a road maintained by the City, it is our view that the ownership of that road would continue and that the City would have the right to extend the road over that small part to Station Road. The paper title owners have agreed to convey that Part to the City for \$1.00.

There are also certain sewer and water improvements being made by way of a new septic discharge facility and a new fill up hydrant for water trucks so that they no longer need to circulate within the Public Works yard. The City has many such forced roads. However, with the reopening of the road, it is necessary to pass a By-Law under the *Municipal Act* to "alter" the road by reopening it.

The Capital Financing for this project has already been approved by Resolution.

OPTIONS ANALYSIS

Option # 1: To reopen Patton Road

Option # 2: Not to reopen Patton Road


RECOMMENDED OPTION

That Council authorize a By-Law to alter Patton Road by reopening the Patton Road extension to Station Road near the Station and to accept a transfer of Part 1 on Plan 36R-8621 from Daymis Properties Inc., for \$1.00.

Respectfully submitted,

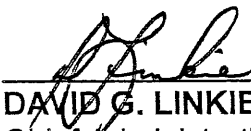


DAVID EULER, P. Eng
Director of Engineering



MICHAEL BURKE
City Solicitor

I concur in this report and recommendation.

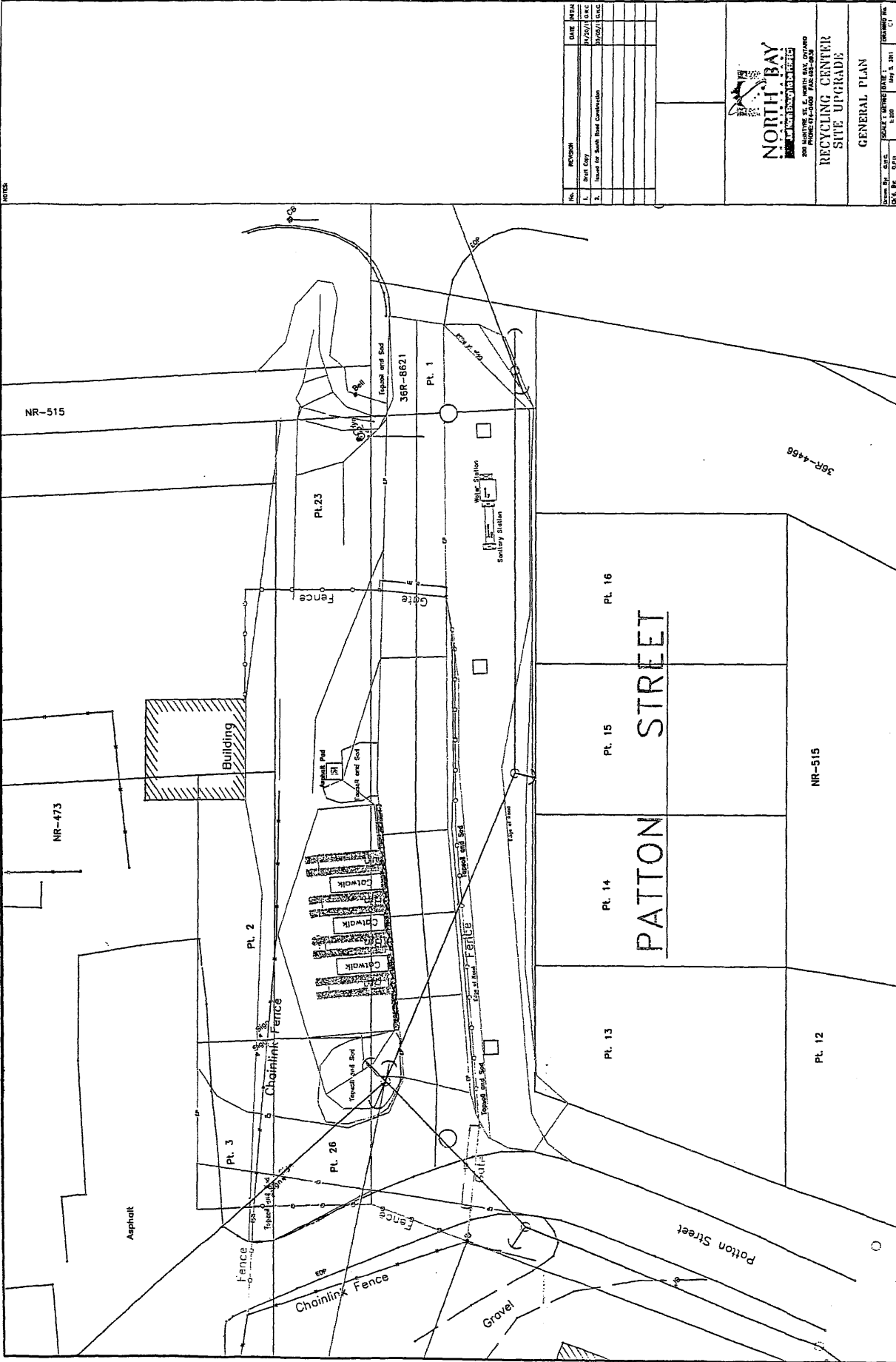


DAVID G. LINKIE
Chief Administrative Officer

Personnel designated for continuance: David Euler, Manager of Engineering

Attachments: Sketches

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No.	REVISION	DATE	BY
1	Plot Copy	11/20/11	LMC
2	Issued for South Bay Contribution	10/20/11	LMC

NORTH BAY
 RECYCLING CENTER
 SITE UPGRADE

GENERAL PLAN

Scale:	AS SHOWN
Date:	May 3, 2011
Project:	36R-4456
Sheet:	1-200

City of North Bay

Report to Council

Report No: CAO 2011- 03

Date: May 6, 2011

Originator: David Linkie
Chief Administrative Officer

Subject: Request from Canadore College – New Student Residence

File No: C04

RECOMMENDATIONS

- 1) That the City Council approve the request from Canadore College to exempt the proposed new 6 storey student residence from development charges; and
- 2) That City Council further agree to rebate the municipal portion of property taxes provided the building continues to be used for college or university housing; and
- 3) That the Mayor and City Clerk be authorized to enter into an agreement with Canadore College and Campus Living Centres to waive the Development Charges and rebate the Municipal portion of the property taxes as contemplated in Report to Council CAO 2011-03.

BACKGROUND

Canadore College is a key stakeholder in providing post secondary educational opportunities in Northern Ontario and a significant contributor to North Bay's economy.

As Canadore continues to prosper it has recognized a need to provide additional student housing on its campus.

The City of North Bay recognizes the shortage of safe appropriate housing for students in our community and has been working to resolve some of the inherent problems this situation has caused.

Funding constraints have made it impractical for Canadore to proceed with the construction of additional student housing on its own.

Canadore has reached an agreement in principle whereby a private sector partner would construct, own, and operate a six storey student residence on lands owned by Canadore College. The agreement contemplates ownership of the building reverting to the College at the expiration of the long term lease.

It is important to note that this building would be exempt from development charges if it were solely owned by the College. Similarly the building would not draw traditional property taxes if owned and operated exclusively by the College. Taxes would continue to be calculated on a "heads and beds" formula which is based on each full-time student enrolled in the College.

ANALYSIS / OPTIONS

Option 1

Not to agree to the request of Canadore College.

This option may result in the cancellation or delay of this project and is not recommended.

Option 2

Approve the request as submitted.

Recommended Option / Financial Implications

Option 2 is the recommended option.

The request, as proposed, deals with fees that would not have been applicable had the building been constructed for immediate Canadore ownership.

The proposed building will be integrated into the lower residence campus on lands owned by Canadore and will be outwardly no different than other residence owned by the college or university.

Other municipal fees, including but not necessarily limited to building permit and site plan control fees will be charged as they would normally have applied to construction of a residence by the college.

Should Council choose to deny this request and assuming the project will proceed regardless of the denial to exempt or rebate development charges and the municipal share of property taxes this project would draw the following fees:

i) One time development charges *

The 2011 rate per unit is 2,938. We have assumed 196 beds within 49 units \$143,962

ii) Annual Property Taxes (Municipal Share) *

Assumed assessment of building \$7,300,000 in the multi-residential tax class (3.178646) the total write-off for 2011 would be: \$232,041.16

The annual amount to be written off will change as tax ratios and tax rates change.

* Estimates based on best available information. Should the request be denied, the risk is that in the year the agreement ceases the City would receive a substantial reduction in the assessment base and related reduction in revenue. Future budget years would be at risk due to the significant burden on the tax levy in the year the facility becomes tax exempt. Acceptance of the request would be factored into the annual budget process thereby reducing the impact to ratepayers.

There are other financial benefits that are not quantifiable at this time. Increasing the number of student residence units available will enhance student recruitment efforts which in turn may positively influence the "heads and beds" payment in lieu of taxes.

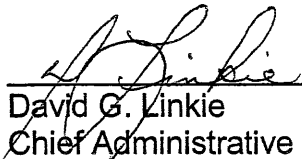
This construction project will also provide opportunities for construction employment and sales to local builder supply businesses.

In summary, this project will assist with mitigating a serious local housing shortage.

In terms of financial impact the request for relief from fees is appropriate in my opinion as this is revenue that would not otherwise be realized if the project did not proceed or was owned by Canadore College.

Staff would not be recommending fee forgiveness if this was a private sector for profit project arms length from the college and constructed on privately owned lands,

Respectfully submitted,



David G. Vinkie
Chief Administrative Officer

Personnel designated for continuance: Cathy Conrad, City Clerk

Copy: M. Karpenko
M. Burke
P. Leckie
C. Conrad
J. Knox

City of North Bay Report to Council

Report No.: CORP-2011-84

Date: May 9, 2011

Originator: Lauren M. Scully, Assistant City Solicitor/City Prosecutor

Subject: Set Fines and Short Form Wordings for Traffic and Parking By-Law No. 2002-01

RECOMMENDATION

That Council authorize an application for approval of a set fine and short form wording for the new offence contrary to the Traffic and Parking By-Law No. 2002-01 of "Pedestrian obstruct highway" as set out in Schedule "A" of Report to Council No. CORP-2011-84.

BACKGROUND

City of North Bay By-Law No. 2011-21, attached as Schedule "B" to Report No. CORP-2011-84, to amend Traffic and Parking By-Law No. 2001-01 was passed on February 7, 2011. This amendment added the following Section 2(2) which states: "Pedestrians shall not obstruct the Highway in such a manner as to interfere with the movement of vehicles." This amendment was in response to complaints about students around high schools congregating on roadways and interfering with traffic due to the *Smoke Free Ontario Act* which prohibits smoking on all school property.

This particular by-law already has a set fine for a Part I offence of Ride bicycle upon sidewalk which is \$50.00. I would propose therefore a \$50.00 set fine for the charge of Pedestrian interfere with movement of vehicles. This would result in a total payable on the ticket of \$65.00 as added onto the \$50.00 set fine is \$10.00 victim fine surcharge (which goes to the province) plus \$5.00 costs for service of the ticket.

The purpose of seeking approval for set fines and short form wordings is to allow the City of North Bay to enforce the Traffic and Parking By-Law by writing Certificate of Offence Notices (tickets) under Part I of the *Provincial Offences Act*. This ticketing process is the same process that occurs when a person receives a speeding ticket. It allows for a more expeditious process and allows the defendant the opportunity to pay the fine out of court if they wish. The City of North Bay always has the option not to use the ticketing process despite the availability of set fines and short form wordings and would then proceed to charge pursuant to Part III of the *Provincial Offences Act* which requires the issuing of an Information and a Summons to the Defendant. This process does require the defendant to appear in court. This process can be used for a variety of reasons instead of a Part I ticket (ie: 30 day time limitation period for issuing a Part I ticket has passed; the City of North Bay expects to seek a fine greater than \$1,000.00 due to the seriousness of the offence; a repeat offender; etc.)

In order to use set fines the City of North Bay must obtain approval from the Regional Senior Justice of the Ontario Court of Justice for the Northeast Region. The proposed set fines must first be sent

to the Ministry of the Attorney General, Crown Law Office – Criminal prior to being sent to the Regional Senior Justice. The entire approval process can take anywhere from one month to six months.

ANALYSIS/OPTIONS

1. To authorize an application for the approval of set fines and short form wordings. This would allow The Corporation of the City of North Bay to enforce the new Traffic and Parking By-Law offence of "Pedestrian obstruct highway" by writing Certificate of Offence Notices (tickets) under Part I of the *Provincial Offences Act*.
 2. Not to authorize an application for the approval of set fines and short form wordings. The Corporation of the City of North Bay would be unable to enforce the new Traffic and Parking By-Law offence of "Pedestrian obstruct highway" by writing Certificate of Offence Notices (tickets) under Part I of the *Provincial Offences Act*. The By-Law could still be enforced by the laying of an Information pursuant to Part III of the *Provincial Offences Act*. However, the Part III option is normally more time consuming for the enforcement officer and it does not allow the defendant to pay the fine out of court.
-

RECOMMENDED OPTION

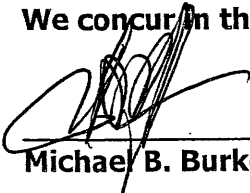
That Council authorize an application for approval of a set fine and short form wording for the new offence contrary to the Traffic and Parking By-Law No. 2002-01 of "Pedestrian obstruct highway" as set out in Schedule "A" of Report to Council No. CORP-2011-84.

Respectfully submitted,

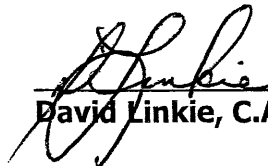


Lauren M. Scully, Assistant City Solicitor/City Prosecutor

We concur in this report and recommendation.



Michael B. Burke, City Solicitor



David Linkie, C.A.O.

**Personnel designated for continuance: Lauren M. Scully, Assistant City Solicitor/
City Prosecutor**

**Attachments: (1) Schedule "A" – Set Fines and Short Form Wordings
(2) Schedule "B" – City of North Bay By-Law No. 2011-21**

LMS/vgh

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THE CORPORATION OF THE CITY OF NORTH BAY - SET FINES
PART I – PROVINCIAL OFFENCES ACT

TRAFFIC AND PARKING BY-LAW NO. 2002-01

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Pedestrian obstruct highway.	Section 2(2)	\$50.00

Note: The penalty provision for the offence indicated above is Section 38 of By-Law No. 2002-01 a certified copy of which has been filed

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Schedule "B"

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-21

**BEING A BY-LAW TO AMEND TRAFFIC AND
PARKING BY-LAW NO. 2002-01
(Part II – Traffic Regulations, Section 2 – Pedestrians)**

WHEREAS section 27 of the *Municipal Act*, 2001, S.O. 2001, c. 25 (as amended), authorizes a municipality to pass by-laws in respect of highways in its jurisdiction;

AND WHEREAS section 128 of the *Municipal Act* authorizes a municipality to prohibit and regulate with respect to public nuisances;

AND WHEREAS section 10(2) of the *Municipal Act* authorizes a municipality to pass by-laws respecting health, safety, and well-being of persons; and protection of persons and property;

AND WHEREAS Council passed Resolution No. 2010-556 at its Regular Meeting held Monday, August 23, 2010 to approve this amendment;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACT AS FOLLOWS:

1. That Section 2 of Traffic and Parking By-Law No. 2002-01 is amended by adding numeric subsections for referencing purposes.
2. That Section 2 of Traffic and Parking By-Law No. 2002-01 is amended by inserting the following subsection:

“(2) Pedestrians shall not obstruct a highway in such a manner as to interfere with the movement of vehicles”
3. This amending by-law shall come into force and effect on September 1, 2010.

READ A FIRST TIME IN OPEN COUNCIL THIS 7th DAY OF FEBRUARY, 2011

READ A SECOND TIME IN OPEN COUNCIL THIS 7th DAY OF FEBRUARY, 2011

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 7th DAY OF FEBRUARY, 2011.

"original signature on file"

MAYOR ALLAN MCDONALD

"original signature on file"

DEPUTY CITY CLERK KAREN MCISAAC

**City of North Bay
Report to Council**

Report No.: CORP 2011-75

Date: April 27, 2011

Originator: Lorraine Rochefort

Subject: Reduction, Cancellation or Refund of Taxes
Section 357, the Municipal Act, S.O. 2001, c.25
Application No. 2011-3

RECOMMENDATION:

That Tax Appeal Application No. 2011-3 attached to CORP Report No. 2011-75 be approved and adjusted for the period set out on the application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the Municipal Act, S.O. 2001 c.25.

BACKGROUND:

Section 357 of the Municipal Act, S.O. 2001, c.25. (herein referred to as the Act) provides Council with the authority to cancel, reduce or refund taxes under various circumstances as set out in the Act upon application by the ratepayer.

The legislation does not oblige municipalities to provide the cancellation, reduction or refund of taxes as the Act uses the words "may" versus "shall". Section 357 applications are municipal appeals and although the Municipal Property Assessment Corporation may make statements/recommendations relating to these applications, the final determination is solely at the discretion of Council. The applicant may appeal the decision of Council to the Assessment Review Board.

The attached application has been reviewed and verified by the Municipal Property Assessment Corporation (MPAC) and was returned with a negative recommendation.

The subject application deals specifically with:

- Section 357 (1) (a) – change event resulting in a tax class change

The property is a 59 unit senior's residential complex. MPAC has assigned the multi-residential tax class to the property because in their opinion the units are self-contained and the residents can live independently without any reliance on personnel, meal plans or programs offered by the facility.

In 2009 tax consultants made application on behalf of the property owner for cancellation, reduction or refund of taxes under Section 357 for the 2008 taxation year. Council concurred with MPAC's recommendation to deny the tax class change and subsequently an appeal was filed by the tax consultants to the Assessment Review Board.

An Assessment Review Board Hearing was held on August 19th, 2009 where all parties exchanged information. Following receipt and review of additional information provided by the property owners, the City agreed that the units are not self-contained and therefore should be assessed and taxed in the residential tax class. MPAC did not agree.

Minutes of Settlement was reached between the City of North Bay, tax consultants and the property owner to have the tax class changed from Multi-Residential to Residential for the 2008 taxation year. MPAC's consensus is not required because this is a Municipal Act appeal, not an Assessment Act appeal.

MPAC does not agree with the City's position, therefore continues to assign the multi-residential tax class to the property annually on the assessment roll.

The onus is on the property owner to make application to the City annually to have the tax class changed from Multi-Residential to Residential. Council approved the 2009 application; the subject application relates to the 2010 taxation year.

The 2011 budget is \$150,000 Total municipal portion write-off for this application is \$88,915.19 and applications under CORP Report 2011-74 are \$19,656.96 leaving a balance of \$41,427.85.

ANALYSIS/OPTIONS:

Option #1 – Council could choose not to accept MPAC's recommendations and provide a refund to the property owner to bring the property to a residential tax level. The 2011 municipal portion write-off of the subject application if accepted would be \$88,915.19.

Approving the application is consistent with the Minutes of Settlement reached at the Assessment Review Board in 2009 for the 2008 taxation year and is the position the City of North Bay has taken on the tax class assignment of the property.

Option #2 – Council accepts MPAC's recommendation and denies the application.

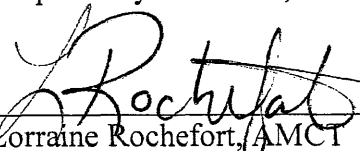
This would be inconsistent with the City's position and the Minutes of Settlement signed and reached at the Assessment Review Board for the 2008 taxation year. If Council denies the application, ratepayer has the opportunity to file a Notice of Appeal to the Assessment Review Board (ARB) within 35 days after Council makes its decision.

RECOMMENDED OPTION:

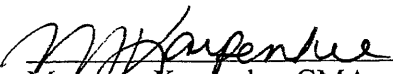
Option #1 is the recommended option.


That tax appeal Application No. 2011-3 attached to CORP. Report No. 2011-75 be approved and adjusted for the period set out on the application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the Municipal Act, S.O. 2001 c.25.


Respectfully submitted,



Lorraine Rochefort, AMCT
Manager of Revenues & Taxation

We concur in this report and recommendation.


Margaret Karpenko, CMA
Chief Financial Officer/Treasurer


Michael Burke
City Solicitor


David Linkie
Chief Administrative Officer

 Personnel designated for continuance: Manager of Revenues & Taxation

Attach. Summary of Section 357 Application

City of North Bay**Report to Council**

Report No.: CORP 2011-74

Date: April 27, 2011

Originator: Lorraine Rochefort

Subject: Reduction, Cancellation or Refund of Taxes
Section 357, the Municipal Act, S.O. 2001, c.25

RECOMMENDATION:

That the tax appeal applications attached to CORP Report No. 2011-74 that have been returned with a positive recommendation from the Municipal Property Assessment Corporation, be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the Municipal Act, S.O. 2001 c.25.

BACKGROUND:

Section 357 of the Municipal Act provides Council with the authority to cancel, reduce or refund taxes under various circumstances as set out in the Act upon application by the ratepayer.

The attached 9 applications have been reviewed and returned with a positive recommendation by the Municipal Property Assessment Corporation (MPAC). The subject applications deal specifically with:

- Section 357 (1) (a) - tax class change
- Section 357 (1) (d) (i) - land that was razed by fire or demolished

The 2011 budget is \$150,000; the municipal portion write-off of the subject applications is \$19,656.96.

ANALYSIS/OPTIONS:

Option #1 – Council could choose not to accept MPAC’s recommendations and deny all or specific applications. If such was the case, the ratepayer has the opportunity to file a notice of appeal to the Assessment Review Board (ARB). The ARB’s decision is final.


Option #2 – Council accept MPAC’s recommendations and approve the adjustment of the attached tax appeals for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the Municipal Act, S.O. 2001, c.25.

RECOMMENDED OPTION:

Option #2 is the recommended option.

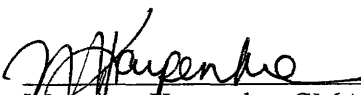
That the tax appeal applications attached to CORP Report No. 2011-74 that have been returned with a positive recommendation from the Municipal Property Assessment Corporation, be adjusted for the period set out on each application form and that the applicable taxes be cancelled, reduced or refunded as authorized by Section 357 of the Municipal Act, S.O. 2001 c.25.

Respectfully submitted,

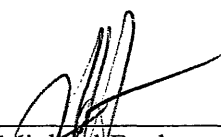


Lorraine Rochefort, AMCT
Manager of Revenues & Taxation

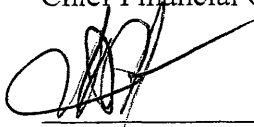
We concur in this report and recommendation.



Margaret Karpenko, CMA
Chief Financial Officer/Treasurer



Michael Burke
City Solicitor



David Linkie
Chief Administrative Officer

Personnel designated for continuance: Manager of Revenues & Taxation

Attach. Summary of Section 357 Applications

**City of North Bay
Report to Council**

Report No.: CORP 2011-81

Date: May 2, 2011

Originator: Lorraine Rochefort

Subject: 2011 Tax Capping Policy

RECOMMENDATIONS:

1) That Council adopts the 2011 Tax Capping Policy recommendations as follows:

That the 2011 capping program incorporate the following options:

- a) increase the capping percentage from 5% to 10% for all capped classes
- b) apply a 5% limit over prior year annualized tax, whichever is greater of a) or b)
- c) apply a minimum increase threshold of \$250.00 to all capped classes
- d) exempt from capping, properties that were subject to CVA tax in 2010
- e) exempt from capping, properties that were capped in 2010 and would otherwise be subject to claw back in 2011
- f) exempt from capping, properties that were subject to claw back in 2010 and would otherwise be subject to capping protection in 2011
- g) adopt a threshold tax level for new construction properties of 100%

That the cost of providing the legislated caps on assessment related increases for individual properties in 2011 be funded as follows:

- a) for the commercial class, the cost be borne from within the class
- b) for the industrial and multi-residential classes, the cost to be funded 100% from the Tax Policy Development Reserve Fund

2) That Council enacts the following by-laws and that they be given three readings on May 16th, 2011:

By-Law 2011-118 – a by-law to adopt the 2011 tax capping program

By-Law 2011-119 – a by-law to adopt optional tools – New Construction

By-Law 2011-120 – a by-law to establish decreased limits for certain property classes

BACKGROUND:

A mandatory 5% capping program for Multi-Residential, Commercial & Industrial Classes was introduced by the Provincial Government in 2001. The program limited increases in taxes resulting from reassessment or class changes to 5% from the previous year's adjusted taxes. Municipal tax levy increases were in addition to the 5% limit mandated. This is now an ongoing program unless the Province amends the legislation.

As part of the 2004 Provincial Budget process, the government announced a series of reforms to Ontario's tax regime. Reforms introduced options which would give municipalities the opportunity to bring all classes of properties to Current Value Assessment (CVA) more quickly. This goal was adopted in our tax policy.

The 2008 Provincial Budget announced increased flexibility under the tax capping program. Beginning in 2009, municipalities have the option to permanently exclude properties from the capping program once they reach their CVA tax destination. Under this new feature, a property that reaches CVA tax in one year can be excluded from the capping program the next year.

A second option available excludes properties that cross CVA taxes. For example, properties that were previously capped in 2010 and would be in a claw-back position in 2011 or vice versa would be excluded from the program.

- For a property to go from capping protection in 2010 to a claw-back in 2011, a decrease in assessment would be required.
- For a property to go from a claw-back in 2010 to capping protection in 2011, an increase in assessment would be required.

The options may be put into place for any or all of the capped classes and can be changed annually.

These options were adopted in 2009 and 2010 for all capped classes, therefore, any property subject to CVA tax or cross CVA tax in 2008, 2009 and 2010, are no longer subject to either capping or claw-back adjustment. By using the options the capping program has been substantially reduced and we are very close to reaching our goal to bring all property classes to CVA tax. The comparison below outlines the capping program over the last six years.

SIX YEAR CAPPING PROGRAM COMPARISON

TAX CLASS	2006	2007	2008	2009	2010	2011	OVERALL REDUCTION
Commercial	\$636,325	\$392,513	\$263,987	\$149,848	\$60,797	\$40,900	(\$595,423)
Industrial	\$21,755	\$7,722	\$1,357	\$984	\$536	\$335	(\$21,420)
Multi-Res.	\$30,987	\$8,439	\$2,389	\$0	\$0	\$0	(\$28,598)

For 2011, the commercial tax class has 18 capped properties totalling \$40,900.00, compared to 155 capped properties and \$636,325.00 in capping protection in 2006. Industrial has gone from 18 capped properties in 2006 to 1 in 2011 and the multi-residential from 17 capped properties in 2006 to all properties being at CVA commencing in 2009.

There are options for funding the cost of providing the reductions for capped properties:

- 1) Cost can all be borne within each class by limiting assessment related tax reductions that would otherwise benefit other properties (claw-backs).
- 2) City can fund a portion of the cost for any class by including an allowance in the tax levy to be borne by all properties.
- 3) City can fund a portion from the Tax Policy Development Reserve Fund. Balance as at December 31, 2010, \$344,577.22.

For 2001, 2002, 2003 and 2004 council chose to fund the capping program from within the three classes of properties (Commercial, Multi-Residential and Industrial).

In 2005, 2006, 2007, 2008, 2009 and 2010 the Commercial class was funded from within the class. The Multi-Residential and Industrial programs were funded 100% from the Tax Policy Development Reserve Fund.

The purpose of this report is to establish the 2011 Capping Program.

OPTIONS/ANALYSIS:

Option #1 – to adopt options introduced in the 2004 budget as follows:

- increase the capping percentage from 5% to 10% for all capped classes
- apply a 5% limit over prior year annualized tax, whichever is greater of a) or b)
- apply a minimum increase threshold of \$250.00 to all capped classes
- the cost of providing the legislated caps on assessment related increases for individual properties be funded as follows:
 - for the commercial class, the cost be borne from within the class
 - for the industrial and multi-residential classes, the cost to be funded 100% from the Tax Policy Development Reserve Fund

If the 2011 program included the above-noted parameters, the capping program would be as follows:

CAPPED PROPERTIES:

TAX CLASS	CAPPED PROPERTIES	COSTS OF CAPPING	FUNDING OF PROGRAM
Commercial	18	\$50,346.00	Within the class
Industrial	1	\$ 1,784.00	Tax policy reserve
Multi-Residential	1	\$ 1,292.00	Tax policy reserve

CLAW-BACK PROPERTIES:

TAX CLASS	CLAW-BACK PROPERTIES	% RETAINED BY RATEPAYER	% CLAW-BACK KEPT BY CITY
Commercial	847	91%	9%
Industrial	0	100%	0%
Multi-Residential	0	100%	0%

The multi-residential and industrial classes would see small capping programs funded by the Tax Policy Development Reserve, which means that all property owners in those classes of property would not have any portion of their tax reductions retained by the City to fund the capped properties. They would see 100% of the reduction.

In the commercial tax class, the program would be \$50,346.00 and funded within the class, therefore, no other tax class would be absorbing any cost of the program. Ratepayers would continue to receive capping protection and we would claw-back 9% of the reductions to fund the program. Decreasing properties would realize 91% of their reduction.

Option #2 – To adopt the 10%, 5%, \$250, and to exclude properties from the capping program that were at CVA in 2010 and that cross CVA from 2010 to 2011.

Analysis shows the following:

CAPPED PROPERTIES:

TAX CLASS	CAPPED PROPERTIES	COSTS OF CAPPING	FUNDING OF PROGRAM
Commercial	18	\$ 40,900.00	Within the class
Industrial	1	\$ 335.00	Tax policy reserve
Multi-Residential	0	\$ 0.00	N/A

CLAW-BACK PROPERTIES:

TAX CLASS	CLAW-BACK PROPERTIES	% RETAINED BY RATEPAYER	% CLAW-BACK KEPT BY CITY
Commercial	741	92%	8 %
Industrial	0	100%	0%
Multi-Residential	0	100%	0%

By adopting these options, the capping program is reduced by approximately \$20,000.00 from 2010 to 2011. All properties in the multi-residential tax class would be at CVA; all properties with the exception of one in the industrial tax class would be at CVA and all but 18 properties in the commercial tax class would be at CVA.

All properties in the multi-residential and industrial tax classes would receive 100% of their reductions and in the commercial tax class 69 additional properties would receive the full 100% reduction because they would be brought to CVA.

In the commercial tax class, the program is \$40,900.00 and funded within the class, therefore, no other tax class would be absorbing any cost of the program. Ratepayers would continue to receive capping protection and we would claw-back 8% of the reductions to fund the program. Decreasing properties would realize 92% of their reduction.

Although this option definitely brings more properties to CVA tax, it comes at a cost to some ratepayers. By adopting the new options, the commercial capping program is reduced which means that taxes on properties that would have been capped will see increases.

The new options benefit the claw back properties as 69 properties are brought to CVA tax which means they are no longer paying more than their fair share to fund the \$40,900.00 of capped properties.

Although some commercial properties will not be capped and will see increases, all properties in the class will have benefited in 2011 as follows:

- Revenue neutral tax ratios were not adopted to offset the tax burden from the residential tax class to the other classes of properties for 2011 which would have increased the tax levy burden to the commercial class.
- Properties that would be brought to CVA tax under the new options would have the same protection as the residential tax payer in that the assessment increases are phased in over four years.
- Fair and equitable taxation is our ultimate goal and that is achieved when all ratepayers pay CVA tax. Adopting these options brings us closer to our goal therefore, Option #2 is the recommended option.

RECOMMENDED OPTION:

1) That Council adopts the 2011 Tax Policy recommendations as follows:

That the 2011 capping program incorporate the following options:

- a) increase the capping percentage from 5% to 10% for all capped classes
- b) apply a 5% limit over prior year CVA tax, whichever is greater of a) or b)
- c) apply a minimum increase threshold of \$250.00 to all capped classes
- d) exempt from capping, properties that were subject to CVA tax in 2010
- e) exempt from capping, properties that were capped in 2010 and would otherwise be subject to claw back in 2011
- f) exempt from capping, properties that were subject to claw back in 2011 and would otherwise be subject to capping protection in 2011
- g) adopt a threshold tax level for new construction properties of 100%

That the cost of providing the legislated caps on assessment related increases for individual properties in 2011 be funded as follows:

- a) for the commercial class, the cost be borne from within the class
- b) for the industrial and multi-residential classes, the cost to be funded 100% from the Tax Policy Development Reserve Fund

2) That Council enacts the following by-laws and that they be given three readings on May 16th, 2011:

By-Law 2011-118 – a by-law to adopt the 2011 tax capping program

By-Law 2011-119 – a by-law to adopt optional tools – New Construction

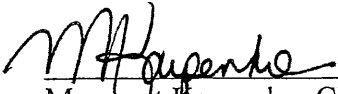
By-Law 2011-120 – a by-law to establish decreased limits for certain property classes

Respectfully submitted,



Lorraine Rochefort, AMCT
Manager of Revenues & Taxation

We concur in this report and recommendations.



Margaret Karpenko, CMA
Chief Financial Officer/Treasurer



Michael Burke
City Solicitor



David Linkie
Chief Administrative Officer



Personnel designated for continuance: Manager of Revenues & Taxation

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-118

**BEING A BY-LAW TO ADOPT OPTIONAL TOOLS FOR
2011 FOR THE PURPOSES OF ADMINISTERING LIMITS
FOR THE COMMERCIAL, INDUSTRIAL AND MULTI-
RESIDENTIAL PROPERTY CLASSES
TAX CAPPING PROGRAM**

WHEREAS the Corporation of the City of North Bay (hereinafter referred to as "The Municipality") may, in accordance with section 329.1 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (hereinafter referred to as "*The Act*"), and Ontario Regulation 73/03, as made and amended under *The Act*, modify the provisions and limits set out in Part IX *The Act*, with respect to the calculation of taxes for municipal and school purposes for properties in the commercial, industrial and multi-residential property classes;

AND WHEREAS this by-law shall only apply to properties in any of the Commercial, Industrial and Multi-Residential property classes to which Part IX of *The Act* applies;

AND WHEREAS for the purposes of this by-law the commercial classes shall be considered a single property class and the industrial classes shall be deemed to be a single property class;

AND WHEREAS "uncapped taxes" means, the taxes for municipal and school purposes that would be levied for the taxation year but for the application of Part IX of *The Act*.

AND WHEREAS "capped taxes" means, the taxes for municipal and school purposes that shall be levied for the taxation year as a result of the application of Part IX of *The Act*.

AND WHEREAS The Council may pass a by-law to apply any one or any combination of the following options:

- a. Increase the annual cap from 5% of last year's capped taxes up to a maximum of 10% of last year's capped taxes; and/or
- b. Set an upper limit on annual increases at the greater of the amount calculated under (a) and up to 5% of the previous year's annualized CVA tax; and/or
- c. Establish a capping adjustment threshold of up to \$250 for increasing properties, decreasing properties or both, whereby no capping adjustments less than the threshold amount would be applied; and/or
- d. Exempt properties from the capping calculation where the previous year's capped taxes for the property were equal to the uncapped taxes for that year; and/or
- e. Exempt properties from the capping calculation where the previous year's capped taxes were less than the previous year's CVA taxes, and the current year's capped taxes would otherwise be greater than the current year's CVA taxes, or vice-versa.

AND WHEREAS a by-law passed to adopt the provisions of subsection 329.1 paragraphs 1 and 2 of the Act provides that such provisions shall also apply to section 332 of *The Act* with respect to the "tenant cap" calculations;

AND WHEREAS the Council has reviewed the provisions of Section 329.1 of *The Act* and the provisions of Ontario Regulation 73/03, and hereby deems it necessary and appropriate to adopt optional tools for the purpose of administering limits for the Commercial, Industrial and Multi-Residential property classes:

AND WHEREAS Council authorized the by-law to adopt optional tools for the purposes of administering limits for the Commercial, Industrial and Multi-Residential property classes for the year 2011 by Resolution No. 2011-__ passed on the 16th day of May, 2011;

NOW THEREFORE the Council of the Corporation of the City of North Bay hereby enacts as follows:

1. **THAT** paragraphs 1, 2 and 3, of Subsection 329.1 (1) of *The Act* shall apply to the Commercial, Industrial and Multi-Residential property classes for 2011.
2. **AND THAT**
 - (i) In determining the amount of taxes for municipal and school purposes for the year under subsection 329 (1) and the amount of the tenant's cap under subsection 332 (5), the greater of the amounts determined under paragraphs a) and b) as set out below shall apply in determining the amount to be added under paragraph 2 of subsection 329 (1), and the increasing amount under paragraph 2 of subsection 332 (5),
 - (a) The percentage set out in Subsection 329(1) paragraph 2 and in Subsection 332(5) paragraph 2 shall be ten per cent (10%), and
 - (b) The amount of the uncapped taxes for the previous year multiplied by five per cent (5%).
 - (ii) The amount of the taxes for municipal and school purposes for a property for a taxation year shall be the amount of the uncapped taxes for the property for the year if the amount of the uncapped taxes exceeds the amount of the taxes for municipal and school purposes for the property for the taxation year as determined under section 329, as modified under section 329.1 of *The Act* and this by-law, by two-hundred and fifty dollars (\$250.00) or less.
3. **AND THAT** paragraphs 1, 2 and 3, of Subsection 8.0.2 (2) of Ontario Regulation 73/03 shall apply to the Commercial, Industrial and Multi-Residential property classes for 2011.
4. **AND THAT** properties that meet any of the following conditions shall be exempt from the capping calculations set out under Part IX of *The Act* for the 2011 taxation year:
 - (i) The capped taxes for the property in the previous year were equal to its uncapped taxes for that year.
 - (ii) The capped taxes for the property in the previous year were lower than the property's uncapped taxes for that year, and the current year's capped taxes would be higher than the current year's uncapped taxes if Part IX were applied.
 - (iii) The capped taxes for the property in the previous year were higher than the property's uncapped taxes for that year, and the current year's capped taxes would be lower than the current year's uncapped taxes if Part IX were applied.
5. This by-law shall come into force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.

MAYOR ALAN MCDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-119

**BEING A BY-LAW TO ADOPT OPTIONAL TOOLS FOR 2011
FOR THE PURPOSES OF ADMINISTERING LIMITS FOR
ELIGIBLE PROPERTIES IN THE COMMERCIAL, INDUSTRIAL
AND MULTI-RESIDENTIAL PROPERTY CLASSES (NEW
CONSTRUCTION)**

WHEREAS The Corporation of the City of North Bay (hereinafter referred to as "The Municipality") may, in accordance with section 329.1 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (hereinafter referred to as "*The Act*") modify the provisions and limits set out in section 331 of the *Act*, with respect to the calculation of taxes for municipal and school purposes payable in respect of property in the Commercial, Industrial and Multi-Residential property classes;

AND WHEREAS The Council may pass a by-law to adopt the provisions of Section 329.1 of *The Act* whereby a "floor" or minimum uncapped tax percentage applies to eligible properties in one or more of the uncapped classes;

AND WHEREAS this by-law shall only apply to properties in the Commercial, Industrial and Multi-Residential property classes to which Part IX of *The Act* applies;

AND WHEREAS in this by-law, "uncapped taxes" means the taxes for municipal and school purposes that would be levied for the taxation year but for the application of Part IX of *The Act*;

AND WHEREAS the Council has reviewed the provisions of Section 329.1 of the *Act* and hereby deems it necessary and appropriate to adopt optional tools for the purpose of providing minimum amounts for properties subject to the provisions of Section 331 for the Commercial, Industrial and Multi-Residential property classes;

AND WHEREAS Council authorized the by-law to apply a "floor" or minimum uncapped tax percentage to eligible properties in one or more of the uncapped classes for the year 2011 by Resolution No. 2011-__ passed on the 16th day of May, 2011;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That paragraph 8 of Subsection 329.1 (1) of the *Act* shall apply to the Commercial, Industrial and Multi-Residential property classes in the City of North Bay for 2011.
2. That for all properties in the City of North Bay that become eligible within the meaning of subsection 331 (20) of the *Act*, the taxes for municipal and school purposes for the year or portion of the year shall be the greater of,
 - (i) The amount of the taxes determined for the property for 2011 under subsection 331 (2), and
 - (ii) The amount of the uncapped taxes for the property for 2011 multiplied by one hundred per cent (100%).
3. That this by-law shall come into force and take effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16th DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16th DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16th DAY OF MAY, 2011.

MAYOR ALAN MCDONALD

CITY CLERK CATHERINE CONRAD

CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-120

BEING A BY-LAW TO ESTABLISH DECREASE LIMITS FOR CERTAIN PROPERTY CLASSES FOR 2011.

WHEREAS the Corporation of the City of North Bay may limit tax decreases for a taxation year pursuant to s.330. of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (hereinafter referred to as the "Act") in order to provide for the recovery of foregone revenue resulting from the application of s. 329 of the Act as modified by s.329.1 of the Act;

AND WHEREAS this by-law shall only apply to properties in a property class to which Part IX of the Act applies;

AND WHEREAS for the purposes of this by-law the commercial classes shall be considered a single property class and the industrial classes shall be deemed to be a single property class;

AND WHEREAS limits to tax decreases for any class may only be established in order to recover all or part of the foregone revenue in respect of the same property class;

AND WHEREAS Council authorized the by-law to establish decrease limits for certain property classes by Resolution No. 2011-00 passed on the 16th day of May 2011;

NOW THEREFORE the Council of the Corporation of the City of North Bay hereby enacts as follows:

1. That pursuant to Section 330 of the *Municipal Act*, for the taxation year 2011, tax decreases for property in the following classes shall be subject to the following limitations:

Property Class	Percent Decrease Retained	Percent Decrease Claw back
The multi-residential property class	100%	0
The commercial property class	91.6185%	8.3815%
The industrial property class	100%	0

Where:

- a) *Percent Decreased Retained* means the proportion of an anticipated assessment related tax decrease that is passed through in accordance with Part IX of the Act, and
- b) Where *Percent Decrease Clawback* means the proportion of an anticipated assessment related tax decrease that is withheld in accordance with Part IX of the Act.

2. That this by-law shall come into force and take effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.

MAYOR ALAN MCDONALD

CITY CLERK CATHERINE CONRAD

City of North Bay

Report to Council

Report No: CSBU 2011 - 57

Date: May 11, 2011

Originator: Steve McArthur – Senior Planner, Current Operations

Subject: Request to Designate a Site Plan Control Area On Certain Lands on Francis Street

RECOMMENDATIONS

1. That Council support Planning Staff's recommendation to designate a Site Plan Control Area on certain lands on Francis Street and to repeal By-Law No. 2011-105; and
2. That By-Law No. 2011-124 be presented for three (3) reading at the Regular Meeting of Council on May 16th, 2011.

BACKGROUND

Council passed By-law No. 2011-105, being a By-law to designate a Site Plan Control Area on certain lands on Francis Street, on April 18th, 2011. The passing of this by-law was done in accordance with the requirements of Schedule 'E' of the Francis Street Subdivision Agreement which was approved by Council Resolution No. 2010-552 on August 23rd, 2010.

After on-site inspections by Planning Staff, and after further consultation with the developer and the developer's agent, Planning Staff are now recommending the following amendments to By-law No. 2011-105:

1. Section 2a) - Provide fencing along the rear lot line of Lots 1, 4, 5, 6, 7, 8, 9, 10 and 11; and along the westerly side yard of Lots 4 and 5;

Proposed amendment: Provide fencing along the easterly lot line of Lot 10 adjacent to the pedestrian walkway; and along the top of the stone retaining wall of the westerly side yard of Lot 5; and maintain a vegetative buffer along the westerly lot line of Lot 4, and along the rear property lines of Lots 5 to 10 inclusive.

Rationale: The slopes of the majority of these lots are very steep and include a large stone retaining wall, as shown on Schedule 'B' attached hereto. It serves no purpose to build a fence at the bottom of the retaining wall and along the property lines as currently described in By-law No. 2011-105. The vegetative buffer already in place is sufficient and preferable. The fence along the top of the stone retaining wall on Lot 5 is mostly for safety purposes as there is a drop of approximately 30 feet to the sidewalk on Airport Road below.

2. Section 2b) - Provide a lot grading plan to the satisfaction of the City Engineer to establish the location and placement of fill on Lots 1, 4, 5, 6, 7, 8, 9 and 10.

Proposed amendment: None.

3. Section 2c) - Provide a retaining wall along the easterly side yard of Lot 1.

Proposed amendment: None. A new retaining wall must be constructed along the easterly side yard of Lot 1 at the time of the issuance of a building permit as agreed to with the abutting property owner at 9 Francis Avenue.

-
4. Section 3a) - The Chief Administrative Officer is hereby authorized to enter into, under Corporate Seal, one or more agreements on behalf of The Corporation of the City of North Bay with the owner of the subject lands herein to ensure the provision of all the facilities mentioned in this By-law, and to impose a fee of \$1,100 upon the owner for preparation;

Proposed amendment: The fee for the said SPCA be changed to \$1.00.

Rationale: There is little to no cost associated with the preparation of the SPCA's for these properties. All of the agreements will be the same with minor exceptions on each. The waiving of fees for the preparation of these agreements is consistent with our practice for other similar low density residential developments, namely those properties under Site Plan Control on Lakeview Drive that entered into SPCA's in 2009 and 2010.

ANALYSIS / OPTIONS

Option 1:

That Council support Planning Staff's recommendation to designate a Site Plan Control Area on certain lands on Francis Street and to repeal By-Law No. 2011-105; and that By-Law No. 2011-124 be presented for three (3) reading at the Regular Meeting of Council on May 16th, 2011.

Option 2:

Deny the request to designate a Site Plan Control Area on certain lands on Francis Street and to repeal By-Law No. 2011-105.

RECOMMENDED OPTION

Option 1 is the recommended option.

For overall safety, practical and aesthetic purposes, the amendments as requested should be approved. The slopes of the majority of these lots are very steep and include a large stone retaining wall, as shown on Schedule 'B' attached hereto.

The SPCA By-law was passed to meet the conditions set out in Schedule 'E' to the Francis Street subdivision agreement, but the provisions of the By-law are not desirable or feasible. The vegetative buffer already in place is sufficient and preferable. The fence along the top of the stone retaining wall on Lot 5 is mostly for safety purposes as there is a drop of approximately 30 feet to the sidewalk on Airport Road below. The abutting properties to the rear of Lots 6 to 10 are fully built-out and occupied.

Planning Staff believe that the proposed amendments represent good planning and will not have an adverse effect on any of the abutting land owners.

Respectfully submitted,



Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

SM/dlb

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attach(s)

We concur with this report and recommendations.



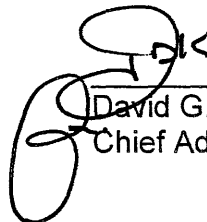
Beverley Hillier, MCIP, RPP
Manager, Planning Services



Jerry D. Knox
Managing Director, Community Services



Michael B. Burke
City Solicitor



David G. Linkie
Chief Administrative Officer

Personnel designated for continuance: *Senior Planner, Current Operations*

36M 667

AS SHOWN IN THE LAND RECOVERY OFFICE FOR THE LAND TITLES OFFICE OF MISSISSAUGA, ONTARIO AND ENTERED IN THE REGISTER FOR ALL OF THE REGISTERED CONCESSIONS AND PLANS. PW 49132-004 (L.T.) PW 49132-004 (L.T.) PW 49132-004 (L.T.) PW 49132-004 (L.T.) PW 49132-004 (L.T.)

THIS PLAN COMPRISES ALL OF LOT 1 AND BLOCK 13 - SUBJECT TO EASEMENT No. 118876

PLAN OF SUBMISSION OF PART OF THE NORTH 1/2 OF LOT 19 CONCESSION 'B', TOWNSHIP OF WIDFIELD NOW IN THE CITY OF NORTH BAY DISTRICT OF NIPISSING

SCALE 1 : 400



Miller & Urso Surveying Inc.



APPROVED under authority of the Planning Act, this 23rd day of JULY 2010

LOU LOVIE, L.S.P. (L.T.)

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:

- 1. LOTS 1 TO 11, INCLUDING BLOCK 13 AND 14, BLOCKS 15 AND 16 (AS SHOWN HEREON), AND BLOCK 17, ARE SHOWN IN ACCORDANCE WITH THE INTENTIONS OF THE SURVEYORS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATING LAND TITLES ACT.
- 2. THE SURVEY WAS CONDUCTED ON THE 17th DAY OF SEPTEMBER 2008.

REGISTERED OWNER OF PW 49132-004 (L.T.)

DATE: JULY 22, 2010

LOU LOVIE, L.S.P. (L.T.)

DATE: JULY 22, 2010

LOU LOVIE, L.S.P. (L.T.)

LOU LOVIE, L.S.P. (L.T.)

LOU LOVIE, L.S.P. (L.T.)

LOU LOVIE, L.S.P. (L.T.)

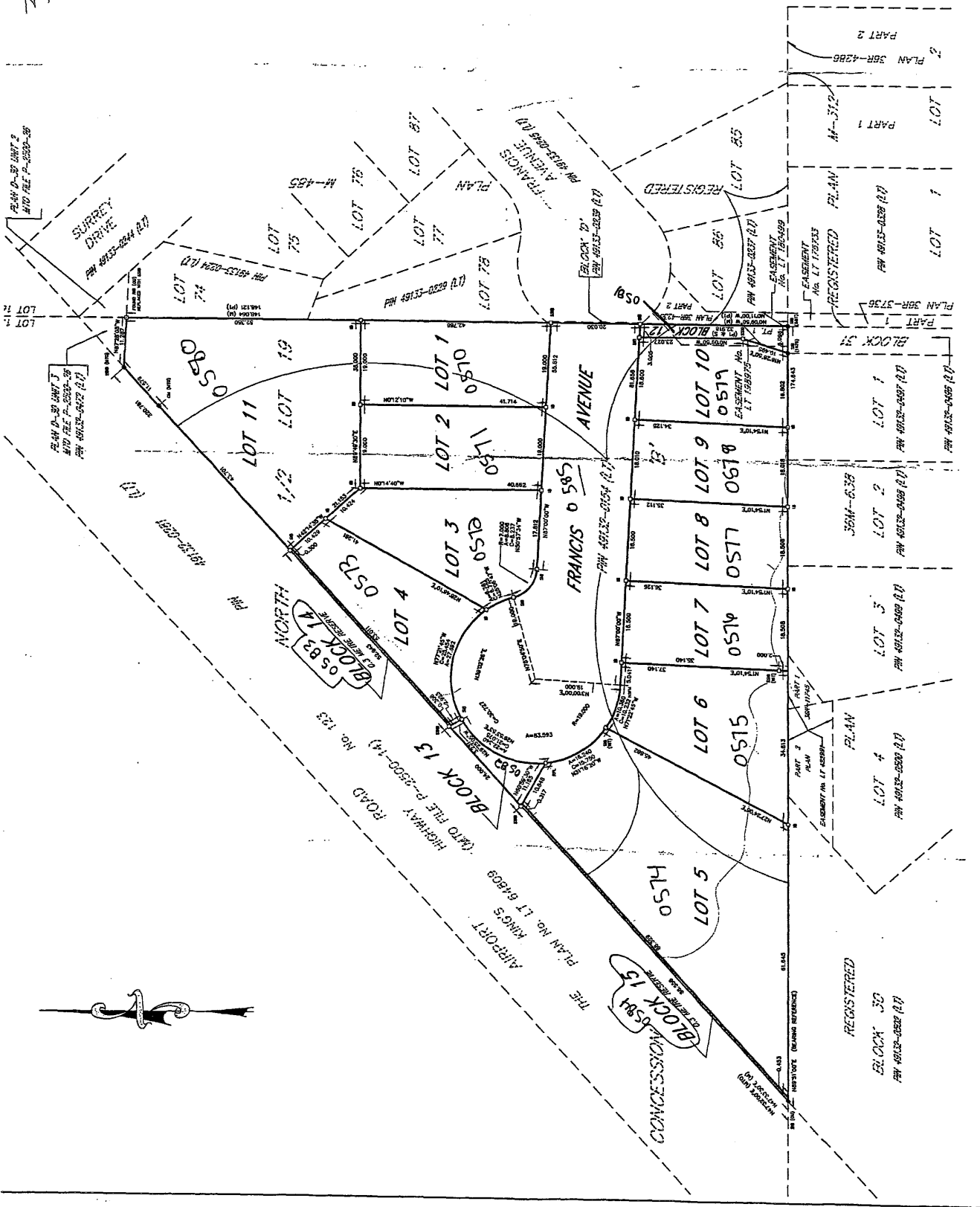
LOU LOVIE, L.S.P. (L.T.)

LOU LOVIE, L.S.P. (L.T.)

LOU LOVIE, L.S.P. (L.T.)

LOU LOVIE, L.S.P. (L.T.)

LOU LOVIE, L.S.P. (L.T.)

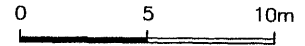


SCHEDULE A

Miller & Urso Surveying Inc.
Ontario Land Surveying
Planning Consultants
100 EAST WINDYMEAD DRIVE
MISSISSAUGA, ONTARIO L4X 1L7

ONTARIO LAND SURVEYORS
REGISTERED PROFESSIONAL SURVEYOR
NO. 118876

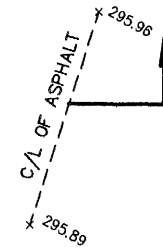
SITE PLAN OF
 LOT 6
 REGISTERED PLAN 36M-667
CITY OF NORTH BAY
 DISTRICT OF NIPISSING



SCALE 1 : 300

Miller & Urso Surveying Inc.

FRANCIS STREET



LOT COVERAGE

AREA OF LOT = 967.9m²
 AREA OF PROPOSED DWELLING = 219.5m²
 AREA OF COVERED PORCH = 7.2m²

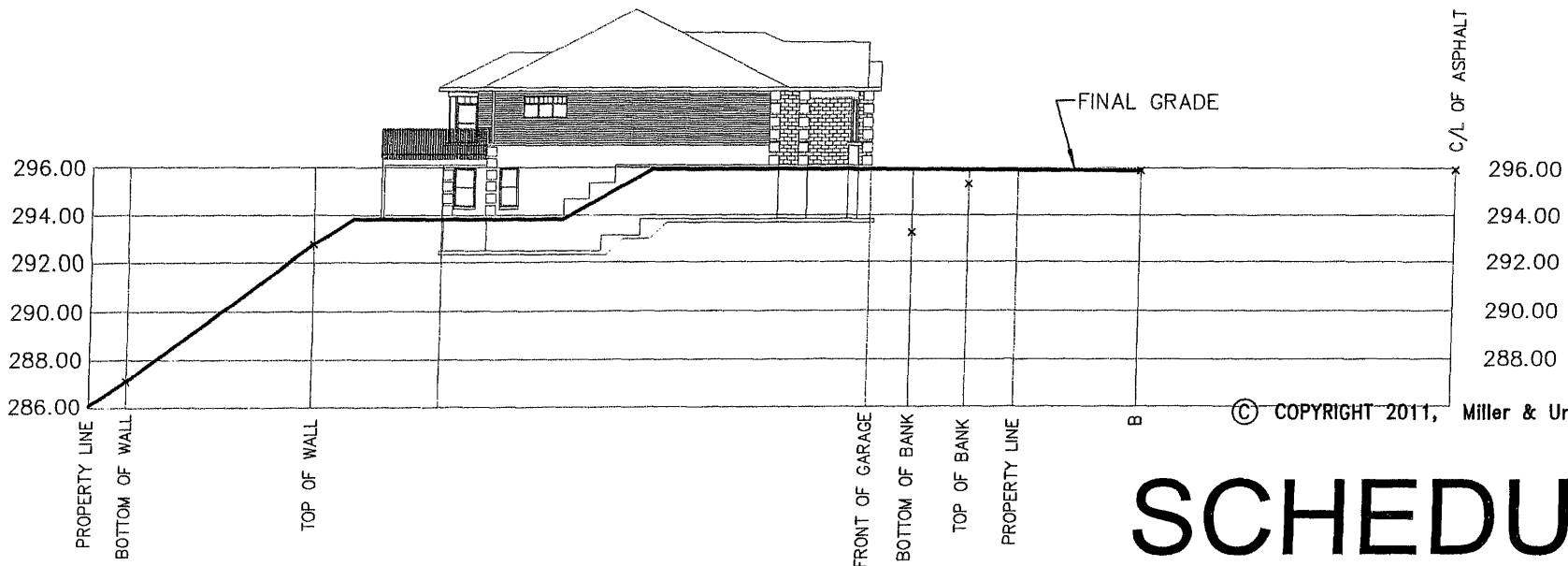
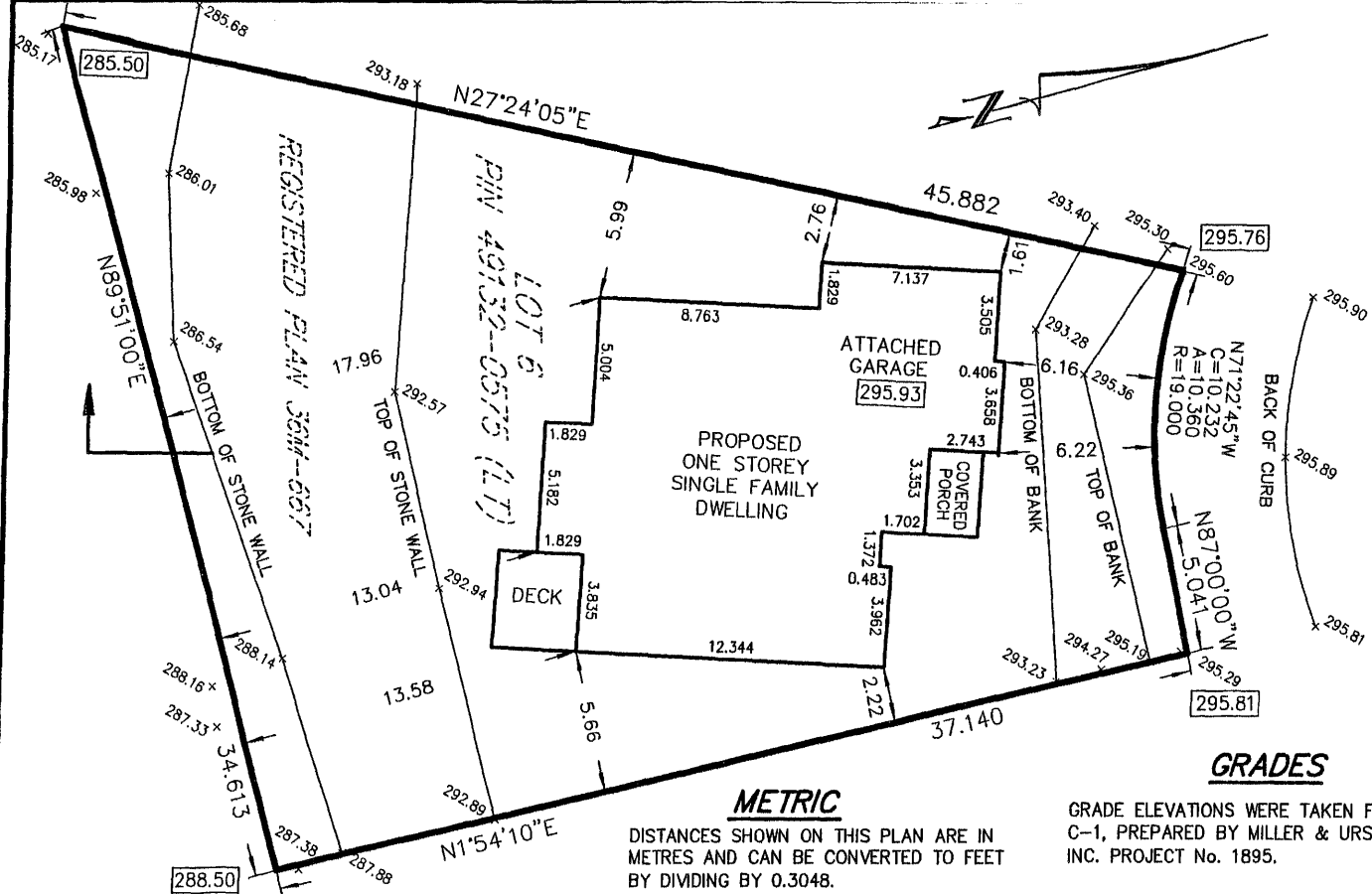
LOT COVERAGE = 23.4%

GRADES

GRADE ELEVATIONS WERE TAKEN FROM PLAN No. C-1, PREPARED BY MILLER & URSO SURVEYING INC. PROJECT No. 1895.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



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SCHEDULE B

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-124

A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON FRANCIS STREET AND TO
REPEAL BY-LAW NO. 2011-105

(914542 ONTARIO INC. - FRANCIS STREET)

WHEREAS the Council of The Corporation of the City of North Bay, hereinafter referred to as the "City", deems it desirable to designate a Site Plan Control Area in the City of North Bay pursuant to Section 41 of the Planning Act R.S.O. 1990 as amended;

AND WHEREAS the Council deems it desirable to delegate to the Chief Administrative Officer the authority to enter into an agreement respecting the matters referred to herein;

AND WHEREAS Council passed By-law No. 2010-197 on the 23rd of August, 2010 to grant final approval to the Francis Street Plan of Subdivision (File #48T-06101) on the subject lands;

AND WHEREAS a condition of approval to the Francis Street Plan of Subdivision (File #48T-06101) on the subject lands requires the passing of a Site Plan Control Area By-law to regulate fencing and/or vegetative buffers and the placement of fill on Lots 1 and 4 to 10, and to provide a retaining wall on Lot 1;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

- 1) That certain parcel of land on Francis Street, being Registered Plan 36M-667, representing lands included in the Francis Street Subdivision (File #48T-06101), which lands are more particularly described on Schedule "A" attached hereto, is hereby designated as a Site Plan Control Area.
- 2) As a condition of approval, the Owner shall:
 - a) Provide fencing along the easterly lot line of Lot 10 adjacent to the pedestrian walkway;
 - b) Provide fencing along the top of the stone retaining wall of the westerly side yard of Lot 5;
 - c) Maintain a vegetative buffer along the westerly lot line of Lot 4, and along the rear property lines of Lots 5 to 10 inclusive;
 - b) Provide a lot grading plan to the satisfaction of the City Engineer to establish the location and placement of fill on Lots 1, 4, 5, 6, 7, 8, 9 and 10; and
 - c) Provide a retaining wall along the easterly side yard of Lot 1.
- 3) a) The Chief Administrative Officer is hereby authorized to enter into, under Corporate Seal, one or more agreements on behalf of The Corporation of the City of North Bay with the owner of the subject lands herein to ensure the provision of all the facilities mentioned in this By-law, and to impose a fee of \$1.00 upon the owner for preparation.

- b) The said Agreement may be registered against the lands to which it applies and the City may enforce the provisions of the Registry Act or any successor legislation thereto and The Land Titles Act or any successor legislation thereto against any and all subsequent owners of the land.
- 4)
 - a) The said Agreement shall be binding on the owner, its successors, assigns and heirs.
 - b) The owner shall authorize the City to exercise the provisions of Section 446 of The Municipal Act, 2001 (S.O. 2001, c.25), as amended or any successor legislation thereto in the event of a breach by the owner of a condition of this agreement.
- 5) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE 16TH DAY OF MAY, 2011.

**READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 16TH DAY OF MAY,
2011.**

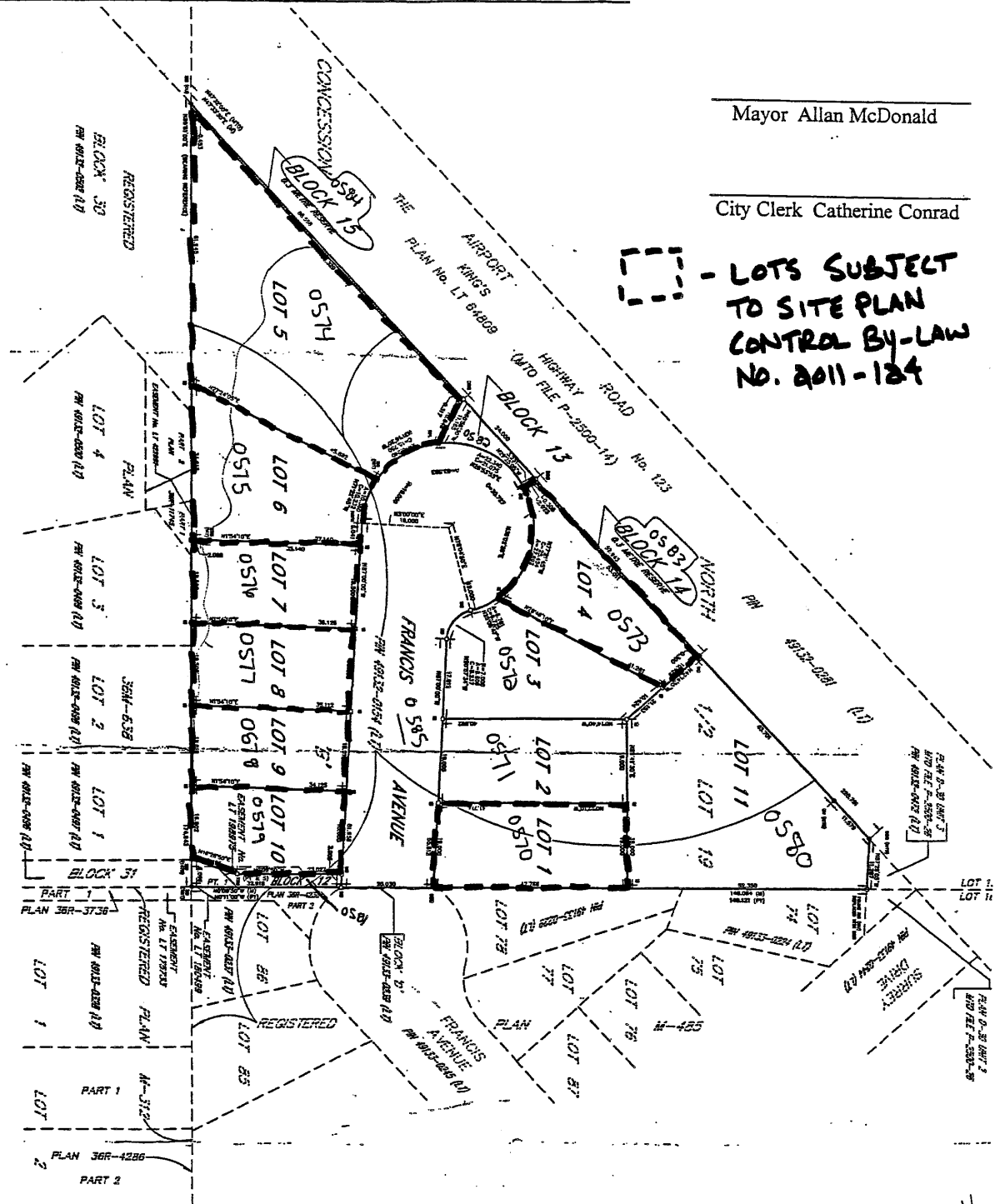
MAYOR, ALLAN MCDONALD

CITY CLERK, CATHERINE CONRAD

Mayor Allan McDonald

City Clerk Catherine Conrad

LOTS SUBJECT TO SITE PLAN CONTROL BY-LAW NO. 2011-124



36M67

PLAN OF SUBDIVISION OF
 PART OF THE NORTH 1/2 OF LOT 19
 CONCESSION 'B'
 TOWNSHIP OF WIDFIELD
 NOW IN THE
 CITY OF NORTH BAY
 DISTRICT OF NIPISSING

SCALE 1 : 400

Miller & Uzzo Surveying Inc.

LeVallé, Goyard
 Surveyors
 1000
 1000

CONSENT CERTIFICATE

1. I, the undersigned, being the owner of the land shown on the plan, do hereby consent to the subdivision of the land shown on the plan into the lots shown on the plan, and to the registration of the plan as a plan of subdivision.

2. I, the undersigned, being the owner of the land shown on the plan, do hereby consent to the subdivision of the land shown on the plan into the lots shown on the plan, and to the registration of the plan as a plan of subdivision.

3. I, the undersigned, being the owner of the land shown on the plan, do hereby consent to the subdivision of the land shown on the plan into the lots shown on the plan, and to the registration of the plan as a plan of subdivision.

LeVallé, Goyard
 Surveyors
 1000
 1000

Miller & Uzzo Surveying Inc.
 1000
 1000

THIS PLAN COMPREHENS ALL OF
 PLAN 4912-0154 (L1)
 PLAN 4912-0154 (L2)
 PLAN 4912-0154 (L3)
 PLAN 4912-0154 (L4)
 PLAN 4912-0154 (L5)
 PLAN 4912-0154 (L6)
 PLAN 4912-0154 (L7)
 PLAN 4912-0154 (L8)
 PLAN 4912-0154 (L9)
 PLAN 4912-0154 (L10)
 PLAN 4912-0154 (L11)
 PLAN 4912-0154 (L12)
 PLAN 4912-0154 (L13)
 PLAN 4912-0154 (L14)
 PLAN 4912-0154 (L15)
 PLAN 4912-0154 (L16)
 PLAN 4912-0154 (L17)
 PLAN 4912-0154 (L18)
 PLAN 4912-0154 (L19)
 PLAN 4912-0154 (L20)

REPORT TO COUNCIL

Report No: CSBU 2011- 55

Date: May 9, 2011

Originator: Dorothy Carvell, Transit Manager

Subject: Accessibility Awareness Week Celebration and Transit Promotional Initiative

RECOMMENDATION

1. That City Council supports The Accessibility Awareness Week Celebration and Clean Air Day to be held on June 8, 2011.
2. City Council authorizes Transit staff to proceed with a Transit promotional activity designed to provide awareness to Parabus clients as to the equipment and opportunities in utilizing conventional Transit.

BACKGROUND

Accessibility Awareness Week and Clean Air Day has been celebrated in North Bay and hosted in the Transit Terminal since 2007. This has evolved into a joint celebration with the Transit Department, Municipal Accessibility Advisory Committee and Ontario Northland Motor Coach Division. Invitations are sent out to community organizations that assist people with disabilities or provide assistive devices to people with disabilities. These organizations are invited to set up information booths inside the Transit Terminal. The event and community participation has grown every year.

This year, the Transit Department would propose to celebrate the event in offering currently registered Parabus clients free rides on conventional Transit beginning June 8th to December 31st, 2011.

Under the Accessibility for Ontarians with Disabilities Act (AODA) the Transit department has and continues to invest Capital funds in the purchase of low floor accessible Transit units. Included with the many accessibility features in these units; are no stairs, a ramp for easy access and two wheelchair secure areas. Further articles, within the AODA Transportation Standard, indicate to promote the use of conventional Transit to Parabus users. Article 34 - Availability of Information on Accessibility Equipment and Article 41 - Accessibility Plan, conventional transportation services.

In the past Transit has promoted the accessible conventional units through our website, information booths, printed literature and guided tours.

Encouraging Parabus clients to use conventional Transit brings many positive outcomes. It promotes Transit accessibility features, enhances frequency of travel opportunities, and opens more timeframes on Parabus for clients not able to use conventional Transit.

Accessibility Awareness Week and Clean Air Day, provides an excellent opportunity to launch this marketing opportunity.

ANALYSIS / OPTIONS

1. That City Council supports The Accessibility Awareness Week Celebration and Clean Air Day to be held on June 8, 2011.
2. City Council authorizes Transit Staff to proceed with a Transit promotional activity designed to provide awareness to Parabus clients as to the equipment and opportunities in utilizing conventional Transit.
3. Council rejects the promotional activity which will result in the loss of this marketing initiative.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS

1. That City Council supports The Accessibility Awareness Week Celebration and Clean Air Day to be held on June 8, 2011.
2. City Council authorizes Transit Staff to proceed with a Transit promotional activity designed to provide awareness to Parabus clients as to the equipment and opportunities in utilizing conventional Transit.

Respectfully submitted,




Dorothy Carvell
Transit Manager

DC/dlb

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attach.

We concur with this report and recommendations.



Jerry D. Knox
Managing Director, Community Services



David G. Linkie
Chief Administrative Officer

City of North Bay

Report to Council

Report No: CORP 2011-69

Date: May 12, 2011

Originator: Michael B. Burke

Subject: Le Bon Marché Outdoor Summer Patio – 130 Main Street West

RECOMMENDATIONS

That Council approve a six foot (6') wide sidewalk patio for Glenn Sheridan, owner of Le Bon Marché restaurant, to operate an outdoor summer patio on a portion of the sidewalk located at 130 Main Street West.

BACKGROUND

Glenn Sheridan, owner of Le Bon Marché fine dining, is requesting permission to operate a licensed outdoor summer patio on a portion of the City sidewalk outside the newly opened restaurant at 130 Main Street East.

The proposed hours of operation for the licensed patio will coincide with the restaurant hours and the area will be fenced in, as required by the LLBO. The City sidewalk is 19.5ft wide and the applicant proposed a 12ft wide, four table seating area with a 7.5 foot wide path left for pedestrian traffic. Similar proposals have been approved for the Old Chicago restaurant in the past.

Engineering Services requested that the width be reduced to 6' due to the proximity of a hydro box, hydro pole and signboard. Parks, Recreation & Leisure Services, the DIA and Planning Services have no objections to the proposal. Legal Services will be requesting that Mr. Sheridan execute an Encroachment Agreement with the City. He will be required to obtain Third Party Liability Insurance in the amount of \$2,000,000.00 naming the City of North Bay as an additional named insured.

ANALYSIS/OPTIONS

Option 1 – Approve the request to operate a licensed summer patio in front of 130 Main Street East as submitted.

Option 2 – Deny the request to operate a summer patio in front of 130 Main Street East.

RECOMMENDED OPTION

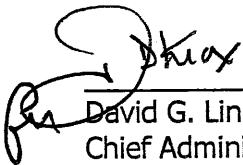
That Council approves the request from Glenn Sheridan, owner of Le Bon Marché restaurant to operate an outdoor summer patio on a portion of the sidewalk located at 130 Main Street West.

Respectfully submitted,



Mike Burke, City Solicitor

I concur with this report and recommendations.



David G. Linkie
Chief Administrative Officer

Personnel designated for continuance: Mike Burke, City Solicitor

Attachments: Sketch



130-132 Main Street West
Le Bon Marché

End of Unit

Front Door

Building Wall

Garage Door

End of Unit

Edge of Brick Sidewalk



Proposed Patio

Hydro MH

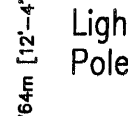


Poster Board

3.151m [9'-11"]

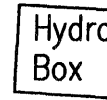
5.105m [16'-0 3/4"]

1.675m [5'-3 1/4"]



Light Pole

Bollard



Hydro Box

Bollard

Hand Railing

Retaining Wall

Curb

Edge of Pavement

Main Street West

1.829m [6"]

3.764m [12'-4"]

1.829m [6"]

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-122

**BEING A BY-LAW TO STOP UP, CLOSE AND CONVEY
A PORTION OF THE LANEWAY ABUTTING LOT 152 & LOTS 156 TO 160, PLAN 86,
IN THE BLOCK BOUNDED BY GREENWOOD AVENUE, BROWNING STREET,
NORWOOD AVENUE AND ALGONQUIN AVENUE
IN THE CITY OF NORTH BAY**

WHEREAS it is deemed expedient and in the interest of The Corporation of the City of North Bay that part of the laneway abutting Lots 152 and Lots 156 to 160, both inclusive, Plan 86 be closed, stopped up and sold to the abutting owners;

AND WHEREAS by Resolution No. 2011-181 passed on the 7th day of March, 2011, Council approved the closure of the laneway;

AND WHEREAS the laneway abutting Lots 152 and Lots 156 to 160, both inclusive, Plan 86 is hereby declared to be surplus;

AND WHEREAS notice of this by-law was published once a week for two consecutive weeks in the North Bay Nugget, published in the City of North Bay;

AND WHEREAS no person has claimed that his lands will be prejudicially affected by the passing of this by-law nor applied to be heard in person or by his counsel, solicitor, or agent, the Council of the City nor a Committee of said Council;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That certain part of the laneway abutting Lots 152 and Lots 156 to 160, both inclusive, Plan 86 designated as Parts 1 & 2 on Reference Plan 36R-13048 is hereby closed, stopped up and conveyed.
2. The City shall transfer Parts 1 & 2, Plan 36R-13048 to the owners of the lands abutting thereon, their successors or assigns, upon receipt of the consent in writing of the abutting registered owner, if the transfer is to be to a person other than the abutting registered owner.
- 3.(a) Subject to paragraph (b), in the event that an abutting owner to the said laneway does not consent to the disposition of the laneway within 60 days of the date of the passing of this by-law, then the clerk shall, upon request of an abutting owner of the opposite side of the laneway, give 30 days notice by prepaid registered mail to the abutting owner of the laneway to the effect that if the abutting owner does not agree to purchase one-half of the abutting laneway at a pro-rata share of the survey, legal, advertising costs and purchase price incurred in the laneway closing, then the said one-half of the laneway may be transferred to the opposite owner for the same cost.

(b) Upon receipt of an Irrevocable Consent of the disposition of the laneway from the adjacent owner then that portion of the laneway may be transferred upon registration of the by-law.
4. This by-law comes into force and effect upon a certified copy of the by-law being registered in the Land Titles Office for the District of Nipissing.

READ A FIRST TIME IN OPEN COUNCIL THE 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 6TH DAY OF JUNE, 2011.



MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-116

**A BY-LAW TO AMEND DEVELOPMENT
CHARGES BY-LAW NO. 2009-252
(SCHEDULES "B" AND "C")**

WHEREAS subsection 2(1) of the *Development Charges Act*, 1997 c. 27 (hereinafter called "the Act") provides that the Council of a Municipality may pass By-Laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

AND WHEREAS the Council of The Corporation of the City of North Bay gave Notice on March 26, 2011 and April 2, 2011 in accordance with Section 12 of the *Development Charges Act*, 1997, of a Public Meeting to be held on April 26, 2011;

AND WHEREAS the Council passed General Government Committee Report No. 2011-12 at its meeting held Tuesday, May 3, 2011, authorizing an increase to the Development Charges.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That Schedules "B" and "C" to Development Charges By-Law No. 2009-52 are hereby deleted and the attached Schedules "B" and "C" are inserted in lieu thereof.
2. That this by-law comes into effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.



MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

**THIS IS SCHEDULE "B" TO BY-LAW NO. 2011-116
OF THE CORPORATION OF THE CITY OF NORTH BAY**

City of North Bay Development Charges	Residential Development Charge (per Dwelling Unit)					Non-Residential Per Square Foot of Gross Floor Area
	Detached & Semi Detached	Entry-Level Detached & Semi Detached	Multiple	Apartments	Dwellings in Rural Areas	
Service Area						
2010 Phase - In						
Transportation (Roads & Public Works)	\$2,326	\$1,977	\$1,911	\$1,105	\$2,026	\$0.68
Protection - Fire & Police	\$97	\$82	\$80	\$46	\$49	\$0.06
Parks & Recreation	\$720	\$612	\$591	\$342	\$360	\$0.00
Library	\$156	\$133	\$128	\$74	\$78	\$0.00
Studies	\$8	\$7	\$7	\$4	\$4	\$0.04
Sub Total	\$3,307	\$2,811	\$2,716	\$1,571	\$2,516	\$0.78
Water & Sewer	\$1,725	\$1,466	\$1,417	\$819	\$0	\$0.46
Total	\$5,032	\$4,277	\$4,133	\$2,390	\$2,516	\$1.24

2011 Phase - In						
Transportation (Roads & Public Works)	\$3,004	\$2,552	\$2,467	\$1,427	\$2,505	\$1.01
Protection - Fire & Police	\$188	\$160	\$155	\$89	\$94	\$0.13
Parks & Recreation	\$775	\$659	\$636	\$368	\$387	\$0.00
Library	\$171	\$145	\$140	\$81	\$86	\$0.00
Studies	\$16	\$14	\$35	\$20	\$8	\$0.04
Sub Total	\$4,153	\$3,530	\$3,434	\$1,985	\$3,080	\$1.18
Water & Sewer	\$2,007	\$1,706	\$1,648	\$953	\$0	\$0.64
Total	\$6,160	\$5,236	\$5,082	\$2,938	\$3,080	\$1.82

2012 Phase - In						
Transportation (Roads & Public Works)	\$3,658	\$3,110	\$3,005	\$1,737	\$2,965	\$1.33
Protection - Fire & Police	\$278	\$236	\$228	\$132	\$139	\$0.20
Parks & Recreation	\$822	\$699	\$676	\$391	\$411	\$0.00
Library	\$184	\$157	\$152	\$87	\$92	\$0.00
Studies	\$25	\$21	\$35	\$20	\$13	\$0.04
Sub Total	\$4,967	\$4,223	\$4,096	\$2,367	\$3,620	\$1.57
Water & Sewer	\$2,271	\$1,931	\$1,865	\$1,079	\$0	\$0.81
Total	\$7,238	\$6,154	\$5,961	\$3,446	\$3,620	\$2.38

2013 Phase - In						
Transportation (Roads & Public Works)	\$4,312	\$3,666	\$3,543	\$2,048	\$3,425	\$1.66
Protection - Fire & Police	\$368	\$312	\$302	\$175	\$184	\$0.26
Parks & Recreation	\$870	\$739	\$714	\$413	\$435	\$0.00
Library	\$197	\$168	\$162	\$94	\$99	\$0.00
Studies	\$34	\$29	\$35	\$20	\$17	\$0.04
Sub Total	\$5,781	\$4,914	\$4,756	\$2,750	\$4,160	\$1.96
Water & Sewer	\$2,536	\$2,155	\$2,084	\$1,205	\$0	\$0.98
Total	\$8,317	\$7,069	\$6,840	\$3,955	\$4,160	\$2.94

2014 Phase - In						
Transportation (Roads & Public Works)	\$4,967	\$4,222	\$4,079	\$2,360	\$3,884	\$2.00
Protection - Fire & Police	\$458	\$389	\$376	\$217	\$229	\$0.33
Parks & Recreation	\$917	\$780	\$753	\$435	\$459	\$0.00
Library	\$210	\$179	\$173	\$100	\$105	\$0.00
Studies	\$43	\$37	\$36	\$21	\$22	\$0.04
Sub Total	\$6,595	\$5,607	\$5,417	\$3,133	\$4,699	\$2.37
Water & Sewer	\$2,801	\$2,380	\$2,301	\$1,330	\$0	\$1.13
Total	\$9,396	\$7,987	\$7,718	\$4,463	\$4,699	\$3.50

Industrial development is exempt under this by-law

THIS IS SCHEDULE "C" TO BY-LAW NO. 2011-116
OF THE CORPORATION OF THE CITY OF NORTH BAY

RATE SCHEDULE FOR ADDITIONAL AREA-SPECIFIC DEVELOPMENT CHARGES
CEDAR HEIGHTS/COLLEGE EDUCATION CENTRE/HERITAGE FUND SPECIAL AREA

<u>SERVICE</u>	<u>Per Dwelling Unit</u>
Sanitary Sewer	\$208
Water	<u>\$1,023</u>
Total	\$1,231

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-117

**A BY-LAW TO AUTHORIZE THE
UPGRADE TO A CITY OF NORTH BAY
RADIO COMMUNICATION SYSTEM**

WHEREAS the *Municipal Act, 2001* (S.O. 2001, c-25), Section 326 authorizes the Council to pass a by-law for the purposes therein stated;

AND WHEREAS the *Municipal Act, 2001* (S.O. 2001, c-25), Section 401 authorizes the Council to pass a by-law for the purposes herein stated;

AND WHEREAS the Council adopted Community Services Committee Report No. 2011-08 at its Meeting held Monday, April 18, 2011, authorizing the Upgrade to the City of North Bay Radio Communication System, being 2011 Community Services Capital Budget Line No. 76 (Project No. 3113GG), with a net debenture cost of \$648,150.00 and \$96,850.00 from the Water and Sanitary Sewer Budget;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That the expenditure of \$745,000.00 for the upgrade to the City of North Bay Radio Communication System, the following be hereby authorized:

Equipment Capital Budget	\$615,742.00
Equipment Water and Sanitary Sewer Capital Budget	92,008.00
Temporary Financing Costs	<u>37,250.00</u>
Net Amount to be Debentured	\$745,000.00

2. That the Treasurer of the City of North Bay is hereby authorized to borrow from time to time from any bank or person by way of promissory note or notes temporary advances of money to meet the cost of work as aforesaid pending the completion thereof and pending the issue and sale of the debentures hereinafter referred to but in no event shall the aggregate of such borrowings exceed the amount of \$745,000.00 limited in this by-law.
3. Any promissory note or notes issued pursuant to paragraph 2 hereof shall be sealed with the seal of The Corporation of the City of North Bay and signed by the Mayor or Deputy Mayor and the Treasurer of the City of North Bay.
4. That the cost of the works in the amount of \$96,850.00 be funded first from the water and sanitary sewer rates, and if required the balance be funded by debentures to be issued to pay for the cost of such work.
5. That the debentures to be issued to pay for the cost of such work shall bear interest at such rate as the Council may determine and shall be made payable within ten (10) years and shall be a charge against all rateable property in the Urban Service Area of The Corporation of the City of North Bay, to such an extent as the principal and interest payments are not recovered from the water and sanitary sewer rates.

 READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-118

**BEING A BY-LAW TO ADOPT OPTIONAL TOOLS FOR
2011 FOR THE PURPOSES OF ADMINISTERING LIMITS
FOR THE COMMERCIAL, INDUSTRIAL AND MULTI-
RESIDENTIAL PROPERTY CLASSES
TAX CAPPING PROGRAM**

WHEREAS the Corporation of the City of North Bay (hereinafter referred to as "The Municipality") may, in accordance with section 329.1 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (hereinafter referred to as "*The Act*"), and Ontario Regulation 73/03, as made and amended under *The Act*, modify the provisions and limits set out in Part IX *The Act*, with respect to the calculation of taxes for municipal and school purposes for properties in the commercial, industrial and multi-residential property classes;

AND WHEREAS this by-law shall only apply to properties in any of the Commercial, Industrial and Multi-Residential property classes to which Part IX of *The Act* applies;

AND WHEREAS for the purposes of this by-law the commercial classes shall be considered a single property class and the industrial classes shall be deemed to be a single property class;


AND WHEREAS "uncapped taxes" means, the taxes for municipal and school purposes that would be levied for the taxation year but for the application of Part IX of *The Act*.

AND WHEREAS "capped taxes" means, the taxes for municipal and school purposes that shall be levied for the taxation year as a result of the application of Part IX of *The Act*.

AND WHEREAS The Council may pass a by-law to apply any one or any combination of the following options:

- a. Increase the annual cap from 5% of last year's capped taxes up to a maximum of 10% of last year's capped taxes; and/or
- b. Set an upper limit on annual increases at the greater of the amount calculated under (a) and up to 5% of the previous year's annualized CVA tax; and/or
- c. Establish a capping adjustment threshold of up to \$250 for increasing properties, decreasing properties or both, whereby no capping adjustments less than the threshold amount would be applied; and/or
- d. Exempt properties from the capping calculation where the previous year's capped taxes for the property were equal to the uncapped taxes for that year; and/or
- e. Exempt properties from the capping calculation where the previous year's capped taxes were less than the previous year's CVA taxes, and the current year's capped taxes would otherwise be greater than the current year's CVA taxes, or vice-versa.

AND WHEREAS a by-law passed to adopt the provisions of subsection 329.1 paragraphs 1 and 2 of the Act provides that such provisions shall also apply to section 332 of *The Act* with respect to the "tenant cap" calculations;

 **AND WHEREAS** the Council has reviewed the provisions of Section 329.1 of *The Act* and the provisions of Ontario Regulation 73/03, and hereby deems it necessary and appropriate to adopt optional tools for the purpose of administering limits for the Commercial, Industrial and Multi-Residential property classes:

AND WHEREAS Council authorized the by-law to adopt optional tools for the purposes of administering limits for the Commercial, Industrial and Multi-Residential property classes for the year 2011 by Resolution No. 2011-__ passed on the 16th day of May, 2011;

NOW THEREFORE the Council of the Corporation of the City of North Bay hereby enacts as follows:

1. **THAT** paragraphs 1, 2 and 3, of Subsection 329.1 (1) of *The Act* shall apply to the Commercial, Industrial and Multi-Residential property classes for 2011.

2. **AND THAT**

(i) In determining the amount of taxes for municipal and school purposes for the year under subsection 329 (1) and the amount of the tenant's cap under subsection 332 (5), the greater of the amounts determined under paragraphs a) and b) as set out below shall apply in determining the amount to be added under paragraph 2 of subsection 329 (1), and the increasing amount under paragraph 2 of subsection 332 (5),

(a) The percentage set out in Subsection 329(1) paragraph 2 and in Subsection 332(5) paragraph 2 shall be ten per cent (10%), and

(b) The amount of the uncapped taxes for the previous year multiplied by five per cent (5%).

(ii) The amount of the taxes for municipal and school purposes for a property for a taxation year shall be the amount of the uncapped taxes for the property for the year if the amount of the uncapped taxes exceeds the amount of the taxes for municipal and school purposes for the property for the taxation year as determined under section 329, as modified under section 329.1 of *The Act* and this by-law, by two-hundred and fifty dollars (\$250.00) or less.

3. **AND THAT** paragraphs 1, 2 and 3, of Subsection 8.0.2 (2) of Ontario Regulation 73/03 shall apply to the Commercial, Industrial and Multi-Residential property classes for 2011.

4. **AND THAT** properties that meet any of the following conditions shall be exempt from the capping calculations set out under Part IX of *The Act* for the 2011 taxation year:

(i) The capped taxes for the property in the previous year were equal to its uncapped taxes for that year.

(ii) The capped taxes for the property in the previous year were lower than the property's uncapped taxes for that year, and the current year's capped taxes would be higher than the current year's uncapped taxes if Part IX were applied.

(iii) The capped taxes for the property in the previous year were higher than the property's uncapped taxes for that year, and the current year's capped taxes would be lower than the current year's uncapped taxes if Part IX were applied.

5. This by-law shall come into force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.

MAYOR ALLAN MCDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-119

**BEING A BY-LAW TO ADOPT OPTIONAL TOOLS FOR 2011
FOR THE PURPOSES OF ADMINISTERING LIMITS FOR
ELIGIBLE PROPERTIES IN THE COMMERCIAL, INDUSTRIAL
AND MULTI-RESIDENTIAL PROPERTY CLASSES (NEW
CONSTRUCTION)**

WHEREAS The Corporation of the City of North Bay (hereinafter referred to as "The Municipality") may, in accordance with section 329.1 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (hereinafter referred to as "*The Act*") modify the provisions and limits set out in section 331 of the *Act*, with respect to the calculation of taxes for municipal and school purposes payable in respect of property in the Commercial, Industrial and Multi-Residential property classes;

AND WHEREAS The Council may pass a by-law to adopt the provisions of Section 329.1 of *The Act* whereby a "floor" or minimum uncapped tax percentage applies to eligible properties in one or more of the uncapped classes;

AND WHEREAS this by-law shall only apply to properties in the Commercial, Industrial and Multi-Residential property classes to which Part IX of *The Act* applies;

AND WHEREAS in this by-law, "uncapped taxes" means the taxes for municipal and school purposes that would be levied for the taxation year but for the application of Part IX of *The Act*;

AND WHEREAS the Council has reviewed the provisions of Section 329.1 of the *Act* and hereby deems it necessary and appropriate to adopt optional tools for the purpose of providing minimum amounts for properties subject to the provisions of Section 331 for the Commercial, Industrial and Multi-Residential property classes;

AND WHEREAS Council authorized the by-law to apply a "floor" or minimum uncapped tax percentage to eligible properties in one or more of the uncapped classes for the year 2011 by Resolution No. 2011-__ passed on the 16th day of May, 2011;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That paragraph 8 of Subsection 329.1 (1) of the *Act* shall apply to the Commercial, Industrial and Multi-Residential property classes in the City of North Bay for 2011.
2. That for all properties in the City of North Bay that become eligible within the meaning of subsection 331 (20) of the *Act*, the taxes for municipal and school purposes for the year or portion of the year shall be the greater of,
 - (i) The amount of the taxes determined for the property for 2011 under subsection 331 (2), and
 - (ii) The amount of the uncapped taxes for the property for 2011 multiplied by one hundred per cent (100%).
3. That this by-law shall come into force and take effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16th DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16th DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16th DAY OF MAY, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-120

BEING A BY-LAW TO ESTABLISH DECREASE LIMITS FOR CERTAIN PROPERTY CLASSES FOR 2011.

WHEREAS the Corporation of the City of North Bay may limit tax decreases for a taxation year pursuant to s.330. of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (hereinafter referred to as the "Act") in order to provide for the recovery of foregone revenue resulting from the application of s. 329 of the *Act* as modified by s.329.1 of the *Act*;

AND WHEREAS this by-law shall only apply to properties in a property class to which Part IX of the *Act* applies;

AND WHEREAS for the purposes of this by-law the commercial classes shall be considered a single property class and the industrial classes shall be deemed to be a single property class;

AND WHEREAS limits to tax decreases for any class may only be established in order to recover all or part of the foregone revenue in respect of the same property class;

AND WHEREAS Council authorized the by-law to establish decrease limits for certain property classes by Resolution No. 2011-__ passed on the 16th day of May 2011;

NOW THEREFORE the Council of the Corporation of the City of North Bay hereby enacts as follows:

1. That pursuant to Section 330 of the *Municipal Act*, for the taxation year 2011, tax decreases for property in the following classes shall be subject to the following limitations:

Property Class	Percent Decrease Retained	Percent Decrease Claw back
The multi-residential property class	100%	0
The commercial property class	91.6185%	8.3815%
The industrial property class	100%	0

Where:

- a) *Percent Decreased Retained* means the proportion of an anticipated assessment related tax decrease that is passed through in accordance with Part IX of the *Act*, and
- b) Where *Percent Decrease Clawback* means the proportion of an anticipated assessment related tax decrease that is withheld in accordance with Part IX of the *Act*.

2. That this by-law shall come into force and take effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.

MAYOR ALLAN MCDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-125

**BEING A BY-LAW TO AUTHORIZE THE PURCHASE OF
1099 LAKESHORE DRIVE
(HAROLD FLEURY)**

WHEREAS the Municipality is authorized by Section 10.(2) of the *Municipal Act*, S.O. 2001, Chapter c.25, to acquire lands for public purposes;

AND WHEREAS by Resolution No. 2011-340 passed by Council at its Regular Meeting on Tuesday, May 3rd, 2011 Council authorized the Mayor and City Clerk to enter into an Agreement to purchase with Harold Fleury;

AND WHEREAS Harold Fleury owns Part of Lot 36, Con. 13, in the City of North Bay, District of Nipissing.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. The Corporation of the City of North Bay is hereby authorized to purchase 1099 Lakeshore Drive, in the City of North Bay, District of Nipissing from Harold Fleury and to pay the sum of \$210,000.00 therefore in such a manner as they may direct.
2. The Mayor, City Clerk and City Solicitor are hereby authorized to execute an Agreement of Purchase and Sale between the Corporation of the City of North Bay and Harold Fleury and such documents as may be reasonably required to give effect to this purchase of land. The City Solicitor has the authority to electronically sign for completeness and release any document required to be registered on title electronically.
3. This By-Law comes into effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.



MAYOR ALLAN MCDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-126

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN
AGREEMENT OF PURCHASE AND SALE WITH STEVE
CREA HOMES LIMITED RELATING TO 541, 543, 545 AND
547 ANN STREET**

WHEREAS the Agreement of Purchase and Sale with Steve Crea Homes Limited for 541, 543, 545 and 547 Ann Street was approved by Resolution No. 2011-341 passed by Council on the 3rd day of May, 2011;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That The Corporation of the City of North Bay enter into an Agreement of Purchase and Sale dated the 12th day of April, 2011 with Steve Crea Homes Limited relating to 541, 543, 545 and 547 Ann Street.
2. That the Mayor, City Clerk and City Solicitor of The Corporation of the City of North Bay are hereby authorized and directed to execute that certain Agreement of Purchase and Sale between The Corporation of the City of North Bay and Steve Crea Homes Limited and to affix thereto the Corporate seal.
3. The City Solicitor is hereby authorized and directed to execute any such further and other documents as may be reasonably required to complete the transfer of said lands. The City Solicitor has the authority to electronically sign for completeness and release any document required to be registered on title electronically.

 READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-127

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN
AGREEMENT OF PURCHASE AND SALE WITH 943674
ONTARIO INC. RELATING TO 534, 536 ANN STREET AND
559 TO 567 GALT STREET**

WHEREAS the Agreement of Purchase and Sale 943674 Ontario Inc. for 534, 536 Ann Street and 559 to 567 Galt Street was approved by Resolution No. 2011-342 passed by Council on the 3rd day of May, 2011;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That The Corporation of the City of North Bay enter into an Agreement of Purchase and Sale dated the 8th day of April, 2011 with 943674 Ontario Inc. relating to 534, 536 Ann Street and 559 to 567 Galt Street.
2. That the Mayor, City Clerk and City Solicitor of The Corporation of the City of North Bay are hereby authorized and directed to execute that certain Agreement of Purchase and Sale between The Corporation of the City of North Bay and 943674 Ontario Inc. and to affix thereto the Corporate seal.
3. The City Solicitor is hereby authorized and directed to execute any such further and other documents as may be reasonably required to complete the transfer of said lands. The City Solicitor has the authority to electronically sign for completeness and release any document required to be registered on title electronically.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.



MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-121

**BEING A BY-LAW TO AMEND BY-LAW NO. 2007-07
(BY-LAW TO REGULATE THE
ADMINISTRATION OF BUILDING PERMITS)**

WHEREAS the Council passed Community Services Committee Report No. 2011-09 at its Regular Meeting held Tuesday, May 3, 2011, authorizing amendments to Schedule "A" (Building Classification, Classes of Permits and Permit Fees) to Building Permit By-law No. 2007-07.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. Schedule "A" of By-law No. 2007-07, as amended by By-Law No. 2009-117, is hereby deleted and the attached Schedule "A" inserted in lieu thereof.
2. This By-law comes into force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MAY, 2011.



MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

SCHEDULE "A"
BUILDING CLASSIFICATION, CLASSES OF PERMITS AND PERMIT FEES

BUILDING CLASSIFICATION	Permit Fee - 2011
New Construction	
1. Group "A" Assembly Occupancies - Schools, libraries, theatres, churches, restaurants, etc.	\$11.23 per \$1,000 of construction value. Minimum fee shall be \$765.
2. Group "B" Institutional Occupancies - Hospitals, nursing homes, care homes, etc.	
3. Group "D" Business and Personal Services Occupancies - Offices, banks, medical clinics, etc.	
4. Group "E" Mercantile Occupancies - Retail stores, supermarkets, department stores, etc.	
5. Group "F" Industrial Occupancies - Warehouses, factories etc.	
6. Group "C" Residential Occupancies - Single family dwellings, semi-detached dwellings, duplexes, apartments, hotels, motels, etc.	\$1.36 per square foot of finished gross floor area
7. Farm Buildings	\$2,732 for buildings up to 10,000 ft ² and \$0.25/ft ² for buildings with a floor area over 10,000 ft ²
Additions, Renovations or Alterations	
8. Group "A", "B", "D", "E" or "F"	\$11.23 per \$1,000 of construction value. Minimum fee shall be \$765.
Additions	
9. Group "C"	\$1.36 per square foot of finished gross floor area Minimum fee shall be \$765.
10. Farm Buildings	\$683 for buildings up to 10,000 ft ² and \$0.25/ft ² for buildings with a floor area over 10,000 ft ²
Renovations/Alterations	
11. Group "C"	\$11.23 per \$1,000 of construction value. Minimum fee shall be \$765
Miscellaneous	
12. Group "C" Residential - Garages, carports, accessory buildings, etc.	\$190.00 flat fee

CLASSES OF PERMITS AND PERMIT FEES

CLASS OF PERMIT	Permit Fee 2011
<p>1. Staged Permits:</p> <p>a) Excavation and Foundation Stage b) Structural and Architectural Stage c) Mechanical and Electrical Stage</p> <p>Permit fees associated with the entire construction project shall be collected prior to the first stage of a staged permit being issued.</p> <p>The permit fee will be collected for each of the three staged permits.</p>	\$218.00
2. Fees for temporary tents and air supported structures	\$109.00
3. Demolition permit	\$109.00
4. Minor amendments to permits	\$109.00
5. Change of Use Permit	\$109.00
6. To authorize partial occupancy of building or occupancy of a partially completed building	\$109.00
7. To construct a fence	\$109.00
8. Blasting permit	\$109.00
9. Transfer of permit	\$109.00
10. Miscellaneous request for inspection under City By-Laws	\$109.00
11. Re-inspections on interior of final inspections where the work is not complete for the requested inspection	\$109.00

Notes:

1. Fees for classes of permit not described or included in this schedule shall be determined by the **Chief Building Official**.
2. The occupancy classification shall be established in accordance with the occupancy definitions of the **Ontario Building Code**.
3. Except as provided in Item 5, the floor area is the sum of the areas of all floors including basement and shall be measured to the outer face of the walls.
4. No deductions shall be made for openings within the floor area; i.e. stairs, elevators, ducts etc.
5. A garage serving only the dwelling unit to which it is attached or built in and an unfinished basement located within a dwelling unit shall not be included in the area calculations.

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-124

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON FRANCIS STREET AND TO
REPEAL BY-LAW NO. 2011-105**

(914542 ONTARIO INC. - FRANCIS STREET)


WHEREAS the Council of The Corporation of the City of North Bay, hereinafter referred to as the "City", deems it desirable to designate a Site Plan Control Area in the City of North Bay pursuant to Section 41 of the Planning Act R.S.O. 1990 as amended;

AND WHEREAS the Council deems it desirable to delegate to the Chief Administrative Officer the authority to enter into an agreement respecting the matters referred to herein;

AND WHEREAS Council passed By-law No. 2010-197 on the 23rd of August, 2010 to grant final approval to the Francis Street Plan of Subdivision (File #48T-06101) on the subject lands;

AND WHEREAS a condition of approval to the Francis Street Plan of Subdivision (File #48T-06101) on the subject lands requires the passing of a Site Plan Control Area By-law to regulate fencing and/or vegetative buffers and the placement of fill on Lots 1 and 4 to 10, and to provide a retaining wall on Lot 1;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

- 1) That certain parcel of land on Francis Street, being Registered Plan 36M-667, representing lands included in the Francis Street Subdivision (File #48T-06101), which lands are more particularly described on Schedule "A" attached hereto, is hereby designated as a Site Plan Control Area.
- 2) As a condition of approval, the Owner shall:
 - a) Provide fencing along the easterly lot line of Lot 10 adjacent to the pedestrian walkway;
 - b) Provide fencing along the top of the stone retaining wall of the westerly side yard of Lot 5;
 - c) Maintain a vegetative buffer along the westerly lot line of Lot 4, and along the rear property lines of Lots 5 to 10 inclusive;
 - b) Provide a lot grading plan to the satisfaction of the City Engineer to establish the location and placement of fill on Lots 1, 4, 5, 6, 7, 8, 9 and 10; and
 - c) Provide a retaining wall along the easterly side yard of Lot 1.
- 3)  a) The Chief Administrative Officer is hereby authorized to enter into, under Corporate Seal, one or more agreements on behalf of The Corporation of the City of North Bay with the owner of the subject lands herein to ensure the provision of all the facilities mentioned in this By-law, and to impose a fee of \$1.00 upon the owner for preparation.

- b) The said Agreement may be registered against the lands to which it applies and the City may enforce the provisions of the Registry Act or any successor legislation thereto and The Land Titles Act or any successor legislation thereto against any and all subsequent owners of the land.
- 4)
 - a) The said Agreement shall be binding on the owner, its successors, assigns and heirs.
 - b) The owner shall authorize the City to exercise the provisions of Section 446 of The Municipal Act, 2001 (S.O. 2001, c.25), as amended or any successor legislation thereto in the event of a breach by the owner of a condition of this agreement.
- 5) This By-law comes into force and effect upon being finally passed.
- 6) By-law No. 2011-105 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE 16TH DAY OF MAY, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE 16TH DAY OF MAY, 2011.

**READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 16TH DAY OF MAY,
2011.**

MAYOR, ALLAN MCDONALD

CITY CLERK, CATHERINE CONRAD

MOTION

North Bay, Ontario May 16, 2011

Subject: "CASUAL WEAR MONTHS"

File No. M02/2011/SPECI/GENERAL

Res. No. 2011-

Moved by Councillor: VAILLANCOURT

Seconded by Councillor: _____

That "Casual Wear Months" be in effect from Tuesday, May 24, 2011 until Monday, September 5, 2011 inclusive.

Carried

Carried as amended

Lost

Conflict _____ Endorsement of Chair _____

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

Yeas		Nays	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Signature of Clerk _____